



Statutory Document No. 124/00

THE SOCIAL SECURITY ACT 1982

THE SOCIAL SECURITY LEGISLATION (APPLICATION) (NO. 6) ORDER 2000

Approved by Tynwald *11th April 2000*

Coming into operation in accordance with Article 1

In exercise of the powers conferred on the Department of Health and Social Security by section 1 of the Social Security Act 1982(a), and of all other enabling powers, the following Order is hereby made:-

Citation and commencement

1. (1) This Order may be cited as the Social Security Legislation (Application) (No. 6) Order 2000 and shall, subject to section 1(6) of the Social Security Act 1982, come into force as provided in paragraph (2).

(2) This Article and Articles 2 and 3 shall come into force forthwith and each provision of the applied legislation, as modified, shall come into force or be deemed to have come into force, as the case may be, as follows:

- (a) the Social Security and Child Support (Miscellaneous Amendments) Regulations 1997(b) and the Social Security Amendment (Capital) Regulations 1998(c), on the 1st May 2000;
- (b) the Income-related Benefits and Jobseeker's Allowance (Amendment) (No. 2) Regulations 1997(d) (subject to regulations 1(2) and (4)), the Social Security Amendment (New Deal) (No. 2) Regulations 1998(e) and the Social Security (Industrial Injuries) (Dependency) (Permitted Earnings Limits) Order 1999(f), on the same day as they came into force in Great Britain.

(a) 1982 c. 9; (b) S.I. 1997/827; (c) S.I. 1998/2250; (d) S.I. 1997/2197; (e) S.I. 1998/2117; (f) S.I. 1999/529.

Price: £1.50

Interpretation

2. (1) In this Order "the applied legislation" means -

- (a) The Social Security and Child Support (Miscellaneous Amendments) Regulations 1997;
- (b) The Income-related Benefits and Jobseeker's Allowance (Amendment) (No. 2) Regulations 1997;
- (c) The Social Security Amendment (New Deal) (No. 2) Regulations 1998;
- (d) The Social Security Amendment (Capital) Regulations 1998;
- (e) The Social Security (Industrial Injuries) (Dependency) (Permitted Earnings Limits) Order 1999.

(2) Unless the context otherwise requires -

- (a) any reference in any of the applied legislation to any provision in an instrument of a legislative character which is not itself a provision of any of the applied legislation shall be construed as if the provision so referred to had been in force in the Island from the date on which that instrument of a legislative character had effect in Great Britain;
- (b) reference in any legislation applied by this Order to any provision of any such legislation or of any other legislation applied to the Island by an order under section 1 of the Social Security Act 1982 or section 1 of the Pension Schemes Act 1995(a), shall be construed as a reference to that legislation as it has effect in the Island.

Application to the Island of the applied legislation

3. The applied legislation, as modified and shown in the Schedules to this Order, shall apply to the Island as part of the law of the Island.

(a) 1995 c.11.

SCHEDULE 1

This Schedule sets out the text of the Social Security and Child Support (Miscellaneous Amendments) Regulations 1997 (S.I. 1997/827) with such exceptions, adaptations and modifications made where necessary.

Note: Modifications subject to which the legislation is applied to the Island are in *bold italic* type

STATUTORY INSTRUMENTS

1997 No. 827

SOCIAL SECURITY

The Social Security and Child Support (Miscellaneous Amendments) Regulations 1997

Citation, commencement and interpretation

1. (1) These Regulations may be cited as the Social Security and Child Support (Miscellaneous Amendments) Regulations 1997 and shall come into force on *1st May 2000*.

(2) In these Regulations, "the Jobseeker's Allowance Regulations" means the Jobseeker's Allowance Regulations 1996(a).

Amendment of regulation 63 of the Jobseeker's Allowance Regulations

2. (1) Regulation 63 of the Jobseeker's Allowance Regulations (reduced payments under section 17) shall be amended in accordance with the following paragraphs of this regulation.

(2) In paragraph (1), after the words "reduced by" there shall be inserted the words ", if he is a single person or a lone parent," and for the words "in accordance with paragraph 1 of Schedule 1" there shall be substituted the words -

"in accordance with paragraph 1(1) of Schedule 1 or, if he is a member of a couple, a sum equal to 40% of the amount which would have been applicable in his case if he had been a single person determined in accordance with paragraph 1(1) of Schedule 1".

(3) In paragraph (3), after the words "shall be" there shall be inserted the words "if he is a single person or a lone parent" and at the end there shall be inserted the words -

"determined in accordance with paragraph 1(1) of Schedule 1 or, if he is a member of a couple, of 20% of the amount which would have been applicable in his case if he had been a single person determined in accordance with paragraph 1(1) of Schedule 1".

Amendment of regulation 68 of the Jobseeker's Allowance Regulations

3. (1) Regulation 68 of the Jobseeker's Allowance Regulations (reduced amount of allowance) shall be amended in accordance with the following paragraphs of this regulation.

(a) S.I. 1996/207.

(2) In paragraph (1), after the words "reduced by", there shall be inserted the words ", if he is a single person or a lone parent," and for the words "in accordance with paragraph 1 of Schedule 1" there shall be substituted the words -

"in accordance with paragraph 1(1) of Schedule 1 or, if he is a member of a couple, a sum equal to 40% of the amount which would have been applicable in his case if he had been a single person determined in accordance with paragraph 1(1) of Schedule 1".

(3) In paragraph (2), after the words "reduced by" there shall be inserted the words ", if he is a single person or a lone parent," and for the words "in accordance with paragraph 1 of Schedule 1" there shall be substituted the words -

"in accordance with paragraph 1(1) of Schedule 1 or, if he is a member of a couple, a sum equal to 20% of the amount which would have been applicable in his case if he had been a single person determined in accordance with paragraph 1(1) of Schedule 1".

4. - 9. *Omitted.*

SCHEDULE 2

This Schedule sets out the text of the Income-related Benefits and Jobseeker's Allowance (Amendment) (No. 2) Regulations 1997 (S.I. 1997/2197) with such exceptions, adaptations and modifications made where necessary.

Note: Modifications subject to which the legislation is applied to the Island are in *bold italic* type

STATUTORY INSTRUMENTS

1997 No. 2197

SOCIAL SECURITY

The Income-related Benefits and Jobseeker's Allowance
(Amendment) (No. 2) Regulations 1997

Citation, commencement and interpretation

1. (1) These Regulations may be cited as the Income-related Benefits and Jobseeker's Allowance (Amendment) (No. 2) Regulations 1997 and, subject to paragraphs (2) to (4), shall come into force on 6th October 1997.

(2) In relation to a claimant for jobseeker's allowance, these Regulations shall have effect from the first day of the first benefit week to commence for that claimant on or after 6th October 1997.

(3) In paragraph (2) above, the expression "benefit week" shall have the same meaning, where appropriate, in regulation 1(3) of the Jobseeker's Allowance Regulations.

(4) In so far as these Regulations amend provisions relating to *family income supplement*, they shall come into force on 7th October 1997 and, in relation to any particular claimant for *that benefit*, these Regulations shall have effect where a claimant has an award of *family income supplement* which is current on 7th October 1997, on the day following the expiration of that award.

(5) In these Regulations, unless the context otherwise requires -

"the *Family Income Supplement Regulations*" means the *Family Income Supplement (General) Regulations 1998(a)*;

"the Jobseeker's Allowance Regulations" means the Jobseeker's Allowance Regulations 1996(b)

Amendment of the Disability Working Allowance Regulations

2. *Omitted.*

(a) S.D. 363/98.
(b) S.I. 1996/207.

Amendment of the *Family Income Supplement Regulations*

3. After regulations 31(2)(c) (notional income) and 39(1)(b) and (2)(d) (notional capital) of the *Family Income Supplement Regulations* the word "or" and the following sub-paragraph bearing the appropriate letter shall be inserted -

"any sum to which paragraph 33(a) of Schedule 3 (disregard of compensation for personal injuries which is administered by the *High Court*) refers,".

Amendment of the Housing Benefit Regulations

4. *Omitted.*

Amendment of the Income Support Regulations

5. *Omitted.*

Amendment of the Jobseeker's Allowance Regulations

6. In the Jobseeker's Allowance Regulations after regulations 105(2)(g) (notional income) and 113(1)(b) and (2)(d) (notional capital) the word "or" and the following sub-paragraph bearing the appropriate letter shall be inserted -

"any sum to which paragraph 42(a) of Schedule 8 (disregard of compensation for personal injuries which is administered by the *High Court*) refers".

Common amendments

7. (1) - (8) *Omitted.*

(9) Each of the paragraphs of the Schedules specified in paragraph (10) below shall be amended in the following manner -

- (a) the words "under the age of 18" shall be omitted; and
- (b) in sub-paragraph (b) at the end there shall be added the words "where the person concerned is under the age of 18".

(10) The paragraphs of the Schedules to which paragraph (9) refers (which relate to the disregard of capital administered by the *High Court*) are -

- (a) *Omitted;*
- (b) *Omitted;*
- (c) paragraph 33 of Schedule 3 to the *Family Income Supplement Regulations;*
- (d) *Omitted;*
- (e) *Omitted;*
- (f) paragraph 42 of Schedule 8 to the Jobseeker's Allowance Regulations.

SCHEDULE 3

This Schedule sets out the text of the Social Security Amendment (New Deal) (No. 2) Regulations 1998 (S.I. 1998/2117) with such exceptions, adaptations and modifications made where necessary.

Note: Modifications subject to which the legislation is applied to the Island are in *bold italic* type

STATUTORY INSTRUMENTS

1998 No. 2117

SOCIAL SECURITY

The Social Security Amendment (New Deal) (No. 2) Regulations 1998

Citation, commencement and interpretation

1. (1) These Regulations may be cited as the Social Security Amendment (New Deal) (No.2) Regulations 1998 and shall come into force on 24th September 1998.

(2) In these Regulations -

"the *Family Income Supplement Regulations*" means the *Family Income Supplement (General) Regulations 1998(a)*;

"the Jobseeker's Allowance Regulations" means the Jobseeker's Allowance Regulations 1996(b).

(3) In these Regulations, unless the context otherwise requires, a reference in a regulation to a numbered paragraph is to the paragraph in that regulation bearing that number.

Notional income

2. (1) In regulation 105 of the Jobseeker's Allowance Regulations (notional income) -

(a) in paragraph (10), for the words from the beginning to "*Living Funds, made -*" there shall be substituted the words "Any payment of income, other than a payment of income specified in paragraph (10A)";

(b) after paragraph (10) there shall be inserted the following paragraph -

"(10A) Paragraph (10) shall not apply in respect of a payment of income made -

(a) under the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No.2) Trust, the Fund, the Eileen Trust or the Independent Living Funds;

(a) S.D. 363/98.
(b) S.I. 1996/207.

(b) *omitted*;

(c) *omitted*."

(2) *Omitted*.

(3) In regulation 31 of the *Family Income Supplement Regulations* (which relate to notional income) -

(a) in paragraph (6), for the words from the beginning to "*Living Funds, made -*" there shall be substituted the words "Any payment of income, other than a payment of income specified in paragraph (3A)";

(b) after paragraph (3) there shall be inserted the following paragraph -

"(3A) Paragraph (3) shall not apply in respect of a payment of income made -

(a) under the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No.2) Trust, the Fund, the Eileen Trust or the Independent Living Funds;

(b) *omitted*;

(c) *omitted*."

Notional capital

3. (1) In regulation 113 of the Jobseeker's Allowance Regulations (notional capital) -

(a) in paragraph (3), for the words from the beginning to "*Living Funds, made -*" there shall be substituted the words "Any payment of capital, other than a payment of capital specified in paragraph (3A)";

(b) *omitted*."

(2) In each of the regulations referred to in paragraph (3) (each of which relates to notional capital) -

(a) in paragraph (3), for the words from the beginning to "*Living Funds, made -*" there shall be substituted the words "Any payment of capital, other than a payment of capital specified in paragraph (3A)";

(b) after paragraph (3) there shall be inserted the following paragraph -

"(3A) Paragraph (3) shall not apply in respect of a payment of capital made -

(a) under the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No.2) Trust, the Fund, the Eileen Trust or the Independent Living Funds;

(b) *omitted*."

(3) The regulations to which paragraph (2) refers are -

(a) *omitted*;

(b) regulation 39 of the *Family Income Supplement Regulations*;

(c) *omitted*.

Income to be disregarded

4. *Omitted.*

Capital to be disregarded

5. *Omitted.*

Technical amendments

6. (1) At the end of Schedule 7 to the Jobseeker's Allowance Regulations (sums to be disregarded in the calculation of income other than earnings) there shall be added the following paragraph -

"57. Any payment which falls to be treated as notional income made under paragraph (11) of regulation 105 above (payments made in respect of a person in a residential care or nursing home)."

(2) *Omitted.*

SCHEDULE 4

This Schedule sets out the text of the Social Security Amendment (Capital) Regulations 1998 (S.I. 1998/2250) with such exceptions, adaptations and modifications made where necessary.

Note: Modifications subject to which the legislation is applied to the Island are in *bold italic* type

STATUTORY INSTRUMENTS

1998 No. 2250

SOCIAL SECURITY

The Social Security Amendment (Capital) Regulations 1998

Citation and commencement

1. These Regulations may be cited as the Social Security Amendment (Capital) Regulations 1998 and shall come into force on *1st May 2000*.

Capital jointly held

2. (1) In each of the regulations specified in paragraph (2) of this regulation, for the words from "to an equal share" to the end of the regulation there shall be substituted the following -

"to the whole beneficial interest therein in an equal share and the foregoing provisions of this Chapter shall apply for the purposes of calculating the amount of capital which the claimant is treated as possessing as if it were actual capital which the claimant does possess".

(2) The regulations specified for the purposes of paragraph (1) of this regulation (which relate to capital jointly held) are -

- (a) *omitted*;
- (b) *omitted*;
- (c) *regulation 41 of the Family Income Supplement (General) Regulations 1998(a)*;
- (d) *omitted*;
- (e) *omitted*;
- (f) regulation 115 of the Jobseeker's Allowance Regulations 1996**(b)**.

(a) S.D. 363/98.
(b) S.I. 1996/207.

SCHEDULE 5

This Schedule sets out the text of the Social Security (Industrial Injuries) (Dependency) (Permitted Earnings Limits) Order 1999 (S.I. 1999/529) with such exceptions, adaptations and modifications made where necessary.

STATUTORY INSTRUMENTS

1999 No. 529

SOCIAL SECURITY

The Social Security (Industrial Injuries) (Dependency) (Permitted Earnings Limits) Order 1999

Citation and commencement

1. This order may be cited as the Social Security (Industrial Injuries) (Dependency) (Permitted Earnings Limits) Order 1999 and shall come into force on 12th April 1999.

Increase of earnings limits in respect of dependent children

2. In paragraph 4 of Schedule 7 to the Social Security Contributions and Benefits Act 1992(a) -

- (a) in sub-paragraph (4)(a), for the amount of £140 there shall be substituted the amount of £145;
- (b) in sub-paragraph (4)(b), for the amounts of £18 and £140 there shall be substituted the amounts of £19 and £145 respectively.

Revocation

3. The Social Security (Industrial Injuries) (Dependency) (Permitted Earnings Limits) Order 1998(b) is hereby revoked.

(a) 1992 c. 4.
(b) S.I. 1998/520.



Minister for Health and Social Security

EXPLANATORY NOTE

(This note is not part of the Order)

1. Section 1 of the Social Security Act 1982 enables the Department by Order to apply to the Island, as part of the law of the Island and incorporating the exceptions, adaptations and modifications, any legislation to which the Act applies.
2. Inter alia, the Act applies to the Social Security Acts 1975 to 1998 (of Parliament) and any statutory instrument made or having effect as if made under those Acts.
3. This Order applies to the Island the legislation referred to in Article 2(1) of the Order the provisions of which, as applied, are summarised in the following paragraphs. All the applied legislation shall be deemed to have come into force when it came into force in Great Britain, except for the Social Security and Child Support (Miscellaneous Amendments) Regulations 1997 and the Social Security Amendment (Capital) Regulations 1998, both of which shall come into force on the 1st May 2000.

4. The Social Security and Child Support (Miscellaneous Amendments) Regulations 1997 (S.I. 1997/827)

These Regulations include amendments to the Jobseeker's Allowance Regulations 1996 (S.I. 1996/207).

In particular, they clarify the rules relating to the reduction of amounts of jobseeker's allowance in the case of young persons who commit certain acts, or who fail to do certain acts, by virtue of which, their jobseeker's allowance falls to be reduced (regulations 2 and 3).

5. The Income-related Benefits and Jobseeker's Allowance (Miscellaneous Amendment) (No. 2) Regulations 1997 (S.I. 1997/2197)

These Regulations amend the Family Income Supplement (General) Regulations 1998 (S.D. 363/98) and the Jobseeker's Allowance Regulations (S.I. 1996/207).

With respect to both family income supplement and jobseeker's allowance, provision is made -

- for excepting certain funds awarded by the High Court from being treated as notional income or capital (regulations 3 and 6); and

- for extending the disregard of capital arising from compensation for personal injuries administered by the High Court for persons aged under 18 to persons aged 18 and over (regulation 7(9) and (10)).

6. The Social Security Amendment (New Deal) (No. 2) Regulations 1998 (S.I. 1998/2117)

These Regulations amend certain provisions in the Jobseeker's Allowance Regulations 1996 (S.I. 1996/207) and the Family Income Supplement (General) Regulations 1998 (S.D. 363/98) in relation to those persons who are undertaking qualifying courses as defined for the purposes of Parts II and IV of the Jobseeker's Allowance Regulations.

Regulations 2 and 3 provide that discretionary payments made to persons undertaking qualifying courses to meet, or help meet special needs, shall, for the purposes of those benefits, be disregarded for the purposes of assessing that person's income or capital or, where such payments are made to third parties, shall not be taken into account as their notional income or notional capital.

Regulation 6 makes technical amendments relating to the numbering of paragraphs in Schedule 7 to the Jobseeker's Allowance Regulations 1996.

7. The Social Security Amendment (Capital) Regulations 1998 (S.I. 1998/2250)

These Regulations amend the Jobseeker's Allowance Regulations 1996 (S.I. 1996/207) and the Family Income Supplement (General) Regulations 1998 (S.D. 363/98).

In particular, these Regulations amend the provisions governing the treatment of a person's entitlement to capital which is jointly held for the purposes of ascertaining entitlement to the benefits referred to above (regulation 2).

8. The Social Security (Industrial Injuries) (Dependency) (Permitted Earnings Limits) Order 1999 (S.I. 1999/529)

Where a disablement pension with unemployability supplement is increased in respect of a child or children, and the beneficiary is one of two persons who are spouses residing together or an unmarried couple, paragraph 4(4) of Schedule 7 to the Social Security Contributions and Benefits Act 1992 provides that the increase shall not be payable in respect of the first child if the other person's earnings are £140 a week or more and in respect of a further child for each complete £18 by which the earnings exceed £140. Article 2 of this Order substitutes the amount of £145 for the amount of £140 and the amount of £19 for the amount of £18.

Article 3 contains revocations consequent upon the coming into force of this Order.