

Statutory Document No. 2016/0195



*Social Security Act 2000*

## **SOCIAL SECURITY LEGISLATION (BENEFITS) (APPLICATION) (AMENDMENT) (NO. 3) ORDER 2016**

*Approved by Tynwald:*

*Coming into Operation in accordance with article 2*

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The Treasury makes the following Order under section 1A of the Social Security Act 2000.

### **1 Title**

This Order is the Social Security Legislation (Benefits) (Application) (Amendment) (No. 3) Order 2016.

### **2 Commencement**

This Order comes into operation on the day after it is approved by Tynwald<sup>1</sup>.

### **3 Social Security Legislation (Application) (No. 4) Order 1995 amended**

(1) Schedule 6<sup>2</sup> to the Social Security Legislation (Application) (No. 4) Order 1995<sup>3</sup> is amended as follows.

(2) After the entry relating to regulation 28 insert —

#### **29. Persons found capable of work in accordance with the personal capability assessment to be treated as incapable of work for the following 4 weeks**


(1) This regulation applies to a person (P) if paragraphs (2) to (4) apply to P.

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<sup>1</sup> Under section 2(1) of the Social Security Act 2000 an order under section 1A(1) of that Act shall be laid before Tynwald as soon as may be after it is made and unless it is approved by Tynwald at the sitting at which it is laid or the next following sitting, it ceases to have effect, but without prejudice to anything done under it or the making of a new order.

<sup>2</sup> Schedule 6 sets out the Social Security (Incapacity for Work) (General) Regulations 1995 (S.I. 1995/311) as they have effect in the Island.

<sup>3</sup> SD 123/95.

- (2) This paragraph applies to P if P has been continuously entitled to either of the following benefits in the immediately preceding period of 196 days—
- (a) incapacity benefit; or
  - (b) income support by virtue of P falling within paragraph 7 (persons incapable of work) and no other paragraph of Schedule 1 to the Income Support Regulations.
- (3) This paragraph applies to P if it is determined that P is capable of work in accordance with the personal capability assessment.
- (4) This paragraph applies to P if P is not treated as being incapable of work under regulation 27 (exceptional circumstances).
- (5) If this regulation applies to P, P is to be treated as incapable of work on any in the period of 4 consecutive weeks beginning on the day on which it is determined that P is capable of work.
- (6) But P is not to be treated as incapable of work on any day under this regulation if P would be treated as capable of work on that day under —
- (a) regulation 7 (failure to provide information);
  - (b) regulation 8 (person may be called for a medical examination);
  - (c) regulation 16 (person who works to be treated as capable of work);
  - (d) regulation 17A (person who claims jobseeker's allowance to be treated as capable of work); or
  - (e) regulation 18 (disqualification for misconduct etc.). 

**MADE 22<sup>nd</sup> June 2016**

**W E TEARE**  
*Minister for the Treasury*

*EXPLANATORY NOTE*

*(This note is not part of the Order)*

This Order amends the Social Security (Incapacity for Work) (General) Regulations 1995 as they have effect in the Island (“the Incapacity for Work Regulations”).

The Order inserts new regulation 29 into the Incapacity for Work Regulations. Under that regulation persons who have been entitled to incapacity benefit or income support by virtue of being incapable of work for the preceding 196 days who are then determined to be capable of work in accordance with the personal capability assessment are to be treated as incapable of work on any day in the 4 weeks beginning on the date of that determination unless they would be regarded as capable of work for certain other reasons (e.g., if they are doing any work).