

1. Title of measure

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

2. Changes in policy

There is no significant change in policy.

3. Effects of the measure

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

3.2 It inserts new regulation 29 into the Incapacity for Work Regulations.

3.3 Under that regulation persons found capable of work under the personal capability assessment (PCA) after getting incapacity benefits in the previous 28 weeks will be treated as being incapable of work for the following 4 weeks (unless they would be regarded as capable of work for certain other reasons, for example if they are doing any work) and will continue to be paid their incapacity benefits for that period, subject to them continuing to satisfy other qualifying conditions.

4. Reasons for the measures

This change is being made to enable persons who are leaving incapacity benefits after a prolonged period a further short period of benefit to allow them to -

- challenge the decision they are capable of work, should they wish to do so, whilst still receiving incapacity benefits;
- prepare themselves to claim another benefit such as jobseeker’s allowance (JSA);
- prepare themselves to return to work, etc.

5. Legal Powers or Legal Advice obtained

This Order is made by the Treasury in exercising its legal powers under section 1A of the Social Security Act 2000. Legal advice from the Attorney General’s Chambers was sought in drafting the Order.

6. Resource Implications

This Order will result in additional expenditure of no more than £50,000 per annum, split between general revenue and the Manx National insurance Fund. This will be accommodated within existing budgets. No additional personnel resource will be required.

7. Tynwald Procedure

This Order requires the approval of Tynwald (see section 2(1) of the Social Security Act 2000).