

1. Title of measure

Income Support (General) (Isle of Man) (Amendment) Regulations 2016

2. Changes in policy

There is no significant change in policy.

3. Effects of the measure

3.1 To qualify for income support a person must fall within a prescribed category of person, as well as satisfy the benefit's other qualifying conditions.

3.2 These Regulations insert three new prescribed categories of person into the Income Support (General) (Isle of Man) Regulations 2000, and make consequential amendment to those Regulations.

3.3 Persons who have applied for revision or supersession of a decision that they are not incapable of work

The first two new categories are persons who have applied for a revision or supersession of a decision which embodies a determination that they are not incapable of work, where that determination is made in accordance with either -

- the "own occupation test", or
- the "personal capability assessment".

3.4 Persons who have a personal characteristic or a severe learning disability as a result of which they have no reasonable prospects of securing work

The third new category is persons who have a personal characteristic outside of their control, or a severe learning disability, as a result of which they have no reasonable prospects of securing remunerative work (see paragraph 3.5 in relation to the Social Security Legislation (Benefits) (Application) (Amendment) (No. 4) Order 2016 above for more information).

4. Reasons for the measures

4.1 The changes made by these Regulations recognise that persons with certain personal characteristics or who are suffering from a learning disability but who are not incapable of work for benefit purposes are likely to find it harder to get work than others and will need to stay on out-of-work benefits (like income support) longer.

- 4.2 These changes are appropriate measures to protect vulnerable people from recent changes in JSA rules referred to in relation to the Social Security Legislation (Benefits) (Application) (Amendment) (No. 4) Order 2016 (see above) who choose to claim income support rather than JSA.

5. Legal Powers or Legal Advice obtained

These Regulations are made by the Treasury in exercising its legal powers under sections 123, 124, 137 and 175 of the Social Security Contributions and Benefits Act 1992 (as it has effect in the Island). Legal advice from the Attorney General's Chambers was sought in drafting the Regulations.

6. Resource Implications

It is estimated that the changes made by these Regulations will incur additional expenditure of not more than £50,000 per year, from general revenue. This will be accommodated within the existing budget. No additional personnel resources will be required.

7. Tynwald Procedure

These Regulations require the approval of Tynwald (see section 176 of the Social Security Contributions and Benefits Act 1992 as it has effect in the Island).