

Government Circular No. 102/70.
G.O. Reference No. N.2304/64/1

ISLE OF MAN

SUPPLEMENTARY BENEFIT

**THE SUPPLEMENTARY BENEFIT (ISLE OF MAN)
(GENERAL) REGULATIONS 1970**

Approved by resolution of Tynwald, 17th November, 1970.

BSS 3

The Isle of Man Board of Social Security, with the approval of the Deputy Governor, in exercise of the powers conferred by sections 2(2), 6(2), 10 and 16(1) of, and paragraph 7 of Schedule 1 to, the Isle of Man Board of Social Security Act 1970 and all other powers enabling the said Board in that behalf, hereby makes the following regulations:—

CITATION, COMMENCEMENT AND INTERPRETATION

1.—(1) These regulations may be cited as the Supplementary Benefit (Isle of Man) (General) Regulations 1970 and shall come into operation on the day following the date of the resolution of Tynwald approving these regulations.

(2) In these regulations, unless the context otherwise requires—
“the Act” means the Isle of Man Board of Social Security Act, 1970 ;

“Appeal Tribunal” means a tribunal under the Act ;

“the Board” means the Isle of Man Board of Social Security ;

and other expressions have the same meaning as in the Act.

(3) References in these regulations to any enactment or regulations shall, unless the context otherwise requires, include references to such enactment or regulations, as amended by any subsequent enactment, order or regulations, and to any enactments, orders or regulations which replace them by provisions which deal with the same subject matter and are (so far as material) to the like effect.

(4) Any notice or other document required or authorised to be given or sent to any person under the provisions of these regulations shall be deemed to have been given or sent if it was sent by post to that person at his ordinary or last known address.

(5) The Interpretation Act 1970 shall apply for the purpose of the interpretation of these regulations as it applies for the purpose of the interpretation of an Act of Tynwald.

**DELEGATION TO OFFICERS OF THE BOARD OF THE BOARD'S FUNCTIONS
RELATING TO CLAIMS FOR NON-CONTRIBUTORY BENEFIT**

2.—For the purpose of securing prompt discharge of the Board's functions under the Act, Officers of the Board shall discharge the functions of the Board in relation to claims for supplementary pensions, supplementary allowances and, in cases falling within section 5 of the Act, to such

benefit as is mentioned therein and shall decide all questions arising thereon.

PERSONS IN FULL-TIME EMPLOYMENT

3. —Section 6(1) of the Act (exclusion of persons in full-time employment) shall not apply to a person becoming engaged in remunerative full-time work until the expiration of a period of 15 days from the beginning of the engagement.

REGISTRATION FOR EMPLOYMENT

4. —(1) Where the Board determines under Section 10 of the Act that the right of any person to a supplementary allowance shall be subject to the condition that he is registered for employment he shall—

- (a) If an insurance card has been issued to him in accordance with the provisions of the National Insurance and Industrial Injuries (Collection of Contributions) (Isle of Man) Regulations 1949, lodge such card at the employment exchange at which he is registered for employment ;
- (b) attend at the employment exchange at which he is registered for employment, or such other exchange as may be approved in his case, on such occasions as he would be required to attend if he were claiming unemployment benefit under the National Insurance (Isle of Man) Act 1948 and there sign a register kept for the purpose.

(2) For the purpose of this regulation, “employment exchange” includes any office or place appointed by the Board for the purpose of claiming unemployment benefit under the National Insurance (Isle of Man) Act 1948.

COMPUTATION OF NET WEEKLY EARNINGS

5. —(1) For the purposes of Schedule I to the Act a person's net weekly earnings shall be the net remuneration or profit, calculated on a weekly basis, derived by him from any occupation or occupations and, in particular, in so far as the earnings consist of salary or wages, there shall be deducted—

- (a) any sum the deduction of which from salary or wages is authorised by statute ; and
- (b) any expenses reasonably incurred by him in connection with his employment.

(2) Where the earnings of a person for any week are not immediately ascertainable, the preceding provisions of this regulation shall not apply and the net weekly earnings for that week shall be calculated or estimated in such manner and on such basis as the Board considers appropriate, having regard to all the circumstances of the case.

REVIEW OF DETERMINATIONS MADE BY THE BOARD OR AN APPEAL TRIBUNAL

6. —(1) A determination made by the Board or by an Appeal Tribunal on the right to or amount of supplementary pension or allowance in respect of any week may be reviewed by the Board if—

- (a) the Board is satisfied that the determination was made in ignorance of, or was based on a mistake as to, some material fact; or
- (b) there has been any relevant change of circumstances since the determination was made and—
 - (i) the Board has been notified within a period of 52 weeks from that week of such change of circumstances and the determination on review would result in an increase of more than 2s. in the amount of pension or allowance payable; or
 - (ii) the determination on review would result in a decrease of more than 2s. in that amount; or
 - (iii) the determination was made before 2nd November 1970 and the change of circumstances occurred before that date.
- (2) A determination made by the Board or by an Appeal Tribunal on any of the following matters—
 - (a) the issue of benefit to a person other than the claimant;
 - (b) the imposition of a condition under section 10 of the Act;
 - (c) the provision of goods or services instead of the whole or part of any payment;

may be reviewed by the Board in respect of such period as the Board may determine having regard to the circumstances of the case if—

- (i) there has been any relevant change of circumstances since the original determination was made; or
- (ii) the Board is satisfied that the determination was made in ignorance of, or was based on a mistake as to, some material fact.

(3) A determination made by the Board or by an Appeal Tribunal on either of the following matters—

- (a) the recovery of the whole or part of any sums paid by virtue of section 12 of the Act;
- (b) the amount of any excess mentioned in section 15 of the Act;

may be reviewed by the Board if the Board is satisfied that the determination was made in ignorance of, or was based on a mistake as to, some material fact.

(4) Any determination made by the Board on a matter specified in the preceding paragraphs of this regulation may be reviewed by the Board if the Board is satisfied that it was based on a mistake as to the law.

(5) A determination made by the Board or by an Appeal Tribunal may be reviewed by the Board for the sole purpose of giving effect to any change in :—

- (a) the amounts specified in Part II of Schedule I to the Act (which relates to requirements); or
- (b) the sums prescribed for the purposes of subsections (3) and (4) of section 23 of the National Assistance (Isle of Man) Act 1951 (which relate to persons in accommodation under Part III of that Act); or
- (c) the appropriate amount for the purpose of paragraph 16 or 17 of that Schedule (which relate to persons in hospital and

persons paying for board and lodging) in consequence of any other change mentioned in this paragraph; or

- (d) the rates of any payments referred to in paragraph 24 or paragraph 25(1)(a), (b), (c) or (e) of that Schedule (which relate to resources derived from national insurance benefits, certain pensions and other payments);

but any such change shall be deemed not to be a change of circumstances for the purposes of paragraph (1) of this regulation and a review made solely by virtue of this paragraph shall not be treated as a review for the purpose of paragraph (2) or (3) of regulation 12 of the Supplementary Benefit (Isle of Man) (Claims and Payments) Regulations 1970.

NOTICE OF DECISIONS

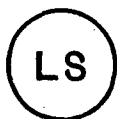
7.—(1) This regulation applies to the following decisions of the Board—

- (a) a determination made by the Board on any claim ;
(b) a determination made by the Board on a review under the preceding regulation ;
(c) a refusal by the Board to review a determination under the preceding regulation.

(2) Subject to the following provisions of this regulation, notice of any decision to which this regulation applies shall be given or sent to the claimant in writing.

(3) Where the determination concerned relates to the making of or refusal to make a cash payment in respect of benefit other than supplementary pension, the notice required by the preceding paragraph may be given to the claimant orally unless he requests that it be in writing.

(4) Where the Board determines that the claimant is entitled to benefit of an amount which, when added to some other payment, if any, payable by the Board, will amount to a stated sum, notice of that sum shall be notice for the purposes of this regulation.



GIVEN UNDER THE OFFICIAL SEAL
OF THE ISLE OF MAN BOARD OF
SOCIAL SECURITY THIS TWENTIETH
DAY OF OCTOBER NINETEEN
HUNDRED AND SEVENTY.

J. C. NIVISON, *Chairman.*

W. H. CAIN, *Secretary.*

Approved by me,
G. E. MOORE,
Deputy Governor.

EXPLANATORY NOTE

(This Note is not part of the Regulations)

These Regulations make general provisions for the purposes of the Isle of Man Board of Social Security Act 1970. For the purpose of securing prompt discharge of the Board's functions under the Act, officers of the Board are authorised to discharge the Board's functions in relation to claims for non-contributory benefit (Regulation 2). The Regulations provide that the period for which a person is not to be excluded from benefit under the Act after he has commenced full-time remunerative employment is to be 15 days (regulation 3); The manner in which a person required to register for employment as a condition for the award of benefit is to do so (regulation 4); the method of calculation of a person's net weekly earnings (regulation 5); the circumstances in which determinations under the Act may be reviewed (regulation 6); and the manner in which decisions of the Board shall be notified (regulation 7).