

Government Circular No. 116/70.
G.O. Reference No. N.2304/64/1.

ISLE OF MAN

SOCIAL SECURITY

THE SOCIAL SECURITY (ISLE OF MAN) (EXCEPTIONS
FROM RESIDENTIAL QUALIFICATIONS) REGULATIONS 1970

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

BSS 5

The Isle of Man Board of Social Security, with the approval of the Deputy Governor, in the exercise of the powers conferred by section 8(1) of the Isle of Man Board of Social Security Act 1970, section 22(6) (c) of the National Assistance (Isle of Man) Act 1951 (as set out in paragraph 1 of Schedule 4 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 Social Security (Isle of Man) (Exceptions from Residential Qualifications) Regulations 1970 and shall have effect from 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;

“the Assistance Act” means the National Assistance (Isle of Man) Act 1951 as amended by the Act and any other enactment or order;

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

“the claimant” means a person who claims benefit under the Act or a person who seeks the provision by the Board of residential accommodation under Part III of the Assistance Act;

and other expressions have the same meanings as in the Act or the Assistance Act.

(3) 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.

EXCEPTIONS FROM RESIDENTIAL QUALIFICATIONS

2.—A claimant shall be —

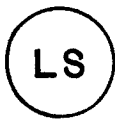
(a) excepted from the disqualification contained in section 8(1) of the Act to obtain benefit; and

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- (b) excepted from the disqualification contained in section 22(6) of the Assistance Act (as set out in paragraph 1 of Schedule 4 to the Act) to be provided with residential accommodation by the Board under Part III of the Assistance Act ;

during any period in which the claimant satisfies at least one of the following conditions, that is to say —

- (i) that the claimant is in receipt of a pension under the National Insurance Act 1965 (an Act of Parliament) ; or
- (ii) that the claimant is a married man whose wife was born in the Isle of Man, provided that he and his wife are residing together in the Isle of Man ; or
- (iii) that the claimant is a married woman whose husband, if he were the claimant, would not be disqualified under the provisions of section 8(1) of the Act for the receipt of benefit or under section 22(6) of the Assistance Act for the provision by the Board of residential accommodation under Part III of that Act, as the case may be ; or
- (iv) that the claimant is a single person and is residing with a parent who was born in the Isle of Man ; or
- (v) that any period during which the claimant was absent from the Isle of Man in the five consecutive years immediately preceding the date of his claim for benefit or application for the provision by the Board of residential accommodation under Part III of the Assistance Act was a period of temporary absence only and, for the purposes of this sub-paragraph, the expression "a period of temporary absence" means a period during which the claimant was serving as a member of the Armed Forces of the Crown or a period during which the claimant was employed or seeking employment outside the Isle of Man owing to the industrial conditions prevailing in the Isle of Man during that period or a period of absence from the Isle of Man not exceeding four weeks' duration ; or
- (vi) that the claimant satisfies the Board that there is any other special reason which would render his removal from the Isle of Man exceptionally harsh or oppressive.



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)

Section 8 (1) of the Isle of Man Board of Social Security Act 1970 provides that, subject to certain exceptions, a person shall not be entitled to benefit or the provision of accommodation within the meaning of that section unless he has actually resided in the Isle of Man for a period of five consecutive years immediately preceding the date of his claim. The exceptions provided for in that subsection are persons who were born in the Isle of Man, persons in receipt of pensions under the National Insurance Acts and persons excepted from the disqualification under regulations made by the Board.

Section 22(6) of the National Assistance (Isle of Man) Act 1951 (as set out in paragraph 1 of Schedule 4 to the Isle of Man Board of Social Security Act 1970) provides that, subject to certain exceptions, it shall not be the duty of the Board to provide a person with residential accommodation under Part III of the said Act of 1951 unless he has actually resided in the Isle of Man for a period of five years immediately preceding the date of application for such accommodation. The exceptions provided for in that subsection are persons who were born in the Isle of Man and persons who satisfy one of the conditions which may be prescribed in regulations made by the Board for the prevention of exceptional hardship.

These regulations, which relate (a) to persons claiming supplementary benefit under the Isle of Man Board of Social Security Act 1970 and (b) persons seeking the provision by the Board of residential accommodation under Part III of the National Assistance Act 1951, as amended, follow closely the provisions of regulations relating to applicants for assistance grants made under statutory provisions which have been repealed and re-enacted.