

Public Notice No. 45/90
Government Circular No. 198/90

ISLE OF MAN

SOCIAL SECURITY

The Social Security Legislation (Application) (No. 5) Order 1990

The Social Security Legislation (Application) (No. 5) Order 1990
made on 26th April 1990 by the Department of Health and Social
Security in exercise of the powers conferred by section 1 of the
Social Security Act 1982

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The Social Security Legislation (Application) (No. 5) Order 1990

In exercise of the powers conferred on the Department of Health and Social Security by section 1 of the Social Security Act 1982(a), and all other enabling powers, the following Order is hereby made:-

Citation and Commencement

1. (1) This Order may be cited as the Social Security Legislation (Application) (No. 5) Order 1990 and shall, subject to section 1(6) of the Social Security Act 1982, come into force as provided in paragraph (2).
- (2) This Article and Articles 2 and 3 shall come into force forthwith and each provision of the applied legislation, as amended by this Order, shall come into force or be deemed to have come into force as the case may be, on the same day as the provision corresponding thereto in that legislation, as it has effect in Great Britain, came into force in Great Britain.

Interpretation

2. (1) In this Order, the "applied legislation" means -
 - a) The Social Security (Recoupment) Regulations 1990 - S.I. 1990 No. 322;
 - b) The Social Security (Claims and Payments and Payments on account, Overpayments and Recovery) Amendment Regulations 1989 - S.I. 1989 No. 136;
 - c) The Social Security (Abolition of Earnings Rule) (Consequential) Regulations 1989 - S.I. 1989 No. 1642;
 - d) The Social Security (Attendance Allowance) Amendment Regulations 1990 - S.I. 1990 No. 581;
 - e) The Social Security (Adjudication) Amendment Regulations 1990 - S.I. 1990 No. 603;
 - f) The Social Security (Industrial Injuries) (Dependency) (Permitted Earnings Limits) Order 1990 - S.I. 1990 No. 619;
 - g) The Social Security (Invalid Care Allowance) Amendment Regulations 1990 - S.I. 1990 No. 620;
 - h) The Social Security Benefits Up-rating Regulations 1990 - S.I. 1990 No. 645;
 - i) The Mobility Allowance Amendment Regulations 1990 - S.I. 1990 No. 672.
- (2) Unless the context otherwise requires -
 - (a) any reference in any of the applied legislation to any provision in an instrument of a legislative character which is not itself a provision of any of the applied legislation shall be construed as if the provision so referred to had been in force in the Island from the date on which that instrument of a legislative character had effect in Great Britain;

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(b) references in the applied legislation to any provision of the legislation or of any other legislation applied to the Island by an Order made under section 1 of the Social Security Act 1982 shall be construed as a reference to that legislation as it has effect in the Island.

Application to the Island of certain legislation relating to Social Security

- 3. (1) The applied legislation shall, subject to paragraph (2), apply to the Island as part of the law of the Island, subject to the exceptions, adaptations and modifications contained in Schedules 1 to 4 hereto.
- (2) Schedule 1 to the Social Security Legislation (Application) (No. 3) Order 1975(a) shall have effect in relation to the statutory provisions applied to the Island by this Order as it has effect in relation to the legislation applied to the Island by that Order.

Article 3(1)

Schedule 1

Exceptions, adaptations and modifications subject to which the Social Security (Recoupment) Regulations 1990 (S.I. 1990 No. 322) shall have effect in the Island.

<u>Regulation</u>	<u>Subject Matter</u>	<u>Exceptions, adaptations and modifications</u>
1	Citation, commencement and interpretation.	In paragraph (2) omit the word "and" and the definition of "the Compensation Recovery Unit".
2	Relevant benefits.	(a) In paragraph (1) - (i) omit sub-paragraph (c), (ii) for sub-paragraph (d) substitute - "(d) supplementary benefit, under the Supplementary Benefits Act 1976 (as that Act has effect in the Isle of Man)"; (iii) omit sub-paragraph (1);

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(iv) in sub-paragraph (n) -

(a) after the words "Old Cases Act" insert "or the Supplementary Benefits Act 1976 (as that Act has effect in the Isle of Man)";

(b) omit the words "Order in Council,".

(b) For paragraph (2) substitute -

"(2) In paragraph (1) references to, respectively, invalidity pension and allowance, severe disablement allowance, sickness benefit and unemployment benefit include also a reference to any supplementary benefit paid with each of those benefits".

7	Information to be provided by employer.	Omit.
8	Sending information.	For "Compensation Recovery Unit" substitute "Department".
11	Appeals.	In paragraph (1) for "Compensation Recovery Unit" substitute "Department".
16	Transitional provisions and saving.	In paragraph (2)(a) for "1948" substitute "1949 (an Act of Tynwald)".

Article 3(1)

Schedule 2

Exceptions, adaptations and modifications subject to which the Social Security (Claims and Payments and Payments on account, Overpayments and Recovery) Amendment Regulations 1989 (S.I. 1989 No. 136) shall have effect in the Island.

<u>Regulation</u>	<u>Subject Matter</u>	<u>Exceptions, adaptations and modifications</u>
2	Amendment of the Claims and Payment Regulations.	Omit sub-paragraphs (5), (6) and (7).
3	Amendment of the Payments on account, Overpayments and Recovery Regulations.	Omit.

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4 Revocations. Omit.

Article 3(1)

Schedule 3

Exceptions, adaptations and modifications subject to which the Social Security (Abolition of Earnings Rule) (Consequential) Regulations 1989 (S.I. 1989 No. 1642) shall have effect in the Island.

<u>Regulation</u>	<u>Subject matter</u>	<u>Exceptions, adaptations and modifications</u>
5	Amendment of the Social Security (Graduated Retirement Benefit) (No. 2) Regulations 1978.	In paragraph (2) - (a) for "36" and "37" substitute respectively "35" and "36" wherever they occur; (b) for the words "Act 1965" substitute "(Isle of Man) Act 1971 (an Act of Tynwald)".

Article 3(1)

Schedule 4

Exceptions, adaptations and modifications subject to which the Social Security (Adjudication) Amendment Regulations 1990 (S.I. 1990 No. 603) shall have effect in the Island.

<u>Regulation</u>	<u>Subject matter</u>	<u>Exceptions, adaptations and modifications</u>
2	Amendment of regulation 1.	Omit paragraph (2).
3	Amendment of regulation 3.	In paragraph (3), in the inserted paragraph (7), for the words "a medical appeal tribunal" substitute "an adjudicating medical authority".
8	Omission of regulation 35.	For "a medical appeal tribunal" substitute "an adjudicating medical authority".
9	Amendment of regulation 36.	(a) In paragraph (1) for "a medical appeal tribunal" substitute "an adjudicating medical authority";

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- (b) In paragraph (4) -
- (i) for "medical appeal tribunal" substitute "adjudicating medical authority" and
 - (ii) for "tribunal" substitute "authority".
- 10 Amendment of regulation 38.
- (a) In paragraph (1) for "the Board" substitute "an officer";
 - (b) In paragraph (2), in the inserted paragraph (1A), for the words "a local office" substitute "an office of the Department".
- 11 Amendment of Schedule 2. Omit.

J.C. CAIN, M.H.K.

Made this 26th Day of April 1990

MINISTER FOR HEALTH AND SOCIAL SECURITY

Approved by Tynwald on 16th May 1990.

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The Social Security Legislation (Application) (No. 5) Order 1990

Explanatory Note

(This note is not part of the Order).

1. Section 1 of the Social Security Act 1982 (of Tynwald) enables the Department by Order to apply to the Island as part of the law of the Island, subject to such exceptions, adaptations and modifications as may be specified in the Order, any legislation to which the Act applies.
2. Inter alia, the Act applies to the Social Security Acts 1975, 1986 and 1989 (of Parliament) and any statutory instruments made or having effect as if made under those Acts of Parliament.
3. This Order applies to the Island, subject to the exceptions, adaptations and modifications contained in the Schedules, the legislation referred to in Article 2(1) of the Order the provisions of which, as applied, are summarised in the following paragraphs. The applied legislation comes into force or is deemed to have come into force as the case may be on the same day as the corresponding provisions come or came into force in Great Britain. Where necessary the provisions have been applied in the Island administratively pending their application by Order.
4. The Social Security (Recoupment) Regulations 1990 - S.I. 1990/322

Section 22 of and Schedule 4 to the Social Security Act 1989 (as applied to the Island) provides for recovery by the Department of sums equivalent to benefit from damages or compensation payments paid in respect of accidents, injuries and diseases. These Regulations contain provisions ("the recoupment provisions") relating to the recovery of such sums.

Regulation 2 prescribes the benefits which are relevant for the purposes of the recoupment provisions. Small payments are exempt from liability under the recoupment provisions, and regulation 3 sets the level of a small payment (or the aggregate of payments) at £2,500 or less. Regulation 4 prescribes certain payments which are not compensation payments for the purposes of the recoupment provisions.

Regulations 5 and 7 relate to the information required to be provided to the Department by the compensator or the victim.

Where the Department fails to send a certificate of total benefit within 4 weeks then the compensator's liability to the Department becomes unenforceable where he has provided the Department with the particulars set out in regulation 9 and has received a written acknowledgement of his request for the certificate (regulation 10).

Regulations 11, 12 and 13 make provision for appeals from and reviews of the amount specified on a certificate of total benefit.

Regulation 14 makes provision where no balance remains for payment to the intended recipient after deductions from the compensation payment of the amount payable to the Department, for references to compensation payments in Schedule 4 to the Social Security Act 1989 to be construed as references to the acceptance of an offer.

Regulation 15 makes modifications to the Regulations where the compensator is situate abroad.

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Explanatory Note (Contd.)

Regulation 16(1) relates to notifications of claims in respect of compensation payments which may be made after 2nd September 1990 where the accident, injury or disease occurred on or after 1st January 1989 but before 2nd April 1990, and regulation 16(2) provides for savings where it occurred before 1st January 1989.

5. The Social Security (Claims and Payments and Payments on account, Overpayments and Recovery) Amendment Regulations 1989 - S.I. 1989/136

Regulation 2 of these Regulations amends regulation 3 of the Social Security (Claims and Payments) Regulations 1987 (the Claims and Payments Regulations) by extending the benefits for which no claim is required to include retirement allowance which was introduced by the Social Security Act 1988.

6. The Social Security (Abolition of Earnings Rule) (Consequential) Regulations 1989 - S.I. 1989/1642.

These Regulations are consequential upon the abolition in section 7 of the Social Security Act 1989 (as applied to the Island) of the earnings rule for retirement pensions.

Section 7 of and Schedule 1 to the 1989 Act provide in particular that -

- (a) the earnings rule for Category A and Category B retirement pensions be abolished (section 7(1));
- (b) it no longer be a requirement for entitlement to a Category A or Category B retirement pension that a person has retired from regular employment;
- (c) a person may nevertheless defer his entitlement to a Category A or Category B retirement pension; and
- (d) where entitlement is deferred a person may earn increments to his pension during a period referred to as the "period of enhancement" (Schedule 1, paragraph 3).

The amendments made in these Regulations are consequential upon those changes. In particular they amend -

the Social Security (Claims and Payments) Regulations 1987, regulation 15;

the Social Security Benefit (Computation of Earnings) Regulations 1978, regulation 5(4);

the Social Security Benefit (Dependency) Regulations 1977, regulations 2, 10 and 11,

the Social Security (Graduated Retirement Benefit) (No. 2) Regulations 1978, Schedules 1 and 2;

the Social Security (Benefit) (Married Women and Widows' Special Provisions) Regulations 1974, regulation 3A;

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the Social Security (Maximum Additional Pension) Regulations 1978, regulation 2;

the Social Security Benefit (Persons Abroad) Regulations 1975, regulations 4, 5 and 6;

the Social Security and Family Allowances (Polygamous Marriages) Regulations 1975, regulation 3;

the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations 1983, regulation 31(1);

the Social Security (Widow's Benefit and Retirement Pensions) Regulation 1979, regulations 1, 2, 4, 5, 11 and 12;

the Social Security (Widow's Benefit, Retirement Pensions and other Benefits) (Transitional) Regulations 1979, regulations 12, 17 and 18.

Regulation 2(4) also contains a saving provision for regulation 15 of the Social Security (Claims and Payments) Regulations 1987 where a person claims a Category A or Category B retirement pension as from a day before 1st October 1989.

7. The Social Security (Attendance Allowance) Amendment Regulations 1990 - S.I. 1990/581

These Regulations amend the Social Security (Attendance Allowance)(No. 2) Regulations 1975 by removing the restriction on entitlement to attendance allowance for children under two years of age.

8. The Social Security (Adjudication) Amendment Regulations 1990 - S.I. 1990/603

These Regulations amend the Social Security (Adjudication) Regulations 1986 in the following respects -

- (1) they introduce a requirement that grounds of appeal should give sufficient particulars of the decision appealed against to enable it to be identified (regulation 3(2));
- (2) they allow a chairman of a social security appeal tribunal or a medical board to give directions for the disposal of an appeal where he is satisfied that the tribunal does not have jurisdiction to hear the appeal (regulation 3(3));
- (3) they provide that where there is a withdrawal of an application, appeal or reference any adjudication officer may give consent to the withdrawal (regulation 4);
- (4) they provide for the omission of regulation 8 (which deals with medical references) which is spent following the repeal by paragraph 8 of Schedule 13 of the enabling power under which it was made from the Social Security Act 1975 (regulation 5);

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- (5) they amend regulation 21 to remove references to an appeal from the Department's question (regulation 6);
- (6) they amend regulation 24 to provide that except where an appeal has lapsed upon a review of a decision tribunals shall hold oral hearings of appeals; they also remove paragraphs (4) and (5) which are spent as a consequence of paragraph 9 of Schedule 13 ceasing to have effect by virtue of paragraph 3 of Schedule 13 to the Social Security Act 1989 (regulation 7);
- (7) they omit regulation 35 which allows a medical board to make a reference on a question of law to a Commissioner as the board no longer has power to do that (regulation 8);
- (8) they make consequential amendments to regulation 36 to remove references to a reference by an adjudicating medical authority to a Commissioner and make provision for a newly constituted adjudicating medical authority except where a Commissioner directs otherwise to hear a case which is remitted from a Commissioner (regulation 9);
- (10) they introduce the extension of the time limit for application for review to the Attendance Allowance Medical Officer where there is a postal dispute (regulation 10).

Minor amendments of a drafting nature have also been made.

9. The Social Security (Industrial Injuries) (Dependency) (Permitted Earnings Limits) Order 1990 - S.I. 1990/619

Where a disablement pension with unemployability supplement is increased in respect of a child and the beneficiary is one of two persons who are spouses residing together or an unmarried couple, section 64(1B) of the Social Security Act 1975 provides that the increase shall not be payable in respect of the first child if the other persons earnings are £85 a week or more and in respect of a further child for each £10 by which the earnings exceed £85.

This Order substitutes the amounts of £100 for the amounts of £85 and £13 for the amount of £10.

10. The Social Security (Invalid Care Allowance) Amendment Regulations 1990 - S.I. 1990/620

These Regulations amend the Social Security (Invalid Care Allowance) Regulations 1976 ("the 1976 Regulations").

Under section 37(1) of the Social Security Act 1975 a person is entitled to an invalid care allowance for any day on which he is engaged in caring for a severely disabled person if, among other things, he is not gainfully employed. Regulation 8(1) of the 1976 Regulations provides that a person is not to be treated as gainfully employed on any day in a week unless, and is to be treated as gainfully employed on every day in a week if, his earnings in the immediately preceding week (subject to specified exceptions) have exceeded a specified sum. These Regulations increase that sum from £12 to £20.

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Explanatory Note (Contd.)

Regulation 3 contains a revocation consequent upon the coming into force of these Regulations.

11. The Social Security Benefits Up-rating Regulations 1990 - S.I. 1990/645

- (1) These Regulations, effective from 9th April 1990, contain provisions in consequence of the 1990 up-rating of social security benefits.
- (2) Regulation 2 provides that in certain cases where a question has arisen about the effect of the up-rating order on a benefit already in payment the altered rates will not apply until the question is determined by an adjudicating authority.
- (3) Regulation 3 applies the provisions of regulation 5 of the Social Security Benefit (Persons Abroad) Regulations 1975 so as to restrict the application to the increases specified in the Order in cases where the beneficiary lives abroad.
- (4) Regulation 4 raises from £28.50 to £35.00 the earnings limit which applies to those undertaking work in certain circumstances while receiving sickness or invalidity benefit.
- (5) Regulation 5 raises from £1,482.00 to £1,820.00 a year the earnings limit which applies to unemployment supplement.
- (6) Regulation 6 specifies earnings limits for child dependency increases payable with invalid care allowance.
- (7) Regulation 7 contains a revocation consequential upon the coming into force of these regulations.

12. The Mobility Allowance Amendment Regulations 1990 - S.I. 1990/672

These Regulations amend regulation 3 of the Mobility Allowance Regulations 1975 to provide that a person who, by reason of the combined effects of being blind and deaf, is unable without the guidance of another person to walk to an intended or required destination while out of doors is to be treated as suffering from physical disablement such that he is unable or virtually unable to walk for the purposes of section 37A of the Social Security Act 1975.

1990 No. 322 (as applied)

SOCIAL SECURITY

The Social Security (Recoupment) Regulations 1990

Made - - - - 21st February 1990

Coming into force—

for the purposes of
regulations 1, 5 to 8 and 16 2nd April 1990

for the purposes of
regulations 2, 9, 10, 13 and 15 9th July 1990

for all other purposes 3rd September 1990

ARRANGEMENT OF REGULATIONS

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Whereas a draft of this instrument was laid before Parliament in accordance with the provisions of section 29(2)(d), (g) and (h) of the Social Security Act 1989(a) and approved by resolution of each House of Parliament:

Now, therefore, the Secretary of State for Social Security, in exercise of the powers conferred by section 166(2) and (3A) of the Social Security Act 1975(b) and sections 22(3), (4)(a) and (h) and (5), 29, 30(1) and 31(3) of, and paragraphs 1(2), 4(1) and (2), 13, 15(1)(a)(i) and (b), 17(4) and (10) and 21(2) of Schedule 4 to the Social Security Act 1989(c) and of all other powers enabling him in that behalf, after consultation with the Council on Tribunals in accordance with section 10 of the Tribunals and Inquiries Act 1971(d), and with the consent of the Treasury to regulations 2 and 3 below(e), by this instrument, which is made before the end of the period of 6 months beginning with the coming into force of the enactments under which the regulations are made, hereby makes the following Regulations:

PART I GENERAL

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Recoupment) Regulations 1990 and shall come into force—

for the purposes of this regulation and regulations 5, 6, 7, 8 and 16 on 2nd April 1990;

for the purposes of regulations 2, 9, 10, 13 and 15 on 9th July 1990; and

for all other purposes on 3rd September 1990.

(2) In these Regulations—

“the 1989 Act” means the Social Security Act 1989;

“Schedule 4” means Schedule 4 to the 1989 Act;

(3) In these Regulations, unless the context otherwise requires, a reference—

(a) to a numbered regulation is to the regulation in these Regulations bearing that number; and

(b) in a regulation to a numbered paragraph is to the paragraph in that regulation bearing that number.

(a) 1989 c.24.

(b) 1975 c.14; section 166(3A) was inserted by the Social Security Act 1986 (c.50), section 62(1).

(c) Section 30(1) is cited because of the meaning ascribed to the words “prescribe” and “regulations”.

(d) 1971 c.62.

(e) See section 29(5) of the Social Security Act 1989 (c.24).

PART II

BENEFITS AND PAYMENTS

Relevant benefits

2.—(1) The following benefits are relevant benefits for the purposes of section 22 of the 1989 Act—

- (a) attendance allowance,
- (b) disablement benefit (including disablement pensions) payable in accordance with sections 57 to 63 of the principal Act,
- (c) omitted,
- (d) supplementary benefit, under the Supplementary Benefits Act 1976 (as that Act has effect in the Isle of Man),
- (e) invalidity pension and allowance,
- (f) mobility allowance,
- (g) benefits payable under schemes made under the Old Cases Act,
- (h) reduced earnings allowance,
- (i) retirement allowance,
- (j) severe disablement allowance,
- (k) sickness benefit,
- (l) omitted,
- (m) unemployment benefit,
- (n) any increase in any of the benefits mentioned above payable in accordance with the Social Security Acts 1975 to 1989 or the Old Cases Act ^{or with any} regulations, ^{order or scheme made thereunder.}

(2) In paragraph (1) references to, respectively, invalidity pension and allowance, severe disablement allowance, sickness benefit and unemployment benefit include also a reference to any supplementary benefit paid with each of those benefits.

or the Supplementary Benefits Act 1976 (as that Act has effect in the Isle of Man)

Small payments

3.—(1) A person shall be exempted from liability to make the relevant deduction or the relevant payment where the amount of the compensation payment in question, or the aggregate amount of 2 or more connected compensation payments, does not exceed £2,500.

(2) Where an amount has been deducted and paid to the Department which, by virtue of paragraph (1), ought not to have been so deducted and paid, the Department—

- (a) Where it is satisfied that the whole of the amount ought to have been paid to the intended recipient, shall pay the whole of that amount to that person;
or
- (b) Where it is not so satisfied, shall either pay the whole of the amount to the compensator or pay to the compensator that part of the amount which he would have been entitled to retain and to the intended recipient that part which he would have been entitled to receive (c) had the amount not been so deducted and paid.

(c) See section 2 of the Law Reform (Personal Injuries) Act 1948 (c.41), as amended by the Social Security Act 1989, Schedule 4, paragraph 22.

Exempt payments

4. The following payments shall be exempt payments for the purposes of section 22 of the 1989 Act—

- (a) any payment made out of property held for the purpose of the charitable trust called the Macfarlane Trust and established partly out of funds provided by the Department to the Haemophilia Society for the relief of poverty or distress among those suffering from haemophilia;
- (b) any compensation payment made by British Coal in accordance with the NCB Pneumoconiosis Compensation Scheme set out in the Schedule to an agreement made on the 13th September 1974 between the National Coal Board, the National Union of Mine Workers, the National Association of Colliery Overmen Deputies and Shot-firers and the British Association of Colliery Management;
- (c) any payment made to the victim in respect of sensorineural hearing loss where the loss is less than 50 db in one or both ears; and
- (d) any contractual amount paid to an employee by an employer of his in respect of a day of incapacity for work.

PART III

ADMINISTRATION AND ADJUDICATION

Information to be provided by compensator

5. A person who is, or is alleged to be, liable in respect of an accident, injury or disease, or any person acting on his behalf, shall furnish the Department with the following information in respect of that accident, injury or disease—

- (a) the full name and the address of any person seeking compensation or in respect of whom compensation is sought;
- (b) where known the date of birth or the national insurance number of that person, or both if both are known;
- (c) where the liability arises, or is alleged to arise, in respect of—
 - (i) an accident or injury, the date of the accident or injury, or
 - (ii) a disease, the date the disease was diagnosed;
- (d) the nature of the accident, injury or disease; and
- (e) where known, whether at the time of the accident or injury or diagnosis of the disease, the person was employed under a contract of service, and if he was, the name and address of his employer at that time and the person's payroll number.

Information to be provided by victim

6.—(1) A person who claims (whether on behalf of himself or another) a relevant benefit or has been in receipt of such a benefit, shall furnish the Department with such of the following information relating to any accident, injury or disease the victim has suffered as the Department requests—

- (a) whether the accident, injury or disease resulted from any action taken by another person, or from any failure of another person to act, and if so, the full name and the address of that other person;
- (b) whether he has claimed or may claim a compensation payment, and if so, the full name and the address of the person against whom the claim was or may be made;
- (c) the amount of any compensation payment and the date on which it was made;
- (d) the relevant benefit claimed, the date from which benefit was first claimed and the amount of the benefit received in the period beginning with that date and ending with the date the information is sent;

- (e) in the case of a person who has received or is entitled to receive statutory sick pay during the relevant period, the name and address of any employer who is or was liable to make these payments to him during the relevant period and the dates the employment with that employer began and ended; and
 - (f) any changes in the medical diagnosis relating to the condition arising from the accident, injury or disease.
- (2) In this regulation, "person" includes a deceased person's personal representative.

Information to be provided by employer

7. Omitted.

Sending information

8. A person who furnishes the Department with information shall do so by sending it in writing to the Department not later than 14 days after—
- (a) where he is a person to whom regulation 5 applies, the date he receives a claim for compensation from the victim in respect of the accident, injury or disease;
 - (b) where he is a person to whom regulation 6 or 7 applies, the date the Department requests the information from him.

Particulars to be stated before liability of compensator becomes unenforceable

9. The following particulars are prescribed for the purposes of paragraph 15(1)(a)(i) of Schedule 4 (particulars to be stated before liability of compensator becomes unenforceable)—
- (a) the full name of the victim together with his address, and either his date of birth or national insurance number or both if both are known,
 - (b) unless already furnished to the Department in accordance with regulation 5—
 - (i) where the liability arises or is alleged to arise in respect of an accident or injury, the date of that accident or injury, or where it arises or is alleged to arise in respect of a disease, the date the disease was diagnosed;
 - (ii) the nature of the accident, injury or disease; and
 - (iii) where known, whether at the time of the accident or injury or the diagnosis of the disease the victim was employed under a contract of service, and if he was, the name and address of his employer at that time and the person's payroll number.

Acknowledgement of compensator's request

10. Where the compensator requests a certificate of total benefit in accordance with paragraph 15(1)(a) of Schedule 4, the Department shall send to the compensator, as soon as reasonably practicable, a written acknowledgement of the receipt of the request stating the day on which the request was received.

Appeals

11.—(1) Any appeal against a certificate of total benefit shall be in writing and shall be made by sending or delivering it to the Department

- (a) not later than 3 months after the date the compensator made the relevant payment; or
- (b) where the certificate was reviewed by the Department in accordance with Regulation 13 not later than 3 months from the date the certificate is confirmed, or as the case may be, a fresh certificate issued.

(2) Any appeal under this regulation shall contain particulars of the grounds on which it is made.

(3) Where an earlier compensation payment has been made and subsequently one or more later payments are made to or in respect of the same victim in respect of the same accident, injury or disease (whether by the same or an other compensator), the date referred to in paragraph (1) (a) is the date of the last of those later payments.

(4) The time for making an appeal may be extended for special reasons by the chairman of the tribunal to which the appeal is referred, even though the time limit may have already expired.

(5) Any application for an extension of time under paragraph (4) shall be made in writing and shall be determined by the chairman.

(6) An application under paragraph (4) for an extension of time which has been refused shall not be renewed.

(7) Where it appears to the chairman of the tribunal to whom the appeal was referred that the appeal gives insufficient particulars to enable the question at issue to be determined, he may require the person making the appeal to furnish such further particulars as may reasonably be required.

Withdrawal of appeal

12. A person who has made an appeal under regulation 11 may withdraw that appeal—

- (a) before the hearing begins by giving notice in writing of his intention to withdraw the appeal to the Appeal Tribunal to whom the appeal was made and with the consent in writing of the Department ;
- (b) after the hearing has begun and before the determination is made, with the leave of the chairman of the Appeal Tribunal.

Review

13. The Department may treat any appeal as an application for review under paragraph 16 of Schedule 4, notwithstanding that the certificate of total benefit was not issued in ignorance of or based on a mistake as to some material fact or that a mistake (whether in computation or otherwise) has not occurred in its preparation.

PART IV

MISCELLANEOUS MATTERS

Benefits exceed compensation

14. Where, after making the relevant deduction from the compensation payment, there is no balance remaining for payment to the intended recipient, any reference in Schedule 4 to the making of the compensation payment shall be construed as a reference to the acceptance by the intended recipient of an offer in respect of his claim against the compensator.

Foreign compensators

15. Where immediately before the making of a compensation payment, the compensator is not resident and does not have a place of business in the Island, then these Regulations shall be modified in their application to the intended recipient in accordance with the following provisions—

- (a) regulation 5 shall apply with the additional requirement that the intended recipient supply the Department with the name of the compensator and his address; and
- (b) regulation 9 shall apply with the additional requirement that he supply the Department with details of—
 - (i) the amount of the compensation paid to him, and
 - (ii) whether that payment represents the final payment in respect of the accident, injury or disease.

Transitional provisions and saving

16.—(1) A compensator who may make a compensation payment after 2nd September 1990 in respect of an accident, injury or disease which occurred on or after 1st January 1989 but before 2nd April 1990, shall so inform the Department as soon as reasonably practicable.

(2) Where an accident or injury occurred or a disease was diagnosed before 1st January 1989 and a compensation payment in respect of that accident, injury or disease is or may be made after 2nd September 1990, then

- (a) the provisions of section 2 of the Law Reform (Personal Injuries) Act 1949 (an Act of Tynwald) shall apply to that payment as though the amendment made to it in paragraph 22 of Schedule 4 to the 1989 Act, had not been enacted, and
- (b) the payment shall be calculated as if section 22(6) of that Act had not been enacted.

Signed by authority of the Secretary of State for Social Security.

13th February 1990.

Henley
Parliamentary Under-Secretary of State,
Department of Social Security

We consent,

D. Lightbown
Stephen Dorrell

21st February 1990.

Two of the Lords Commissioners of Her Majesty's Treasury

1989 No. 136 (as applied)

SOCIAL SECURITY

**The Social Security (Claims and Payments and
Payments on account, Overpayments and Recovery)
Amendment Regulations 1989**

Made - - - - 1st February 1989
Laid before Parliament 6th February 1989
Coming into force
For the purposes of
regulations 2(2), 2(6)(b)(ii),
2(7)(b)(i)(aa) and 4(1) 10th April 1989
For all other purposes 27th February 1989

The Secretary of State for Social Security, in exercise of powers conferred by sections 104(5)(b) and 166(2) of the Social Security Act 1975(a) and sections 51(1) and 53 of the Social Security Act 1986(b) and of all other powers enabling him in that behalf, after agreement by the Social Security Advisory Committee that the proposals to make these Regulations should not be referred to it(c), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Claims and Payments and Payments on account, Overpayments and Recovery) Amendment Regulations 1989 and shall come into force for the purposes of regulations 2(2), 2(6)(b)(ii), 2(7)(b)(i)(aa), and 4(1) on 10th April 1989 and for all other purposes on 27th February 1989.

(2) In these Regulations—

“the Claims and Payments Regulations” means the Social Security (Claims and Payments) Regulations 1987(d); and

“the Payments on account, Overpayments and Recovery Regulations” means the Social Security (Payments on account, Overpayments and Recovery) Regulations 1988(e).

Amendment of the Claims and Payments Regulations

2.—(1) The Claims and Payments Regulations shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 3 (claims not required for entitlement to benefit in certain cases) after paragraph (d) there shall be added the following paragraph—

“(e) in the case of retirement allowance(f).”.

(a) 1975 c.14. See section 168(1) and Schedule 20 for the meaning of “Prescribed” and “Regulations”. Subsection (5)(b) of section 104 was inserted by section 52 of and Schedule 5, paragraph 10(d) to the Social Security Act 1986 (c.50) (the 1986 Act) and section 166(2) is applied by section 83(1) of the 1986 Act to regulation-making powers conferred by that Act.
(b) 1986 c.50. See section 84(1) for the meaning of “prescribed” and “regulations”.
(c) See section 10(2)(b) of the Social Security Act 1980 (c.30) and section 61(6)(b) of the 1986 Act.
(d) S.I. 1987/1968, amended by S.I. 1988/522 and 1725.
(e) S.I. 1988/664, to which the relevant amending instrument is S.I. 1988/1725.
(f) See section 59B of the Social Security Act 1975 (c.14) (the 1975 Act). Section 59B was inserted into the 1975 Act by section 2(1) of the Social Security Act 1988 (c.7). Section 2(1) comes into force on 10th April 1989 (see S.I. 1988/1857).

(3) In paragraph (3) of regulation 9 (interchange with claims for other benefits) for the word "of" in the third place where it occurs there shall be substituted the word "in".

(4) Regulation 12 (self-certified claims for first 7 days of a spell of incapacity for work) shall be omitted.

(5) - (7) Omitted.

Amendment of the Payments on account, Overpayments and Recovery Regulations

3. Omitted.

Revocations

4. Omitted.

Signed by authority of the Secretary of State for Social Security.

1st February 1989

Nicholas Scott
Minister of State,
Department of Social Security

1989 No. 1642 (as applied)

SOCIAL SECURITY

**The Social Security (Abolition of Earnings Rule)
(Consequential) Regulations 1989**

Made - - - - - *7th September 1989*

Laid before Parliament - - - - - *8th September 1989*

Coming into force - - - - - *1st October 1989*

The Secretary of State for Social Security, in exercise of the powers conferred by sections 30(1) and 31(3) of the Social Security Act 1989(a), and of all other powers enabling him in that behalf, by this instrument, which contains only Regulations consequential upon section 7 of that Act and which is made before the end of the period of 6 months beginning with the coming into force of that section, makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Social Security (Abolition of Earnings Rule) (Consequential) Regulations 1989 and shall come into force on 1st October 1989.

Amendment of the Social Security (Claims and Payments) Regulations 1987

2.—(1) Regulation 15 of the Social Security (Claims and Payments) Regulations 1987(b) (advance notice of retirement and claim for and award of benefit) shall be amended in accordance with paragraphs (2) and (3) below.

(2) For paragraphs (5) and (6) of regulation 15 there shall be substituted the following paragraphs:—

“(5) Where a person claims a Category A or Category B retirement pension and is, or but for that claim would be, in receipt of sickness, invalidity or unemployment benefit for a period which includes the first day to which the claim relates, then if that day is not the appropriate day for the payment of retirement pension in his case, the claim shall be treated as if the first day of the claim was instead the next following such pay day.

(6) Where the spouse of such a person as is mentioned in paragraph (5) above claims a Category A or Category B retirement pension and the first day of that claim is the same as the first day of the claim made by that person, the provisions of that paragraph shall apply also to the claim made by the spouse.”

(3) In paragraph (7) of regulation 15 for the words “does not intend to retire from regular employment”, there shall be substituted the words “intends to defer his entitlement to a Category A or Category B retirement pension”, and the words “other than the question of retirement” shall be omitted.

(a) 1989 c.24; section 30(1) is cited because of the meaning ascribed to the word “regulations”.
(b) S.I. 1987/1968, to which there are amendments not relevant to these Regulations.

(4) Where a person claims a Category A or Category B retirement pension as from a day falling before 1st October 1989 then, in his case-

- (a) paragraphs (2), (3) and (4) of regulation 15 of the Social Security (Claims and Payments) Regulations 1987 shall apply as though section 27(4) of the Social Security Act 1975 had not been repealed(a), and
- (b) paragraphs (5), (6) and (7) of that regulation shall apply as though the amendments to those paragraphs contained in this regulation had not been made.

Amendment of the Social Security Benefit (Computation of Earnings) Regulations 1978

3. In regulation 5(4)(a) of the Social Security Benefit (Computation of Earnings) Regulations 1978(b) (calculation of earnings of certain retired pensioners and adult dependants of pensioners) after the words "his accounting period" there shall be inserted the words "but in a case to which section 30(1) of the Act applies, does not include any day falling after 30th September 1989".

Amendment of the Social Security Benefit (Dependency) Regulations 1977

4. In regulations 2(1)(a), 10(2)(b)(ii) and 11(1)(a)(c) of the Social Security Benefit (Dependency) Regulations 1977(d) for the words "retired from regular employment" there shall be substituted the words "entitled to a Category A or Category B retirement pension" and in regulation 2(1)(b) of those Regulations for the word "retired" there shall be substituted the word "entitled".

Amendment of the Social Security (Graduated Retirement Benefit) (No. 2) Regulations 1978

5.—(1) The Social Security (Graduated Retirement Benefit) (No. 2) Regulations 1978(e) shall be amended in accordance with the following provisions of this regulation.

(2) In Schedule 1 (which sets out sections 35 and 36 of the National Insurance (Isle of Man) Act 1971 (an Act of Tynwald) as continued in force by the Regulations)-

- (a) section 35 shall be amended by substituting-
 - (i) in subsection (1)(g) the words "is entitled to a retirement pension" for the words "(except as mentioned in section 36(1) below) has retired from regular employment";
 - (ii) in subsection (4) the words "defers his entitlement to a Category A or Category B retirement pension" for the words "defers his retirement from regular employment";
 - (iii) in subsection (7) the words "has claimed" for the words "retired from regular employment";
- (b) section 36 shall be amended-
 - (i) by omitting from subsection (1) the words "but has not retired from regular employment" and from subsection (2) the words "retired from regular employment or otherwise", and
 - (ii) by substituting in subsection (2) the word "not" for the words "neither retired from regular employment nor otherwise".

(3) In Schedule 2 (which contains provisions to be applied in calculating the graduated retirement pension payable)-

- (a) in paragraph 1, the words "defers his entitlement to a Category A or Category B retirement pension" shall be substituted for the words "defers his retirement from regular employment" and the word "entitlement" shall be substituted for the word "retirement";

(a) See the Social Security Act 1989 (c.24), Schedule 1, paragraph 1, and Schedule 9.

(b) S.I. 1978/1698.

(c) Regulation 11(1)(a) was amended by S.I. 1984/1698.

(d) S.I. 1977/343.

(e) S.I. 1978/393.

(g) Section 36(1) was amended by S.I. 1989/43.

- (b) in paragraph 2, the words "but has not retired from regular employment" shall be omitted;
- (c) in paragraph 3-
 - (i) in sub-paragraph (1) the words "period of enhancement" shall be substituted for the words "period of deferment";
 - (ii) for head (b) in sub-paragraph (2) there shall be substituted the following head-
 - "(b) 'period of enhancement' in relation to any person means the period which begins on the same day as the period of deferment and ends on the same day as that period ends or, if earlier, on the day before the fifth anniversary of the beginning of that period.";
 - (iii) in sub-paragraph (3) the words "had not deferred his entitlement to a Category A or Category B retirement pension" shall be substituted for the words "had retired on attaining pensionable age".
 - (iv) in paragraph 4, the words "period of enhancement" shall be substituted for the words "period of deferment";
- (d) in paragraph 4, the words "period of enhancement" shall be substituted for the words "period of deferment" on each occasion on which those words occur, and
 - (i) in sub-paragraph (1) the words "deferred his entitlement to a Category A or Category B retirement pension" shall be substituted for the words "deferred his retirement from regular employment",
 - (ii) in head (a) of that sub-paragraph, the words "after attaining pensionable age if he had not deferred his entitlement to a Category A or Category B retirement pension" shall be substituted for the words "after his retirement if he had retired on attaining pensionable age", and
 - (iii) in head (b) of that sub-paragraph the words "the same day the period of enhancement ends" shall be substituted for the words "the day before that of the person's retirement."

Amendment of the Social Security (Benefit) (Married Women and Widows' Special Provisions) Regulations 1974

6. In regulation 3A(1) of the Social Security (Benefit) (Married Women and Widows' Special Provisions) Regulations 1974(a) the words "woman's deceased husband's entitlement to a Category A or Category B retirement pension was deferred" shall be substituted for the words "woman's deceased husband had deferred retirement".

Amendment of the Social Security (Maximum Additional Pension) Regulations 1978

7. Regulation 2(a) of the Social Security (Maximum Additional Pension) Regulations 1978(b) shall be amended by-

- (a) omitting the words "and retired", and
- (b) substituting the words "had not deferred his entitlement to a Category A or Category B retirement pension" for the words "had retired".

Amendment of the Social Security Benefit (Persons Abroad) Regulations 1975

8.—(1) The Social Security Benefit (Persons Abroad) Regulations 1975(c) shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 4(3)(d) for sub-paragraph (a) there shall be substituted the following sub-paragraph-

- "(a) the date on which the person whose pension falls to be so increased first became entitled to that pension; or".

(a) S.I. 1974/2010; regulation 3A was inserted by regulation 2 of S.I. 1980/1168.

(b) S.I. 1978/949; regulation 2 was substituted by regulation 2 of S.I. 1979/1428; see also section 18(1)(b) of the Social Security Act 1986 (c.50) for references to additional pension.

(c) S.I. 1975/563.

(d) Paragraph (3) of regulation 4 was inserted by regulation 2(b) of S.I. 1979/1432; see also section 18(1) of the Social Security Act 1986.

- (3) In regulation 5 (application of disqualification in respect of up-rating of benefit)-
- (a) in paragraph (3)-
 - (i) in sub-paragraph (a) the words "was not entitled to a Category B retirement pension" shall be substituted for the words "had not retired", and the words "was entitled to a Category A retirement pension" shall be substituted for the words "had retired";
 - (ii) in sub-paragraph (c), the words "retired or had otherwise" shall be omitted; and
 - (iii) in sub-paragraph (d), the words "had become entitled to a Category A retirement pension or had" shall be substituted for the words "had retired or";
 - (b) in paragraph (5)(i) the words "was entitled to a Category A retirement pension" shall be substituted for the words "had retired from regular employment";
 - (c) in paragraph (6)(i) the words "was entitled to a Category A retirement pension" shall be substituted for the words "had retired from regular employment"; and
 - (d) in paragraph (7) the words "was not entitled to a Category A retirement pension" shall be substituted for the words "had not retired".
- (4) In regulation 6 (modification of right to defer entitlement to a Category A or Category B retirement pension) the words "(election to be treated as not having retired)" shall be omitted.

Amendment of the Social Security and Family Allowances (Polygamous Marriages) Regulations 1975

9. In regulation 3(1)(a) of the Social Security and Family Allowances (Polygamous Marriages) Regulations 1975(a) the words "and in respect of which neither of them has an entitlement to a Category A or Category B retirement pension which is deferred" shall be substituted for the words "and retired from regular employment".

Amendment of the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations 1983

10. In regulation 31(1)(c) of the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations 1983(b) the words "but not more than 5 years over pensionable age" shall be substituted for the words "pensionable age and has not retired from regular employment".

Amendment of the Social Security (Widow's Benefit and Retirement Pensions) Regulations 1979

11.—(1) The Social Security (Widow's Benefit and Retirement Pensions) Regulations 1979(c) shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 1(2), for the entry relating to "period of deferment" there shall be substituted the following entry-

"'period of enhancement' has the meaning assigned to it in paragraphs 2(2) and 5(1) of Schedule 1 to the Pensions Act, as amended by sub-paragraphs (3) and (9) respectively of paragraph 3 of Schedule 1 to the Social Security Act 1989"(d).

(3) In regulation 2(1) (election to be treated as not entitled) the words in sub-paragraph (a) "retired from regular employment or has otherwise", and the words "retired or" shall be omitted.

(4) In regulation 3 (provisions applying after election)-

(a) in paragraph (a), the words "becomes entitled to a Category A or Category B

(a) S.I. 1975/561.
(b) S.I. 1983/1598.
(c) S.I. 1979/642.
(d) 1989 c.24.

- retirement pension" shall be substituted for the words "retires from regular employment";
- (b) in paragraph (b), the words "in accordance with section 29(4) of the Act" shall be substituted for the words "otherwise than by virtue of having retired from regular employment"; and
 - (c) in paragraph (c), the words "retires from regular employment and" shall be omitted.
- (5) In regulation 4 (days to be treated as days of increment)-
- (a) in paragraph (1), the words "period of enhancement" shall be substituted for the words "period of deferment";
 - (b) for sub-paragraph (a) of that paragraph, there shall be substituted the following sub-paragraph-
 - "(a) if that person had not deferred his entitlement to a Category A or Category B retirement pension, or, in the case of a married woman and her Category B retirement pension or section 10(2) increase, if both she and her husband had not deferred their entitlement to, respectively, a Category A and a Category B retirement pension, that person would have been entitled to such a pension (and would not have been disqualified for receiving it by reason of imprisonment or detention in legal custody); and"; and
 - (c) in paragraph (2)(i) the words "period of enhancement" shall be substituted for the words "period of deferment" and in paragraph (2)(ii) the words "deferred entitlement" shall be substituted for the words "deferred retirement".
- (6) In regulation 5 (which modifies Schedule 1 to the Social Security Pensions Act 1975(a))-
- (a) in paragraphs (1) and (3), the words "period of enhancement" shall be substituted for the words "period of deferment" in each place where those words occur;
 - (b) in paragraph (1), the words "if his entitlement to the pension had commenced on the day on which he attained pensionable age" shall be substituted for the words "if he had retired from regular employment on attaining pensionable age";
 - (c) in paragraph (3), the words "his entitlement arose" shall be substituted for the words "that of his retirement"; and
 - (d) in paragraph (4) the words "if he had retired" shall be omitted.
- (7) In regulation 11 (Category C retirement pensions for widows of men over pensionable age on 5th July 1948), sub-paragraph (b) in both paragraph (1) and paragraph (3) shall be omitted.
- (8) In regulation 12 (Category C retirement pension for certain women whose marriage has been terminated otherwise than by death), in paragraph (1), sub-paragraph (b) shall be omitted and in paragraph (4), the words from "so however that" to the end of the paragraph shall be omitted.

Amendment of the Social Security (Widow's Benefit, Retirement Pensions and Other Benefits) (Transitional) Regulations 1979

12.—(1) The Social Security (Widow's Benefit, Retirement Pensions and Other Benefits) (Transitional) Regulations 1979(b) shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 12 (which relates to an increase of retirement pension where pensioner's deceased spouse had deferred entitlement) the words "would at his death have been entitled if his entitlement had not been deferred" shall be substituted for the words "would have been entitled if he had retired on the date of his death".

(3) In regulation 17(1) (which provides entitlement to widow's pension in place of

(a) 1975 c.60.
(b) S.I. 1979/643.

widow's basic pension under former legislation) the words "is entitled to a Category A or Category B retirement pension" shall be substituted for the words "retires or attains the age of 65".

(4) In regulation 18 (alternative benefit rights in place of contributory old age pension) paragraph (2) shall be omitted.

Signed by authority of the Secretary of State for Social Security.

Nicholas Scott
Minister of State.

7th September 1989

Department of Social Security.

1990 No. 581 (as applied)

SOCIAL SECURITY

**The Social Security (Attendance Allowance) Amendment
Regulations 1990**

<i>Made</i> - - - -	<i>12th March 1990</i>
<i>Laid before Parliament</i>	<i>15th March 1990</i>
<i>Coming into force</i>	<i>9th April 1990</i>

The Secretary of State for Social Security, in exercise of powers conferred by section 35(5) of, and Schedule 20 to the Social Security Act 1975(a), and of all other powers enabling him in that behalf, by this instrument, which contains regulations which relate only to matters which in accordance with section 140 of the Act of 1975 have been referred to the Attendance Allowance Board(b), hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Social Security (Attendance Allowance) Amendment Regulations 1990 and shall come into force on 9th April 1990.

Amendment of the Social Security (Attendance Allowance) (No. 2) Regulations 1975

2. In regulation 6(2) of the Social Security (Attendance Allowance) (No. 2) Regulations 1975(c) (modification of section 35(1) to (4) of the Act in its application to children) the words "who has attained the age of 2 and" shall be omitted.

Signed by authority of the Secretary of State for Social Security.

12th March 1990

Nicholas Scott
Minister of State,
Department of Social Security

(a) 1975 c.14: Schedule 20 is cited for the meaning it ascribes to the words "Prescribed" and "Regulations".
(b) See the Social Security Act 1980 (c.30), section 10 and Schedule 3, Part II, paragraph 12(3).
(c) S.I. 1975/598, to which the relevant amendment is S.I. 1988/531.

STATUTORY INSTRUMENTS

1990 No. 603 (as applied)

SOCIAL SECURITY

**The Social Security (Adjudication) Amendment
Regulations 1990**

<i>Made - - - -</i>	<i>14th March 1990</i>
<i>Laid before Parliament</i>	<i>16th March 1990</i>
<i>Coming into force</i>	<i>6th April 1990</i>

The Secretary of State for Social Security, in exercise of powers conferred by sections 100(4), 108(2) and (3), 115, 166(2) of and Schedules 13 and 20 to, the Social Security Act 1975(a) and sections 52 and 84(1) of, and paragraph 4(2) of Schedule 7 to, the Social Security Act 1986(b) and of all other powers enabling him in that behalf, after consultation with the Council on Tribunals in accordance with section 10 of the Tribunals and Inquiries Act 1971(c) hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Adjudication) Amendment Regulations 1990 and shall come into force on 6th April 1990.

(2) In these Regulations, "the Adjudication Regulations" means the Social Security (Adjudication) Regulations 1986(d).

Amendment of regulation 1

2.—(1) Regulation 1 of the Adjudication Regulations (citation, commencement and interpretation) shall be amended in accordance with the following provisions of this regulation.

(2) Omitted.

(a) 1975 c.14. Schedule 20 is cited for the meaning it ascribes to "Prescribe" and "Regulations". Subsection (4) of section 100 was amended by paragraph 6 of Schedule 5 to the Social Security Act 1986 (c.50) (the 1986 Act); subsection (2) of section 108 was substituted by paragraph 21(1) of Schedule 8 to the Health and Social Services and Social Security Adjudications Act 1983 (c.41) (the 1983 Act) and amended by paragraph 6 of Schedule 4 to the Health and Social Security Act 1984 (c.48), subsection 3 of section 108 was amended by paragraph 21(2) of Schedule 8 to the 1983 Act; subsection 2 of section 115 was amended by paragraphs 5 and 25 of Schedule 8 to the 1983 Act; in Schedule 13, paragraph 1A was inserted by paragraph 19(a) of Schedule 5 to the 1986 Act, paragraph 7A was inserted by paragraph 10 of Schedule 3 to the Social Security Act 1989 (c.24), paragraph 8 was amended by paragraph 1(1) and (3) of Schedule 8 to the 1983 Act, paragraph 9 was amended by paragraph 12 of Schedule 8 to the 1983 Act and paragraph 10 was amended by paragraph 19(b) of Schedule 5 to the 1986 Act. Section 166(2) is applied to powers conferred by the 1986 Act to make regulations by section 83(1) of that Act. (b) 1986 c.50. Section 84(1) is cited for the meaning it ascribes to the words "prescribed" and "regulations". (c) 1971 c.62. (d) S.I.1986/2218, to which the relevant amendment is S.I.1987/1970.

(3) In paragraph (3)(b) after the words "be treated as having been" there shall be inserted the words "given or".

Amendment of regulation 3

3.—(1) Regulation 3 of the Adjudication Regulations (manner of making applications, appeals or references; and time limits) shall be amended in accordance with the following provisions of this regulation.

(2) In paragraph (5) after the words "on which it is made or given" there shall be added the words "and, in the case of an appeal, it shall include sufficient particulars of the decision under appeal to enable that decision to be identified."

(3) After paragraph (6) there shall be added the following paragraph ^{authority}—

"(7) A chairman of an appeal tribunal or an adjudicating medical ^{authority} may give directions for the disposal of any purported appeal where he is satisfied that the tribunal does not have jurisdiction to entertain the appeal."

Amendment of regulation 6

4. In paragraph (2)(a)(i) of regulation 6 of the Adjudication Regulations (withdrawal of applications, appeals and references) for the words "the adjudication officer" there shall be substituted "an adjudication officer".

Omission of regulation 8

5. Regulation 8 of the Adjudication Regulations (medical references) shall be omitted.

Amendment of regulation 21

6.—(1) Regulation 21 of the Adjudication Regulations (procedure on claim or question involving questions for determination by the Department) shall be amended in accordance with the following provisions of this regulation.

(2) Paragraph (2) shall be omitted.

(3) For paragraphs (3) and (4) there shall be substituted the following paragraphs —

"(3) Where —

- (a) the claimant replies to the notice referred to in paragraph (1) expressing his dissatisfaction with the decision, and
- (b) after any appropriate investigations and explanations have been made, the claimant nonetheless remains dissatisfied with the decision, and
- (c) an adjudication officer certifies that the sole ground for dissatisfaction appears to be the assumption referred to in paragraph (1),

the claimant shall be notified in writing of his right to apply for the determination by the Department of the question arising on the assumption.

(4) Where the Department's decision —

- (a) upholds the assumption, section 100(3) of the 1975 Act shall apply as if the adjudication officer had given the certificate therein referred to;
- (b) does not uphold the assumption, the Department's decision may be treated by the adjudication officer as an application for the review of the adjudication officer's decision, and for the purposes of regulation 65, the date of the claimant's application for the Department's decision shall be treated as the date of the application for review."

Amendment of regulation 24

7.—(1) Regulation 24 of the Adjudication Regulations (oral hearing of appeals and references) shall be amended in accordance with the following provisions of this regulation.

(2) In paragraph (1) after the words "An appeal tribunal shall" there shall be inserted the words "except where section 104(3B)(a)(a) of the 1975 Act applies".

(3) Paragraphs (4) and (5) shall be omitted.

Omission of regulation 35

8. Regulation 35 of the Adjudication Regulations (reference by an *adjudicating medical authority* of a question of law for decision by a Commissioner) shall be omitted.

Amendment of regulation 36

9.—(1) Regulation 36 of the Adjudication Regulations (procedure of an *adjudicating medical authority* on receipt of a Commissioner's decision) shall be amended in accordance with the following provisions of this regulation.

(2) In paragraph (1) the words "or reference" shall be omitted.

(3) Paragraph (3) shall be omitted.

(4) In paragraph (4) for the words "unless the *adjudicating medical authority* consists of" to the end there shall be substituted the words -

"subject to any direction of the Commissioner, be by way of a complete rehearing of the appeal by persons who were not members of the *authority* which gave the erroneous decision".

Amendment of regulation 38

10.—(1) Regulation 38 of the Adjudication Regulations (application for reviews of determinations made by an *officer*) shall be amended in accordance with the following provisions of this regulation.

(2) In paragraph (1) after the words "a determination on any ground is" there shall be inserted the words ", subject to paragraph (1A),".

(3) After paragraph (1) there shall be inserted the following paragraph -

"(1A) Where a claimant submits an application for review under paragraph (1) by post, and the arrival of the application at an *office* is delayed by postal disruption caused by industrial action, whether within the postal service or elsewhere, the application shall be treated as received on the day on which it would have been received if it had been delivered in the ordinary course of post." *of the Department*

Amendment of Schedule 2

11.— Omitted.

(a) Section 104(3B) was inserted into the Social Security Act 1975 by paragraph 7 of Schedule 3 to the Social Security Act 1989.

STATUTORY INSTRUMENTS

1990 No. 619 (as applied)

SOCIAL SECURITY

**The Social Security (Industrial Injuries) (Dependency)
(Permitted Earnings Limits) Order 1990**

Made - - - - 15th March 1990

Laid before Parliament 19th March 1990

Coming into force 9th April 1990

The Secretary of State for Social Security, in exercise of the powers conferred by section 64(1C) of the Social Security Act 1975(a) and of all other powers enabling him in that behalf, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Social Security (Industrial Injuries) (Dependency) (Permitted Earnings Limits) Order 1990 and shall come into force on 9th April 1990.

Increase of earnings limits in respect of dependent children

2. In section 64(1B) of the Social Security Act 1975(b)-
- (a) in paragraph (a) for the amount of £85 there shall be substituted the amount of £100; and
 - (b) in paragraph (b) for the amounts of £10 and £85 there shall be substituted the amounts of £13 and £100 respectively.

Revocation

3. The Social Security Benefit (Increases for Dependent Children) (Permitted Earnings Limits) Order 1985(c) is hereby revoked.

Signed by authority of the Secretary of State for Social Security.

15th March 1990

Nicholas Scott
Minister of State,
Department of Social Security

(a) 1975 c. 14: section 64(1C) was inserted by the Health and Social Security Act 1984 (c. 48), Schedule 5, paragraph 4.
(b) Section 64(1B) was inserted by the Health and Social Security Act 1984, Schedule 5, paragraph 4.
(c) S.I. 1985/1570

1990 No. 620 (as applied)

SOCIAL SECURITY

**The Social Security (Invalid Care Allowance)
Amendment Regulations 1990**

<i>Made</i> - - - -	<i>15th March 1990</i>
<i>Laid before Parliament</i>	<i>19th March 1990</i>
<i>Coming into force</i>	<i>9th April 1990</i>

The Secretary of State for Social Security, in exercise of powers conferred by section 37(8) of, and Schedule 20 to, the Social Security Act 1975(a), and of all other powers enabling him in that behalf, after agreement by the Social Security Advisory Committee that proposals to make these Regulations should not be referred to it(b), hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Social Security (Invalid Care Allowance) Amendment Regulations 1990 and shall come into force on 9th April 1990.

Amendment of the Social Security (Invalid Care Allowance) Regulations 1976

2. In regulation 8(1) of the Social Security (Invalid Care Allowance) Regulations 1976(c) (circumstances in which a person is or is not to be treated as gainfully employed) for the sum of £12 in each place where it occurs, there shall be substituted the sum of £20.

Revocation

3. The Social Security (Invalid Care Allowance) Amendment Regulations 1982(d) are hereby revoked.

Signed by authority of the Secretary of State for Social Security

15th March 1990

Nicholas Scott
Minister of State,
Department of Social Security

(a) 1975 c.14. Schedule 20 is cited for the meaning it ascribes to "Prescribe" and "Regulations".
(b) See section 61(1)(b) and (10) of the Social Security Act 1986 (c.50). The definition of "regulations" was added to section 61(10) by the Social Security Act 1989 (c.24), Schedule 8, paragraph 12(4).
(c) S.I. 1976/409, to which the relevant amending instrument is S.I. 1982/1493.
(d) S.I. 1982/1493.

1990 No. 645 (as applied)

SOCIAL SECURITY

The Social Security Benefits Up-rating Regulations 1990

Made - - - - - 19th March 1990

Laid before Parliament 19th March 1990

Coming into force 9th April 1990

The Secretary of State for Social Security, in exercise of the powers conferred by sections 17(1)(a), 49(b), 58(3) and 131 of, and Schedule 20 to, the Social Security Act 1975(a) and section 64(2) of the Social Security Act 1986(b), and of all other powers enabling him in that behalf, by this instrument, which contains only provisions in consequence of an order under section 63 of the Act of 1986, makes the following regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security Benefits Up-rating Regulations 1990 and shall come into force on 9th April 1990.

(2) In these Regulations, unless the context otherwise requires—

“the Act” means the Social Security Act 1975;

“the 1986 Act” means the Social Security Act 1986;

“the up-rating order” means the Social Security Benefits Up-rating Order 1990(c) ; and any reference in a regulation to a numbered paragraph is to the paragraph of that regulation bearing that number.

Conditions relating to payment of additional benefit under awards made before the appointed or prescribed day

2.—(1) This regulation applies to a case where—

(a) either—

(i) an award of any benefit under Chapters I to III of Part II of the Act has been made before the day appointed or prescribed for the payment of the benefit in question at a higher rate provided in or by virtue of the up-rating order, or

(ii) an award of any benefit under Part II of the Act has been made before the day appointed or prescribed for the payment of the benefit in question at a lower rate provided in or by virtue of the up-rating order;

(b) the period to which the award relates has not ended before that day; and

(c) the award does not, in accordance with the provisions of section 64(3) of the 1986 Act, provide for the payment of the benefit at a higher or lower rate (as the case may be) as from that day.

(a) 1975 c. 14; section 58(3) ceased to have effect on 6th April 1987 except in relation to certain beneficiaries — see section 39 of and paragraph 4 of Schedule 3 to the Social Security Act 1986 (c.50), and S.I. 1987/354, article 2 and Schedule 1. Schedule 20 is cited because of the meanings ascribed to the words “Prescribe” and “Regulations”.

(b) 1986 c.50.

(c) S.I. 1990/320.

(2) In a case to which this regulation applies, section 64(2) of the 1986 Act shall have effect subject to the condition that if a question arises as to either—

- (a) the weekly rate at which the benefit is payable by virtue of the up-rating order:
or
- (b) whether the conditions for the receipt of the benefit at the altered rate are satisfied,

the benefit shall, until the question has been determined in accordance with the provisions of the Act, be or continue to be payable at the weekly rate specified in paragraph (3).

(3) The weekly rate referred to in paragraph (2) is the weekly rate specified in the award or the weekly rate at which the benefit would have been paid if the question had not arisen, whichever is the lower.

Persons not ordinarily resident in the Island

3. Regulation 5 of the Social Security Benefit (Persons Abroad) Regulations 1975(a) (application of disqualification in respect of up-rating of benefit) shall apply to any additional benefit payable by virtue of the up-rating order.

Amendment of the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations 1983

4. Regulation 3 of the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations 1983(b) (persons deemed to be incapable of work) shall be further amended by the substitution in paragraph (3) for “£28.50” of “£35.00”.

Amendment of the Social Security (General Benefit) Regulations 1982

5. Regulation 16 of the Social Security (General Benefit) Regulations 1982(c) (earnings level for the purpose of unemployability supplement) shall be further amended by the substitution for “£1482.00” of “£1820.00”.

Earnings limit

6. The sums specified in paragraph 2B of Schedule 2 to the Social Security Benefit (Dependency) Regulations 1977(d) (prescribed circumstances for increase of invalid care allowance) shall be increased from £95, £12 and £95 to £100, £13 and £100 respectively.

Revocation

7. The Social Security Benefits Up-rating Regulations 1989(e) are hereby revoked.

Signed by authority of the Secretary of State for Social Security.

19th March 1990

Nicholas Scott
Minister of State,
Department of Social Security

(a) S.I. 1975/563; the relevant amending instruments are S.I. 1977/342, 1979/1432 and 1988/435.
(b) S.I. 1983/1598; the relevant amending instruments are S.I. 1987/688 and 1989/455.
(c) S.I. 1982/1408; the relevant amending instrument is S.I. 1989/455. Unemployability Supplement is only payable to those beneficiaries in receipt of it immediately before 6th April 1987 — see Social Security Act 1986, section 39, Schedule 3, paragraph 4 and S.I. 1987/354, article 2, Schedule 1.
(d) S.I. 1977/343; the relevant amending instrument is S.I. 1989/455.
(e) S.I. 1989/455.

S T A T U T O R Y I N S T R U M E N T S

1990 No. 672 (as applied)

S O C I A L S E C U R I T Y

The Mobility Allowance Amendment Regulations 1990

Made - - - 1990

Laid before Parliament 1990

Coming into force 11th April 1990

The Secretary of State for Social Security, in exercise of powers conferred by section 37A(2), of, and Schedule 20 to, the Social Security Act 1975(a), after agreement by the Social Security Advisory Committee that the proposals in respect of these Regulations should not be referred to it(b), hereby makes the following Regulations:

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- (a) 1975 c.14. Schedule 20 is cited for the meaning it ascribes to "Prescribed" and "Regulations". Section 37A was added to the Social Security Act 1975 by section 22(1) of the Social Security Pensions Act 1975 (c.60).
- (b) See section 61(1)(b) and (10) of the Social Security Act 1986 (c.50); the definition of "regulations" was added to section 61(10) by the Social Security Act 1989 (c.24) Schedule 8, paragraph 12(4).

Citation and commencement

1. These Regulations may be cited as the Mobility Allowance Amendment Regulations 1990 and shall come into force on 11th April 1990.

Amendment to the Mobility Allowance Regulations 1975

2. For paragraph (1) of regulation 3 of the Mobility Allowance Regulations 1975(a) (circumstances in which a person is or is not to be treated as suffering from physical disablement such that he is unable or virtually unable to walk) there shall be substituted the following paragraphs -

"(1) A person shall be treated, for the purposes of section 37A, as suffering from physical disablement such that he is either unable to walk or virtually unable to do so only if -

(a) his physical condition as a whole is such that, without having regard to circumstances peculiar to that person as to the place of residence or as to place of, or nature, of employment -

(i) he is unable to walk; or

(a) S.I.1975/1513 to which the relevant amendment is S.I.1979/172.

(ii) his ability to walk out of doors is so limited, as regards the distance over which or the speed at which or the length of time for which or the manner in which he can make progress on foot without severe discomfort, that he is virtually unable to walk; or

(iii) the exertion required to walk would constitute a danger to his life or would be likely to lead to a serious deterioration in his health; or

(b) he is both blind and deaf and, by reason of the effects of those conditions in combination with each other, he is unable, without the assistance of another person, to walk to any intended or required destination while out of doors.

(1A) For the purposes of paragraph (1)(b) a person is -

(a) blind only where the degree of disablement resulting from loss of vision amounts to 100 per cent.;

(b) deaf only where the degree of disablement resulting from loss of hearing amounts to not less than 80 per cent. on a scale where 100 per cent. represents absolute deafness."