



Government Circular No. 02/01

DEPARTMENT OF HEALTH AND SOCIAL SECURITY

**THE BENEFIT SCHEMES (MISCELLANEOUS AMENDMENTS)  
SCHEME 2000**

*Approved by Tynwald on 16<sup>th</sup> January 2001*

*Coming into operation in accordance with paragraph 1*

**Citation, commencement and interpretation**

1. (1) This Scheme may be cited as the Benefit Schemes (Miscellaneous Amendments) Scheme 2000 and shall come into operation as follows -

- (a) for the purposes of paragraph 3(2)(b), on the same day as the Retirement Pension (Premium) (No. 2) Scheme 1999 came into operation;
- (b) for the purposes of paragraphs 2 and 3(6), 4(2), (3), (4)(a) and (b)(ii), (6), (8) and (9), 6<sup>th</sup> October 2000;
- (c) for the purposes of paragraph 4(10), on the same day as the T.V. Licence Fees (Refunds) Scheme 1990 came into operation; and
- (d) for all other purposes, on 1<sup>st</sup> February 2001.

**Amendment of the Jobseeker's Enhanced Allowance Scheme 1996**

2. (1) The Jobseeker's Enhanced Allowance Scheme 1996(a) shall be amended in accordance with the following sub-paragraphs.

(2) In paragraph 6(4) (defective benefit claims) for the words "the Department", in the second place where they occur, there shall be substituted the words "an adjudication officer".

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(a) G.C. 22/96.

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(3) For paragraph 8 (adjudication) there shall be substituted the following paragraph -

**“8. Adjudication**

Any determination, revision, supersession, appeal or decision under this Scheme shall be determined in accordance with Parts III, VI and VII of the Administration Act, Part I of the Social Security Act 1998 and any Regulations made under those Acts, as provided for in section 188A of the Administration Act.”.

**Amendment of the Retirement Pension (Premium) (No. 2) Scheme 1999**

3. (1) The Retirement Pension (Premium) (No. 2) Scheme 1999(a) shall be amended in accordance with the following sub-paragraphs.

(2) In paragraph 3 (transitional provisions) -

- (a) in sub-paragraph (a) for the word “island” there shall be substituted the word “Island”; and
- (b) for the words “the provisions of Paragraph 1(b) shall not apply” there shall be substituted the words “the provisions of paragraph 1(b) and paragraph 5(2) shall not apply”.

(3) In paragraph 6(1) (annual review of the amount of a premium) the words “Social Security” shall be omitted.

(4) In paragraph 8 (persons in hospital) after the words “in regulation 2(1)” there shall be inserted the words “of those Regulations”.

(5) In paragraph 9 (claims) for the word “scheme” there shall be substituted the word “Scheme”.

(6) For paragraph 12 (adjudication) there shall be substituted the following paragraph -

**“Adjudication**

12. Any determination, revision, supersession, appeal or decision under this Scheme shall be determined in accordance with Parts III, VI and VII of the Administration Act, Part I of the Social Security Act 1998 and any Regulations made under those Acts, as provided for in section 188A of the Administration Act.”.

(7) In paragraph 14 (interpretation) -

- (a) for the words “Credits Regulations” there shall substituted the words “the Credits Regulations”;
- (b) in the definition of “relevant benefits” -

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(a) G.C. 26/99.

- (i) in head (b) -
  - (aa) for the word "Section" there shall substituted the word "section"; and
  - (bb) for the words "Schedule 5 of" there shall substituted the words "Schedule 5 to", and
- (ii) in head (e) for the word "Section" there shall be substituted "section"; and
- (c) in heads (a) and (b) in the definition of "relevant contributions" the words "the Social Security Contributions and Benefits Act 1992 (an Act of Parliament) or" shall be omitted.

#### **Amendment of the T.V. Licence Fees (Refunds) Scheme 1990**

4. (1) The T.V. Licence Fees (Refunds) Scheme 1990(a) shall be amended in accordance with the following sub-paragraphs.

(2) In paragraph 4(4) (defective claims for lump-sum payments) for the words "the Department" in the second place where they appear substitute the words "an adjudication officer".

(3) In paragraph 7 (evidence and information in connection with a claim) for the words "the Department" in the second place where they appear substitute the words "an adjudication officer".

(4) In paragraph 10 (suspension and extinguishment of payments) -

- (a) in sub-paragraph (1) -
  - (i) for the words "the Department" -
    - (aa) in the first place where they appear substitute the words "an adjudication officer"; and
    - (bb) in the second place where they appear substitute the words "the adjudication officer, and
  - (ii) for the word "review" substitute the words "revision, supersession"; and
- (b) in sub-paragraph (2) -
  - (i) in head (b) for the words "the date" in the second place where they appear substitute the words "on the date", and
  - (ii) in head (c) for the words "the Department" substitute the words "an adjudication officer".

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(a) G.C. 152/90.

(5) In paragraph 11(3) (persons unable to act) for the word "scheme" substitute the word "Scheme".

(6) In paragraph 12 (payment to another person on the beneficiary's behalf) for the words "the Department" in the second place where they appear substitute the words "an adjudication officer".

(7) In paragraph 12A (claims received by the Post Office) (which was inserted by paragraph 2(6) of the T.V. Licence (Refunds) Scheme 1990 (Amendment) Scheme 1993(a)) for the word "TV" (in each place where it occurs) substitute the word "T.V."

(8) For paragraph 13 (adjudication) (which was substituted by paragraph 4(a) of the TV Licence (Refunds) Scheme 1990 (Amendment) Scheme 1997(b)) substitute the following paragraph -

**"Adjudication**

13. Any determination, revision, supersession, appeal or decision under this Scheme, but excluding any claim made under the provisions of paragraph 12A, shall be determined in accordance with Parts III, VI and VII of the Administration Act, Part I of the Social Security Act 1998 and any Regulations made under those Acts, as provided for in section 188A of the Administration Act."

(9) In paragraph 19 (interpretation) immediately before the definition of "beneficiary" insert the following definition -

"adjudication officer" means an officer appointed in accordance with section 1 of the Social Security Act 1998;"

(10) In paragraph 20 (citation) omit the word "Fees".

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Made 8th December 2000



Minister for Health and Social Security

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(a) S.D. 81/93; (b) G.C. 8/97.

## EXPLANATORY NOTE

(This note is not part of the Scheme)

1. This Scheme makes a number of textual amendments to 3 of the extra-statutory Schemes which the Department operates, referred to in bold below, principally as a consequence of the new procedures for decision-making and appeals introduced by the Social Security Act ("the 1998 Act") and Regulations made thereunder, with effect from 6<sup>th</sup> October 2000. The other provisions of the Scheme make miscellaneous textual clarifications to the same Schemes and shall come into operation on the various dates referred to.
2. **Changes to the Jobseeker's Enhanced Allowance Scheme 1996**
  - 2.1 Paragraph 2(2) of the Scheme makes a minor textual amendment to paragraph 6 of the above Scheme relating to defective benefit claims; paragraph 2(3) replaces the previous paragraph 8, relating to the adjudication of benefit under that Scheme, with a new one. Both are as a consequence of the 1998 Act.
3. **Changes to the Retirement Pension (Premium) (No. 2) Scheme 1999**
  - 3.1 Paragraph 3(6) also replaces the previous paragraph 12 of the above Scheme relating to the adjudication of matters arising under that Scheme with one reflecting the new arrangements under the 1998 Act.
  - 3.2 The Scheme also makes a technical amendment so as to ensure that the entitlements of those persons under the preceding Retirement Pension (Premium) Scheme 1999 Scheme when it was replaced by the Retirement Pension (Premium) (No. 2) Scheme 1999 on 6<sup>th</sup> April 1999 who were both ordinarily resident on the Island and had reached the age of 75 at that date are unaffected by the new provisions of the replacement Scheme (paragraph 3(2)(b)).
  - 3.3 The remaining provisions make minor clarifications to text, with effect from 1<sup>st</sup> February 2001.
4. **The T.V. Licence Fees (Refunds) Scheme 1990**
  - 4.1 Paragraph 4(8) replaces paragraph 13 (adjudication) of the above Scheme with one reflecting the new arrangements under the 1998 Act. Other amendments consequential to the 1998 Act are made by paragraph 4(2), (3), (4)(a) and (b)(ii), (6) and (9).
  - 4.2 The Scheme also makes various minor textual amendments to the T.V. Licence Fees (Refunds) Scheme 1990.