

Statutory Document No. 39/97

The Family Income Supplements Act 1985

**THE FAMILY INCOME SUPPLEMENTS (MISCELLANEOUS AMENDMENTS)
REGULATIONS 1997**

Approved by Tynwald *19th March 1997*

Coming into operation *7th April 1997*

In exercise of the powers conferred on the Department of Health and Social Security by sections 2, 3, 7, 10 and 14 of the Family Income Supplements Act 1985(a), and of all other enabling powers, the following regulations are hereby made:-

Citation and commencement

1. (1) These Regulations may be cited as the Family Income Supplements (Miscellaneous Amendments) Regulations 1997 and shall come into operation on 7th April 1997.

(2) In these Regulations -

"the General Regulations" means the Family Income Supplements (General) Regulations 1985(b);

"the Claims and Payments Regulations" means the Family Income Supplements (Claims and Payments) Regulations 1985(c).

Amendment of the General Regulations

2. (1) The General Regulations shall be amended in accordance with the following paragraphs.

(2) In regulation 1 (citation, commencement and interpretation) in paragraph (2), in the relevant place, insert -

"qualifying premium" means any premium which at the date of claim is payable periodically in respect of a personal pension scheme;"

(a) 1985 c. 19; (b) G C 280/85; (c) G C 281/85.

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(3) In regulation 2 (computation of normal gross income of members of the family) -

(a) for paragraph (3) substitute -

"(3) In so far as a person's earnings from any gainful occupation comprise salary, wages or fees related to a fixed period, the gross amount thereof, less -

(a) any primary Class 1 or Class 2 contributions paid under the Contributions and Benefits Act; and

(b) one half of any sum paid by the claimant by way of a contribution towards an occupational or personal pension scheme.

(3A) In so far as a person's earnings from any gainful occupation do not comprise salary, wages or fees related to a fixed period, the net profit derived from that occupation less -

(a) any primary Class 1 or Class 2 contributions paid under the Contributions and Benefits Act; and

(b) one half of the amount in respect of a qualifying premium.";

(b) in paragraph (5) after sub-paragraph (l) insert -

"(m) (i) Subject to heads (ii) and (iii), where a claimant -

(aa) is a person to whom paragraph 1 or 2 of Schedule 2 to the Supplementary Benefit (Requirements) Regulations 1980 applies;

(bb) is not residing with his spouse; and

(cc) at least 50 per cent of any occupational pension of his is being paid to, or in respect of, his spouse for that spouse's maintenance,

an amount equal to 50 per cent. of the pension or pensions concerned.

(ii) Where a claimant is entitled to more than one occupational pension, those pensions shall be aggregated for the purposes of head (i).

(iii) This sub-paragraph shall not have effect in respect of that part of any occupational pension to which a spouse is legally entitled whether under a court order or not."

(4) In regulation 3 in paragraph (2) for the words "four weeks" substitute the words "two weeks".

Amendment of the Claims and Payments Regulations

3. (1) The Claims and Payments Regulations shall be amended in accordance with the following provisions.

(2) In regulation 2 (manner in which claims are to be made and the date on which claims are deemed to be made), in paragraph (8) for the words "four weeks" substitute the words "two weeks".

(3) After regulation 3 insert -

"Circumstances in which claims may be deemed to have been withdrawn

3A. Where, before the determination of any claim, the Department, pursuant to regulation 3, requires the claimant -

- (a) to furnish the information requested on a form given to him for that purpose; or
- (b) to attend at an office or place in the manner directed,

and the claimant fails to furnish such information within 21 days of being so required or, as the case may be, fails to attend as directed, the Department may, unless it is satisfied that such failure was reasonable in all the circumstances, treat the claim as having been withdrawn."

Made 13th February 1997

Mrs C M Christian B.Sc. M.L.C.
Minister for Health and Social Security

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make minor amendments to legislation governing Family Income Supplement (FIS).

These Regulations make enhancements to the provisions governing FIS by allowing for the disregard of 50% of contributions towards occupational pension schemes or personal pension schemes, in the calculation of the claimant's net earnings (employed earners) or net profit (self-employed earners). They also allow for the disregard of 50% of an occupational pension where the claimant is residing in a residential or nursing home and paying towards the maintenance of his spouse who does not reside with him.

These enactments are also extended to Disability Working Allowance by virtue of regulation 12 of the Disability Working Allowance (General) Regulations 1991 (as applied to the Island), which provides for the calculation of income for Disability Working Allowance purposes in accordance with regulation 2 of the Family Income Supplement (General) Regulations 1985.

These Regulations also insert a new regulation 3A into the FIS (Claims and Payments) Regulations which allows the Department to treat a claim to FIS as having been withdrawn in certain circumstances.