



Statutory Document No. 32/00

THE SOCIAL SECURITY ACT 1982

THE SOCIAL SECURITY ADMINISTRATION ACT 1992 (APPLICATION)  
(AMENDMENT) ORDER 2000

*Approved by Tynwald 16<sup>th</sup> February 2000*

*Coming into operation on 10<sup>th</sup> April 2000*

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 of all other enabling powers, the following Order is hereby made:-

**Citation and commencement**

1. This Order may be cited as the Social Security Administration Act 1992 (Application) (Amendment) Order 2000 and, subject to section 1(6) of the Social Security Act 1982, shall come into operation on 10<sup>th</sup> April 2000.

**Amendment of SD 506/94**

2. (1) The Schedule to the Social Security Administration Act 1992 (Application) Order 1994(b) (which sets out the Social Security Administration Act 1992 (an Act of Parliament(c)), as it has effect on the Island), shall be amended in accordance with the following paragraph.

(2) In section 5(1), after paragraph (r) insert -

“(s) for requiring a residential qualification to be satisfied as a consideration of entitlement to family income supplement;”.

(3) In section 71(11), for paragraph (b) substitute -

“(b) income support;”

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(a) 1982 c.9; (b) S.D. 506/94; (c) 1992 c.5.

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(4) For section 106 substitute -

**“Recovery of expenditure on benefit from person liable for maintenance**

106. (1) Subject to the following provisions of this section, if income support is claimed by or in respect of a person whom another person is liable to maintain or paid to or in respect of such a person, the Department may make a complaint against the liable person to a court of summary jurisdiction for an order under this section.

(2) On the hearing of a complaint under this section the court shall have regard to all the circumstances and, in particular, to the income of the liable person, and may order him to pay such sum, weekly or otherwise, as it may consider appropriate, except that in a case falling within section 78(6)(c) above that sum shall not include any amount which is not attributable to income support (whether paid before or after the making of the order).

(3) In determining whether to order any payments to be made in respect of income support for any period before the complaint was made, or the amount of any such payments, the court shall disregard any amount by which the liable person's income exceeds the income which was his during that period.

(4) Any payments ordered to be made under this section shall be made -

- (a) to the Department in so far as they are attributable to any income support (whether paid before or after the making of the order);
- (b) to the person claiming income support or (if different) the dependant; or
- (c) to such other person as appears to the court expedient in the interests of the dependant.

(5) The court shall order that the payments under the order shall be made to the Chief Registrar, unless upon representations expressly made in that behalf by the person to whom payments under the order fall to be made, it is satisfied that it is undesirable to do so.”.

(5) In section 166 (financial review and report) -

(a) for subsection (1) substitute -

“(1) As from the end of the period of 5 years beginning on 6<sup>th</sup> April 1997, or such shorter period as the Department may determine, the Department shall arrange for -

- (a) the Government Actuary or Deputy Government Actuary; or
- (b) a Fellow of the Institute of Actuaries; or
- (c) a Fellow of the Faculty of Actuaries,

such person hereinafter referred to as “the Actuary”, to review the operation during that period of -

- (i) Parts I and IV of the Contributions and Benefits Act (except Part I of Schedule 8);
  - (ii) the provisions of the Jobseekers Act 1995 relating to contribution-based jobseeker's allowance; and
  - (iii) this Act so far as it relates to the provisions specified in paragraphs (i) and (ii) above.”;
- (b) in subsection (2) for the words “Government Actuary or Deputy Government Actuary” substitute the words “the Actuary”;
- (c) in subsection (5) for the words “Government Actuary or Deputy Government Actuary” substitute the words “the Actuary”.

### Consequential amendments

#### *The National Assistance (Isle of Man) Act 1951 (XVII p. 1008)*

3. (1) The National Assistance (Isle of Man) Act 1951 shall be amended as follows.

(2) In section 23 -

- (a) in subsection (3) for the words “Supplementary Benefits Act” to “Order 1980)” substitute the words “section 124 of the Social Security Contributions and Benefits Act 1992 (as that section has effect in the Island)”;
- (b) in subsection (5) for the words “Schedule 1 to the Supplementary Benefits Act 1976” substitute the words “section 124 of the Social Security Contributions and Benefits Act 1992”;
- (c) in subsection (8) for the words “the Supplementary Benefits Act 1976” substitute the words “section 124 of the Contributions and Benefits Act 1992”.

#### *Income Tax Act 1970 (XXI p. 260)*

4. (1) The Income Tax Act 1970 shall be amended as follows.

(2) In section 43A for “supplementary benefit” and “Supplementary Benefits Act 1976” substitute the words “income support” and “Social Security Contributions and Benefits Act 1992” respectively

#### *Legal Aid Act 1986 (1986 c. 23)*

5. (1) The Legal Aid Act 1986 shall be amended as follows.

(2) In section 3 (financial conditions of legal aid), in subsection (1)(b) for “supplementary benefit” substitute “income support”.

(3) In section 7 (persons eligible for advice and assistance), in subsection (b) for “supplementary benefit” substitute “income support”.

(4) In section 10 (contributions) in subsection (2) for “supplementary benefit” substitute “income support”.

(5) In section 17 (interpretation) -

(a) after the definition of “family income supplement” insert -

“”income support” means income support under section 124 of the Social Security Contributions and Benefits Act 1992 (as that section has effect in the Island);”;

(b) omit the definition of “supplementary benefit”.

*Summary Jurisdiction Act 1989 (1989 c.15)*

6. (1) The Summary Jurisdiction Act 1989 shall be amended as follows.

(2) In section 48 (meaning of “domestic proceedings”) for paragraph (e) of subsection (1) substitute -

“(e) section 106 of the Social Security Administration Act 1992 (as that section has effect on the Island);”.

*Employment Act 1991 (1991 c. 19)*

7. (1) The Employment Act 1991 shall be amended as follows.

(2) In section 77 (recoupment of benefit) -

(a) in subsection (2)(a) and (c) for “supplementary benefit” substitute “income support”;

(b) in subsection (3)(a), (e) and (f) for “supplementary benefit” substitute “income support”;

(c) in subsection (4) for the words “supplementary benefit”, where it twice appears, substitute the words “income support” and omit the words “Supplementary Benefits Act”;

(d) in subsection (5) for the words “supplementary benefit” substitute the words “income support”;

(e) in subsection (6) -

(i) after the definition of “an income-based jobseeker’s allowance” insert -

“”income support” means income support payable under section 124 of the Social Security Contributions and Benefits Act 1992;”;

(ii) omit the definitions of “supplementary benefit” and “the Supplementary Benefits Act”.

*Value Added Tax Act 1996 (1996 c. 1)*

8. (1) The Value Added Tax Act 1996 shall be amended as follows.

(2) In Schedule 1 (charges at reduced rate) for paragraph 4A(e) substitute -

“(e) income support under Part VII of the Social Security Contributions and Benefits Act 1992 (as that Act has effect in the Island);”.

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Made 18th January 2000



Minister for Health and Social Security

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**EXPLANATORY NOTE**

(This note is not part of the Order)

1. This Order which comes into operation on 10<sup>th</sup> April 2000 inserts section 106 into the Social Security Administration Act 1992. This is derived from section 18 of the Supplementary Benefits Act 1976 which is being repealed as a result of the application of the Income Support (General) (Isle of Man) Regulations 2000.
2. The Order also makes consequential amendments to various Isle of Man Statutes.
3. These consequential amendments are mainly of a technical nature and are consequent upon the decision to replace the supplementary benefit legal framework with one of income support.
4. An amendment is also made to section 166 of the Act to allow for the Department to opt for any qualified Actuary to undertake an actuarial review of the National Insurance Fund.