



Statutory Document No. 33/00

THE SOCIAL SECURITY ACT 1982

THE SOCIAL SECURITY LEGISLATION (APPLICATION) ORDER 2000

Approved by Tynwald 16th February 2000

Coming into operation on 10th 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. (1) This Order may be cited as the Social Security Legislation (Application) Order 2000 and shall, subject to section 1(6) of the Social Security Act 1982, come into force on 10th April 2000.

Amendment of SD 634/96

2. (1) The Schedule to the Social Security Legislation (Application) (No. 8) Order 1996(b) (which applied the Jobseeker's Allowance Regulations 1996(c) to the Island) shall be amended in accordance with the following paragraphs.

(2) In regulation 1(3) (citation, commencement and interpretation) -

- (a) omit the definitions of "Conditions of Entitlement Regulations" and "the Resources Regulations";
- (b) after the definition of "the Fund" insert -

"the Income Support Regulations" means the Income Support (General) (Isle of Man) Regulations 2000;"

(a) SD346/96; (b) SD634/96; (c) S.I. 1996/207.

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(c) for the definition of "student" substitute -

"student" means a person, other than a person who is in receipt of a training allowance, aged less than 19 who is attending a full-time course of advanced education or, as the case may be, a person aged 19 or over but under pensionable age who is attending a full-time course of study at an educational establishment; and for the purposes of this definition a person shall be treated as attending a course of advanced education or, as the case may be, full-time education -

- (a) during the period for which any grant or award is paid to him by an education authority for the purpose of such a course, or would be so paid if he were in receipt of such a grant or award; and
- (b) during the Christmas, Easter or any other vacation, other than the normal summer vacation as recognised in relation to him by the institution at which he is attending his course, falling within the period of that course;".

(3) In regulation 11 (part-time students) in paragraph (2) -

- (a) for the words "supplementary benefit" (in each place) substitute "income support",
- (b) for the words "Schedule 1B to the Conditions of Entitlement Regulations" (in each place) substitute "Schedule 1 to the Income Support Regulations".

(4) In regulation 46 (waiting days) in paragraph (1)(a) for the words "supplementary benefit" substitute "income support".

(5) In regulation 55 (short periods of sickness) for the words "supplementary benefit" (in each place) substitute "income support".

(6) In regulation 57 (interpretation) -

- (a) in paragraph (1) in the definition of "chronically sick or mentally or physically disabled", for sub-paragraph (i) substitute -

“(i) in respect of whom long-term incapacity benefit or severe disablement allowance under the Contributions and Benefits Act is payable, or in respect of whom an invalid carriage or other vehicle has been provided pursuant to section 3 of the National Health Service (Isle of Man) Act 1948 (an Act of Tynwald); or”

- (b) for paragraph (4)(a) substitute -

“(a) a person who falls under any of the following paragraphs of Schedule 1 to the Income Support Regulations -

paragraph 1 (lone parents)
paragraph 3 (persons temporarily looking after another person)
paragraph 4 (persons caring for another person)
paragraph 10 (disabled students)

paragraph 11 (blind persons)
paragraph 12 (pregnancy)
paragraph 13 (persons in education)
paragraph 18 (member of couple looking after children while other member temporarily away).”.

(c) in paragraph (4)(d) -

- (i) for the words "supplementary benefit" (in each place) substitute "income support";
- (ii) for the words "regulation 3 of the Conditions of Entitlement Regulations" substitute "regulation 6(3) of the Income Support Regulations".

(7) In regulation 61 (other young persons in prescribed circumstances) in paragraph (1)(c) for the words "supplementary benefit" substitute "income support".

(8) In regulation 76 (persons of a prescribed description) for sub-paragraph (c) substitute -

"(c) entitled to income support or would, but for section 134(2) of the Contributions and Benefits Act (exclusion from benefit) be so entitled."

(9) In regulation 78 (treated as being or not being a member of the household) in paragraph (6) for the words "supplementary benefit" substitute "income support".

(10) For regulation 86 (persons in residential care and nursing homes - applicable amounts) substitute -

“86. Where a person either -

- (a) lives in residential accommodation as defined in regulation 85(4); or
- (b) is a member of a family and he and the members of his family live in such a home,

his weekly applicable amount shall, except in a case to which regulation 85 (special cases) applies, be calculated in accordance with Schedule 4.”.

(11) In regulation 94(8)(c)(ii) (calculation of employed earners employment and income other than earnings) for the words “paragraph 7A” substitute the words “paragraph 8”.

(12) In regulation 96 (date on which income is treated as paid) in paragraph (2) for the words "Supplementary benefit" substitute "Income support".

(13) In regulation 97 (calculation of weekly amount of income) in paragraph (4)(b) for the words "supplementary benefit" substitute "income support".

(14) In regulation 102(1) for the words “relief” and “reliefs”, wherever they appear, substitute the word “allowance”.

(15) In regulation 105 (notional income) in paragraph (1) for the words "supplementary benefit" substitute "income support".

(16) In regulation 106 (modifications in respect of children and young persons) for "£3,000" substitute "£10,000".

(17) For regulation 112 (calculation of capital outside the Isle of Man or the United Kingdom) substitute -

"112. Capital which a claimant possesses in a country outside the Isle of Man or the United Kingdom shall be calculated in a case in which there is no prohibition in that country against the transfer to the Isle of Man or the United Kingdom of an amount equal to its current market or surrender value in that country, at that value."

(18) In regulation 113 (notional capital) in paragraph (1) for the words "supplementary benefit" substitute "income support".

(19) In regulation 114 (diminishing notional capital rule) in paragraph (7)(b) for the words "supplementary benefit" (in each place) substitute "income support".

(20) In regulation 117 (interpretation) in the definition of "payment" in sub-paragraph (h)(ii) for the words "section 12 of the Supplementary Benefits Act 1976" substitute "section 74(1) of the Social Security Administration Act 1992".

(21) In regulation 130 (interpretation) for the definition of "education authority" substitute -

"education authority" means the Department of Education in the Isle of Man or any analogous government department, authority, board or body in a country outside the Isle of Man."

(22) In regulation 140 (meaning of "person in hardship") in paragraph (3) -

- (a) for the words "supplementary benefit" substitute "income support";
- (b) for the words "Schedule 1B to the Conditions of Entitlement Regulations" substitute "for the purposes of section 124(1)(e) of the Benefits Act".

(23) In regulation 150 (amount of a jobseeker's allowance payable) in sub-paragraph (b) for the words "supplementary benefit" substitute "income support".

(24) In regulation 153 (modification in the calculation of income) in sub-paragraph (b) for the words "supplementary benefit" substitute "income support".

(25) For regulation 170 substitute -

"170. (1) A person who is in receipt of a training allowance and who is receiving training falling within paragraph (2) may be entitled to an income-based jobseeker's allowance without -

- (a) being available for employment;
- (b) having entered into a jobseeking agreement; or
- (c) actively seeking employment.

(2) Training falls within this paragraph if it is training for which persons aged under 18 are eligible and for which persons aged 18 or over may be eligible provided by, or in pursuance of arrangements made with a government department or approved by that department.”.

(26) In Schedule 2 -

(a) for sub-paragraphs 1(3) to (6) substitute -

“(3) The housing costs of a claimant, including the costs of any partner or dependant of his, shall be the aggregate of any amounts which, in accordance with sub-paragraphs (5) and (6), are applicable in his case under paragraphs 1A to 7 subject to any restriction or reduction applicable under paragraphs 8 and 9, and where any one or more, but not all, members of a family are affected by a trade dispute those costs shall be treated as those of the other members of the family.

(4) For the purposes of this Part of this Schedule a disabled person is a person -

(a) in respect of whom a disability premium, a disabled child premium or a pensioner premium for persons aged 75 or over is included in his applicable amount or the applicable amount of a person living with him; or

(b) who, had he in fact been entitled to income-based jobseeker's allowance or to income support, would have had included in his applicable amount a disability premium, a disabled child premium or a pensioner premium for persons aged 75 or over.

(5) For the purposes of sub-paragraph (4), a person shall not cease to be a disabled person on account of his being disqualified for receiving benefit or treated as capable of work by virtue of the operation of section 171E of the Contributions and Benefits Act (incapacity for work, disqualification etc.).

(6) No amount shall be allowed under this Part of these Regulations in respect of a person to whom Schedule 4 applies.”;

(b) after paragraph 1 insert -

“Circumstances in which a person is liable to meet housing costs

1A. (1) A person is liable to meet housing costs where -

(a) the liability falls upon him or his partner but not where -

(i) the liability is to a member of the same household as the person on whom the liability falls; or

(ii) the liability is to a close relative who lives in the same property as the person on whom the liability falls (unless that person occupies a separate and self-contained part of the property);

- (b) because the person liable to meet the housing costs is not meeting them, the claimant has to meet those costs in order to continue to live in the dwelling occupied as the home and it is reasonable in all the circumstances to treat the claimant as liable to meet those costs;
- (c) he in practice shares the housing costs with other members of the household none of whom are close relatives either of the claimant or his partner, and
 - (i) one or more of those members is liable to meet those costs, and
 - (ii) it is reasonable in the circumstances to treat him as sharing responsibility.

(2) Where any one or more, but not all, members of the claimant's family are affected by a trade dispute, the housing costs shall be treated as wholly the responsibility of those members of the family not so affected.

Circumstances in which a person is to be treated as occupying the dwelling as his home

1B. (1) Subject to the following provisions of this regulation, a person shall be treated as occupying as his home the dwelling normally occupied as his home by himself or, if he is a member of a family, by himself and his family and he shall not be treated as occupying any other dwelling as his home.

(2) In determining whether a dwelling is the dwelling normally occupied as the claimant's home for the purposes of sub-paragraph (1) regard shall be had to any other dwelling occupied by the claimant or by him and his family whether or not that other dwelling is in the Isle of Man.

(3) Subject to sub-paragraph (4), where a single claimant or a lone parent is a student or is on a training course and is liable to make payments (including payments of mortgage interest or analogous payments) in respect of either (but not both) the dwelling which he occupies for the purpose of attending his course of study or his training course or, as the case may be, the dwelling which he occupies when not attending his course, he shall be treated as occupying as his home the dwelling in respect of which he is liable to make payments.

(4) A full-time student shall not be treated as occupying a dwelling as his home for any week of absence from it, other than an absence occasioned by the need to enter hospital for treatment, outside the period of study, if the main purpose of his occupation during the period of study would be to facilitate attendance on his course.

(5) Where a claimant has been required to move into temporary accommodation by reason of essential repairs being carried out to the dwelling normally occupied as his home and he is liable to make payments (including payments of mortgage interest or analogous payments) in respect of either (but not both) the dwelling normally occupied or the temporary accommodation, he shall be treated as occupying as his home the dwelling in respect of which he is liable to make those payments.

(6) Where a person is liable to make payments in respect of two (but not more than two) dwellings, he shall be treated as occupying both dwellings as his home only -

- (a) where he has left and remains absent from the former dwelling occupied as the home through fear of violence in that dwelling or by a former member of his family and it is reasonable that housing costs should be met in respect of both his former dwelling and his present dwelling occupied as the home; or
- (b) in the case of a couple or a member of a polygamous marriage where a partner is a full-time student or is on a training course and it is unavoidable that he or they should occupy two separate dwellings and reasonable that housing costs should be met in respect of both dwellings; or
- (c) in the case where a person has moved into a new dwelling occupied as the home, except where sub-paragraph (5) applies, for a period not exceeding four benefit weeks if his liability to make payments in respect of two dwellings is unavoidable.

(7) Where -

- (a) a person has moved into a dwelling and was liable to make payments in respect of that dwelling before moving in; and
- (b) he had claimed income-based jobseeker's allowance before moving in and either that claim has not yet been determined or it has been determined but an amount has not been included under this Part of this Schedule and if the claim has been refused a further claim has been made within four weeks of the date on which the claimant moved into the new dwelling occupied as the home; and
- (c) the delay in moving into the dwelling in respect of which there was liability to make payments before moving in was reasonable and -
 - (i) that delay was necessary in order to adapt the dwelling to meet the disablement needs of the claimant or any member of his family; or
 - (ii) the move was delayed pending the outcome of an application under regulations for a payment to meet a need arising out of the move or in connection with setting up the home in the dwelling and either a member of the claimant's family is aged five or under or the claimant's applicable amount includes a premium under paragraph 10, 11, 13, 15 or 16 of Schedule 3; or
 - (iii) the person became liable to make payments in respect of the dwelling while he was a patient or was in residential accommodation,

he shall be treated as occupying the dwelling as his home for any period not exceeding four weeks immediately prior to the date on which he moved into the dwelling and in respect of which he was liable to make payments.

(8) This paragraph applies to a person who enters residential accommodation

- (a) for the purpose of ascertaining whether the accommodation suits his needs; and
- (b) with the intention of returning to the dwelling which he normally occupies as his home should, in the event, the residential accommodation prove not to suit his needs,

and while in the accommodation, the part of the dwelling which he normally occupies as his home is not let, or as the case may be, sub-let to another person.

(9) A person to whom sub-paragraph (8) applies shall be treated as occupying the dwelling he normally occupies as his home during any period (commencing with the day he enters the accommodation) not exceeding 4 weeks, or such longer period as the Department may direct generally or in a particular case.

(10) A person, other than a person to whom sub-paragraph (11) applies, shall be treated as occupying a dwelling as his home throughout any period of absence not exceeding 13 weeks, if, and only if -

- (a) he intends to return to occupy the dwelling as his home; and
- (b) the part of the dwelling normally occupied by him has not been let or, as the case may be, sub-let to another person; and
- (c) the period of absence is unlikely to exceed 13 weeks.

(11) This sub-paragraph applies to a person whose absence from the dwelling he normally occupies as his home is temporary and -

- (a) he intends to return to occupy the dwelling as his home; and
- (b) while the part of the dwelling which is normally occupied by him has not been let or, as the case may be, sub-let; and
- (c) he is -
 - (i) detained in custody on remand pending trial or detained pending sentence upon conviction, or
 - (ii) resident in a hospital or similar institution as a patient, or
 - (iii) undergoing or, as the case may be, his partner or his dependant child is undergoing, in the Isle of Man or elsewhere, medical treatment or medically approved convalescence, in accommodation other than residential accommodation, or

- (iv) undertaking the care of a child whose parent or guardian is temporarily absent from the dwelling normally occupied by that parent or guardian for the purpose of receiving medically approved care or medical treatment, or
- (v) a person who is, whether in the Isle of Man or elsewhere, receiving medically approved care provided in accommodation other than residential accommodation, or
- (vi) a student to whom sub-paragraph (3) or (6)(b) does not apply, or
- (vii) a person other than a person to whom sub-paragraph (8) applies, who is receiving care provided in residential accommodation, or
- (viii) a person to whom sub-paragraph (6)(a) does not apply and who has left the dwelling he occupies as his home through fear of violence in that dwelling, or by a person who was formerly a member of his family; and

(d) the period of his absence is unlikely to exceed a period of 52 weeks or, in exceptional circumstances, is unlikely substantially to exceed that period.

(12) A person to whom sub-paragraph (11) applies is to be treated as occupying the dwelling he normally occupies as his home during any period of absence not exceeding 52 weeks beginning with the first day of that absence.

(13) In this paragraph -

- (a) "medically approved" means certified by a medical practitioner;
- (b) "patient" means a person who is undergoing medical or other treatment as an in-patient in a hospital or similar institution;
- (c) "residential accommodation" means accommodation -
 - (i) registered under section 2 of the Nursing and Residential Homes Act 1988 (an Act of Tynwald), or
 - (ii) pursuant to Part III of the National Assistance (Isle of Man) Act 1951 (an Act of Tynwald);
- (d) "training course" means such a course of training or instruction approved by the Department.;

(c) for paragraph 3 substitute -

"Loans on residential property

3. (1) A loan qualifies under this paragraph where the loan was taken out to defray monies applied for any of the following purposes -

- (a) acquiring an interest in the dwelling occupied as the home; or
- (b) paying off another loan to the extent that the other loan would have qualified under head (a) above had the loan not been paid off.

(2) For the purposes of this paragraph, references to a loan include also a reference to money borrowed under a hire purchase agreement for any purpose specified in heads (a) and (b) of sub-paragraph (1) above.

(3) Where a loan is applied only in part for the purposes specified in heads (a) and (b) of sub-paragraph (1), only that portion of the loan which is applied for that purpose shall qualify under this paragraph.”;

(d) for paragraph 5 substitute -

“Loans for repairs and improvements to the dwelling occupied as the home

5. (1) A loan qualifies under this paragraph where the loan was taken out, with or without security, for the purpose of -

- (a) carrying out repairs and improvements to the dwelling occupied as the home;
- (b) paying any service charge imposed to meet the cost of repairs and improvements to the dwelling occupied as the home;
- (c) paying off another loan to the extent that the other loan would have qualified under heads (a) or (b) of this sub-paragraph had the loan not been paid off,

and the loan was used for that purpose, or is used for that purpose within 6 months of the date of receipt or such further period as may be reasonable in the particular circumstances of the case.

(2) In sub-paragraph (1) “repairs and improvements” means any of the following measures undertaken with a view to maintaining the fitness of the dwelling for human habitation or, where the dwelling forms part of a building, any part of the building containing that dwelling -

- (a) provision of a fixed bath, shower, wash basin, sink or lavatory, and necessary associated plumbing, including the provision of hot water not connected to a central heating system;
- (b) repairs to existing heating systems;
- (c) damp proof measures;
- (d) provision of ventilation and natural lighting;
- (e) provision of drainage facilities;
- (f) provision of facilities for preparing and cooking food;

- (g) provision of insulation to the dwelling occupied as the home;
- (h) provision of electric lighting and sockets;
- (i) provision of storage facilities for fuel and refuse;
- (j) repairs of unsafe structural defects;
- (k) adapting a dwelling for the special needs of a disabled person; or
- (l) provision of separate sleeping accommodation for children of different sexes aged 10 or over who are part of the same family as the claimant.

(3) Where a loan is applied only in part for the purposes specified in subparagraph (1), only that portion of the loan which is applied for that purpose shall qualify under this paragraph.

The calculation for loans

5A. (1) The weekly amount of housing costs to be met under this Part of this Schedule in respect of a loan which qualifies under paragraphs 3 and 5 shall be calculated by applying the formula -

$$\frac{A \times B}{52}$$

where -

“A” = the amount of the outstanding loan which qualifies under paragraphs 3 and 5;

“B” = the lenders current interest rate.”;

(e) in paragraph 6 (miscellaneous outgoings) for head (e) substitute -

“(e) service charges, payment of which is a condition on which the right to occupy the dwelling depends (for example for maintenance, insurance, management and the cleaning of common areas) but subject to deduction where the charges provide for any item which is referred to in paragraph 2(3) (deductions from inclusive rent), of the amount which in the opinion of the adjudication officer is attributable to that item;”;

(f) for paragraph 8 substitute -

“Restriction on housing costs

8. The amounts applicable under this Part shall be restricted in accordance with the Table in Part II of this Schedule.”;

(g) in paragraph 9 (reduction in amounts applicable for certain occupants of the home) omit sub-paragraph (4)(c)(iii);

(h) omit paragraph 10;

(i) in the Table in Part II -

- (i) in paragraph (6)(b) in column (2) for the words "mortgage interest" substitute the words "loans and rates",
- (ii) in paragraph (7) in column (2) after the word "rent" insert the words "and rates".

(27) For Schedule 3 (premiums) substitute -

"SCHEDULE 3

Regulation 83(d)

PREMIUMS

PART I

FAMILY PREMIUM

1. - 3. *Omitted.*

4. -

- (1) The weekly amount for the purposes of regulation 83(d), in respect of a person who has no partner and who is responsible for, and a member of the same household as, a child or young person shall be £11.15.
- (2) Where that person has been continuously in receipt of income-based jobseeker's allowance or income support, or both for a period of 12 months, £29.35.
- (3) Where the claimant satisfies the conditions in both sub-paragraphs (1) and (2) above, only the amount applicable under sub-paragraph (2) shall be payable.

PART II

PREMIUMS Regulations 83(d) and 84(1)(e)

5. Except as provided in paragraph 6, the weekly premiums specified in Part III of this Schedule shall, for the purposes of regulations 83(d) and 84(1)(e), be applicable to a claimant who satisfies the condition specified in paragraphs 10 to 17B in respect of that premium.
6. Subject to paragraph 7, where a claimant satisfies the conditions in respect of more than one premium in this Part of this Schedule, only one premium shall be applicable to him and, if they are different amounts, the higher or highest amount shall apply.
7. -
 - (1) The severe disability premium to which paragraph 15 applies is payable in addition to the premiums payable under paragraphs 4, 10, 11, 13 and 16 to 17B of this Schedule.
 - (2) The disabled child premium to which paragraph 16 applies may be applicable in addition to any other premium which may apply under this Schedule.
 - (3) The carer premium, the blindness premium and the mobility premium to which paragraphs 17, 17A and 17B apply may be applicable in addition to any other premium which may apply under this Schedule.
8. -
 - (1) Subject to sub-paragraph (2) for the purpose of this Part of this Schedule, once a premium is applicable to a claimant under this Part, a person shall be treated as being in receipt of any benefit -
 - (a) in the case of a benefit to which the Social Security (Overlapping Benefits) Regulations 1979 applies, for any period during which, apart from the provisions of those regulations, he would be in receipt of that benefit; and
 - (b) for any period spent by a person in undertaking a course of training approved by the Department or for any period during which he is in receipt of a training allowance.
 - (2) For the purposes of the carer premium under paragraph 17, a person shall be treated as being in receipt of invalid care allowance only if and for so long as the person in respect of whose care the allowance has been claimed remains in receipt of attendance allowance, or the care component of disability living allowance at the higher or middle rate prescribed in accordance with section 72(3) of the Contributions and Benefits Act.
9. *Omitted.*

Pensioner premium for persons under 75

10. The condition is that the claimant is aged not less than 60 and -
- (a) is a single claimant; or
 - (b) has a partner and his partner is aged not less than 60 but less than 75.

Pensioner premium for persons 75 and over

11. The condition is that the claimant has a partner, and his partner is aged not less than 75.
12. *Omitted.*

Disability premium

13. The condition is that the claimant has a partner, and his partner is in receipt of either -
- (a) severe disablement allowance, or
 - (b) incapacity benefit,

and that partner has, in the current benefit week, been in receipt of either of those benefits for a continuous period of not less than 12 months.

14. *Omitted.*

Severe disability premium

15. The condition is that the claimant has a partner, and his partner is, in receipt of the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Contributions and Benefits Act.

Enhanced severe disability premium

- 15A. Where any of the conditions of both paragraphs 13 and 15 are met, an additional amount is payable.

Disabled child premium

16. The conditions are that a child or young person for whom the claimant or a partner of his is responsible and who is a member of the claimant's household -
- (a) has no capital or capital which, if calculated in accordance with Part V in like manner as for the claimant, except as provided in regulation 106(1) (modifications in respect of children and young persons), would not exceed £10,000; and

- (b) is in receipt of the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Contributions and Benefits Act or the mobility component of disability living allowance payable under section 73 of that Act.

Carer premium

17. -

- (1) The condition is that the claimant or his partner is, or both of them are, in receipt of invalid care allowance under section 70 of the Contributions and Benefits Act.
- (2) The claimant, his partner, or both of them, as the case may be, shall be treated for the purposes of sub-paragraph (1) as being in receipt of an invalid care allowance where -
 - (a) either or both of them would be in receipt of such an allowance but for any provision of the Social Security (Overlapping Benefits) Regulations 1979; and
 - (b) the claim for that allowance was made on or after 1st October 1990; and
 - (c) the person or persons in respect of whose care the allowance has been claimed remains or remain in receipt of attendance allowance or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Contributions and Benefits Act.
- (3) Where a carer premium is awarded but the person in respect of whom it has been awarded either ceases to be in receipt of, or ceases to be treated as being in receipt of, invalid care allowance, the condition for the award of the premium shall be treated as satisfied for a period of eight weeks from the date on which that person ceased to be in receipt of, or ceased to be treated as being in receipt of, invalid care allowance.
- (4) Where a person who has been receiving, or who has been treated as receiving invalid care allowance ceases to be in receipt of, or ceases to be treated as being in receipt of, that allowance and makes a claim for income-based jobseeker's allowance, the condition for the award of the carer premium shall be treated as satisfied for a period of eight weeks from the date that the person was last in receipt of, or was last treated as being in receipt of, invalid care allowance.

Blindness premium

17A. -

(1) The condition is that -

- (a) the claimant, or
- (b) the claimant's partner, or
- (c) a dependant of the claimant who is a member of his family,

is registered blind in a register kept under section 27 of the National Assistance (Isle of Man) Act 1951 (an Act of Tynwald).

(2) For the purposes of sub-paragraph (1), a person who has ceased to be registered as blind on regaining his eyesight shall nevertheless be treated as blind and satisfying the condition set out in that sub-paragraph for a period of 28 weeks following the date on which he ceased to be so registered.

Mobility premium

17B. The condition is that the claimant has a partner, and his partner is aged 65 or over and, in respect of whom an adjudication officer is satisfied that -

- (a) a higher rate mobility component of disability living allowance under section 73(2) of the Contributions and Benefits Act would be payable but for the provisions of section 75 of that Act; or
- (b) a lower rate mobility component of disability living allowance is payable, or a higher rate mobility component of disability living allowance would be payable but for the provisions of section 75 of the Contributions and Benefits Act.

18. *Omitted.*

Persons in receipt of benefit

19. For the purposes of this Part of this Schedule, a person shall be regarded as being in receipt of any benefit if, and only if, it is paid in respect of him and shall be so regarded only for any period in respect of which that benefit is paid.

PART III

WEEKLY AMOUNTS OF PREMIUMS SPECIFIED IN PART II

<i>Premium</i>	<i>Amount</i>
20. (1) Pensioner premium for persons aged under 75 -	
(a) where the claimant satisfies the condition in paragraph 10(a),	(a) £22.90
(b) where the claimant satisfies the condition in paragraph 10(b);	(b) £32.65
(2) Pensioner premium for persons aged 75 and over -	
where the claimant satisfies the condition in paragraph 11;	(2) £40.55
(3) Disability premium -	
where the claimant satisfies the condition in paragraph 13;	(3) £32.65
(4) Severe disability premium -	
where the claimant satisfies the condition in paragraph 15;	(4) £9.75
(5) Enhanced severe disability premium	
where the claimant satisfies the condition in paragraph 15A;	(5) £30.00
(6) Disabled child premium;	(6) £4.70 in respect of each child or young person in respect of whom the conditions specified in paragraph 16 are satisfied.
(7) Carer premium;	(7) £14 in respect of each person who satisfies the condition in paragraph 17.

(8) Blindness premium -

- (a) where the claimant satisfies the condition in paragraph 17A(1)(a), (a) £21.05
- (b) where the claimant satisfies the condition in paragraph 17A(1)(b), (b) £21.05
- (c) where the claimant satisfies the condition in paragraph 17A(1)(c); (c) £9.90

(9) Mobility premium -

- (a) where the claimant satisfies the conditions in paragraph 17B(a), (a) £37.00
- (b) where the claimant satisfies the conditions in paragraph 17B(b). (b) 22.95"

(28) In Schedule 5 (special cases) after paragraph 16A insert -

"Persons absent from the Isle of Man to attend certain courses, schemes or assessments

16B. A single claimant, or a member of a couple where either he or his partner, or he and his partner, are absent from the Isle of Man for the purposes of attending a course, scheme or assessment arranged by the Department or any government department, and approved by the Department.

16B. The amount applicable to the claimant in respect of -

- (a) housing costs payable under paragraph 1(5) or (6) of Schedule 2;
- (b) personal allowances payable under paragraph 1 of Schedule 1,

and for the purposes of sub-paragraph (a) above the claimant must be liable for housing costs prior to leaving the Island and must continue to be liable for such costs whilst absent from the Island."

(29) In Schedule 6 (sums to be disregarded in the calculation of earnings) -

- (a) in sub-paragraph 5(7) for the words "supplementary benefit", where they several times appear, substitute the words "income support";
- (b) in paragraph 14 after the words "Isle of Man", where they twice appear, insert the words "or the United Kingdom".

(30) In Schedule 7 (sums to be disregarded in the calculation of income other than earnings) -

- (a) in paragraph 8(b) for the words "supplementary benefit" substitute "income support";
- (b) in sub-paragraph 15(1) for "£20" substitute "£25";
- (c) after paragraph 29 insert -

"29A. The whole of any assistance provided in accordance with the provisions of section 1 of the Children and Young Persons Act 1969 (an Act of Tynwald).";

- (d) in paragraph 35 omit the words "pensioners";
- (e) after paragraph 56 insert -

"57. The first £5 of any income derived from capital held in a country outside the Isle of Man or the United Kingdom for such period during which there is prohibition against the transfer to the Isle of Man or the United Kingdom of that capital."

(31) In Schedule 8 (capital to be disregarded)

- (a) in paragraph 15 for the words "supplementary benefit" substitute "income support";
- (b) after paragraph 44 insert -

"45. The capital value of an investment which a claimant holds in a country outside the Isle of Man or the United Kingdom where that claimant cannot realise the assets of that investment due to the prohibition of movement of that capital."

(32) In Schedule 9 (domestic assistance grants) in paragraph 14(2)(a) for the words "supplementary benefit" substitute "income support".

(33) In Schedule 11 (urgent cases) in paragraph 4(1)(a) for the words "Supplementary Benefits Act 1976" substitute "the Social Security Administration Act 1992".

Amendment of SD 641/98

3. (1) Schedule 3 to the Social Security Legislation (Application) (No. 9) Order 1998(a) (which applied the Jobseeker's Allowance (Amendment) Regulations 1996(b) to the Island) shall be amended in accordance with the following paragraph.

(2) For regulation 7 substitute -

"Persons in receipt of a training allowance

7. After regulation 74 of the Jobseeker's Allowance Regulations there shall be inserted the following regulation -

“Persons in receipt of a training allowance

74A. (1) An income-based jobseeker's allowance shall be payable to a claimant even though section 19 prevents payment of a jobseeker's allowance to him where the claimant is in receipt of a training allowance and is receiving training falling within paragraph (2) of regulation 170 but the jobseeker's allowance shall be payable only if and for so long as he satisfies the conditions of entitlement to an income-based jobseeker's allowance other than those which he is not required to meet by virtue of regulation 170.

(2) An income-based jobseeker's allowance which is payable to a claimant in accordance with this regulation shall be payable to him at the full rate applicable in his case.”.

Made

18th January 2000



Minister for Health and Social Security

EXPLANATORY NOTE

(This note is not part of the Order)

1. This Order, which comes into operation on 10th April 2000, amends the Social Security Legislation (Application) (No. 8) Order 1996 which applied to the Island the Jobseeker's Allowance Regulations 1996.
2. The amendments are consequential upon the change from the term supplementary benefit to income support. There are further amendments included in the Order which bring into line those provisions relating both to income support and income-based jobseeker's allowance. These changes will ensure that customers who migrate between those two benefits will find that there will be no fluctuation in their benefit rate.
3. Regulation 2 is mainly concerned with the changes in terminology, up-dating the references to supplementary benefit legislation to that of income support. There are also a number of other amendments as follows:
 - 2(2)(c) substitutes the definition of “student” to mirror that definition in income support;
 - 2(6) substitutes the definition of “chronically sick or mentally or physically disabled” to mirror that definition in income support;

- 2(10) clarifies the Schedule under which allowances for persons in nursing and residential accommodation are calculated;
 - 2(14) corrects a drafting error relating to income tax where the United Kingdom term "relief" was used in place of the Isle of Man term "allowance";
 - 2(17) provides for the calculation of capital held in a country outside the Isle of Man or the United Kingdom for the purposes of a claim to jobseeker's allowance;
 - 2(21) up-dates the definition of "education authority";
 - 2(22) provides for a weekly disregard of £25 from a student's grant income. This provision was introduced into supplementary benefit from 25 October 1999, and has been operated administratively since that time under the jobseeker's allowance provisions;
 - 2(25) this is a new provision which allows for the payment of income-based jobseeker's allowance as a "top-up" to a training allowance where a customer commences an approved training course. Currently such persons are expected to withdraw their jobseeker's allowance claim and submit a claim to supplementary benefit. This amendment will mean that such customers will not have to re-submit a claim to jobseeker's allowance upon the completion of their training course;
 - 2(26) makes a number of amendments relating to the payment of housing costs. The changes expand on those provisions currently in place to confirm the conditions for entitlement to housing costs, and sub-paragraph (e) amends provisions relating to allowable service charges;
 - 2(27) makes consequential amendments to the provisions relating to the payment of premiums - under income support legislation the payment of premiums has been simplified not only for administrative purposes but for ease of understanding for the customer. Here the Schedule relating to premiums has been replaced with an identical one to that of income support;
 - 2(28) provides for customers who leave the Island to attend certain courses, schemes or assessments arranged or approved by the Department, to continue to receive that part of their benefit which relates to their housing costs whilst they are absent;
 - 2(29) provides for an increase in the disregard of charitable or voluntary payments from £20 to £25, provides for the disregard of payments made under section 1 of the Children and Young Persons Act 1969 and provides for the disregard of the first £5 of any income derived from capital held in a country outside the Isle of Man or the United Kingdom where such capital is subject to prohibition against its transfer to the Isle of Man or the United Kingdom;
 - 2(30) provides for the total disregard of capital held in a country outside the Isle of Man or the United Kingdom where there is prohibition on the transfer of that capital to the Isle of Man or the United Kingdom.
4. Regulation 3 amends the Social Security Legislation (Application) (No. 9) Order 1998 to further provide for the payment of income-based jobseeker's allowance to customers in receipt of a training allowance.