



Statutory Document No. 104/02

THE SOCIAL SECURITY CONTRIBUTIONS AND BENEFITS ACT 1992

THE INCOME SUPPORT (GENERAL) (ISLE OF MAN)
(AMENDMENT) REGULATIONS 2002

Approved by Tynwald 19th March 2002

Coming into operation on 8th April 2002

In exercise of the powers conferred on the Department of Health and Social Security by sections 123 and 124 of the Social Security Contributions and Benefits Act 1992(a) (as that Act has effect in the Isle of Man(b)), and of all other enabling powers, the following Regulations are hereby made:-

Citation, commencement and interpretation

1. (1) These Regulations may be cited as the Income Support (General) (Isle of Man) (Amendment) Regulations 2002 and shall come into operation on 8th April 2002.

(2) In these Regulations "the Income Support Regulations" means the Income Support (General) (Isle of Man) Regulations 2000(c).

Amendment of the Income Support Regulations

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

(2) In regulation 2(1) (interpretation) in the definition of "relevant enactment" for the words "regulation 13(9)(a)" substitute the words "regulation 14(9)(a)".

(3) In regulation 7 (temporary absence from the Isle of Man) -

(a) for sub-paragraph (c) of paragraph (2) substitute the following sub-paragraph

(a) 1992 c.4; (b) S.D. 505/94; (c) S.D. 26/00.

“(c) the claimant falls within one or more of the prescribed categories of person listed in Schedule 1 other than paragraph 19 of that Schedule (persons appealing against a decision that they are not incapable of work: own occupation test);” and

(b) for paragraph (4) substitute the following paragraph -

“(4) Notwithstanding paragraphs (2) and (3) above, where a claimant falls within paragraph 7 of Schedule 1 (persons incapable of work) and his absence from the Isle of Man is for the sole purpose of receiving treatment from an appropriately qualified person for the incapacity in respect of which he satisfies the conditions of that paragraph, his entitlement to income support shall continue during his absence from the Isle of Man until either his treatment ceases or his absence from the Isle of Man ceases (whichever happens first).”.

(4) In regulation 15 (applicable amounts: family premium) for paragraph (c) substitute the following -

“(c) if he is a lone parent, an amount determined in accordance with Part II of Schedule 2 (lone parent premium);”.

(5) In the following provisions for the words “regulation 16” substitute the words “regulation 17” -

- (a) regulation 19(1)(b) (reduction in applicable amount where the claimant is appealing against a decision which embodies a determination that he is not incapable of work);
- (b) regulation 58(6)(a)(ii) (notional capital: capital paid to a third party);
- (c) paragraph 1 of Schedule 4 (applicable amount for persons in residential care or a nursing home); and
- (d) paragraph 11(2) of Schedule 7 (sums to be disregarded in the calculation of income other than earnings: regular charitable or voluntary payments).

(6) In regulation 18(1) (special cases) for the words “Part V” substitute the words “Part VI”.

(7) After regulation 19 (reduction in applicable amount where the claimant is appealing against a decision which embodies a determination that he is not incapable of work) but before Part V, insert the following regulation -

“Rounding of fractions

19A. For the purposes of this Part, where an applicable amount is awarded for a period which is not a complete benefit week which results in an amount which includes a fraction of one penny, that fraction shall be treated as one penny”.

(8) In paragraph (4) of regulation 23 (rent) for the words “Department of Local Government” substitute the words “the Department of Local Government and the Environment”.

(9) In regulation 25(1) (maintenance and insurance) for the words "paragraph 1(8)" substitute the words "paragraph 1(13)".

(10) In regulation 26 (loans for repairs and improvements to the dwelling occupied as the home) for the word "paragraph" -

- (a) where it first appears in paragraph (1); and
- (b) where it appears for the second time in paragraph (3),

substitute the word "regulation" in each place.

(11) In paragraph (5)(b)(i) of regulation 29 (housing costs - special cases: applicable amount of housing costs to be increased where rent is payable in advance in certain circumstances) after the words "local authority" insert the words ", the Department, the Department of Local Government and the Environment or an approved housing association (within the meaning of Part II of the Housing (Miscellaneous Provisions) Act 1976 (an Act of Tynwald))".

(12) In regulation 31 (reduction in amounts applicable for certain occupants of the home) -

- (a) in paragraph (1) omit the words ", including those amounts applicable under those regulations which are restricted by regulation 30,"; and
- (b) in paragraph (4) -
 - (i) in sub-paragraph (a) after the words "income support" add the words "or income-based jobseeker's allowance",
 - (ii) in sub-paragraph (b) for the words "if benefit was" substitute the words "if either of those benefits were", and
 - (iii) in sub-paragraph (c) at the end of head (i) add the word "or".

(13) In paragraph (1)(a) of regulation 32 (modification of personal allowances of boarders) for the words "paragraph (2)" substitute the words "paragraph (3)".

(14) In regulation 35 (calculation of income and capital of students), for the words from "have effect" to the end of the regulation, substitute the words "have effect in relation to students and their partners subject to the modifications set out in Chapter VIII thereof (students)".

(15) In sub-paragraphs (a) and (b) of regulation 48(2) (the former home of a claimant who moves into residential accommodation to be treated as his income) for the figure "£61,200" substitute the figure "£73,300".

(16) In paragraph (13) of regulation 49 (notional income) -

- (a) in sub-paragraph (b) omit the words "in the area"; and
- (b) omit the words "unless the claimant satisfies him that the means of that person are insufficient for him to pay or to pay more for the service" which appear at the end of that paragraph.

(17) In Chapter VIII of Part VI (income and capital of students) -

- (a) for the title to that Chapter substitute the word "*Students*";
- (b) immediately before the first definition insert the following definition -

“academic year” means the period of twelve months beginning on 1st January, 1st April, 1st July or 1st September according to whether the course in question begins in the winter, the spring, the summer or the autumn respectively, but if students are required to begin attending the course during August or September and to continue attending through the autumn, the academic year of the course shall be considered to begin in the autumn rather than the summer;”;

- (c) for the definition of “contribution” substitute the following -

“contribution” means any contribution in respect of the income of a student or of any other person which the Department, the Secretary of State, the Scottish Ministers or an education authority takes into account in ascertaining the amount of the student’s grant, or any sums, which in determining the amount of a student’s allowance or bursary in Scotland in terms of the Students’ Allowances (Scotland) Regulations 1991 or the Education Authority (Bursaries) (Scotland) Regulations 1995, the Scottish Ministers or an education authority takes into account, being sums which the Scottish Ministers or the education authority consider that the holder of the allowance or bursary, the holder’s parents and the holder’s spouse can reasonably be expected to contribute towards the holder’s expenses;”;
and

- (d) the definition of “year” shall be omitted.

(18) In regulation 81 (modifications in the calculation of income) -

- (a) for the words “Part V” substitute the words “Part VI”; and
- (b) for the word “VI” substitute the words “the Supplementary Benefit (Urgent Cases) Regulations 1981,”.

(19) In Schedule 1 (prescribed categories of person) -

- (a) after paragraph 10 insert the following paragraph -

“Deaf students

10A. A person who is a student in respect of whom an amount is payable under the Students Award Scheme 2000 (of Tynwald) (or any Scheme for the time being replacing or amending that Scheme) on account of his disability by reason of deafness.”; and

- (b) in paragraph 18 (member of couple looking after children while the other member is temporarily away from the Island) after the words “that couple is” insert the words “, out of necessity,”.

(20) For Parts II and III of Schedule 2 to the Income Support Regulations substitute the following Parts -

“PART II

LONE PARENT PREMIUM

Regulation 15(c)

Lower-rate lone parent premium

3. The weekly amount for the purposes of regulation 15(c) in respect of a lone parent to whom paragraph 3A does not apply shall be £11.90.

Higher-rate lone parent premium

- 3A. The weekly amount for the purposes of regulation 15(c) in respect of a lone parent who has been continuously in receipt of income support by virtue of paragraph 1 of Schedule 1 applying to him (prescribed categories of persons: lone parent responsible for a child who is a member of his household) for a period of not less than 364 days in his current award of income support shall be £31.25.

- 3AA. For the purposes of paragraph 3A only, any continuous period in respect of which a person was in receipt of a family premium under paragraph 3 of Part II of Schedule 2 to the Income Support (General) Regulations 1987 ending not more than seven days before he then became entitled to income support by virtue of paragraph 1 of Schedule 1 to these regulations applying to him shall be treated as if it were a period in respect of which he was continuously in receipt of income support by virtue of paragraph 1 of Schedule 1 to these regulations applying to him and any interim period of not more than seven days shall be ignored.

3B. -

- (1) The lower-rate lone parent premium to which paragraph 3 applies may be payable in addition to any other premium which may apply under this Schedule except for the higher-rate lone parent premium to which paragraph 3A applies.
- (2) The higher-rate lone parent premium to which paragraph 3A applies may be payable in addition to any of the following premiums, namely -
- (a) a bereavement premium to which paragraph 8A applies;
 - (b) a disability premium to which paragraph 11 applies;
 - (c) a disabled child premium to which paragraph 13 applies;
 - (d) a carer premium to which paragraph 14 applies;
 - (e) a blindness premium to which paragraph 15 applies;
 - (f) an attendance premium to which paragraph 16 applies; and
 - (g) a mobility premium to which paragraph 17 applies.

PART III

Regulations 15(d) and
16(1)(d)

PREMIUMS

4. Except as provided in paragraph 5, the weekly premiums specified in Part IV of this Schedule shall, for the purposes of regulations 15(d) and 16(1)(d), be applicable to a claimant who satisfies the condition specified in paragraphs 8A to 17 in respect of that premium.
5. Subject to paragraph 6, 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.
6. -
 - (1) The following premiums, namely -
 - (a) a disabled child premium to which paragraph 13 applies;
 - (b) a carer premium to which paragraph 14 applies provided that a higher carer premium is not applicable in respect of the care provided by the same person;
 - (c) a blindness premium to which paragraph 15 applies;
 - (d) an attendance premium to which paragraph 16 applies; and
 - (e) a mobility premium to which paragraph 17 applies,may be applicable in addition to any other premium which may apply under this Schedule.
 - (2) Where a person satisfies the condition in respect of the carer premium to which paragraph 14 applies and the condition in respect of the higher carer premium to which paragraph 14A applies, the carer premium shall not be applicable to him.
 - (3) In addition to the premiums referred to in sub-paragraph (1), the bereavement premium may be applicable in addition to any of the following premiums, namely -
 - (a) a lower-rate lone parent premium to which paragraph 3 applies;
 - (b) a higher-rate lone parent premium to which paragraph 3A applies;
 - (c) a disability premium to which paragraph 11 applies; and
 - (d) a higher carer premium to which paragraph 14A applies.
 - (4) In addition to the premiums referred to in sub-paragraph (1), the disability premium to which paragraph 11 applies may be applicable in addition to any of the following premiums, namely -

- (a) a lower-rate lone parent premium to which paragraph 3 applies;
 - (b) a higher-rate lone parent premium to which paragraph 3A applies;
 - (c) a bereavement premium to which paragraph 8A applies;
 - (d) a pensioner premium in respect of a person aged under 75 to which paragraph 8 applies;
 - (e) a pensioner premium in respect of a person aged 75 or over to which paragraph 9 applies;
 - (f) a higher disability premium to which paragraph 12 applies; and
 - (g) a higher carer premium to which paragraph 14A applies.
- (5) The higher carer premium to which paragraph 14A applies may be applicable in addition to any of the following premiums under this Schedule, namely -
- (a) a lower-rate lone parent premium to which paragraph 3 applies;
 - (b) a bereavement premium to which paragraph 8A applies;
 - (c) a disability premium to which paragraph 11 applies;
 - (d) a disabled child premium to which paragraph 13 applies;
 - (e) a carer premium to which paragraph 14 applies provided that a higher carer premium is not applicable in respect of the care provided by the same person;
 - (f) a blindness premium to which paragraph 15 applies;
 - (g) an attendance premium to which paragraph 16 applies; and
 - (h) a mobility premium to which paragraph 17 applies.

7. -

- (1) Subject to sub-paragraph (2), for the purposes 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 14 and the higher carer premium under paragraph 14A, 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 highest or middle rate prescribed in accordance with section 72(3) of the Contributions and Benefits Act.

Bereavement Premium

8A. -

- (1) Subject to sub-paragraphs (2) and (3), the condition is that the claimant -
- (a) had, at 9th April 2001, attained the age of 55 but not the age of 60;
 - (b) was in receipt of, but is no longer entitled to, a bereavement allowance under section 39B of the Contributions and Benefits Act in respect of the death of a spouse who died on or after 9th April 2001; and
 - (c) is claiming income support as a single claimant.
- (2) A premium under sub-paragraph (1) shall not be applicable in respect of a claimant who claims income support more than 8 weeks after the last day on which he was entitled to a bereavement allowance.
- (3) Where a claimant to whom a premium under sub-paragraph (1) is applicable ceases to be entitled to income support or ceases to be a single claimant, a premium under sub-paragraph (1) shall only again be applicable to that claimant where he claims income support as a single claimant no more than 8 weeks after the date on which he ceased to be entitled to income support or to an income-based jobseeker's allowance or, as the case may be, to be a single claimant.

Pensioner premium for persons under 75

8. The condition is that the claimant -
- (a) is a single claimant or lone parent aged not less than 60 but less than 75; or
 - (b) has a partner and one of them is, or both of them are, aged not less than 60 but less than 75.

Pensioner premium for persons 75 or over

9. The condition is that the claimant -
- (a) is a single claimant or lone parent aged not less than 75; or
 - (b) has a partner and is, or his partner is, aged not less than 75; or
 - (c) has a partner and both of them are aged not less than 75.

Incapacity premium

10. -

(1) The condition is -

(a) that the claimant -

- (i) is a single claimant or lone parent, and
- (ii) is, or is treated as, incapable of work, in accordance with Part XIIIA of the Contributions and Benefits Act, and either -
- (iii) is, or is treated under sub-paragraph (2) as, in receipt of one or more of the following benefits, namely -
 - (aa) income support by virtue of paragraph 7 of Schedule 1 applying to him (prescribed categories of person: persons incapable of work);
 - (bb) severe disablement allowance; or
 - (cc) incapacity benefit,

and has been in receipt of one or more of those benefits (or one of them immediately followed by another) (but in the case of income support, only in the circumstances described) in respect of the immediately preceding period of 364 days, or

(iv) is terminally ill (within the meaning of section 30B(4) of the Contributions and Benefits Act); or

(b) that the claimant -

- (i) has a partner, and
- (ii) is, or is treated as, incapable of work, in accordance with Part XIIIA of the Contributions and Benefits Act, and either -
- (iii) is, or his partner is, or both of them are, or one is or both of them are treated under sub-paragraph (2) as being, in receipt of one or more of the benefits mentioned in sub-paragraph (a)(iii) and have been in receipt of one or more of those benefits in respect of the immediately preceding period of 364 days (but in the case of income support, only by virtue of paragraph 7 of Schedule 1 applying to him), or
- (iv) is, or his partner is, or both of them are, terminally ill (within the meaning of section 30B(4) of the Contributions and Benefits Act).

- (2) For the purposes of sub-paragraph (1)(a)(iii) and (b)(iii), a person shall be treated as being (or having been) in receipt of incapacity benefit or severe disablement allowance, as the case may be, if, and only if, one of those benefits would be paid in respect of him but for any provision of the Social Security (Overlapping Benefits) Regulations 1979 and shall be so treated only for any period in respect of which that benefit would be paid but for those Regulations.
- 10A. For the purposes of sub-paragraph (1)(a)(iii) and (b)(iii) of paragraph 10 only, any continuous period in respect of which a person was in receipt of one or more of the following benefits -
- (a) income support by virtue of paragraph 7 of Schedule 1B of the Income Support (General) Regulations 1987 applying to him (prescribed categories of person: persons incapable of work);
 - (b) severe disablement allowance under Part III of the Social Security Contributions and Benefits Act 1992 (as that Act has effect in Great Britain) or under any analogous provision which has effect in Northern Ireland; or
 - (c) incapacity benefit under Part II of the Social Security Contributions and Benefits Act 1992 (as that Act has effect in Great Britain) or under any analogous provision which has effect in Northern Ireland;

ending not more than seven days before he then became entitled to -

- (d) income support by virtue of paragraph 7 of Schedule 1 of these regulations applying to him;
- (e) severe disablement allowance under Part III of the Contributions and Benefits Act; or
- (f) incapacity benefit under Part II of the Contributions and Benefits Act,

shall be treated as if it were a period in respect of which he was continuously entitled to the corresponding benefit referred to in sub-paragraph (d), (e) or (f), as the case may be, and any interim period of not more than seven days shall be ignored.

Disability premium

11. The condition is -

- (a) that the claimant -
 - (i) is a single claimant or lone parent, and
 - (ii) is in receipt of -

- (aa) the highest or middle rate care component of disability living allowance under section 72(3) of the Contributions and Benefits Act;
- (bb) the higher rate mobility component of disability living allowance under section 73(11)(a) of the Contributions and Benefits Act;
- (cc) an attendance allowance under Part III of the Contributions and Benefits Act; or
- (dd) a premium under paragraph 17 (mobility premium); or

(b) that the claimant -

(i) has a partner, and either -

(ii) is, or his partner is, or both of them are, in receipt of -

(aa) the highest or middle rate care component of disability living allowance under section 72(3) of the Contributions and Benefits Act;

(bb) the higher rate mobility component of disability living allowance under section 73(11)(a) of the Contributions and Benefits Act; or

(cc) an attendance allowance under Part III of the Contributions and Benefits Act; or

(iii) is in receipt of a premium under paragraph 17 (mobility premium).

Higher disability premium

12. The condition is that -

(a) the claimant is a single claimant or lone parent who satisfies the condition in paragraph 10 (incapacity premium) and the condition in paragraph 11 (disability premium); or

(b) the claimant has a partner and the claimant or his partner satisfies, or both of them satisfy, the condition in paragraph 10 and the condition in paragraph 11.

Disabled child premium

13. The condition is 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 VI in like manner as for the claimant, except as provided in regulation 51(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 higher rate of the mobility component of disability living allowance payable under section 73 of that Act.

Carer premium

14. -

- (1) Subject to sub-paragraphs (3) and (4), the condition is that the claimant or his partner is, or both of them are, entitled to an 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 entitled to 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 Benefit) 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 Benefits Act.
- (3) Where a carer premium is awarded but the person in respect of whom it has been awarded ceases to be entitled to an 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 -
 - (a) where sub-paragraph (2) applies, the person in respect of whose care the invalid care allowance has been claimed ceased to be in receipt of the allowances referred to in head (c) of that sub-paragraph;
 - (b) in any other case, that person ceased to be entitled to an invalid care allowance.
- (4) Where a person who has been entitled to an invalid care allowance ceases to be entitled to that allowance and makes a claim for income support, the condition for the award of the carer premium shall be treated as satisfied for a period of eight weeks from the date on which -

- (a) where sub-paragraph (2) applies, the person in respect of whose care the invalid care allowance has been claimed ceased to be in receipt of the allowances referred to in head (c) of that sub-paragraph;
- (b) in any other case, that person was last entitled to an invalid care allowance.

Higher carer premium

14A. -

- (1) Subject to sub-paragraph (2), the condition is that -
 - (a) the claimant has been in receipt of a carer premium in respect of himself, his partner or both of them under paragraph 14 in the immediately preceding period of 364 days; and
 - (b) the claimant or his partner continues, or both of them continue, to satisfy the condition for a carer premium under paragraph 14.
- (2) Where the claimant and his partner have both satisfied the condition for a carer premium to which paragraph 14 applies in the immediately preceding period of 364 days and they continue to satisfy the condition for a carer premium, only one premium shall be applicable under this paragraph in respect of both of them.

14B. For the purposes of paragraph 14A only, any continuous period in respect of which a person was in receipt of a carer premium under paragraph 14ZA of Schedule 2 to the Income Support (General) Regulations 1987 ending not more than seven days before he was then in receipt of a carer premium under paragraph 14 of this Schedule shall be treated as if it were a period in respect of which he was continuously in receipt of a carer premium under paragraph 14 of this Schedule and any interim period of not more than seven days shall be ignored.

Blindness premium

15. -

- (1) The condition is that -
 - (a) the claimant,
 - (b) the claimant's partner, or
 - (c) a child or young person for whom the claimant or any partner he might have is responsible (in accordance with regulation 13) and who is a member of the claimant's household (in accordance with regulation 14),

is registered as 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.

Attendance premium

16. The condition is that -
- (a) the claimant or his partner has, or both of them have, made, or is, or are, treated as having made, a claim for attendance allowance or disability living allowance, as the case may be, under the Contributions and Benefits Act; and
 - (b) an adjudication officer is satisfied that entitlement to benefit in respect of that claim will arise -
 - (i) in the case of a claim for attendance allowance, within a period of 6 months (inclusive) of the date the claim for that benefit was made or is treated as having been made; or
 - (ii) in the case of a claim for disability living allowance, within a period of 3 months (inclusive) of the date the claim for that benefit was made or is treated as having been made.

Mobility premium

17. The condition is that the claimant or his partner is or both of them are -
- (a) aged 65 or over and who, in the opinion of an adjudication officer, would be entitled to the higher rate mobility component of disability living allowance under section 73(1)(a), (b) or (c) of the Contributions and Benefits Act but for section 75 of that Act (disability living allowance not payable after the age of 65 unless an award of that benefit was made before then); or
 - (b) aged 65 or over, in receipt of the lower rate mobility component of disability living allowance and who, in the opinion of an adjudication officer, would be entitled to the higher rate mobility component of disability living allowance but for section 75 of the Contributions and Benefits Act.

Persons in receipt of concessionary payments

18. For the purposes of determining whether a premium is applicable to a person under the following paragraphs, namely -
- (a) an incapacity premium to which paragraph 10 applies;
 - (b) a disability premium to which paragraph 11 applies;
 - (c) a disabled child premium to which paragraph 13 applies;
 - (d) a carer premium to which paragraph 14 applies;

- (e) a higher carer premium to which paragraph 14A applies;
- (f) an attendance premium to which paragraph 16 applies; and
- (g) a mobility premium to which paragraph 17 applies,

any concessionary payment made to compensate that person or his partner for the non-payment of any benefit mentioned in those paragraphs shall be treated as if it were a payment of that benefit.

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.

Linking rules

- 19A. For the purposes of paragraph 10 (incapacity premium) and paragraph 12 (higher disability premium), any two or more periods of receipt of any of the benefits mentioned in paragraph 10(1)(a)(iii) or (b)(iii) separated by a break of not more than 56 days shall be treated as one continuous period.”.

(21) For sub-paragraphs (1) to (3) of paragraph 1 of Part I of Schedule 3 (weekly amounts of housing costs specified under Part V) substitute the following -

“PART I

WEEKLY AMOUNTS OF HOUSING COSTS
SPECIFIED UNDER PART V

1. -

- (1) The weekly amount of housing costs specified in the Table below shall be applicable to a claimant who satisfies the conditions specified in Part V of these Regulations and the condition in sub-paragraphs (2) to (5) which is appropriate to his case.
- (2) The condition is that the claimant is resident in public sector housing and is liable for -
 - (a) rent under regulation 23 (rent) alone; or
 - (b) rent under regulation 23 and any amount under regulation 28 (miscellaneous outgoings, including general rates),
 in respect of that property.
- (3) The condition is that the claimant is resident in private sector housing and is liable for -
 - (a) rent under regulation 23 alone; or

- (b) rent under regulation 23 and any amount under regulation 28 (miscellaneous outgoings, including general rates),
in respect of that property.
 - (4) The condition is that the claimant is resident in private sector housing and is liable for -
 - (a) loan interest payments -
 - (i) under regulation 24 (loans on residential property), or
 - (ii) under regulation 26 (loans for repairs and improvements to the home), or
 - (iii) under both regulations 24 and 26; or
 - (b) loan interest payments under head (a) and any amount under regulation 28 (miscellaneous outgoings, including general rates),
in respect of that property.
 - (5) The condition is that the claimant is resident in private sector housing and is liable for any amount under regulation 28 (miscellaneous outgoings, including general rates) alone in respect of that property.
 - (6) In sub-paragraph (2) "public sector housing" means housing owned by -
 - (a) the Department;
 - (b) the Department of Local Government and the Environment;
 - (c) a local authority; or
 - (d) an approved housing association (within the meaning of Part II of the Housing (Miscellaneous Provisions) Act 1976 (an Act of Tynwald)).
 - (7) In sub-paragraphs (3) to (5) "private sector housing" means housing of a type other than public sector housing (as defined in sub-paragraph (6))."
- (22) In Schedule 6 (sums to be disregarded in the calculation of earnings) -
- (a) in paragraph 4 -
 - (i) in sub-paragraph (1) for the words "In a case to which this paragraph applies" substitute the words "In any case other than one to which another paragraph of this Schedule applies," and
 - (ii) sub-paragraphs (2) to (6) shall be omitted;
 - (b) paragraphs 5 to 11 shall be omitted; and
 - (c) in paragraph 17 for the figure "£5" substitute the figure "£20".

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

- (a) in paragraph 2 after the word "incurred", there shall be inserted the words "or to be incurred,";
- (b) in paragraph 10A for the words "full-time student" substitute the word "student"; and
- (c) in paragraph 28 for the words "Any social fund payment" substitute the words "Any payment made in order to meet maternity or funeral expenses".

(24) In Schedule 8 (capital to be disregarded) -

- (a) in paragraph 17 for the words "Any social fund payment" substitute the words "Any payment made in order to meet maternity or funeral expenses"; and
- (b) after paragraph 35 add the following paragraphs -

"36. Where an ex-gratia payment of £10,000 has been made, pursuant to the Tynwald resolution dated 20th June 2000 for that purpose, in consequence of the imprisonment or internment of -

- (a) the claimant;
- (b) the claimant's partner;
- (c) the claimant's deceased spouse; or
- (d) the claimant's partner's deceased spouse,

by the Japanese during the Second World War, £10,000.

37. Where an ex-gratia payment of £10,000 has been made by the Secretary of State on or after 1st February 2001 in consequence of the imprisonment or internment of -

- (a) the claimant;
- (b) the claimant's partner;
- (c) the claimant's deceased spouse; or
- (d) the claimant's partner's deceased spouse,

by the Japanese during the Second World War, £10,000.

38. -

- (1) Subject to sub-paragraph (2), the amount of any trust payment made to a claimant or a member of a claimant's family who is -
 - (a) a diagnosed person;
 - (b) the diagnosed person's partner or the person who was the diagnosed person's partner at the date of the diagnosed person's death;
 - (c) a parent of a diagnosed person, a person acting in the place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death; or
 - (d) a member of the diagnosed person's family (other than his partner) or a person who was a member of the diagnosed person's family (other than his partner) at the date of the diagnosed person's death.

- (2) Where a trust payment is made to -
 - (a) a person referred to in sub-paragraph (1)(a) or (b), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending on the date on which that person dies;
 - (b) a person referred to in sub-paragraph (1)(c), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending two years after that date;
 - (c) a person referred to in sub-paragraph (1)(d), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending -
 - (i) two years after that date; or
 - (ii) on the day before the day on which that person -
 - (aa) ceases receiving full-time education; or
 - (bb) attains the age of 19,whichever is the latest.

- (3) Subject to sub-paragraph (4), the amount of any payment by a person to whom a trust payment has been made, or of any payment out of the estate of a person to whom a trust payment has been made, which is made to a claimant or a member of a claimant's family who is -

- (a) the diagnosed person's partner or the person who was the diagnosed person's partner at the date of the diagnosed person's death;
- (b) a parent of a diagnosed person, a person acting in the place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death; or
- (c) a member of the diagnosed person's family (other than his partner) or a person who was a member of the diagnosed person's family (other than his partner) at the date of the diagnosed person's death,

but only to the extent that such payments do not exceed the total amount of any trust payments made to that person.

- (4) Where a payment as referred to in sub-paragraph (3) is made to -
 - (a) a person referred to in sub-paragraph (3)(a), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending on the date on which that person dies;
 - (b) a person referred to in sub-paragraph (3)(b), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending two years after that date;
 - (c) a person referred to in sub-paragraph (3)(c), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending -
 - (i) two years after that date; or
 - (ii) on the day before the day on which that person -
 - (aa) ceases receiving full-time education; or
 - (bb) attains the age of 19,

whichever is the latest.

- (5) In this paragraph, a reference to a person -
 - (a) being the diagnosed person's partner;
 - (b) being a member of the diagnosed person's family; or
 - (c) acting in the place of the diagnosed person's parents,

at the date of the diagnosed person's death shall include a person who would have been such a person or a person who would have been so acting, but for the diagnosed person being in residential accommodation, a residential care home or a nursing home on that date.

(6) In this paragraph -

“diagnosed person” means a person who has been diagnosed as suffering from, or who, after his death, has been diagnosed as having suffered from, variant Creutzfeldt-Jakob disease;

“relevant trust” means a trust established out of funds provided by the Secretary of State in respect of persons who suffered, or who are suffering, from variant Creutzfeldt-Jakob disease for the benefit of persons eligible for payments in accordance with its provisions;

“trust payment” means a payment under a relevant trust.”

Made

18th February 2002

Al Christian

Minister for Health and Social Security

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations, which shall come into effect on 8th April 2002, make various amendments to the Income Support (General) (Isle of Man) Regulations 2000 (“the Income Support Regulations”), as set out in the following paragraphs.
- 2.1 Regulation 1 makes provision for the citation, commencement and interpretation of the Regulations and regulation 2(1) introduces the Regulations.

- 2.2 Regulation 2(2), (5), (6), (8) to (11), (13) and (18) makes miscellaneous textual clarifying amendments to the Income Support Regulations.
- 2.3 Regulation 2(3) relaxes the conditions which a person must satisfy so as to be entitled to income support while they are temporarily absent from the Island.
- 2.4 Regulation 2(4) makes a minor amendment to regulation 15 of the Income Support Regulations as a result of a change in the terminology used in the substituted Part II of Schedule 2 to those Regulations ("lone parent premium").
- 2.5 Regulation 2(7) inserts provision into the Income Support Regulations so that where a person is awarded an amount of income support which includes a fraction of a penny, that fraction will be treated as if it were a penny.
- 2.6 Where a person who is entitled to income support shares accommodation with another person who is not, nor is treated as, a member of the claimant's family ("a non-dependant"), then the amount of housing costs applicable to the claimant under the Income Support Regulations shall be reduced by an amount which the non-dependant is assumed to contribute to the claimant in respect of their accommodation. Currently, this contribution is deducted from the amount of housing costs an income support claimant incurs *after they have been restricted by the relevant maximum which applies to the claimant* (if those costs exceed that limit).

Regulation 2(12) amends regulation 31 of the Income Support Regulations so that now the claimant's housing costs will first be reduced by the assumed non-dependant's contribution, and then further restricted by the maximum referred to, should that net amount still exceed that limit.

This more generous approach brings into line the treatment of those in receipt of income support with those receiving an income-based jobseeker's allowance in this respect. Other minor changes are made by regulation 2(12) to regulation 31 in respect of non-dependants who are entitled (or would be so) to an income-based jobseeker's allowance.

- 2.7 Regulation 2(14), (17)(a) and (23)(b) changes certain references in the Income Support Regulations to "full-time students" to references to "students".
- 2.8 The remainder of regulation 2(17) makes minor amendments in respect of the calculation of capital and income of students for income support purposes by -
- inserting a definition of "academic year";
 - providing a new definition of "contribution"; and
 - removing the definition of "year".
- 2.9 Regulation 2(15) increases the threshold in excess of which the value of the former home of a person moving into residential accommodation shall be treated as generating an income at the rate of 10% of that excess for that person, so increasing their entitlement to income support. This amendment reflects the increase in average house prices in the Island during the year 2000 and has been applied administratively since 9th April 2001.

- 2.10 Regulation 2(16) modifies the power provided for in the Income Support Regulations which adjudication officers have so that where a person has carried out work for which they are either not paid or are paid less than what they would normally be paid for such work, then for the purpose of calculating their entitlement to income support, the claimant shall be attributed with earnings which they would reasonably expect to have received from another employer for the same work. The changes provided for by these Regulations will no longer require the adjudication officer to take into account the means of the person employing the claimant, nor the area in which the work was carried out in the calculation.
- 2.11 Regulation 2(19)(a) introduces deaf students as one of the categories of prescribed person who can gain entitlement to income support and regulation 2(20)(b) clarifies that a member of a couple who is looking after a child can gain entitlement to income support if the other member of the couple is temporarily absent from the Island *out of necessity*.
- 2.12 Regulation 2(20) provides substituted versions of Parts II and III of Schedule 2 of the Income Support Regulations in a form which is easier to interpret. Those Parts specify what conditions a person must satisfy in order to gain entitlement to a particular premium, which are additions provided to certain persons (e.g. the elderly and those with ill-health) to be included in their applicable amount of income support. There are no changes to entitlement conditions
- 2.13 Regulation 2(21) substitutes the provisions in the Income Support Regulations which specify the conditions which must be satisfied for housing costs to be included in a person's applicable amount of income support, again for easier interpretation.
- 2.14 Regulation 2(22) provides that, generally, a person can now have earnings of up to £20 per week before their entitlement to income support is affected. This treatment is more generous and more straightforward than its predecessor.
- 2.15 Regulation 2(23)(a) provides that payments made to a person who is engaged by a charitable or voluntary organisation or is a volunteer in respect of expenses yet to be incurred shall be disregarded in calculating their entitlement to income support. Currently such payments cannot be disregarded until the expenses have actually been incurred.
- 2.16 Regulation 2(23)(c) and (24)(a) updates the terminology found in the Income Support Regulations by removing reference to social fund payments.
- 2.17 Regulation 2(24)(b) provides that *ex-gratia* payments of £10,000 made by the Isle of Man or United Kingdom Governments in consequence of a person's imprisonment or internment by the Japanese during the Second World War shall be disregarded as capital when ascertaining the entitlement of the recipient of that payment to income support. This provision has been applied administratively up to now. Regulation 2(24)(b) also provides that payments under a trust established out of funds provided by the United Kingdom Secretary of State in respect of persons who suffered, or who are suffering, from variant Creutzfeldt-Jakob disease which are made to certain persons and payments made by, or out of the estate of, persons receiving such payments which are made to certain persons shall be similarly disregarded.