



Statutory Document No. 105/02

THE SOCIAL SECURITY ACT 2000

THE SOCIAL SECURITY LEGISLATION (APPLICATION) ORDER 2002

Approved by Tynwald

19th March 2002

Coming into operation in accordance with Article 1

In exercise of the powers conferred on the Department of Health and Social Security by section 1 of the Social Security Act 2000(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 Legislation (Application) Order 2002 and shall, subject to section 2(1) of the Social Security Act 2000, come into force with effect from 8th April 2002.

Amendment of the Jobseeker's Allowance Regulations 1996 (S.D. 634/96)

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

(2) For regulation 83 (applicable amounts) substitute the following -

"Applicable amounts

83. (1) Except in the case of a claimant to whom regulation 84, 85 or 86 or Part X (applicable amounts in other cases) applies, a claimant's weekly applicable amount shall be the aggregate of such of the following amounts as may be applicable in his case -

(a) 2000 c.5; (b) S.D. 634/96; (c) S.I. 1996/207.

- (a) an amount in respect of himself or, if he is a member of a couple, an amount in respect of both of them, determined in accordance with Part I of Schedule 1 (personal allowances);
- (b) an amount in respect of any child or young person who is a member of his family, excluding a child or young person whose capital, if calculated in accordance with Part VIII, would exceed £10,000, but including a child whose capital falls to be treated as income in accordance with regulation 106(1) (modification in respect of children and young persons), determined in accordance with Part II of Schedule 1;
- (c) any amounts in respect of housing costs, determined in accordance with Schedule 2 (housing costs);
- (cc) where he is a lone parent, an amount determined in accordance with Part I of Schedule 3 (lone parent premium); and
- (d) the amount of any premiums which may be applicable to him, determined in accordance with Parts II and III of Schedule 3 (premiums).

(2) Where an allowance is awarded for a period which is not a complete benefit week and the applicable amount in respect of that period results in an amount which includes a fraction of one penny, that fraction shall be treated as one penny.”.

(3) In paragraph (1) of regulation 84 (polygamous marriages) -

(a) for sub-paragraph (b) substitute the following -

“(b) an amount equal to the difference between the amounts specified in sub-paragraphs (a) and (b) of paragraph 1 of Part I of Schedule 1 in respect of each of his other partners;” and

(b) in sub-paragraph (e) for the words “determined in accordance with Schedule 3 (premiums)” substitute the words “determined in accordance with Parts II and III of Schedule 3 (premiums other than lone parent premium)”.

(4) In paragraph (13) of regulation 105 (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.

(5) In Part I of Schedule 2 (housing costs) -

(a) in sub-paragraphs (3) and (5) of paragraph 1B (circumstances in which a person is to be treated as occupying the dwelling as his home) for the word “mortgage” substitute the word “loan”;

- (b) in paragraph 2 (rent) after sub-paragraph (3) insert the following sub-paragraph -

“(3A) Where the accommodation is provided by the Department, the Department of Local Government and the Environment, a local authority or an approved housing association (within the meaning of Part II of the Housing (Miscellaneous Provisions) Act 1976 (an Act of Tynwald)) and amounts in respect of heads (a) to (d) of sub-paragraph (3) above are payable as a separate charge or are separately identifiable, then only the weekly amount in respect of rent and rates is payable.”;

- (c) in sub-paragraph (1) of paragraph 4 (maintenance and insurance) for the words “paragraph 12(8)” substitute the words “paragraph 12(13)”;
- (d) for paragraph 5A (the calculation for loans) substitute the following paragraph -

“The calculation for loans

5A. The weekly amount of housing costs to be met under this Part in respect of a loan which qualifies under paragraph 3 or 5 shall be calculated by applying the formula -

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

where -

“A” = the amount of the outstanding loan which qualifies under paragraph 3 or 5 in respect of which interest is payable; and

“B” = the lender’s current interest rate.”;

- (e) in sub-paragraph (5)(b)(i) of paragraph 7 (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))”; and
- (f) in paragraph 9 (reduction in amounts applicable for certain occupants of the home) -
- (i) in sub-paragraph (4) -
- (aa) in head (a) after the words “income-based jobseeker's allowance” add the words “or income support”;
- (bb) in head (b) for the words “if benefit was” substitute the words “if either of those benefits were”; and
- (cc) in head (c) at the end of sub-head (i) add the word “or”, and

(ii) in sub-paragraph (6) -

(aa) omit sub-head (ii) of head (b) and the word "and" immediately preceding it;

(bb) in head (c) for the word "non-dependant" substitute the words "claimant or any partner of his"; and

(cc) after head (d) add the following head -

"(e) in respect of a person under the age of 18 in receipt of income-based jobseeker's allowance or income support".

(6) For the headings to, and sub-paragraphs (1) to (3) of paragraph 12 of, Part II of Schedule 2 (weekly amounts of housing costs specified in Part I) substitute the following -

"PART II

WEEKLY AMOUNTS OF HOUSING COSTS SPECIFIED UNDER PART I

12. -

(1) The weekly amount of housing costs specified in the Table below shall, for the purposes of regulations 83(1)(c) and 84(1)(d), be applicable to a claimant who satisfies the conditions specified in sub-paragraphs (2) to (5) appropriate to his case.

(2) The condition is that the claimant is resident in public sector housing and is liable for -

(a) rent under paragraph 2 (rent) alone; or

(b) rent under paragraph 2 and any amount under paragraph 6 (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 paragraph 2 (rent) alone; or

(b) rent under paragraph 2 and any amount under paragraph 6 (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 paragraph 3 (loans on residential property), or
 - (ii) under paragraph 5 (loans for repairs and improvements to the dwelling occupied as a home), or
 - (iii) under both paragraphs 3 and 5; or
- (b) loan interest payments under head (a) and any amount under paragraph 6 (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 housing costs under paragraph 6 (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))."

(7) In sub-paragraph (1)(a) of paragraph 14 in Part II of Schedule 2 (modification of personal allowances of boarders) for the words "sub-paragraph (2)" substitute the words "sub-paragraph (3)".

- (8) For Parts I and II of Schedule 3 (premiums) substitute the following -

"SCHEDULE 3

PREMIUMS

PART I

LONE PARENT PREMIUM

Regulation
83(1)(cc)

4. The weekly amount for the purposes of regulation 83(1)(cc) in respect of a claimant who has no partner and who is responsible for, and a member of the same household as, a child or young person shall be £11.90.

PART II
PREMIUMS

Regulations 83(1)(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(1)(d) and 84(1)(e), be applicable to a claimant who satisfies the condition specified in paragraphs 9A to 17B in respect of that premium.
6. Subject to paragraph 7, where a claimant satisfies the conditions in respect of
- (a) more than one premium in this Part of this Schedule; or
 - (b) a premium in Part I of this Schedule and one or more premiums 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 following premiums, namely -

- (a) a lone parent premium to which paragraph 4 applies;
- (b) a disabled child premium to which paragraph 16 applies;
- (c) a carer premium to which paragraph 17 applies;
- (d) a blindness premium to which paragraph 17A applies; and
- (e) a mobility premium to which paragraph 17B applies,

may be applicable in addition to any other premium which may apply under Part I or II of this Schedule.

- (2) In addition to the premiums referred to in sub-paragraph (1), the bereavement premium to which paragraph 9A applies may be applicable in addition to a disability premium to which paragraph 15 applies.
- (3) In addition to the premiums referred to in paragraph (1), the disability premium to which paragraph 15 applies may be applicable in addition to any of the following premiums, namely -
- (a) a bereavement premium to which paragraph 9A applies;
 - (b) a pensioner premium in respect of a person aged under 75 to which paragraph 10 applies;
 - (c) a pensioner premium in respect of a person aged 75 or over to which paragraph 11 applies; and
 - (d) a higher disability premium to which paragraph 15A applies.

8. -

- (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 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 highest or middle rate prescribed in accordance with section 72(3) of the Benefits Act.

Bereavement Premium

9A. -

- (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 Benefits Act in respect of the death of a spouse who died on or after 9th April 2001; and
 - (c) is claiming an income-based jobseeker's allowance as a single claimant.
- (2) A premium under sub-paragraph (1) shall not be applicable in respect of a claimant who claims a jobseeker's allowance 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 an income-based jobseeker's allowance or ceases to be a single claimant, a premium under sub-paragraph (1) shall only again be applicable to that claimant where he claims a jobseeker's allowance as a single claimant no more than 8 weeks after the date on which he ceased to be entitled to an income-based jobseeker's allowance or to income support or, as the case may be, to be a single claimant.

Pensioner premium for persons under 75

10. The condition is that the claimant -

- (a) is a single claimant or lone parent aged not less than 60; 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

- 11. The condition is that the claimant has a partner and his partner is aged not less than 75.

Incapacity premium

13. -

- (1) Subject to sub-paragraph (3), the condition is that the claimant has a partner who -
 - (a) is, or is treated as, incapable of work, in accordance with Part XIIA of the Benefits Act; and either -
 - (b) is, or is treated under sub-paragraph (2) as, in receipt of either of the following benefits, namely -
 - (i) severe disablement allowance, or
 - (ii) incapacity benefit,and has been in receipt of either of those benefits (or one of them immediately followed by the other) continuously in respect of the immediately preceding period of 364 days, whether or not he was the partner of the claimant at the time; or
 - (c) is terminally ill (within the meaning of section 30B(4) of the Benefits Act).
- (2) For the purposes of sub-paragraph (1)(b), the claimant's partner shall be treated as being 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 regarded only for any period in respect of which that benefit would be paid but for those Regulations.
- (3) For the purposes of sub-paragraph (1)(b), any continuous period in respect of which the partner of the claimant (whether or not he was the partner of the claimant at that time) was in receipt of either of the following benefits -
 - (a) 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
 - (b) 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 -

- (c) severe disablement allowance under Part III of the Benefits Act; or
- (d) incapacity benefit under Part II of the Benefits Act,

shall be treated as if it were a period in respect of which the claimant's partner was continuously entitled to the corresponding benefit referred to in head (c) or (d), as the case may be, and any interim period of not more than seven days shall be ignored.

Disability premium

15. The condition is -

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

- (i) the highest or middle rate care component of disability living allowance under section 72(3) of the Benefits Act, or
- (ii) the higher rate mobility component of disability living allowance under section 73(11)(a) of the Benefits Act; or

- (b) that the claimant -

- (i) has a partner who is in receipt of -

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

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

- (cc) an attendance allowance under Part III of the Benefits Act, or

- (ii) has a partner and the claimant is in receipt of -

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

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

- (cc) a mobility premium under paragraph 17B.

Higher disability premium

- 15A. The condition is that the condition in paragraph 13 (incapacity premium) and the condition in paragraph 15 (disability premium) are both satisfied.

Disabled child premium

16. 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 has capital which, if calculated in accordance with Part VIII 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 Benefits Act or the higher rate of the mobility component of disability living allowance payable under section 73 of that Act.

Carer premium

17. -

- (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 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 a 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 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.

Blindness premium

17A. -

- (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 77) and who is a member of the claimant's household (in accordance with regulation 78),
- 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.

Mobility premium

17B. The condition is that the claimant -

- (a) has a partner who is 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 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) has a partner who is aged 65 or over who is 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 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) paragraph 13 (incapacity premium);
 - (b) paragraph 15 (disability premium);
 - (c) paragraph 15A (higher disability premium);
 - (d) paragraph 16 (disabled child premium);
 - (e) paragraph 17 (carer premium); and
 - (f) paragraph 17B (mobility premium),

any concessionary payment made to compensate that person or any partner of his 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 rule

- 19A. For the purposes of paragraph 13 (incapacity premium) and paragraph 15A (higher disability premium), any two or more periods of receipt of either of the benefits mentioned in paragraph 13(1)(b) separated by a break of not more than 56 days shall be treated as one continuous period.

(9) For Part IIIA of Schedule 3 (premiums for joint-claim couples) substitute the following -

“PART IIIA

PREMIUMS FOR JOINT-CLAIM COUPLES

- 20A. Except as provided in paragraph 20B, the weekly premium specified in Part IIIB of this Schedule shall, for the purposes of regulations 86A(c) and 86B(d), be applicable to a joint-claim couple where either or both members of a joint-claim couple satisfy the condition specified in paragraphs 20E to 20JAA in respect of that premium.
- 20B. Subject to paragraph 20C, where a member of a joint-claim couple satisfies the conditions in respect of more than one premium in this Part of this Schedule, only one premium shall be applicable to the joint-claim couple in respect of that member and, if they are different amounts, the higher or highest amount shall apply.

20C. -

(1) The following premiums, namely -

- (a) a carer premium to which paragraph 20J applies;
- (b) a blindness premium to which paragraph 20JA applies; and
- (c) a mobility premium to which paragraph 20JAA applies,

may be applicable in addition to any other premium which may apply under this Part of this Schedule.

(2) The disability premium to which paragraph 20I applies may be applicable in addition to any other premium which may apply under this Part of this Schedule except the incapacity premium to which 20G applies.

20D. -

(1) Subject to sub-paragraph (2), for the purposes of this Part of this Schedule, once a premium is applicable to a joint-claim couple 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 or instruction provided or approved by an adjudication officer or for any period during which he is in receipt of a training allowance.

(2) For the purposes of the carer premium under paragraph 20J, a person shall be treated as being in receipt of invalid care allowance by virtue of sub-paragraph (1)(a) 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 Benefits Act.

Pensioner premium for persons under 75

20E. The condition is that one member of a joint-claim couple is aged not less than 60 but less than 75.

Pensioner Premium for persons 75 or over

20F. The condition is that one member of a joint-claim couple is aged not less than 75.

Incapacity premium

20G. -

- (1) Subject to sub-paragraph (3), the condition is that one member of a joint-claim couple -
 - (a) is, or is treated as, incapable of work, in accordance with Part XIII A of the Benefits Act; and either -
 - (b) is, or is treated under sub-paragraph (2) as, in receipt of either of the following benefits, namely -
 - (i) severe disablement allowance, or
 - (ii) incapacity benefit,and has been in receipt of either of those benefits (or one of them immediately followed by the other) continuously in respect of the immediately preceding period of 364 days, whether or not he was a member of a joint-claim couple at the time; or
 - (c) is terminally ill (within the meaning of section 30B(4) of the Benefits Act).
- (2) For the purposes of sub-paragraph (1)(b), a person shall be treated as being 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 regarded only for any period in respect of which that benefit would be paid but for those Regulations.
- (3) For the purposes of sub-paragraph (1)(b) only, any continuous period in respect of which one member of a joint-claim couple (whether as a member of any joint-claim couple at the time or not) was in receipt of either of the following benefits -
 - (a) 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
 - (b) 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 -

- (c) severe disablement allowance under Part III of the Benefits Act; or
- (d) incapacity benefit under Part II of the Benefits Act,

shall be treated as if it were a period in respect of which that member was continuously entitled to the corresponding benefit referred to in head (c) or (d), as the case may be, and any interim period of not more than seven days shall be ignored.

Disability premium

- 20I. The condition is that one member of a joint-claim couple is in receipt of -
- (a) the highest or middle rate care component of disability living allowance under section 72(3) of the Benefits Act;
 - (b) the higher rate mobility component of disability living allowance under section 73(11)(a) of the Benefits Act;
 - (c) an attendance allowance under Part III of the Benefits Act; or
 - (d) a mobility premium under paragraph 20JAA.

Higher disability premium

- 20IA. The condition is that the condition in paragraph 20G (incapacity premium) and the condition in paragraph 20I (disability premium) are both satisfied.

Carer Premium

20J. -

- (1) Subject to sub-paragraphs (3) and (4), the condition is that either or both members of a joint-claim couple are entitled to and in receipt of an invalid care allowance under section 70 of the Benefits Act.
- (2) Either or both members, 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) they 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 Benefits Act.
- (3) Where a carer premium is awarded but the member of the joint-claim couple 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 member ceased to be entitled to an invalid care allowance.
- (4) Where a member of a joint-claim couple who has been entitled to an invalid care allowance ceases to be entitled to that allowance and makes a claim for a jobseeker's allowance jointly with the other member of that couple, 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 member was last entitled to an invalid care allowance.

Blindness premium

20JA. -

- (1) The condition is that either or both members of a joint-claim couple are 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), where a member of a joint-claim couple has ceased to be registered as blind on regaining his eyesight, he 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

20JAA. The condition is that one member of a joint-claim couple -

- (a) is 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 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) is aged 65 or over and is 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 Benefits Act.

Member of a joint-claim couple in receipt of concessionary payments

20K. For the purposes of determining whether a premium is applicable to a person under the following paragraphs, namely -

- (a) paragraph 20G (incapacity premium);

- (b) paragraph 20I (disability premium);
- (c) paragraph 20IA (higher disability premium);
- (d) paragraph 20J (carer premium); and
- (e) paragraph 20JAA (mobility premium),

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

Person in receipt of benefit

20L. For the purposes of this Part of this Schedule, a member of a joint-claim couple 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 rule

20LA. For the purposes of paragraph 20G (incapacity premium) and paragraph 20IA (higher disability premium), any two or more periods of receipt of either of the benefits mentioned in paragraph 20G(1)(b) separated by a break of not more than 56 days shall be treated as one continuous period.”.

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

- (a) in paragraph 5 -
 - (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 (7) shall be omitted;
- (b) paragraphs 6 to 12 shall be omitted; and
- (c) in paragraph 18 for the figure “£5” substitute the figure “£20”.

(11) In Schedule 6A (sums to be disregarded in the calculation of earnings of members of joint-claim couples) -

- (a) in paragraph 1 -
 - (i) in sub-paragraph (1) for the words “In a case to which this paragraph applies” substitute the words “In any case”, and
 - (ii) sub-paragraphs (2) to (5) shall be omitted;
- (b) paragraphs 2 to 4 and 6 shall be omitted; and
- (c) for paragraph 7 substitute the following paragraph -

“7. In this Schedule, “part-time employment” shall bear the meaning prescribed in paragraph 20 of Schedule 6.”.

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

- (a) in paragraph 33 for the words “Any social fund payment” substitute the words “Any payment made in order to meet maternity or funeral expenses”; and
- (b) omit paragraph 60.

(13) In Schedule 8 (capital to be disregarded) in paragraph 23, for the words “Any social fund payment” substitute the words “Any payment made in order to meet maternity or funeral expenses”.

Amendment of the Social Security Legislation (Application) (No. 10) Order 1998 (S.D. 642/98)

3. (1) Schedule 4 to the Social Security Legislation (Application) (No. 10) Order 1998 (which set out the text of the Social Security (Back to Work Bonus) (No.2) Regulations 1996 as they were to have effect in the Isle of Man) shall be amended in accordance with the following paragraph.

(2) In regulation 8(1)(a) (amount of bonus payable) -

- (a) for the words “paragraphs 4 to 11” substitute the words “paragraph 4”; and
- (b) for the words “paragraphs 5 to 11” substitute the words “paragraph 5”.

Amendment of the Social Security Legislation (Application) (No. 20) Order 2001 (S.D. 823/01)

4. (1) Schedule 3 to the Social Security Legislation (Application) (No. 20) Order 2001 (which set out the text of the Welfare Reform and Pensions (Persons Abroad: Benefits for Widows and Widowers) (Consequential Amendments) Regulations 2001 as it was to have effect in the Isle of Man) shall be amended in accordance with the following paragraph.

(2) For the title to regulation 2 substitute the following “Amendment of the Social Security Benefit (Persons Abroad) Regulations 1975”.

Alan Christian

Minister for Health and Social Security

EXPLANATORY NOTE

(This note is not part of the Order)

1. This Order makes a number of amendments to the Jobseeker's Allowance Regulations 1996 ("the Jobseeker's Allowance Regulations") and two other sets of Social Security Regulations applied to the Isle of Man, all of which shall come into force on 8th April 2002, as set out in the following paragraphs.
2. Article 1 makes provision for the citation and the commencement of the Order.
- 3.1 Article 2 makes various amendments to the Jobseeker's Allowance Regulations, as set out in 3.2 to 3.9 below.
- 3.2 Paragraph (1) of Article 2 introduces the changes to be made.
- 3.3 Paragraph (2) makes minor textual amendments to regulation 83 of the Jobseeker's Allowance Regulations, reflecting changes in the terminology used in Part I of Schedule 3 to those Regulations (the lone parent premium).
- 3.4 Paragraph (4) modifies the power provided for in the Jobseeker's Allowance Regulations which adjudication officers have whereby in the case of a person who 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 a jobseeker's allowance, 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 paragraph (4) 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. These requirements became redundant upon the introduction of the minimum wage.

- 3.5 Paragraph (6) provides a substituted version of Part II of Schedule 2 to the Jobseeker's Allowance Regulations, which specifies the conditions which must be satisfied for housing costs to be included in a person's applicable amount of jobseeker's allowance, so that those provisions are easier to interpret.
- 3.6 Paragraph (8) replaces the current versions of Parts I and II of Schedule 3 to the Jobseeker's Allowance Regulations, also in a form which is clearer. Those Parts specify what conditions must be satisfied in order for a particular premium (i.e., additional amounts payable in respect of certain jobseekers or their partners, e.g. lone parents, the elderly or those with ill-health) to be included in a person's applicable amount of jobseeker's allowance.
- 3.7 Paragraph (9) makes similar provision to that in paragraph (8) but in respect of persons who are joint-claim couples for the purpose of entitlement to a jobseeker's allowance by providing a substituted version of Part IIIA of Schedule 3.
- 3.8 Paragraphs (10) and (11) provide that, generally, a person (or a member of a joint-claim jobseeking couple) now can have earnings of up to £20 per week before their entitlement to a jobseeker's allowance is affected. This treatment is more generous and more straightforward than its predecessor.
- 3.9 Paragraphs (3), (5), (7), (12) and (13) make various minor clarifying amendments and update some of the terminology found in the Jobseeker's Allowance Regulations
4. Article 3 amends the Social Security (Back to Work Bonus) (No. 2) Regulations 1996 as a consequence of the change made by Article 2(10) and (11).
5. Article 4 makes a minor correction to a heading appearing in the Welfare Reform and Pensions (Persons Abroad: Benefits for Widows and Widowers) (Consequential Amendments) Regulations 2001.