



Statutory Document No. 40/03

THE SOCIAL SECURITY ACT 2000
THE SOCIAL SECURITY LEGISLATION (APPLICATION)
ORDER 2003

Approved by Tynwald 20th February 2003

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. (1) This Order may be cited as the Social Security Legislation (Application) Order 2003 and each provision of the applied legislation shall come into force as provided in paragraph (2).

(2) This Article and Article 2 and 3 shall come into force forthwith and each provision of the applied legislation, as modified, shall come into force, or shall be deemed to have come into force, as the case may be, on the same day as that provision comes, or came, as the case may be, into force in Great Britain.

Interpretation

2. (1) In this Order "the applied legislation" means -

- (a) the Social Security (Incapacity) (Miscellaneous Amendments) (No. 2) Regulations 2002(b);
- (b) the Social Security Amendment (Carer's Allowance) Regulations 2002(c); and
- (c) the Social Security (Claims and Payments and Miscellaneous Amendments) (No. 3) Regulations 2002(d).

(a) 2000 c.5; (b) S.I. 2002/2311; (c) S.I. 2002/2497; (d).S.I 2002/2660.

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(2) Unless the context otherwise requires -

- (a) any reference in any of the applied legislation to any provision in an instrument of a legislative character which is not itself a provision of any of the applied legislation shall be construed as if the provision so referred to had been in force in the Island from the date on which that instrument of a legislative character had effect in Great Britain;
- (b) reference in any legislation applied by this Order to any provision of any such legislation or of any other legislation applied to the Island by an order under section 1 of the Social Security Act 2000 or section 1 of the Pension Schemes Act 1995(a) (Acts of Tynwald) shall be construed as a reference to that legislation as it has effect in the Island.

Application to the Island of the applied legislation

3. The applied legislation, as modified and shown in the Schedules to this Order, shall apply to the Island as part of the law of the Island.

(a) 1995 c.11.

SCHEDULE 1

This Schedule sets out the text of the Social Security (Incapacity) (Miscellaneous Amendments) (No. 2) Regulations 2002 (S.I. 2002/2311) with such exceptions, adaptations and modifications made where necessary.

Note: Modifications subject to which the legislation is applied to the Island are in *bold italic* type

STATUTORY INSTRUMENTS

2002 No. 2311

SOCIAL SECURITY

The Social Security (Incapacity) (Miscellaneous Amendments) (No. 2) Regulations 2002

Citation and commencement

1. These Regulations may be cited as the Social Security (Incapacity) (Miscellaneous Amendments) (No. 2) Regulations 2002 and shall come into force -

- (a) save for the purposes of regulation 3(2), on 1st October 2002; and
- (b) for the purposes of regulation 3(2), on 1st January 2003.

Amendment of regulation 16 of the Social Security (General Benefits) Regulations 1982

2. In regulation 16 of the Social Security (General Benefits) Regulations 1982 (earnings level that does not disqualify for unemployability supplement) for the sum "£3,432" there shall be substituted the sum "£3,510".

Amendment of the Social Security (Incapacity Benefit) Regulation 1994

3. (1) *Omitted*

(2) In regulation 18(4) of those Regulations (re-claim of incapacity benefit after absence from *the Isle of Man* by a claimant incapacitated in youth) -

- (a) sub-paragraph (c) shall be omitted;
- (b) for sub-paragraph (d) there shall be substituted -

"(d) who made his claim for benefit on a day not later than 3 months from the end of the period of 196 days described in sub-paragraph (b).".

Amendment of regulation 17 of the Social Security (Incapacity for Work) (General) Regulations 1995

4. In regulation 17(2)(a) of the Social Security (Incapacity for Work) (General) Regulations 1995 (exempt work) for the sum "£66.00" there shall be substituted the sum "£67.50".

SCHEDULE 2

This Schedule sets out the text of the Social Security Amendment (Carer's Allowance) Regulations 2002 (S.I. 2002/2497) with such exceptions, adaptations and modifications made where necessary.

Note: Modifications subject to which the legislation is applied to the Island are in *bold italic* type

STATUTORY INSTRUMENTS

2002 No. 2497

SOCIAL SECURITY

The Social Security Amendment (Carer's Allowance) Regulations 2002

Citation and commencement

1. These Regulations may be cited as the Social Security Amendment (Carer's Allowance) Regulations 2002 and shall come into force -

- (a) except for the purposes of regulation 3, on 28th October 2002;
- (b) for the purposes of regulation 3, on 1st April 2003.

Amendment of the Social Security (Invalid Care Allowance) Regulations 1976

2. (1) The following provisions of the Social Security (Invalid Care Allowance) Regulations 1976 are hereby revoked -

- (a) regulation 10 (circumstances in which a person over the age of 65 is to be treated as having been entitled to invalid care allowance immediately before attaining that age); and
- (b) regulation 11 (invalid care allowance for persons over the age of 65).

(2) In regulation 10A(c) of those Regulations (women aged 65 before 28th October 1994) the words "and (5)" shall be omitted.

Amendments consequential upon change of name of benefit

3. Schedule 2 to these Regulations (which substitutes references to carer's allowance and makes related provision for references to invalid care allowance) shall have effect.

SCHEDULE 1

Enactments conferring powers exercised in making these Regulations

Omitted.

SCHEDULE 2

Substitution of references to invalid care allowance and related provision

1. In the provisions mentioned in paragraph 2 below, for the words "invalid care allowance" wherever they occur, there shall be substituted the words "carer's allowance", preceded, where appropriate by "a" instead of "an".
2. The provisions referred to in paragraph 1 are -

The Social Security Benefit (Persons Abroad) Regulations 1975	Regulation 10B
The Social Security (Credits) Regulations 1975	Regulation 7A
The Social Security (Invalid Care Allowance) Regulations 1976	Regulations 2A, 3, 6, 7, 8, 9, 10A, 11A and 14, and Schedule 1
The Social Security Benefit (Dependency) Regulations 1977	Regulations 1 and 12, and Parts I and II of Schedule 2
The Social Security (Overlapping Benefits) Regulations 1979	Regulations 4 and 12, and Schedule 1
The Social Security (Widow's Benefit and Retirement Pensions) Regulations 1979	Regulation 17
The Social Security (Claims and Payments) Regulations 1987	Regulations 2 and Part I of Schedule 1, and Schedule 6
The Social Security (Incapacity Benefit) Regulations 1994	Regulation 2B
The Social Security (Back to Work Bonus) (No. 2) Regulations 1996	Regulation 4
The Social Security (Invalid Care Allowance) Amendment Regulations 1996	Regulation 3
The Social Security (Child Maintenance Bonus) Regulations 1996	Regulation 4

3. In -
 - (a) Regulations 6 and 19 of the Social Security (Claims and Payments) Regulations 1987; and
 - (b) Regulation 3 of the Jobseeker's Allowance (Transitional Provisions) Regulations 1996,

after the words "invalid care allowance" wherever they occur, there shall be added "or carer's allowance, as the case may be,".

SCHEDULE 3

This Schedule sets out the text of the Social Security (Claims and Payments Miscellaneous Amendments) (No. 3) Regulations 2002 (S.I. 2002/2660) with such exceptions, adaptations and modifications made where necessary.

Note: Modifications subject to which the legislation is applied to the Island are in *bold italic* type

STATUTORY INSTRUMENTS

2002 No. 2660

SOCIAL SECURITY

The Social Security (Claims and Payments Miscellaneous Amendments) (No. 3) Regulations 2002

Citation and commencement

1. These Regulations may be cited as the Social Security (Claims and Payments Miscellaneous Amendments) (No. 3) Regulations 2002 and shall come into force on 1st April 2003.

Amendment of the Social Security (Claims and Payments) Regulations 1987

2. (1) The Social Security (Claims and Payments) Regulations 1987 are amended in accordance with the following provisions of this regulation.

(2) In regulation 19 (time for claiming benefit) -

- (a) in paragraph (3) (ga) after "bereavement benefit" there shall be added " , except for a bereavement payment within the meaning of section 36 of the Contributions and Benefits Act"; and
- (b) after paragraph (3) there shall be inserted the following -

"(3A) The prescribed time for claiming a bereavement payment is 12 months beginning with the day on which, apart from satisfying the condition of making a claim, the claimant is entitled to such a payment."

(3) In paragraph 9 of column (2) of Schedule 4 (prescribed time for claiming funeral expenses) for the words "6 months after the date of the funeral" there shall be substituted the words "12 months after the date of death".

Amendment of the Social Fund Winter Fuel Payment Regulations 2000

3. *Omitted*

Transitional provision

4. Regulation 2(2) of these Regulations shall only have effect in respect of a person who is entitled to a bereavement payment because of the death of a spouse occurring on or after 1st April 2003.

Made

9th January 2003



Minister for Health and Social Security

EXPLANATORY NOTE

(This note is not part of the Order)

1. Section 1 of the Social Security Act 2000 enables the Department by Order to apply to the Island, as part of the law of the Island and incorporating such exceptions, adaptations and modifications as may be specified by the Order, any legislation to which that Act applies.
2. *Inter alia*, the Act applies to the Social Security Acts 1975 to 1998, the Jobseekers Act 1995, the Welfare Reform and Pensions Act 1999 and the Child Support, Pensions and Social Security Act 2000 (all Acts of Parliament) and to any statutory instrument made (or having effect as if made) under any of those Acts.
3. This Order applies to the Island the appropriate provisions of the legislation referred to in Article 2(1) of the Order relating to arrangements for claiming and paying and deciding on entitlement as to social security benefits, which are summarised in the following paragraphs. Because of the reciprocal nature of the benefits concerned, most of the provisions applied by the Order are to come into force at the same time as they came, or come, as the case may be, into force in Great Britain.
4. The Social Security (Incapacity) (Miscellaneous Amendments) (No. 2) Regulations 2002 (S.I. 2002/2311)

These Regulations amend the Social Security (General Benefits) Regulations 1982, the Social Security (Incapacity Benefit) Regulations 1994 and the Social Security (Incapacity for Work) (General) Regulations 1995.

Regulation 1 provides for the citation and commencement of the Regulations.

Regulation 2 amends regulation 16 of the Social Security (General Benefits) Regulations 1982 by increasing from £3,432 to £3,510 the amount which can be earned before disqualification from unemployment supplement.

Regulation 3 amends regulation 18 of the Social Security (Incapacity Benefit) Regulations 1994 to allow a person who was previously entitled to incapacity benefit in youth to become entitled again after returning from an unlimited absence abroad.

Regulation 4 amends regulation 17 of the Social Security (Incapacity for Work) (General) Regulations 1995 by increasing from £66.00 to £67.50 the weekly limit for earnings from work which may be undertaken by a person without his being treated as being capable of work.

5. The Social Security Amendment (Carer's Allowance) Regulations 2002 (S.I. 2002/2497)

These Regulations amend the Social Security (Invalid Care Allowance) Regulations 1976 and other Regulations as a consequence of changes made to section 70 of the Social Security Contributions and Benefits Act 1992 by the Regulatory Reform (Carer's Allowance) Order 2002.

Regulation 1 provides for the citation and commencement of the regulations.

Regulation 2 revokes regulations 10 and 11 of the Social Security (Invalid Care Allowance) Regulations 1976. These regulations are revoked as the powers under which they are made, namely section 70(5) and (6) of the Social Security Contributions and Benefits Act 1992, are repealed by article 3(2) of the Regulatory Reform (Carer's Allowance) Order 2002.

Regulation 3 brings into force Schedule 2 to these Regulations which makes changes to secondary legislation, as a consequence of the change of the name of the allowance from invalid care allowance to carer's allowance.

6. The Social Security (Claims and Payments and Miscellaneous Amendments) (No. 3) Regulations 2002 (S.I. 2002/2660)

These Regulations make further amendments to the Social Security (Claims and Payments) Regulations 1987.

Regulation 1 provides for the citation and commencement of the regulations.

Regulation 2(2) extends the period for claiming a bereavement payment from 3 to 12 months whilst inserted regulation 2(3) extends the period for claiming funeral expenses from 6 months after the date of the funeral to 12 months after the date of death.

Regulation 4 provides for the extended period to apply in respect of deaths occurring on or after 1st April 2003.