



Statutory Document No. 117/03

THE SOCIAL SECURITY ACT 2000

**THE SOCIAL SECURITY CONTRIBUTIONS AND BENEFITS ACT 1992  
(APPLICATION) (AMENDMENT) ORDER 2003**

*Approved by Tynwald 19<sup>th</sup> March 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. This Order may be cited as the Social Security Contributions and Benefits Act 1992 (Application) (Amendment) Order 2003 and shall, subject to section 2(1) of the Social Security Act 2000, come into operation on 7<sup>th</sup> April 2003.

**Amendment of the principal Order (S.D. 505/94)**

2. (1) The Schedule to the Social Security Contributions and Benefits Act 1992 (Application) Order 1994(b) (which set out the Social Security Contributions and Benefits Act 1992(c) as it was to have effect in the Island) shall be amended in accordance with the following paragraph.

(2) In section 129 -

- (a) in subsection (1), for "or (2A)" there shall be substituted ", (2A) or (2C)";
- (b) in subsection (2)(a), for "56 days" there shall be substituted "182 days";
- (c) after subsection (2B) there shall be inserted the following subsections -

"(2C) A person qualifies under this subsection if -

- (a) the condition mentioned in subsection (2D) below is satisfied;

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(a) 2000 c.5; (b) S.D. 505/94; (c) 1992 c.4.

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- (b) a medical practitioner (within the meaning of the Administration Act) certifies, not more than 14 days before the date when the claim for disability working allowance is made -
  - (i) that in his opinion the person will continue to have the disability in question for a period of at least six months; or
  - (ii) that in his opinion the person will continue to have that disability for the remainder of his life; and
- (c) the level of the person's expected earnings is lower, by at least the required amount, than it would have been if he had not had the disability.

(2D) The condition is that there are 140 qualifying days, the last falling within the period of 56 days immediately preceding the date when the claim for disability working allowance is made, which are days in respect of which -

- (a) *omitted*;
- (b) the lower rate of short-term incapacity benefit has been payable to him;
- (c) income support has been payable to him on grounds of incapacity; or
- (d) earnings have been credited to him under regulations made under section 22(5) above.

(2E) For the purposes of subsections (2C) and (2D) above -

- (a) the required amount, in relation to a person's expected earnings, is
  - (i) 20 per cent of what those earnings would have been if he had not had the disability; or
  - (ii) if the amount given by sub-paragraph (i) above is less than the prescribed amount, the prescribed amount;
- (b) qualifying days are days forming part of one period of incapacity for work within the meaning of section 30C; and
- (c) income support is payable to a person on grounds of incapacity if and only if he satisfies the condition in section 124(1)(e) above by virtue of being a person who -
  - (i) is, or is treated as, incapable of work for any purposes of this Act; or
  - (ii) is treated as capable of work by virtue of regulations under section 171E below.

(2F) Section 3 above shall apply as if this section were included in Parts I to V of this Act.”; and

- (d) in subsection (8) after “allowance” there shall be inserted “, or the level of a person’s expected earnings,”.

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Made 17/02/2003

*Clare Christian*

Minister for Health and Social Security

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### EXPLANATORY NOTE

(This note is not part of the Order)

1. This Order, which shall come into operation on 7<sup>th</sup> April 2003, amends the Social Security Contributions and Benefits Act 1992 as it has effect in the Island (“the Contributions and Benefits Act”) in accordance with the following paragraphs.
2. Article 1 introduces the Order.
3. Article 2 makes a number of amendments to section 129 of the Contributions and Benefits Act.
4. An extension is made to the qualifying conditions for disability working allowance. It gives disabled people a longer time (182 days instead of 56) in which to find a job and thus qualify for disability working allowance) after other benefits have been withdrawn because of an improvement in their condition.
5. Provision is also made to help speed transition onto disability working allowance for people who fall ill or become disabled while in work. DWA is paid to compensate persons for their loss in earnings capacity helping them to remain in their employment. Certain conditions must be met which are:

- that person has received, for a period of not less than 140 days, short-term incapacity benefit paid at the lower rate, income support paid on the grounds of incapacity or national insurance credits only;
- that person has a condition which puts them at a disadvantage in getting a job;
- a medical practitioner certifies that the illness or disability will last for at least 6 months; and
- on returning to work, the applicant is expected to receive earnings at least 20% less than would have been the case if there had been no disability.