



Statutory Document No. 122/03

THE SOCIAL SECURITY CONTRIBUTIONS AND BENEFITS ACT 1992

THE INCOME SUPPORT (GENERAL) (ISLE OF MAN)
(AMENDMENT) REGULATIONS 2003

Approved by Tynwald 19th March 2003

Coming into operation on 7th April 2003

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. These Regulations may be cited as the Income Support (General) (Isle of Man) (Amendment) Regulations 2003 and shall come into operation on 7th April 2003.

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

3. Amend the provisions of the Income Support Regulations referred to therein in accordance with the following regulations.

Miscellaneous amendments

4. In regulation 2(1) (interpretation of the Income Support Regulations) omit the definition of "carer".

5. In regulation 6(3)(a) (full-time students to be entitled to income support in certain circumstances only) for "or 10" substitute ", 10 or 10A (lone parents, foster parents, disabled or deaf students)".

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

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6. In regulation 9(1) (persons not treated as engaged in remunerative work) -

- (a) in sub-paragraph (b) for "paragraph 2 of Schedule 7" substitute "paragraph 20 of Schedule 7"; and
- (b) in sub-paragraph (i) -
 - (i) for "paragraph 21" substitute "paragraph 40", and
 - (ii) for "paragraph 22 of Schedule 7" substitute "paragraph 21 of Schedule 7".

7. In regulation 12 (definition of "a person of a prescribed description") after paragraph (2) add the following paragraph -

"(3) A person of a prescribed description for the purposes of section 137(1) of the Contributions and Benefits Act as it applies to income support (definition of family) includes a child or young person in respect of whom section 145A of that Act applies for the purposes of entitlement to child benefit but only for the period prescribed under section 145A(1) of that Act."

8. In regulation 13(1) (circumstances in which a person is to be treated as responsible or not responsible for another) at the end there shall be added "and this includes a child or young person to whom paragraph (3) of regulation 12 applies."

9. Renumber regulation 32 (modification of personal allowances of boarders) as regulation 17A and in paragraph (3) of that renumbered regulation -

- (a) after the word "amount" in the third place in which it appears insert "(calculated on a daily basis)"; and
- (b) for "Part III of Schedule 3" substitute "Schedule 4A".

10. In regulation 33(2) (calculation of income and capital of members of a claimant's family) for "paragraphs 1 to 12 of Schedule 6" substitute "paragraphs 1 to 4 and 10 of Schedule 6".

11. In regulation 38(2)(b) (earnings derived from employed earner's employment and income other than earnings) -

- (a) for "paragraph 1 of Schedule 7" substitute "paragraph 48 of Schedule 7"; and
- (b) for "other than paragraph 1 of that Schedule" substitute "other than paragraph 48 of that Schedule".

12. In regulation 43(2) (net earnings of employed earners) for "paragraphs 1 to 15 of Schedule 6" substitute "paragraphs 1 to 7 and 10 of Schedule 6".

13. In regulation 44(2)(b) (earnings of self-employed earners) for "paragraph 21 or 22 of Schedule 7" substitute "paragraph 40 or 41 of Schedule 7".

14. In regulation 45(2) (net profit of self-employed earners) for "paragraphs 1 to 15 of Schedule 6" substitute "paragraphs 1 to 7 and 10 of Schedule 6".

15. In regulation 48(2) (capital treated as income) for "paragraph 4 or paragraph 5 (as the case may be) of Schedule 8" substitute "paragraph 5 or paragraph 6 (as the case may be) of Schedule 8".

16. In regulation 49(2)(j) (notional income) for "paragraph 32(a) of Schedule 8" substitute "paragraph 34(a) of Schedule 8".

17. In regulation 51 (modifications in respect of children and young persons) -

(a) in paragraphs (1) and (5) of regulation 51 (modifications in the treatment of capital and income of children and young persons) for "£10,000" substitute "£11,000"; and

(b) in paragraph (6) -

(i) for "paragraphs 13 to 15" substitute "paragraphs 5 to 7", and

(ii) for "paragraphs 16 and 17 of Schedule 6" substitute "paragraph 8 of Schedule 6".

18. In regulation 55 (income treated as capital) -

(a) omit paragraph (1); and

(b) in paragraph (4) for "paragraph 1, 2, 4, 7, 12 or 23 to 26 of Schedule 8" substitute "paragraph 1 to 3, 5, 7 to 9, 12 or 27 of Schedule 8".

19. In paragraphs (1)(c) and (5)(e) of regulation 58 (notional capital) for "paragraph 32(a) of Schedule 8" substitute "paragraph 53(a) of Schedule 8".

20. In paragraphs (1) and (2) of regulation 61 (calculation of tariff income from capital) for "£10,000" (in each place) substitute "£11,000".

Renaming "invalid care allowance" as "carer's allowance"

21. In each of the following -

(a) for "invalid care allowance" substitute "carer's allowance"; and

(b) (as necessary) where "invalid care allowance" is immediately preceded by "an" substitute "a" for that word -

regulation 65(1)(b)(iv);

Schedule 1 - paragraph 4(b); and

Schedule 2 - paragraph 7(2) and paragraph 14 (in each place).

Students' income

22. In regulation 69 (interpretation of Chapter VIII: students) for the definition of "grant income" substitute -

“grant income” means -

- (a) any income by way of a grant;
- (b) in the case of a student other than one to whom sub-paragraph (c) refers, any contribution which has been assessed (whether or not it has been paid);
- (c) in the case of a student to whom paragraph 1, 2, 10 or 10A of Schedule 1 applies (lone parents, foster parents or disabled or deaf students) any contribution which has been assessed and paid,

and any such contribution which is paid by way of a covenant shall be treated as part of the student's grant income;”.

23. In regulation 70 (calculation of grant income) -

- (a) for paragraph (1) substitute -

“(1) The amount of a student's weekly grant income to be taken into account shall be -

- (a) the whole of his apportioned weekly grant income less £27.55, where that amount is more than £27.55; or
- (b) nil, where it is not.”; and

- (b) omit paragraphs (2) and (3).

24. In regulation 71 (calculation of covenant income where a contribution is assessed) -

- (a) for the heading to that regulation substitute -

“Calculation of covenant income where a contribution is assessed or is not assessed”;

- (b) for paragraph (1) substitute -

“(1) Where a student is in receipt of income by way of a grant during a period of study, the amount of his covenant income to be taken into account for that period shall be -

- (a) where a contribution has been assessed, the whole of his covenant income less the amount of the contribution; and
- (b) where a contribution has not been assessed, the whole of his covenant income.”; and

- (c) omit paragraph (3).

25. For regulation 72 (including its heading) (covenant income where no grant income or no contribution is assessed) substitute -

"Covenant income where no grant income is assessed

72. Where a student is not in receipt of income by way of a grant, the amount of his weekly covenant income shall be -

- (a) his weekly apportioned covenant income less £27.55, where that amount is more than £27.55; and
- (b) nil, where it is not."

26. In regulation 73 (amounts to be disregarded under Schedule 7 to the Income Support Regulations) -

- (a) for "paragraph 11 of Schedule 7" substitute "paragraph 18 of Schedule 7"; and
- (b) omit all the words after "and any other income".

27. In regulation 74 (other amounts to be disregarded) for paragraph (1) substitute -

"(1) For the purpose of ascertaining weekly income other than grant income and covenant income, any amount or amounts (as apportioned equally between the weeks of the student's period of study) which an adjudication officer is satisfied are intended for any expenditure necessary as a result of the student's attendance on his course -

- (a) shall be disregarded; but
- (b) only if, and to the extent that, the necessary expenditure exceeds (or is likely to exceed) £27.55."

Further miscellaneous amendments

28. In regulation 88(1D) (circumstances under which a transitional addition of benefit) for "paragraph 16 of Schedule 7" substitute "paragraph 28 of Schedule 7".

29. Omit Part III of Schedule 3 (personal allowances for boarders).

30. After Schedule 4 (applicable amounts of persons in residential accommodation) insert the following Schedule -

"SCHEDULE 4A

Weekly Amounts of Board and Lodging Specified in Part IV

- 1. The weekly amounts specified in column (2) of the table below in respect of each person or couple specified in column (1) shall be the weekly amounts for the purposes of regulation 17A in Part IV of these Regulations (modification of personal allowances of boarders).

Table

Column (1) <i>Person or couple</i>	Column (2) <i>Amount</i>
2. (a) single claimant; (b) couple;	2. (a) the full weekly amount of the charge for board and lodging subject to a maximum amount of £101.85. (b) the full weekly amount of the charge for board and lodging subject to a maximum of £151.10.
3. Personal allowances specified in regulation 17A(1)(b) - (a) single claimant; (b) couple;	3. - (a) £21.45. (b) £42.90.
4. Meal allowance - (a) amount payable under regulation 17A(3)(a); (b) daily amount payable under regulation 17A(3)(b) - (i) for breakfast, (ii) for midday meals, (iii) for evening meals,	(4) (a) the actual cost of such meals calculated on a daily basis. (b) - (i) £1.90; (ii) £2.65; (iii) £2.65.
5. The allowance for personal expenses for the claimant referred to in regulation 17A(1)(b) where the family contains a dependant aged not less than 18;	(5) £6.85.

6. The amounts specified in paragraphs 2 to 4 above, when aggregated, are subject to an overall maximum of £123.30 in the case of a single claimant and £194.00 in the case of a couple.”

Earnings to be disregarded

31. For Schedule 6 (earnings to be disregarded) substitute the following Schedule -

"SCHEDULE 6

SUMS TO BE DISREGARDED IN THE CALCULATION OF EARNINGS

Earnings paid to a claimant after his employed earner's employment has been terminated, and where it has not been terminated but the claimant is not in remunerative work

1. In the case of a claimant who has been engaged in remunerative work as an employed earner or, had the employment been in the Isle of Man, would have been so engaged -

(a) any earnings paid or due to be paid in respect of that employment which has terminated -

(i) by way of retirement, but only if on retirement he is entitled to a retirement pension under the Contributions and Benefits Act, or would be so entitled if he satisfied the contribution conditions, or

(ii) otherwise than by retirement except earnings to which regulation 42(1)(b) to (e), (g) or (h) applies (earnings of employed earners); or

(b) where -

(i) the employment has not been terminated, but

(ii) the claimant is not engaged in remunerative work,

any earnings in respect of that employment except earnings to which regulation 42(1)(d) or (e) applies (payments of holiday pay or retainers); but this sub-paragraph shall not apply where the claimant has been suspended from his employment.

Earnings paid to a claimant formerly in part-time employed earner's employment

2. In the case of a claimant who, before the date of claim -

(a) has been engaged in part-time employment as an employed earner or, where the employment has been outside the Isle of Man would have been so engaged had the employment been in the Isle of Man; and

(b) has ceased to be engaged in that employment, whether or not that employment has been terminated,

any earnings in respect of that employment except any payment to which regulation 42(1)(e) applies (payment of retainers); but this paragraph shall not apply where the claimant has been suspended from his employment.

Earnings paid to a claimant in respect of his former self-employment

3. In the case of a claimant who has been engaged in remunerative work or part-time employment as a self-employed earner or, had the employment been in the Isle of Man, would have been so engaged and who has ceased to be so employed, from the date of the cessation of his employment any earnings derived from that employment except earnings to which regulation 39(2) (royalties, etc.) applies.

Two or more payments of the same kind and from the same source which are to be taken into account in the same benefit week, because it has not been practicable to treat the payments as paid on the first day of the benefit week in which they were due to be paid

4. Notwithstanding the foregoing provisions of this Schedule, where two or more payments of the same kind and from the same source are to be taken into account in the same benefit week, because it has not been practicable to treat the payments under regulation 40(1)(b) (date on which income treated as paid) as paid on the first day of the benefit week in which they were due to be paid, there shall be disregarded from each payment the sum that would have been disregarded if the payment had been taken into account on the date on which it was due to be paid.

Earnings which are prohibited from being transferred to the Isle of Man

5. Any earnings derived from employment which are payable in a country outside the Isle of Man for such period during which there is a prohibition against the transfer to the Isle of Man of those earnings.

Charges in converting foreign currency earnings into sterling

6. Where a payment of earnings is made in a currency other than sterling, any banking charge or commission payable in converting that payment into sterling.

Earnings due to be paid before the date of claim which would otherwise fall to be taken into account in the same benefit week as a payment of the same kind and from the same source

7. Any earnings which are due to be paid before the date of claim and which would otherwise fall to be taken into account in the same benefit week as a payment of the same kind and from the same source.

Earnings of children and young persons

8. Any earnings of a child or young person.

Earnings from employment as a member of any territorial or reserve force

9. In the case of a claimant who -
 - (a) has been engaged in employment as a member of any territorial or reserve force prescribed in Part I of Schedule 6 to the Social Security (Contributions) Regulations 2001; and

- (b) by reason of that employment has failed to satisfy any of the conditions for entitlement to income support other than section 124(1)(b) of the Contributions and Benefits Act (claimant's income to be not more than the applicable amount of income support),

any earnings from that employment paid in respect of that period in which the claimant was not entitled to income support.

Any other earnings

10. In any case other than one to which another paragraph of this Schedule applies, £22.50; but notwithstanding regulation 33 (calculation of income and capital of members of claimant's family and of a polygamous marriage), if this paragraph applies to a claimant it shall not apply to his partner except where, and to the extent that, the earnings of the claimant which are to be disregarded under this paragraph are less than £22.50.

Interpretation of "part-time employment"

11. In this Schedule "part-time employment" means employment in which the person is not to be treated as engaged in remunerative work under regulation 8 or 9 (persons treated, or not treated, as engaged in remunerative work)."

Income other than earnings to be disregarded

32. For Schedule 7 (income other than earnings to be disregarded) substitute the following Schedule -

"SCHEDULE 7

SUMS TO BE DISREGARDED IN THE CALCULATION OF INCOME
OTHER THAN EARNINGS

Benefits and pensions

Attendance allowance and the care component of disability living allowance

1. Any attendance allowance or the care component of disability living allowance other than where the claimant's applicable amount falls to be calculated in accordance with paragraph 1(a) of Schedule 4.

The mobility component of disability living allowance

2. Any mobility component of disability living allowance.

Mobility supplement

3. Any mobility supplement or any payment intended to compensate for the non-payment of such a supplement.

Child benefit

4. Any child benefit under Part IX of the Contributions and Benefits Act.

Christmas bonus

5. Any payment under Part X of the Contributions and Benefits Act (Christmas bonus).

Winter bonus

6. Any payment under Part XA of the Contributions and Benefits Act (winter bonus).

Payments of maternity and funeral expenses under the Contributions and Benefits Act

7. Any payment made in order to meet maternity or funeral expenses made pursuant to Part VIII of the Contributions and Benefits Act.

Concessionary payments for the non-payment of certain benefits

8. Any concessionary payment made to compensate for the non-payment of -
- (a) any payment specified in paragraph 1 or 2;
 - (b) any income support or jobseeker's allowance.

Disablement or industrial death benefit, etc.

9. The first £27.55 of any disablement or industrial death benefit payable under the Contributions and Benefits Act, if paid periodically, or any analogous payment.

Widowed mother's allowance and widowed parent's allowance

10. The first £27.55 of -
- (a) any widowed mother's allowance paid pursuant to section 37 of the Contributions and Benefits Act;
 - (b) any widowed parent's allowance paid pursuant to section 39A of the Contributions and Benefits Act.

War pensions and war widows' and war widowers' pensions, etc.

11. -
- (1) Subject to paragraphs 19 and 52, any of the following -
- (a) subject to sub-paragraph (2) below, the basic component of a war disablement pension payable under Part II of Schedule 1 to the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 1983;
 - (b) the first £27.55 of -
 - (i) a war widow's pension or war widower's pension;

- (ii) a pension payable to a person as a widow or widower under the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 1983 insofar as that Order is made under the Naval and Marine Pay and Pensions Act 1865 or the Pensions and Yeomanry Pay Act 1884 or is made only under section 12(1) of the Social Security (Miscellaneous Provisions) Act 1977 and any power of Her Majesty otherwise than under an enactment to make provision about pensions for or in respect of persons who have been disabled or have died in consequence of service as members of the armed forces of the Crown;
 - (iii) a payment made to compensate for the non-payment of such a pension as is mentioned in either head (i) or (ii) above;
 - (iv) a pension paid by the government of a country outside Great Britain which is analogous to any of the pensions mentioned in heads (i) to (iii) above;
 - (v) a pension paid to victims of Nationalist Socialist persecution under any special provision made by the law of the Federal Republic of Germany (or any part of it) or the Republic of Austria.
- (2) For the purposes of sub-paragraph (1)(a), if the claimant is resident in accommodation -
- (a) registered under section 2 of the Nursing and Residential Homes Act 1988 (an Act of Tynwald); or
 - (b) pursuant to Part III of the National Assistance (Isle of Man) Act 1951 (an Act of Tynwald),

the amount to be disregarded shall be £27.55.

12. Any special war widow's payment made under -

- (a) the Naval and Marine Pay and Pensions (Special War Widows Payment) Order 1990 made under section 3 of the Naval and Marine Pay and Pensions Act 1865;
- (b) the Royal Warrant dated 19th February 1990 amending the Schedule to the Army Pensions Warrant 1977;
- (c) the Queen's Order dated 26th February 1990 made under section 2 of the Air Force (Constitution) Act 1917;
- (d) the Home Guard War Widows Special Payments Regulations 1990 made under section 151 of the Reserve Forces Act 1980;

- (e) the Orders dated 19th February 1990 amending Orders made on 12th December 1980 concerning the Ulster Defence Regiment made in each case under section 140 of the Reserve Forces Act 1980; and
 - (f) any analogous payment made by the Secretary of State for Defence to any person who is not a person entitled under the provisions mentioned in sub-paragraphs (a) to (e).
13. Where the claimant is in receipt of any benefit under Parts II, III or V of the Contributions and Benefits Act or a pension under the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 1983, any increase in the rate of that benefit arising under Part IV (increases for dependants) or section 106(a) (unemployability supplement) of that Act or the rate of that pension under that Order where the dependant in respect of whom the increase is paid is not a member of the claimant's family.
14. Any supplementary pension under article 29(1A) of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 1983 (pensions to widows or widowers).
15. In the case of a pension awarded at the supplementary rate under article 27(3) of the Personal Injuries (Civilians) Scheme 1983 (pensions to widows or widowers), the sum specified in paragraph 1(c) of Schedule 4 to that Scheme.
16. -
- (1) Any payment which is -
 - (a) made under any of the Dispensing Instruments to a widow or widower of a person -
 - (i) whose death was attributable to service in a capacity analogous to service as a member of the armed forces of the Crown; and
 - (ii) whose service in such capacity terminated before 31st March 1973; and
 - (b) equal to the amount specified in article 29(1A) of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 1983 (pensions to widows or widowers).
 - (2) In this paragraph "the Dispensing Instruments" means the Order in Council of 19th December 1881, the Royal Warrant of 27th October 1884 and the Order of His Majesty of 14th January 1922 (exceptional grants of pay, non-effective pay and allowances).

Other income

Attendance and travelling allowances paid to local authority members

17. Any allowance payable to a member of a local authority under Schedule 2 to the Local Government Act 1985 (an Act of Tynwald).

Charitable, voluntary or personal injury payments

18. -

- (1) Subject to sub-paragraph (3) and paragraphs 19, 50 and 52, £27.55 of any relevant payment made or due to be made at regular intervals, except any payment to which sub-paragraph (2) applies.
- (2) Subject to sub-paragraphs (3) and (7) and paragraph 53, any relevant payment made or due to be made at regular intervals which is intended and used for an item other than food, ordinary clothing or footwear, household fuel, rent or any housing costs to the extent that they are met under Part V (housing costs) or any accommodation charges to the extent that they are met under regulation 17 (persons in residential care and nursing homes), of a single claimant or, as the case may be, of the claimant or any other member of his family.
- (3) Sub-paragraphs (1) and (2) shall not apply -
 - (a) to a payment which is made by a person for the maintenance of any member of his family or of his former partner or of his children;
 - (b) in the case of a person to whom section 126 of the Contributions and Benefits Act (trade disputes) applies or in respect of whom section 124 of that Act (conditions of entitlement to income support) has effect as modified by section 127 of the Contributions and Benefits Act (effect of return to work).
- (4) For the purposes of sub-paragraph (1) where a number of relevant payments fall to be taken into account in any one week they shall be treated as though they were one such payment.
- (5) For the purposes of sub-paragraph (2) the expression "ordinary clothing or footwear" means clothing or footwear for normal daily use, but does not include school uniforms, or clothing or footwear used solely for sporting activities.
- (6) In this paragraph, "relevant payment" means -
 - (a) a charitable payment;
 - (b) a voluntary payment;
 - (c) a payment (not falling within sub-paragraph (a) or (b) above) from a trust whose funds are derived from a payment made in consequence of any personal injury to the claimant;

- (d) a payment under an annuity purchased -
 - (i) pursuant to any agreement or court order to make payments to the claimant; or
 - (ii) from funds derived from a payment made,
in consequence of any personal injury to the claimant; or
- (e) a payment (not falling within sub-paragraphs (a) to (d) above) received by virtue of any agreement or court order to make payments to the claimant in consequence of any personal injury to the claimant.

(7) Sub-paragraph (2) shall apply to a claimant in a residential care home or nursing home only if his applicable amount falls to be calculated in accordance with regulation 17.

19. The total of a claimant's income or, if he is a member of a family, the family's income and the income of any person which he is treated as possessing under regulation 33(3) (calculation of income and capital of members of claimant's family and of a polygamous marriage) to be disregarded under paragraph 10, 11 or 18(1) shall in no case exceed £27.55 per week.

Charity or voluntary work expenses

20. Any payment in respect of any expenses incurred, or to be incurred, by a claimant who is -

- (a) engaged by a charitable or voluntary organisation; or
- (b) a volunteer,

if he otherwise derives no remuneration or profit from the employment and is not to be treated as possessing any earnings under regulation 49(13) (notional income).

Education

21. Any sum in respect of a course of study attended by a child or young person payable under section 112 of the Isle of Man Education Act 1949 (an Act of Tynwald).

22. Any grant income and covenant income as defined for the purposes of Chapter VIII of Part VI paid to a claimant who was formerly a student and who has completed the course in respect of which those payments were made.

Employment expenses

23. In the case of employment as an employed earner, any payment in respect of expenses wholly, exclusively and necessarily incurred in the performance of the duties of the employment.

Hospital in-patients and former hospital in-patients

24. Any payment or repayment made under the National Health Service (Isle of Man) (Expenses in Attending Hospitals) Regulations 1989.
25. Any resettlement benefit which is paid to the claimant by virtue of regulation 3 of the Social Security (Hospital In-Patients) Amendment (No. 2) Regulations 1987.

Housing costs payable to the claimant by another person

26. Any payment made to the claimant by a person who normally resides with the claimant, which is a contribution towards that person's living and accommodation costs, except where that person is residing with the claimant in circumstances to which paragraph 27 or 28 refers.
27. Where the claimant occupies a dwelling as his home and the dwelling is also occupied by another person and there is a contractual liability to make payments to the claimant in respect of the occupation of the dwelling by that person or a member of his family -
 - (a) £4.40 of the aggregate of any payments made in respect of any one week in respect of the occupation of the dwelling by that person or a member of his family, or by that person and a member of his family; and
 - (b) a further £10.15, where the aggregate of any such payments is inclusive of an amount for heating.
28. Where the claimant occupies a dwelling as his home and he provides in that dwelling board and lodging accommodation, an amount, in respect of each person for whom such accommodation is provided for the whole or any part of a week, equal to -
 - (a) where the aggregate of any payments made in respect of any one week in respect of such accommodation provided to such person does not exceed £22.50, 100% of such payments; or
 - (b) where the aggregate of any such payments exceeds £22.50, £22.50 and 50% of the excess over £22.50.

Income from disregarded capital

29. -

- (1) Any income derived from capital to which the claimant is or is treated under regulation 60 (capital jointly held) as beneficially entitled but, subject to sub-paragraph (2), not income derived from capital disregarded under paragraph 1 to 3, 5, 7 to 9, 12 and 27 of Schedule 8.
- (2) Income derived from capital disregarded under paragraph 2, 3, 5 or 7 to 9 of Schedule 8 but only to the extent of any mortgage repayments made in respect of the dwelling or premises in the period during which that income accrued.

Income in kind

30. -

- (1) Subject to sub-paragraph (2), except where regulation 49(9)(a)(i) (notional income) applies or in the case of a person to whom section 126 of the Contributions and Benefits Act (trade disputes) applies, any income in kind.
- (2) The exception under sub-paragraph (1) shall not apply where the income in kind is received from the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No. 2) Trust, the Fund, the Eileen Trust or the Independent Living Funds.

Income treated as capital

31. Any payment of income which under regulation 55 (income treated as capital) is to be treated as capital.

Rental income from capital treated as income under regulation 48(2)

32. In the case of a person to whom regulation 48(2) applies (capital treated as income) any rental income arising from the dwelling referred to in that regulation.

Insurance payments paid to the claimant

33. -

- (1) Subject to sub-paragraph (2), any payment received under an insurance policy, taken out to insure against the risk of being unable to maintain repayments on a loan taken out to acquire an interest in a dwelling, or for repairs and improvements to the dwelling, occupied as the home, and used to meet such repayments, to the extent that it does not exceed the aggregate of -
 - (a) the amount, calculated on a weekly basis, of any interest on that loan which is in excess of the amount met in accordance with Schedule 3 (housing costs);
 - (b) the amount of any payment, calculated on a weekly basis, due on the loan attributable to the repayment of capital; and
 - (c) any amount due by way of premiums on -
 - (i) that policy, or
 - (ii) a policy of insurance taken out to insure against loss or damage to any building or part of a building which is occupied by the claimant as his home.
- (2) This paragraph shall not apply to any payment which is treated as possessed by the claimant by virtue of regulation 49(9)(a)(ii) (notional income).

34. -

- (1) Except where paragraph 33 or 35 applies, and subject to sub-paragraph (2), any payment made to the claimant which is intended to be used and is used as a contribution towards -
 - (a) any payment due on a loan if secured on the dwelling occupied as the home which does not qualify under Schedule 3 (housing costs);
 - (b) any amount due by way of premiums on -
 - (i) an insurance policy taken out to insure against the risk of being unable to make the payments referred to in (a) above; or
 - (ii) a policy of insurance taken out to insure against loss or damage to any building or part of a building which is occupied by the claimant as his home.
- (2) This paragraph shall not apply to any payment which is treated as possessed by the claimant by virtue of regulation 49(9)(a)(ii) (notional income).

35. -

- (1) Subject to sub-paragraph (2), any payment received under an insurance policy, other than an insurance policy referred to in paragraph 33, taken out to insure against the risk of being unable to maintain repayments under a hire-purchase agreement or a conditional sale agreement as defined for the purposes of the Hire Purchase Act, 1939 (an Act of Tynwald).
- (2) A payment referred to in sub-paragraph (1) shall only be disregarded to the extent that the payment received under that policy does not exceed the amounts, calculated on a weekly basis, which are used to -
 - (a) maintain the repayments referred to in sub-paragraph (1); and
 - (b) meet any amount due by way of premiums on that policy.

Payments made to jurors and witnesses

36. Any payment made to a juror or a witness in respect of attendance at a court other than compensation for loss of earnings or for the loss of a benefit payable under the benefit Acts.

Overseas income

37. Any income which is payable in a country outside the Isle of Man for such period during which there is prohibition against the transfer to the Isle of Man of that income.

38. Where a payment of income is made in a currency other than sterling, any banking charge or commission payable in converting that payment into sterling.
39. The first £5 of any income derived from capital held in a country outside the Isle of Man for such period during which there is prohibition against the transfer to the Isle of Man of that capital.

Payments in respect of persons in care

40. Any payment made by the Department to the claimant with whom a person is accommodated by virtue of arrangements made under section 93 or 95 of the Children and Young Persons Act 1966 (an Act of Tynwald).
41. Any payment made by the Department or voluntary organisation to the claimant in respect of a person who is not normally a member of the claimant's household but is temporarily in his care.
42. The whole of any assistance provided in accordance with the provisions of section 1 of the Children and Young Persons Act 1969 (an Act of Tynwald).

Payments made to disabled persons to assist them to obtain or retain their employment

43. Any payment (other than a training allowance) made, whether by the Department or by any other person, under the Disabled Persons (Employment) Act 1946 (an Act of Tynwald) or in accordance with arrangements made under any Scheme to assist disabled persons to obtain or retain employment despite their disability.

Payments to holders of the Victoria Cross or the George Cross

44. Any payment to the claimant as holder of the Victoria Cross or George Cross or any analogous payment.

Persons in residential accommodation who meet the cost of their spouse's accommodation elsewhere out of their pension income

45. -

- (1) Subject to sub-paragraphs (2) and (3), where a claimant -
 - (a) is a person to whom regulation 17 (persons in residential accommodation) applies; or
 - (b) is a person to whom regulation 17 temporarily does not apply but who remains liable to pay a retaining fee in respect of the residential accommodation from which he is temporarily absent; and
 - (c) is not residing with his spouse; and

- (d) at least 50 per cent. of any occupational pension of his, or any income from a personal pension scheme or a retirement annuity contract of his, is being paid to, or in respect of, his spouse for that spouse's maintenance,

an amount equal to 50 per cent. of the pension, pensions or income concerned.

- (2) Where a claimant is entitled to pensions or income referred to in sub-paragraph (1) from more than one source, all such pensions and income to which he is entitled shall be aggregated for the purposes of that sub-paragraph.
- (3) This paragraph shall not have effect in respect of that part of any pension or income referred to in sub-paragraph (1) to which a spouse is legally entitled whether under a court order or not.

Payments made to persons in a residential care or nursing home used to meet the cost of maintaining the claimant in that home

46. -

- (1) Subject to sub-paragraphs (2) and (3), in the case of a claimant in a residential care home or nursing home, any payment, whether or not the payment is charitable or voluntary, made to the claimant which is intended to be used and is used to meet the cost of maintaining the claimant in that home.
- (2) This paragraph shall not apply to a claimant for whom accommodation in a residential care home or nursing home is provided by the Department.
- (3) The amount to be disregarded under this paragraph shall not exceed the difference between -
- (a) the claimant's applicable amount less any of the amounts referred to in paragraph 3 of Schedule 4 (personal expenses) which would be applicable to the claimant if his applicable amount fell to be calculated in accordance with that Schedule; and
- (b) the weekly charge for the accommodation.

Sports awards

47. -

- (1) Any payment of a sports award except to the extent that it has been made in respect of any one or more of the items specified in sub-paragraph (2).
- (2) The items specified for the purposes of sub-paragraph (1) are -
- (a) food;
- (b) ordinary clothing or footwear;

- (c) household fuel;
- (d) any housing costs to the extent that they are met under regulation 15(e) or 16(1)(e) (housing costs); or
- (e) any accommodation charges to the extent that they are met under regulation 17 (persons in residential accommodation),

of the claimant or, where the claimant is a member of a family, any other member of his family.

(3) For the purposes of sub-paragraph (2) -

“food” does not include vitamins, minerals or other special dietary supplements intended to enhance the performance of the person in the sport in respect of which the award is made;

“ordinary clothing and footwear” means clothing or footwear for normal daily use but does not include school uniforms or clothing or footwear used solely for sporting activities.

Tax

48. Any amount paid by way of tax on income which is taken into account under regulation 47 (calculation of income other than earnings).

Payments made by trade unions to persons involved in trade disputes

49. In the case of a person to whom section 126 of the Contributions and Benefits Act (trade disputes) applies and for so long as it applies, any payment up to the amount of the relevant sum within the meaning of subsection (7) of that section made by a trade union; but, notwithstanding regulation 33 (calculation of income and capital of members of claimant's family and of a polygamous marriage), if this paragraph applies to a claimant it shall not apply to his partner except where, and to the extent that, the amount to be disregarded under this paragraph is less than the relevant sum.

Trust income

50. -

- (1) Any payment made under the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No. 2) Trust (“the Trusts”), the Fund, the Eileen Trust or the Independent Living Funds.
- (2) Any payment by or on behalf of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person, which derives from a payment made under any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of -
 - (a) that person's partner or former partner from whom he is not, or where that person has died was not, estranged or divorced;

- (b) any child who is a member of that person's family or who was such a member and who is a member of the claimant's family; or
 - (c) any young person who is a member of that person's family or who was such a member and who is a member of the claimant's family.
- (3) Any payment by or on behalf of the partner or former partner of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person provided that the partner or former partner and that person are not, or if either of them has died were not, estranged or divorced, which derives from a payment made under any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of -
 - (a) the person who is suffering from haemophilia or who is a qualifying person;
 - (b) any child who is a member of that person's family or who was such a member and who is a member of the claimant's family; or
 - (c) any young person who is a member of that person's family or who was such a member and who is a member of the claimant's family.
- (4) Any payment by a person who is suffering from haemophilia or who is a qualifying person, which derives from a payment under any of the Trusts to which sub-paragraph (1) refers, where -
 - (a) that person has no partner or former partner from whom he is not estranged or divorced, nor any child or young person who is or had been a member of that person's family; and
 - (b) the payment is made either -
 - (i) to that person's parent or step-parent, or
 - (ii) where that person at the date of the payment is a child, a young person or a full-time student who has not completed his full-time education and has no parent or step-parent, to his guardian,

but only for a period from the date of the payment until the end of two years from that person's death.
- (5) Any payment out of the estate of a person who suffered from haemophilia or who was a qualifying person, which derives from a payment under any of the Trusts to which sub-paragraph (1) refers, where -
 - (a) that person at the date of his death (the relevant date) had no partner or former partner from whom he was not estranged or divorced, nor any child or young person who was or had been a member of his family; and
 - (b) the payment is made either -

- (i) to that person's parent or step-parent, or
- (ii) where that person at the relevant date was a child, a young person or a full-time student who had not completed his full-time education and had no parent or step-parent, to his guardian,

but only for a period of two years from the relevant date.

- (6) In the case of a person to whom or for whose benefit a payment referred to in this paragraph is made, any income which derives from any payment of income or capital made under or deriving from any of the Trusts.
 - (7) For the purposes of sub-paragraphs (2) to (6), any reference to the Trusts shall be construed as including a reference to the Fund and the Eileen Trust.
51. Up to £27.55 of any income from any trust to which the claimant is entitled, including that by virtue of regulation 49 (notional income).

Payments from the same source and of the same kind paid in the same benefit week

52. Notwithstanding paragraph 19, where two or more payments of the same kind and from the same source are to be taken into account in the same benefit week, there shall be disregarded from each payment the sum which would otherwise fall to be disregarded under this Schedule; but this paragraph shall only apply in the case of a payment which it has not been practicable to treat under regulation 40(1)(b) (date on which income is treated as paid) as paid on the first day of the benefit week in which it is due to be paid.
53. Any payment which is due to be paid before the date of claim which would otherwise fall to be taken into account in the same benefit week as a payment of the same kind and from the same source.”.

Capital to be disregarded

33. For Schedule 8 (capital to be disregarded) substitute the following Schedule -

“SCHEDULE 8

CAPITAL TO BE DISREGARDED

The claimant's current home, former home and future home, etc.

The claimant's home

1. The dwelling occupied as the home but, notwithstanding regulation 33 (calculation of income and capital of members of claimant's family and of a polygamous marriage), only one dwelling shall be disregarded under this paragraph.

The former home of the claimant following divorce or estrangement

2. Where a claimant has ceased to occupy what was formerly the dwelling occupied as the home following his estrangement or divorce from his former partner, that dwelling for a period of 26 weeks from the date on which he ceased to occupy that dwelling.

The former home of the claimant which the claimant is taking steps to dispose of

3. Except in a case where regulation 48(2) applies (treatment of the former home of a person now in residential accommodation as income), any premises where the claimant is taking reasonable steps to dispose of those premises, for such period as is reasonable in the circumstances to enable him to dispose of those premises, that period not exceeding 13 weeks.

The proceeds from the sale of the claimant's former home to be used to purchase a new home for the claimant

4. Any sum directly attributable to the proceeds of sale of any premises formerly occupied by the claimant as his home which is to be used for the purchase of other premises intended for such occupation within 26 weeks of the date of sale or such longer period as is reasonable in the circumstances to enable the claimant to complete the purchase.

Premises occupied by a partner or relative of a single claimant or any member of the family as his home where that person is aged 60 or over or is incapacitated or by the former partner of a claimant as his home (other than where the former partner is a person from whom the claimant is estranged or divorced)

5. Any premises occupied in whole or in part by -
 - (a) a partner or relative of a single claimant or any member of the family as his home where that person is -
 - (i) aged 60 or over, or
 - (ii) is incapacitated, and
 - (aa) has been continuously incapacitated for the immediately preceding 52 weeks; or
 - (bb) an adjudication officer is satisfied the person is likely to be continuously incapacitated for the immediately succeeding 52 weeks; or
 - (cc) an adjudication officer is satisfied the person is likely to be incapacitated for an immediately succeeding period which, when added to an immediately preceding period of that person's incapacity, is not less than 52 continuous weeks; or
 - (b) the former partner of a claimant as his home; but this provision shall not apply where the former partner is a person from whom the claimant is estranged or divorced.

The former home of a claimant who is now in residential accommodation where that home is now occupied by a person who used to care for the claimant

6. -

- (1) Any dwelling in the Island owned by the claimant which was his home immediately before he became a person to whom regulation 17 (persons in residential accommodation) applied ("the relevant time") where sub-paragraphs (2) to (4) also apply.
- (2) This sub-paragraph applies where, for a continuous period of not less than 2 years immediately preceding the relevant time -
 - (a) a person ("the carer") was a carer in relation to the claimant; and
 - (b) the carer occupied the dwelling in question.
- (3) This sub-paragraph applies where the carer has continued to occupy the dwelling in question since the relevant time.
- (4) This sub-paragraph applies where -
 - (a) the dwelling in question; or
 - (b) that dwelling and one or more other dwellings in the Island,was the claimant's home for a continuous period of not less than 10 years immediately preceding the relevant time.
- (5) In this paragraph -
 - (a) "a carer" means a person -
 - (i) who was in receipt of invalid care allowance or carer's allowance (as the case may be) by virtue of being engaged in caring for the claimant; or
 - (i) who, although not satisfying the condition in (i), was nevertheless regularly and substantially engaged in caring for the claimant where the claimant was a severely disabled person; and
 - (b) "severely disabled person" has the meaning given in section 70(2) of the Contributions and Benefits Act.

The intended future home of the claimant

7. Any premises acquired for occupation by the claimant which he intends to occupy as his home within 26 weeks of the date of acquisition or such longer period as is reasonable in the circumstances to enable the claimant to obtain possession and commence occupation of the premises.

The intended future home of the claimant which the claimant is taking steps to obtain possession of

8. Any premises which the claimant intends to occupy as his home, and in respect of which he is taking steps to obtain possession and has sought legal advice or has commenced legal proceedings, with a view to obtaining possession, for a period of 26 weeks from the date on which he first sought such advice or first commenced such proceedings whichever is earlier, or such longer period as is reasonable in the circumstances to enable him to obtain possession and commence occupation of those premises.

The intended future home of the claimant which requires repair or alteration to be made habitable

9. Any premises which the claimant intends to occupy as his home to which essential repairs or alterations are required in order to render them fit for such occupation, for a period of 26 weeks from the date on which the claimant first takes steps to effect those repairs or alterations, or such longer period as is reasonable in the circumstances to enable those repairs or alterations to be carried out and the claimant to commence occupation of the premises.

Other capital

Payments in kind made by certain charities

10. Any payment in kind made by a charity or under the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No. 2) Trust, the Fund or the Independent Living (1993) Fund.

Any future interest in property of any kind

11. Any future interest in property of any kind, other than land or premises in respect of which the claimant has granted a subsisting lease or tenancy, including sub-leases or sub-tenancies.

The assets of a claimant's self-employed business

12. -

- (1) The assets of any business owned in whole or in part by the claimant and for the purposes of which he is engaged as a self-employed earner or, if he has ceased to be so engaged, for such periods as may be reasonable in the circumstances to allow for disposal of any such asset.
- (2) The assets of any business owned in whole or in part by the claimant where -
 - (a) he is not engaged as a self-employed earner in that business by reason of some disease or bodily or mental disablement; but

- (b) he intends to become engaged (or, as the case may be, re-engaged) as a self-employed earner in that business as soon as he recovers or is able to become engaged, or re-engaged, in that business;

for a period of 26 weeks from the date on which the claim for income support is made, or is treated as made, or, if it is unreasonable to expect him to become engaged or re-engaged in that business within that period, for such longer period as is reasonable in the circumstances to enable him to become so engaged or re-engaged.

Payments in respect of maternity and funeral expenses under the Contributions and Benefits Act

13. Any payment made in order to meet maternity or funeral expenses made pursuant to Part VIII of the Contributions and Benefits Act.

Arrears of certain benefits or concessionary payments made to compensate for the non-payment of one of those benefits

14. -

- (1) Subject to sub-paragraph (3), any arrears of, or any concessionary payment made to compensate for arrears due to the non-payment of -

(a) any payment specified in paragraph 1, 2 or 3 of Schedule 7 (care or mobility-related benefits or payments);

(b) income support or any other income-related benefit,

but only for a period of 52 weeks from the date of the receipt of the arrears or of the concessionary payment.

- (2) In sub-paragraph (1)(b) "any other income-related benefit" has the same meaning as in regulation 58(1A).

- (3) In a case where the total of any arrears and, if appropriate, any concessionary payment referred to in sub-paragraph (1) relating to any one of the specified payments, benefits or allowances amounts to £5,000 or more (referred to in this sub-paragraph and in sub-paragraph (4) as the "relevant sum") and is -

(a) paid in order to rectify, or to compensate for, an official error as defined in regulation 1(3) of the Social Security and Child Support (Decisions and Appeals) Regulations 1999, and

(b) received by the claimant in full on or after 1st February 2002,

sub-paragraph (1) shall have effect in relation to such arrears or concessionary payment either for a period of 52 weeks from the date of receipt, or, if the relevant sum is received in its entirety during the award of income support, for the remainder of that award if that is a longer period.

(4) For the purposes of sub-paragraph (3), "the award of income support" means -

- (a) the award either of income support or of an income-based jobseeker's allowance in which the relevant sum (or first part thereof where it is paid in more than one instalment) is received, and
- (b) where that award is followed by one or more further awards which in each case may be either of income support or of an income-based jobseeker's allowance and which, or each of which, begins immediately after the end of the previous award, such further awards until the end of the last such award, provided that for any such further awards the claimant -
 - (i) is the person who received the relevant sum, or
 - (ii) is the partner of the person who received the relevant sum, or was that person's partner at the date of his death, or
 - (iii) in the case of a joint-claim jobseeker's allowance, is a member of a joint-claim couple either or both of which received the relevant sum.

Sums paid to the claimant for the repair, improvement or replacement of his home or for the repair or improvement of any other personal possession of his

15. Any sum -

- (a) paid to the claimant in consequence of damage to, or loss of the home or any personal possession and intended for its repair or replacement; or
- (b) acquired by the claimant (whether as a loan or otherwise) on the express condition that it is to be used for effecting essential repairs or improvements to the home; and
- (c) which is to be used for the intended purpose,

for a period of 26 weeks from the date on which it was so paid or acquired or such longer period as is reasonable in the circumstances to enable the claimant to effect the repairs, replacement or improvements.

Any personal possessions except those acquired by the claimant in order to reduce his capital in order to secure or increase entitlement to any income-related benefit

16. -

- (1) Any personal possessions except those which had or have been acquired by the claimant with the intention of reducing his capital in order to secure entitlement to income support or any other income-related benefit or to increase his entitlement to the amount of any such benefit.

- (2) In sub-paragraph (1) "any other income-related benefit" has the same meaning as in regulation 58(1A).

Annuities

17. The value of the right to receive any income under an annuity and the surrender value (if any) of such an annuity.

The right to receive any income from earnings or other income held in a foreign country, the transfer of which to the Isle of Man is prohibited

18. The value of the right to receive any income which is disregarded under paragraph 5 of Schedule 6 or paragraph 37 of Schedule 7.

Life assurance policies

19. The surrender value of any life policy.

Capital which falls to be made by instalments

20. Where any payment of capital falls to be made by instalments, the value of the right to receive any outstanding instalments.

Capital of children and young persons treated as income

21. Any capital which under regulations 48 and 51(1) (capital treated as income and modifications in respect of children and young persons) is to be treated as income.

Foreign currency conversion charges, etc.

22. Where a payment of capital is made in a currency other than sterling, any banking charge or commission payable in converting that payment into sterling.

Foreign investments which the claimant cannot realise due to a prohibition on its movement

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

Hospital attendance expenses

24. Any payment or repayment made under the National Health Service (Isle of Man) (Expenses in Attending Hospitals) Regulations 1989 but only for a period of 52 weeks from the date of receipt of the payment or repayment.

Payments made to jurors or witnesses in court

25. Any payment made to a juror or a witness in respect of attendance at a court other than compensation for loss of earnings or for the loss of a benefit payable under the benefit Acts.

Trust funds

Life interests and life rents

26. The value of the right to receive any income under a life interest or from a life rent.

Personal injury trust funds

27. Where the funds of a trust are derived from a payment made in consequence of any personal injury to the claimant or his partner, the value of the trust fund and the value of the right to receive any payment under that trust.

Miscellaneous trust funds

28. -

- (1) Any payment made under the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No. 2) Trust ("the Trusts"), the Fund, the Eileen Trust or the Independent Living Funds.
- (2) Any payment by or on behalf of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person, which derives from a payment made under any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of -
 - (a) that person's partner or former partner from whom he is not, or where that person has died was not, estranged or divorced;
 - (b) any child who is a member of that person's family or who was such a member and who is a member of the claimant's family; or
 - (c) any young person who is a member of that person's family or who was such a member and who is a member of the claimant's family.
- (3) Any payment by or on behalf of the partner or former partner of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person provided that the partner or former partner and that person are not, or if either of them has died were not, estranged or divorced, which derives from a payment made under any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of -
 - (a) the person who is suffering from haemophilia or who is a qualifying person;
 - (b) any child who is a member of that person's family or who was such a member and who is a member of the claimant's family; or
 - (c) any young person who is a member of that person's family or who was such a member and who is a member of the claimant's family.

- (4) Any payment by a person who is suffering from haemophilia or who is a qualifying person, which derives from a payment under any of the Trusts to which sub-paragraph (1) refers, where -
- (a) that person has no partner or former partner from whom he is not estranged or divorced, nor any child or young person who is or had been a member of that person's family; and
 - (b) the payment is made either -
 - (i) to that person's parent or step-parent, or
 - (ii) where that person at the date of the payment is a child, a young person or a full-time student who has not completed his full-time education and has no parent or step-parent, to his guardian,
- but only for a period from the date of the payment until the end of two years from that person's death.
- (5) Any payment out of the estate of a person who suffered from haemophilia or who was a qualifying person, which derives from a payment under any of the Trusts to which sub-paragraph (1) refers, where -
- (a) that person at the date of his death (the relevant date) had no partner or former partner from whom he was not estranged or divorced, nor any child or young person who was or had been a member of his family; and
 - (b) the payment is made either -
 - (i) to that person's parent or step-parent, or
 - (ii) where that person at the relevant date was a child, a young person or a full-time student who had not completed his full-time education and had no parent or step-parent, to his guardian,
- but only for a period of two years from the relevant date.
- (6) In the case of a person to whom or for whose benefit a payment referred to in this paragraph is made, any income which derives from any payment of income or capital made under or deriving from any of the Trusts.
- (7) For the purposes of sub-paragraphs (2) to (6), any reference to the Trusts shall be construed as including a reference to the Fund and the Eileen Trust.

Trust funds established to make payments to (or in respect of) the sufferers of variant Creutzfeldt-Jakob disease

29. -

- (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.

Occupational and personal pension scheme benefits

30. The value of the right to receive an occupational or personal pension.
31. The value of any funds held under a personal pension scheme or retirement annuity contract.

Arrears of special war widow's payment

32. Any arrears of special war widow's payment which is disregarded under paragraph 12 of Schedule 7 (sums to be disregarded in the calculation of income other than earnings) or of any amount which is disregarded under paragraph 14, 15 or 16 of that Schedule, but only for a period of 52 weeks from the date of receipt of the arrears.

Payments made to assist disabled persons obtain or retain employment

33. Any payment (other than a training allowance) made, whether by the Department or by any other person under the Disabled Persons (Employment) Act 1946 (an Act of Tynwald) or in accordance with arrangements made under any Scheme to assist disabled persons to obtain or retain employment.

Capital administered on behalf of a person derived from a personal injury award, or from compensation for the death of one or both parents where the person concerned is under the age of 18.

34. Any sum of capital administered on behalf of a person where such sum derives from -
 - (a) an award of damages for a personal injury to that person; or
 - (b) compensation for the death of one or both parents, where the person concerned is under the age of 18.

Payments to holders of the Victoria Cross or George Cross

35. Any payment to the claimant as holder of the Victoria Cross or George Cross.

Sports awards

36. -
 - (1) Any payment of a sports award for a period of 26 weeks from the date of receipt of that payment except to the extent that it has been made in respect of any one or more of the items specified in sub-paragraph (2).

- (2) The items specified for the purposes of sub-paragraph (1) are -
- (a) food;
 - (b) ordinary clothing or footwear;
 - (c) household fuel;
 - (d) any housing costs to the extent that they are met under regulation 15(e) or 16(1)(e) (housing costs); or
 - (e) any accommodation charges to the extent that they are met under regulation 17 (persons in residential care or nursing homes)

of the claimant or, where the claimant is a member of a family, any other member of his family.

- (3) For the purposes of sub-paragraph (2) -

“food” does not include vitamins, minerals or other special dietary supplements intended to enhance the performance of the person in the sport in respect of which the award is made;

“ordinary clothing and footwear” means clothing or footwear for normal daily use but does not include school uniforms or clothing or footwear used solely for sporting activities.

Ex-gratia payments to former prisoners-of-war held by the Japanese in the Second World War

37. 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.

38. 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.

Payments to victims for suffering during the Second World War

39. The amount of a payment, other than a war pension within the meaning in section 25 of the Social Security Act 1989, to compensate for the fact that the claimant, the claimant's partner, the claimant's deceased spouse or the claimant's partner's deceased spouse -

- (a) was a slave labourer or a forced labourer;
(b) had suffered property loss or had suffered personal injury; or
(c) was a parent of a child who had died,
during the Second World War.”.

Made

17/02/2003

Clare 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 7th April 2003, make miscellaneous amendments to the Income Support (General) (Isle of Man) Regulations 2000 (“the Income Support Regulations”), as described in the following paragraphs.

Introduction

2. Regulations 1 to 3 introduce the Regulations and their effect.

Miscellaneous amendments

3. Regulation 4 omits a definition appearing in the interpretation provisions of the Income Support Regulations, which reappears in a more suitable position (see paragraph 6(5)(a) of Schedule 8 (as substituted by these Regulations)).
4. Regulation 5 amends the Income Support Regulations to reflect the fact that the list of categories of persons who may qualify for income support despite their being a full-time student has been expanded to include deaf students.
5. Regulation 7 modifies the definition of "a person of prescribed description" in the Income Support Regulations (previously defined as a person aged 16 to 18 in non-advanced education and in respect of whom child benefit is payable) to include those children or young persons in respect of whom child benefit was payable when they died, but only for a period of 8 weeks after their death, as a consequence of the extension of the period for which child benefit is payable in those circumstances. Regulation 8 makes another change as a consequence of those new provisions.
6. Regulation 9 makes two minor amendments to regulation 32 (which specifies the applicable amount of income support payable to those in board and lodging accommodation) and repositions that regulation in the Income Support Regulations in a more appropriate location.
7. Regulation 20 increases the level of capital which a person may possess before their entitlement to income support is affected - from £10,000 to £11,000. Regulation 17(a) makes a corresponding increase to the amount of capital payable by instalments (either alone or with any other capital they hold) able to be possessed by a child or young person before it is treated as income of the claimant.
8. Regulation 28 makes a renumbering amendment in the Income Support Regulations. Regulation 29 omits Part III of Schedule 3 to the Income Support Regulations (which provides for the amounts of personal allowances for income support to be paid to persons in board and lodging accommodation), that Part now appearing in a more appropriate position as Schedule 4A (as provided for by regulation 30). The effect of the provisions is unchanged.

Renaming "invalid care allowance" as "carer's allowance"

9. Regulation 21 substitutes references to "(an) invalid care allowance" in the Income Support Regulations with reference to "(a) carer's allowance", following that benefit's change of name.

Students' income

- 10.1 Regulations 22 to 25, 26(b) and 27 replace the existing provisions relating to the income of students, in a simplified and updated form, without any detrimental effect on students.

Full-time students (i.e., those undertaking education for at least 16 hours per week) must satisfy more demanding qualifying conditions in order to become entitled to income support than others: they may only qualify for benefit if they are -

- a lone parent or foster parent; or

- a deaf or disabled student.

However, students who are not undergoing full-time courses may qualify for income support in the same way as other persons.

10.2 Regulation 22 amends the existing definition of student "grant income".

Currently, if a student claiming income support is awarded a grant and the body which did so took into account a contribution assumed to be made by another person (e.g. their parent(s) or spouse) towards the cost of the student's education in determining the amount of grant to be awarded, then the amount of grant income to which the student is treated as being entitled for the purpose of determining their income support entitlement shall include the amount of that assumed contribution - *even if it was not paid to the student.*

However, by virtue of regulation 22, where the student in question is a lone parent or a foster parent or is a deaf or disabled student, then the amount of grant income to which they are treated as receiving shall only include such a contribution *if the student actually receives that amount.*

10.3 The remaining regulations 23 to 25, 26(b) and 27 provide substituted versions of the existing legislation which prescribes the manner in which student's grant income and covenant income, etc., is to be calculated for the purposes of determining their entitlement to income support, omitting references to provisions which are now redundant.

Earnings, other income and capital to be disregarded in calculating income support entitlement

- 11.1 Regulations 31 to 33 provide new versions of Schedules 6, 7 and 8 (which specify those earnings, other income and capital respectively belonging to persons which are not to be taken into account in calculating their entitlement to income support). Included in the new versions of those Schedules are paragraph headings, for ease of reading.
- 11.2 Regulation 31 substitutes for the existing Schedule 6 (sums to be disregarded in the calculation of earnings) and incorporates an above-inflation increase of £2.50 to apply in the new 2003-04 year in the amount of weekly earnings which a person may receive before their benefit is reduced where those earnings are not wholly disregarded under any other paragraph of Schedule 6. The new figure stands at £22.50. It is proposed to make further above-inflation increases in the next 2 years, at the end of which the amount of income disregarded in ascertaining a person's entitlement to income support would (other than in exceptional cases) be the same, whether it be in the form of earnings or income from another source.
- 11.3 Regulation 32 provides a substituted version of the existing Schedule 7 (sums to be disregarded in the calculation of income other than earnings), incorporating inflationary increases to the amounts of income of the claimant which fall to be disregarded under that Schedule and regulation 33 similarly replaces the existing Schedule 8 (capital to be disregarded).
- 11.4 The remainder of the Regulations amend the Income Support Regulations as a consequence of the new versions of Schedules 6, 7 and 8.

11.5 Other than the aforementioned increases to the amount of person's income and capital which falls to be disregarded, the effect of the provisions of Schedules 6, 7 and 8 is not changed.