

(3) In section 150B (entitlement to a winter bonus) -

(a) in subsection (2) -

- (i) in paragraph (a) for the words from "the person is entitled" to "an allowance" substitute the words "the person is entitled to (or is treated under subsection (5)(a) below as entitled to) income support and there is applicable to him an allowance", and
- (ii) in paragraph (b) for the words from "the person is entitled" to "an allowance" substitute the words "the person is entitled to (or is treated under subsection (5)(b) below as entitled to) an income-based jobseeker's allowance and there is applicable to him an allowance";

(b) in subsection (3) -

- (i) in paragraph (a) for the words from "the person" to "satisfying," substitute the words "the person is entitled to (or is treated under subsection (5)(a) below as entitled to) income support and he satisfies",
- (ii) in paragraph (b) for the words from "the person" to "satisfying," substitute the words "the person is entitled to (or is treated under subsection (5)(b) below as entitled to) an income-based jobseeker's allowance and satisfies", and
- (iii) in paragraph (c) for the words from "the joint-claim couple" to "satisfying," substitute the words "the joint-claim couple are entitled to (or are treated under subsection (6) below as entitled to) a jobseeker's allowance and satisfy";

(c) for subsection (5) substitute -

"(5) A person shall be treated -

- (a) for the purposes of subsections (2)(a) and (3)(a) above, as being entitled to income support; and
- (b) for the purposes of subsection (2)(b) and (3)(b) above, as being entitled to an income-based jobseeker's allowance,

in respect of a period which includes a day in relevant week if he would be so entitled but for the fact that his income or, if he is a member of a married or unmarried couple, the income of the other member of the couple (or the income of both of them) was exceptionally of an amount which resulted in his ceasing to be entitled to income support or an income-based jobseeker's allowance (as the case may be) in respect of the whole of that week.";

(d) for subsection (6) substitute -

“(6) A joint-claim couple shall be treated, for the purposes of subsection (3)(c) above, as being entitled to a jobseeker's allowance in respect of a period which includes a day in the relevant week if they would be so but for the fact that the income of either or both members of the couple was exceptionally of an amount which resulted in the couple not being entitled to a jobseeker's allowance in respect of the whole of that week.”; and

(e) in subsection (11) after paragraph (a) insert -

“(aa) “an income-based jobseeker's allowance” means an income-based jobseeker's allowance under the Jobseekers Act 1995;”.

Made 11/03/2003



Minister for Health and Social Security

EXPLANATORY NOTE

(This note is not part of the Order)

1. This Order, which comes into operation on 1st May 2003, amends the Social Security Contributions and Benefits Act 1992 as it has effect in the Island (“the Contributions and Benefits Act”) in relation to the qualifying conditions for family income supplement and the winter bonus.
- 2.2 Article 2(2) provides a substituted version of subsection (8) of section 128 of the Contributions and Benefits Act.
- 2.2.1 That subsection previously allowed adjudication officers to award family income supplement to persons who did not satisfy the residential qualification for family income supplement if to deny them benefit would cause that person or their family *exceptional hardship*.

- 2.2.2 Instead, more appropriate terminology (i.e., where the denial of benefit on those grounds would be “exceptionally harsh or oppressive”) is included in the new version of that subsection.
- 2.3 Article 2(3) makes a number of minor clarificatory amendments to, and inserts an additional interpretation provision into, the text in section 150B of the Contributions and Benefits Act, which sets out the qualifying conditions for the winter bonus.