



Statutory Document No. 41/04

THE SOCIAL SECURITY ACT 2000
**THE SOCIAL SECURITY ADMINISTRATION ACT 1992
(APPLICATION) (AMENDMENT) ORDER 2004**

Approved by Tynwald

19th February 2004

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 Administration Act 1992 (Application) (Amendment) Order 2004 and shall, subject to section 2(1) of the Social Security Act 2000, come into operation on 12th April 2004.

Amendment of the Social Security Administration Act 1992 (Application) Order 1994 (S.D. 506/94)

2. (1) Amend the Schedule to the Social Security Administration Act 1992 (Application) Order 1994(b) (which sets out the Social Security Administration Act 1992(c) as it is has effect in the Isle of Man) in accordance with the following paragraphs.

(2) In section 1(4) (list of benefits entitlement to which depends on a claim being made for that benefit) after paragraph (b) add -

“(ba) paternity allowance;

(bb) adoption allowance”.

(3) In section 5(2) (regulations about claims for and payments of certain benefits) after paragraph (h) add-

“(ha) paternity allowance;

(a) 2000 c.5; (b) S.D. 506/94; (c) 1992 c.5.

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(hb) adoption allowance”.

(4) In section 71 (overpayments of benefit and their recovery) in subsection (11) after paragraph (f) insert -

- “(fa) paternity allowance under Part 12ZA of the Contributions and Benefits Act;
- (fb) adoption allowance under Part 12ZB of the Contributions and Benefits Act;”.

(5) In section 73 (overlapping benefits) -

- (a) in subsection (1) after “Contributions and Benefits Act,” insert “a paternity allowance under Part 12ZA of the Contributions and Benefits Act, an adoption allowance under Part 12ZB of the Contributions and Benefits Act;” and
- (b) in subsection (4) after paragraph (a) insert -
 - “(aa) paternity allowance under Part 12ZA of the Contributions and Benefits Act;
 - (ab) adoption allowance under Part 12ZB of the Contributions and Benefits Act;”.

(6) In section 130 (duties of employers to furnish information in connection with a claim for certain benefits made by one of their employees) in subsection (1) after paragraph (b) insert -

- “(ba) paternity allowance;
- (bb) adoption allowance;”.

(7) In section 155 (alteration of rates of benefit under certain provisions of the Contributions and Benefits Act) -

- (a) in the heading to that section after “II to V” insert “, 12ZA and 12ZB”; and
- (b) in subsection (2) for “or V” substitute “, V, 12ZA or 12ZB”.

(8) In section 163 (general financial arrangements for the payment of benefits) in subsection (1) after paragraph (f) insert -

- “(fa) paternity allowance under Part 12ZA of the Contributions and Benefits Act;
- (fb) adoption allowance under Part 12ZB of the Contributions and Benefits Act;”.

(9) In section 191 (interpretation of the Social Security Administration Act 1992) -

- (a) in the appropriate places in the alphabetical orders insert the definitions -
 - ““adoption allowance” means an adoption allowance under Part 12ZB of the Contributions and Benefits Act;” and
 - ““paternity allowance” means a paternity allowance under Part 12ZA of the Contributions and Benefits Act;” and
- (b) in the first definition of “claimant” appearing in that section after “II to V” insert “, 12ZA and 12ZB”.

Made

19 10 2004



Minister for Health and Social Security

EXPLANATORY NOTE

(This note is not part of the Order)

1. This Order makes miscellaneous amendments to the Social Security Administration Act 1992 (An Act of UK Parliament, as it has effect in the Isle of Man ("the Administration Act")) as a consequence of the introduction on 12th April 2004 of the payment of a paternity allowance or an adoption allowance by the DHSS to persons who are absent from work following the adoption or birth of a child. This Order also comes into force on that date.
 - 2.1 Article 2(2) provides that a claim for paternity allowance or adoption allowance must be made (or be treated as having been made) for entitlement to either benefit to arise.
 - 2.2 Article 2(3) provides that the regulations which currently govern the procedures for how claims for benefits are to be made and how those benefits are to be paid shall also apply to paternity allowance and adoption allowance.
 - 2.3 Article 2(4) extends the list of benefits overpayments of which may be recovered where those overpayments were caused by the misrepresentation of, or failure to disclose, a material fact so as to include paternity allowance and adoption allowance.
 - 2.4 Article 2(5) provides that the amount of any paternity allowance or adoption allowance payable to a person may be adjusted to take into account the fact that -
 - another benefit, etc., is payable to them, to their spouse or to another dependant of theirs, etc., either in the Isle of Man or elsewhere; or
 - they are in hospital.
 - 2.5 Section 130 of the Administration Act provides that regulations may require employers to provide information in connection with a claim made by one of their employees for certain benefits in certain circumstances. Article 2(6) extends that list of benefits to include paternity allowance and adoption allowance.

2.6.1 Where -

- benefit of a certain type has been awarded for a certain period; and
- before that award comes to end, the rate at which that benefit is payable is altered following the making of legislation,

section 155 of the Administration Act provides that the person's benefit award will be adjusted to take into account the new rate of benefit payable to them - without them having to make a new claim or without an adjudication officer having to review the original award.

2.6.2 Article 2(7) provides that the provisions in section 155 shall also apply to paternity allowance and adoption allowance.

2.7 Article 2(8) provides that paternity allowance and adoption allowance shall be payable out of the Manx National Insurance Fund.

2.8 Article 2(9) amends the definition of "claimant" found in section 191 of the Administration Act to include reference to paternity allowance and adoption allowance and inserts into that section definitions of "adoption allowance" and "paternity allowance".