



Statutory Document No. 105/05

THE SOCIAL SECURITY ACT 2000
**THE SOCIAL SECURITY ACT 1998 (APPLICATION)
(AMENDMENT) ORDER 2005**

Approved by Tynwald 20th April 2005

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 (c.5), 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 Act 1998 (Application) (Amendment) Order 2005 and shall, subject to section 2(1) of the Social Security Act 2000, come into force on 1st May 2005.

Amendment of the Social Security Act 1998 (Application) Order 2000 (S.D. 92/00)

2. (1) Amend the Schedule to the Social Security Act 1998 (Application) Order 2000 (S.D. 92/00) (which sets out the Social Security Act 1998 (c.14) as it has effect in the Isle of Man) in accordance with the following paragraphs.

(2) In section 8 (decisions which fall to be made by adjudication officers) in subsection (3) after paragraph (g) insert -

“(ga) paternity allowance under Part 12ZA of the Contributions and Benefits Act;

(gb) adoption allowance under Part 12ZB of the Contributions and Benefits Act;”.

(3) In section 11F(a) (appeals from Commissioner against a decision as to the amount of contributions a person is entitled to pay) in subsection (3) for “section 15A below” substitute “section 11E above”

(a) Section 15B of the Social Security Act 1998 (as it has effect in the Isle of Man) was renumbered as section 11F by article 2(15) of Social Security Act 1998 (Application) (Amendment) Order 2002 (S.D. 879/02).

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(4) In Schedule 3 (decisions of adjudication officers made other than on a claim for, or on an award of, benefit and against which an appeal lies) in paragraph 5 (recovery of benefits) for “71 or 71A” substitute “71, 71ZA or 71A”(a).

Made 28th February 2005



Minister for Health and Social Security

EXPLANATORY NOTE

(This note is not part of the Order)

1. This Order, which shall come into force on 1st May 2005, amends the Social Security Act 1998 (as that Act of the United Kingdom Parliament has effect in the Isle of Man) (“the Act”) as follows.
2. Article 1 provides for the Order’s citation and commencement and article 2(1) introduces the amendments it makes.
3. Article 2(2) provides that it shall be for an adjudication officer to determine whether a person is entitled to paternity allowance or adoption allowance in respect of their claim for benefit and to determine any other issue relating to either benefit which falls to be made under social security legislation.
4. Article 2(3) makes a minor correction to the text of the Act as a consequence of the renumbering of provisions within the Act.
5. Article 2(4) provides for a right of appeal to lie against an adjudication officer’s decision that an exceptional needs grant or budgeting loan is recoverable following its overpayment.

(a) Section 71ZA was inserted by article 2(3) of the Social Security Administration Act 1992 (Application) (Amendment) (No. 2) Order 2004 (S.D. 877/04).