



Statutory Document No. 145/06

THE SOCIAL SECURITY CONTRIBUTIONS AND BENEFITS ACT 1992

THE INCOME SUPPORT AND JOBSEEKER'S ALLOWANCE
(EXCEPTIONAL NEEDS GRANTS AND BUDGETING LOANS)
(AMENDMENT) REGULATIONS 2006

Approved by Tynwald

26th April 2006

Coming into operation on 1st May 2006

In exercise of the powers conferred on the Department of Health and Social Security by Part 8A and sections 175 and 176 of the Social Security Contributions and Benefits Act 1992(a) (as it has effect in the Isle of Man(b)) and of all other enabling powers, the following Regulations are hereby made:-

Citation and commencement

1. These Regulations may be cited as the Income Support and Jobseeker's Allowance (Exceptional Needs Grants and Budgeting Loans) (Amendment) Regulations 2006 and shall come into force on 1st May 2006.

Amendment of the Income Support and Jobseeker's Allowance (Exceptional Needs Grants and Budgeting Loans) Regulations 2003 (S.D. 791/03)

2. Amend the Income Support and Jobseeker's Allowance (Exceptional Needs Grants and Budgeting Loans) Regulations 2003 in accordance with the following regulations.

3. In the table in paragraph (4) of regulation 4 (the benefit entitlement conditions for exceptional needs grants) –

(a) for the entry(c) –

(a) 1992 c.4; (b) S.D. 505/94; (c) entry inserted by regulation 4(b) of the Income Support and Jobseeker's Allowance (Exceptional Needs Grants and Budgeting Loans) (Amendment) Regulations 2005 (S.D. 829/05).

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“Supply of oil to the home under regulation 8ZA	Current entitlement to income support or an income-based jobseeker’s allowance”
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substitute the following entry –

“Initial supply of domestic heating oil to public sector housing following change of fuel supply type arranged by Government under regulation 8ZA	Current entitlement to income support or an income-based jobseeker’s allowance”;
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(b) after that entry insert the following entry –

“Initial supply of domestic heating oil on taking up the tenancy of a home under regulation 8ZB	Current entitlement to income support or an income-based jobseeker’s allowance”.
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4. In regulation 6 (effect of capital on amount of exceptional needs grant payable) in sub-paragraph (b) of paragraph (2) for “section 13” substitute “sections 12 and 13”.

5. In regulation 7 (purchase, delivery and installation of certain items of furniture or household equipment following (or in anticipation of) the claimant’s or his partner’s taking up new accommodation) in paragraph (2) for sub-paragraph (c) substitute –

“(c) X, where X is calculated in accordance with the formula -

$$X = \text{£}1,000 - G$$

where -

G = the sum of any grant or grants under this regulation or regulation 8 which, in the period of 12 months immediately preceding the date of his claim, were either –

(a) paid to –

(i) the claimant, or

(ii) his partner (provided that person was also his partner at that earlier time); or

(b) determined as being payable to –

(i) the claimant, or

(ii) his partner (provided that person was also his partner at that earlier time),

but not yet paid to either of them;”.

6. For the heading to regulation 8ZA substitute—

“Initial supply of domestic heating oil to public sector housing following change of fuel supply type arranged by Government”.

7. After that regulation insert —

“Initial supply of domestic heating oil on taking up the tenancy of a home

8ZB. (1) Subject to paragraph (2), where the claimant or any partner of his takes up the tenancy of a home in any of the circumstances mentioned in regulation 7(1), an exceptional needs grant may be paid towards meeting the cost of the first supply of oil the claimant or any partner of his is liable for following his taking up the tenancy.

(2) For the purposes of this regulation, each of the conditions in regulation 7(1) shall have effect as if in each place —

- (a) for “the tenant or owner of an unfurnished or partly furnished home” there were substituted “the tenant of a home”; and
- (b) for “tenant or owner” there were substituted “tenant”.

(3) The amount payable under this regulation shall be the lower of —

- (a) the cost of the first supply of oil mentioned in paragraph (1); and
- (b) £300.”.

8. In paragraph (4) of regulation 12 (the benefit entitlement conditions for a budgeting loan) —

(a) immediately before the table insert —

“For the purpose of this condition only, the claimant shall be treated as having been entitled to income support or an income-based jobseeker’s allowance (as the case may be) in respect of any period preceding the date of his claim during which the person who was his partner at the time was so entitled.

This is irrespective of—

- (a) whether or not he has a partner at the date of his claim; or
 - (b) the identity of the person who was his partner in respect of that earlier period.”; and
- (b) in the table after the entry for payments in advance towards charges for board and lodgings or lodging only under regulation 19A insert the following—

<p>“Initial supply of domestic heating oil on taking up the tenancy of a home under regulation 19AA</p>	<p>Current entitlement to income support or an income-based jobseeker’s allowance and previous entitlement to either of those benefits (or one of them immediately followed the other) for the whole of the 4 benefit weeks immediately preceding the date of claim”.</p>
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9. In regulation 14 (minimum and maximum amount of a budgeting loan) in the formula for “Y” in paragraph (1)(b)(ii) for the definition of “o/s L” substitute –

““o/s L” = the aggregate of any other loan or loans either –

- (a) paid to the claimant or his partner but not repaid at the date of claim; or
- (b) determined as being payable to the claimant or his partner but not yet paid to either of them;”.

10. In regulation 15 (effect of capital on amount of budgeting loan payable) in sub-paragraph (b) of paragraph (2) for “section 13” substitute “sections 12 and 13”.

11. After regulation 19A insert –

“Initial supply of domestic heating oil on taking up the tenancy of a home

19AA. (1) Subject to paragraph (2), where the claimant or any partner of his takes up the tenancy of a home in any of the circumstances mentioned in regulation 17(2), a budgeting loan may be paid towards meeting the cost of the first supply of oil the claimant or any partner of his is liable for following his taking up the tenancy.

(2) For the purposes of this regulation, regulation 17(2) shall have effect as if –

- (a) for “the tenant or owner of an unfurnished or partly furnished home” there were substituted “the tenant of a home”; and
- (b) for “tenant or owner” substitute “tenant”.”.

(3) The amount payable under this regulation shall be the lower of –

- (a) the cost of the first supply of oil mentioned in paragraph (1); and
- (b) £300.”.



Minister for Health and Social Security

EXPLANATORY NOTE

(This note is not part of the Regulations)

Introductory

1. These Regulations make miscellaneous amendments to the Income Support and Jobseeker's Allowance (Exceptional Needs Grants and Budgeting Loans) Regulations 2003 ("the Grants and Loans Regulations") and come into force on 1st May 2006.
2. Regulation 1 provides for the citation, commencement and interpretation of the Regulations and regulation 2 introduces the amendments the Regulations make.
- 3.1 *Maximum grant payable for the purchase, delivery and installation of furniture or household equipment*
- 3.1 There is a cap on the amount which may be paid by way of an exceptional needs grant for the purchase, delivery and installation of furniture or household equipment following (or in anticipation of) the claimant or their partner's taking up new accommodation. That cap is the lowest of –
 - the reasonable cost of purchasing the item or items in question, including the cost of their delivery and installation (if any);
 - £1,000; and
 - £1,000 less the amount of any grant paid for the same purpose or to cover the cost of a deposit for rent, gas or electricity on taking up the tenancy of a home which in either case was paid to the claimant or their partner in the previous 12 months.
- 3.2 Regulation 5 amends the method of calculating the third amount stated above, so that any grant for furniture or household equipment or a deposit which in the previous 12 months has been determined as being payable to the claimant or their partner **but has not yet been paid to them** reduces the amount available for another grant for furniture or household equipment by the same amount.

4. *Grants and loans to be paid towards meeting the cost of the first supply of domestic heating oil on taking up the tenancy of a new home*

4.1 Regulation 7 inserts new provision (by way of new regulation 8ZB of the Grants and Loans Regulations) for an exceptional needs grant to be paid to a person towards meeting the cost of the first supply of domestic heating oil they or their partner is liable for on taking up the tenancy of a new home (or in anticipation of doing so) in the following circumstances –

- on recently leaving prison, hospital or DHSS care or on leaving their former home because of a fear of domestic violence; or
- because they have to live apart from their parents out of necessity.

The amount payable shall be the lower of the cost of the first supply of domestic heating oil and £300.

4.2 Regulation 11 makes similar provision for the payment of budgeting loans following the claimant or any partner of his taking up the tenancy of their new home within the previous 8 weeks in any other circumstances (see new paragraph 19AA of the Grants and Loans Regulations).

4.3 Regulation 6 amends the heading to regulation 8ZA of the Grants and Loans Regulations to distinguish the circumstances in which an exceptional needs grant may be paid under that regulation from the circumstances in which a grant may be paid under regulation 8ZB (see paragraph 4.1 of this note).

4.4 Regulation 3(a) makes the same change to the text in the entry in the table found in paragraph (4) of regulation 4 of the Grants and Loans Regulations which sets out the benefit entitlement condition to be satisfied for an exceptional needs grant to be paid under regulation 8ZA.

4.5 Regulations 3(b) and 8(b) specify what the benefit entitlement condition is for an exceptional needs grant or a budgeting loan for an initial supply of oil under new regulations 8ZB and 19AA of the Grants and Loans Regulations.

The benefit entitlement condition

5.1 Most of the items for which a budgeting loan is payable require the claimant (or any partner they have) to have been entitled to income support or an income-based jobseeker's allowance for the 4 weeks immediately preceding their claim, as well as at the time they make their claim. Where the claimant or their partner was the partner of a person entitled to either of those benefits (and not entitled themselves) then they will not be able to qualify for a budgeting loan until they have been entitled to income support or an income-based jobseeker's allowance for at least four weeks, despite the fact that the award of income support or income-based jobseeker's allowance made to their former partner would have taken into account their partnership.

5.2 Regulation 8(a) now relaxes the benefit entitlement conditions for a budgeting loan by allowing periods in respect of which the claimant's (or any partner of theirs') former partner was entitled to income support or an income-based jobseeker's allowance to count as periods in respect of which the claimant (or any partner of theirs) were so entitled.

6. *Maximum amount of budgeting loan payable*

6.1 Generally speaking, the maximum amount of a budgeting loan which may be paid to a qualifying person is £1,000.

6.2 However, this amount is reduced by twice the amount of the balance of –

- any budgeting loan(s) previously paid to the applicant or their partner; and/or
- any benefit overpaid to the applicant or their partner which is recoverable and which has not been repaid at the date on which the latest budgeting loan is claimed.

6.3 Regulation 9 adds to the amounts which will reduce the amount of further budgeting loan or any other loan application determined as being payable to the claimant or their partner which has not yet been paid to them.

7. *Minor corrections*

7.1 Regulations 4 and 10 correct the references appearing in the Grants and Loans Regulations to the relevant provisions in the Jobseekers Act 1995 under which the capital of a person is to be calculated in determining the amount (if any) of an exceptional needs grant or budgeting to be awarded to them.

