



Statutory Document No. 24/07

THE SOCIAL SECURITY ACT 2000
THE SOCIAL SECURITY CONTRIBUTIONS AND BENEFITS ACT 1992
(APPLICATION) (AMENDMENT) ORDER 2007

Approved by Tynwald

20th February 2007

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 Contributions and Benefits Act 1992 (Application) (Amendment) Order 2007 and shall, subject to section 2(1) of the Social Security Act 2000, come into operation on 1st March 2007.

Amendment of the principal Order (S.D. 505/94)

2. (1) The Schedule to the Social Security Contributions and Benefits Act 1992 (Application) Order 1994 (which sets out the Social Security Contributions and Benefits Act 1992(b) as it has effect in the Isle of Man) shall be amended in accordance with the following paragraphs.

(2) In section 128 (family income supplement) –

- (a) in subsection (1) for “subsection (8)” substitute “subsections (8) and (9)”; and
- (b) after subsection (8) add –

“(9) Regulations may provide that in prescribed circumstances a person who is not in the Isle of Man when his claim for benefit is made may nevertheless be entitled to family income supplement if he satisfies the other conditions of entitlement in subsection (1) above.”.

(3) In section 129 (disability working allowance) –

- (a) in subsection (1) at the start insert “Subject to subsection (10),”; and

(a) 2000 c.5; (b) 1992 c.4.

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(b) after subsection (9) add –

“(10) Regulations may provide that in prescribed circumstances a person who is not in the Isle of Man when his claim for benefit is made may nevertheless be entitled to disability working allowance if he satisfies the other conditions of entitlement in subsection (1) above.”.

(4) For Part XA (winter bonus) substitute–

“PART XA

Winter bonus and additional winter bonus

Winter bonus

150B. (1) In any year–

- (a) any person who satisfies condition A or B mentioned in subsection (3) below; or
- (b) any person who satisfies condition C or D mentioned in that subsection, and
- (c) if he has not attained the age of 60 on the last day of the relevant week, any person who also satisfies condition F mentioned in that subsection,

in respect of a period which includes a day in the relevant week shall, subject to the following provisions of this section, be entitled to a payment (called a “winter bonus”) in respect of that year.

(2) In any year–

- (a) any joint-claim couple who satisfy condition E mentioned in subsection (3) below, and
- (b) if one or both members of the joint-claim couple (as the case may be) have not attained the age of 60 on the last day of the relevant week, any joint-claim couple who also satisfies condition F mentioned in that subsection,

in respect of a period which includes a day in the relevant week shall, subject to the following provisions of this section, be entitled to a payment (called a “winter bonus”) in respect of that year.

(3) *Condition A*

He is entitled to income support and his applicable amount includes an allowance in respect of a child under paragraph 2 of Part I of Schedule 2 to the Income Support Regulations where that child is aged less than 5 years.

See also subsection (4) below.

Condition B

He is entitled to an income-based jobseeker’s allowance and his applicable amount includes an allowance in respect of a child under paragraph 2 of Part II of Schedule 1 to the Jobseeker’s Allowance Regulations where that child is aged less than 5 years.

See also subsections (4) and (6) below.

Condition C

He is entitled to income support and one or more of the following premiums appearing in Part III of Schedule 2 to the Income Support Regulations is applicable to him—

- (a) pensioner premium for persons under 75 under paragraph 8,
- (b) pensioner premium for persons 75 or over under paragraph 9,
- (c) incapacity premium under paragraph 10,
- (d) disability premium under paragraph 11,
- (e) higher disability premium under paragraph 12,
- (f) disabled child premium under paragraph 13.

For the purposes of this condition paragraph 5 in that Part shall not apply.

See also subsection (4) below.

Condition D

He is entitled to an income-based jobseeker's allowance and one or more of the following premiums appearing in Part II of Schedule 3 to the Jobseeker's Allowance Regulations is applicable to him --

- (a) pensioner premium for persons under 75 under paragraph 10,
- (b) pensioner premium for persons 75 or over under paragraph 11,
- (c) incapacity premium under paragraph 13,
- (d) disability premium under paragraph 15,
- (e) higher disability premium under paragraph 15A,
- (f) disabled child premium under paragraph 16.

For the purposes of this condition paragraph 6 in that Part shall not apply.

See also subsections (4) and (6) below.

Condition E

He is a member of a joint-claim couple who are entitled to a joint-claim couple jobseeker's allowance and one or more of the following premiums appearing in Part IIIA of Schedule 3 to the Jobseeker's Allowance Regulations is applicable to the joint-claim couple in respect of that member—

- (a) pensioner premium for persons under 75 under paragraph 20E,
- (b) pensioner premium for persons 75 or over under paragraph 20F,

- (c) incapacity premium under paragraph 20G,
- (d) disability premium under paragraph 20I,
- (e) higher disability premium under paragraph 20IA.

See also subsections (5) and (6) below.

For the purposes of this condition paragraph 20B of that Part shall not apply.

Condition F

Either –

- (a) he received a Christmas bonus under Part X in respect of the immediately preceding year in respect of himself; or
- (b) in the case of a joint-claim couple, either member of the couple did so in respect of himself, the other member of the couple or both of them.

(4) A person shall be treated as satisfying condition A, B, C or D in subsection (3) above in respect of a period which includes a day in the relevant week if he would do so but for the fact that –

- (a) his income; or
- (b) if he is a member of a couple, the income of the other member of the couple (or the income of both of them),

at that time was of an exceptional amount.

(5) A joint-claim couple shall be treated as satisfying condition E in subsection (3) above in respect of a period which includes a day in the relevant week if they would do so but for the fact that the income of either or both members of the couple at that time was of an exceptional amount.

(6) A person shall be treated as not satisfying any of conditions B, D or E in subsection (3) above in respect of a period which includes a day in the relevant week if, on any day in that week, the circumstances mentioned in subsection (7) below apply to him.

(7) The circumstances are that he, or in the case of a joint-claim couple, either member of that couple –

- (a) does not satisfy, and cannot be treated as satisfying, section 1(2)(c) of the Jobseekers Act (requirement to be actively seeking employment); or
- (b) is, by virtue of section 19 of that Act, denied a jobseeker's allowance.

(8) A payment under subsection (1) or (2) above –

- (a) shall be made by the Department; and
- (b) shall be such sum as the Department may by order specify.

(9) Only one bonus under this section shall be payable in respect of any person or joint-claim couple.

(10) A sum payable under this section shall not be treated as income support, income-based jobseeker's allowance or joint-claim couple jobseeker's allowance (as the case may be) for the purposes of any enactment or instrument under which entitlement to any of those benefits arises or is to be treated as arising (as the case may be).

(11) In this section "relevant week", in relation to any year, means the first complete benefit week falling in January and here "benefit week" has the same meaning as in regulation 2(1) of the Income Support Regulations or regulation 1(3) of the Jobseeker's Allowance Regulations (as the case may be).

Additional winter bonus

150C. (1) In any year—

- (a) any person who satisfies condition A or B mentioned in subsection (3) below; or
- (b) any person who satisfies condition C or D mentioned in that subsection,

in respect of a period which includes a day in the relevant week shall, subject to the following provisions of this section, be entitled to a payment (called an "additional winter bonus") in respect of that year.

(2) In any year any joint-claim couple who satisfy condition E mentioned in subsection (3) below in respect of a period which includes a day in the relevant week shall, subject to the following provisions of this section, be entitled to a payment (called an "additional winter bonus") in respect of that year.

(3) Condition A

He is entitled to income support and his applicable amount includes an allowance in respect of a child under paragraph 2 of Part I of Schedule 2 to the Income Support Regulations where that child is aged less than 5 years.

See also subsection (4) below.

Condition B

He is entitled to an income-based jobseeker's allowance and his applicable amount includes an allowance in respect of a child under paragraph 2 of Part II of Schedule 1 to the Jobseeker's Allowance Regulations where that child is aged less than 5 years.

See also subsections (4) and (6) below.

Condition C

He is entitled to income support and one or more of the following premiums appearing in Part III of Schedule 2 to the Income Support Regulations is applicable to him—

- (a) pensioner premium for persons under 75 under paragraph 8,
- (b) pensioner premium for persons 75 or over under paragraph 9,
- (c) incapacity premium under paragraph 10,
- (d) disability premium under paragraph 11,

- (e) higher disability premium under paragraph 12,
- (f) disabled child premium under paragraph 13.

For the purposes of this condition paragraph 5 in that Part shall not apply.

See also subsection (4) below.

Condition D

He is entitled to an income-based jobseeker's allowance and one or more of the following premiums appearing in Part II of Schedule 3 to the Jobseeker's Allowance Regulations is applicable to him –

- (a) pensioner premium for persons under 75 under paragraph 10,
- (b) pensioner premium for persons 75 or over under paragraph 11,
- (c) incapacity premium under paragraph 13,
- (d) disability premium under paragraph 15,
- (e) higher disability premium under paragraph 15A,
- (f) disabled child premium under paragraph 16.

For the purposes of this condition paragraph 6 in that Part shall not apply.

See also subsections (4) and (6) below.

Condition E

He is a member of a joint-claim couple who are entitled to a joint-claim couple jobseeker's allowance and one or more of the following premiums appearing in Part IIIA of Schedule 3 to the Jobseeker's Allowance Regulations is applicable to the joint-claim couple in respect of that member –

- (a) pensioner premium for persons under 75 under paragraph 20E,
- (b) pensioner premium for persons 75 or over under paragraph 20F,
- (c) incapacity premium under paragraph 20G,
- (d) disability premium under paragraph 20I,
- (e) higher disability premium under paragraph 20IA.

See also subsections (5) and (6) below.

For the purposes of this condition paragraph 20B of that Part shall not apply.

(4) A person shall be treated as satisfying condition A, B, C or D in respect of a period which includes a day in the relevant week if he would do so but for the fact that his income or, if he is a member of a couple, the income of the other member of the couple (or the income of both of them) at that time was of an exceptional amount.

(5) A joint-claim couple shall be treated as satisfying condition E in respect of a period which includes a day in the relevant week if they would do so but for the fact that the income of either or both members of the couple at that time was of an exceptional amount.

(6) A person shall be treated as not satisfying any of conditions B, D or E in respect of a period which includes a day in the relevant week if, on any day in that week, the circumstances mentioned in subsection (7) below apply to him.

(7) The circumstances are that he, or in the case of a joint-claim couple, either member of that couple –

- (a) does not satisfy, and cannot be treated as satisfying, section 1(2)(c) of the Jobseekers Act (requirement to be actively seeking employment); or
- (b) is, by virtue of section 19 of that Act, denied a jobseeker's allowance.

(8) A payment under subsection (1) or (2) above –

- (a) shall be made by the Department; and
- (b) shall be –
 - (i) £100 in respect of 2007, and
 - (ii) such sum as the Department may by order specify in respect of any later year (which may be zero).

(9) Only one bonus under this section shall be payable in respect of any person or joint-claim couple.

(10) A sum payable under this section shall not be treated as income support, an income-based jobseeker's allowance or a joint-claim jobseeker's allowance (as the case may be) for the purposes of any enactment or instrument under which entitlement to any of those benefits arises or is to be treated as arising (as the case may be).

(11) In this section "relevant week", in relation to any year, means the first complete benefit week falling in March and here "benefit week" has the same meaning as in regulation 2(1) of the Income Support Regulations or regulation 1(3) of the Jobseeker's Allowance Regulations (as the case may be).

Sections 150B and 150C: interpretation

150D. In sections 150B and 150C –

- (a) "couple" has the meaning given by section 137(1) above;
- (b) "Income Support Regulations" means the Income Support (General) (Isle of Man) Regulations 2000;
- (c) "an income-based jobseeker's allowance" means an income-based jobseeker's allowance under the Jobseekers Act;
- (d) "Jobseekers Act" means the Jobseekers Act 1995;
- (e) "Jobseeker's Allowance Regulations" means the Jobseeker's Allowance Regulations 1996;

- (f) “joint-claim couple” and “joint-claim couple jobseeker’s allowance” have the meanings given by section 1(4) of the Jobseekers Act; and
- (g) “pensionable age” has the meaning given by the rules in paragraph 1 of Schedule 4 to the Pensions Act 1995.”

Made

19th December 2006



Minister for Health and Social Security

EXPLANATORY NOTE

(This note is not part of the Order)

1. This Order, which will come into operation on 1st March 2007, amends the Social Security Contributions and Benefits Act 1992 (as it has effect in the Isle of Man) (“the Contributions and Benefits Act”) in accordance with the following paragraphs.
2. Article 1 provides for the citation and commencement of the Order and article 2(1) introduces the amendments it makes.
3. *Relaxation of the condition that a person be in the Isle of Man at the time their claim is made in order to qualify for family income supplement or disability working allowance*
 - 3.1 Currently a person must be in the Isle of Man when their claim is made in order to qualify for family income supplement. However, article 2(2) inserts provision into section 128 of the Contributions and Benefits Act so as to provide that, in certain circumstances to be specified in regulations, people will be able to qualify for family income supplement notwithstanding the fact that they are not in the Isle of Man when they make their claim. However, to qualify for benefit they must satisfy the other conditions of entitlement.
 - 3.2 It is intended that the types of circumstances in which people will be able to qualify for family income supplement even though they are not present in the Isle of Man when they make their claim will include the following—
 - where the person is undergoing medical treatment outside the Isle of Man; or

- where the person is accompanying a child or young person in their family in travelling to a place outside the Isle of Man to receive medical treatment.
- 3.3 Article 2(3) inserts similar provision into section 129 of the Contributions and Benefits Act as article 2(2) in relation to entitlement to disability working allowance.
4. *Winter bonus*
- 4.1 Article 2(4) replaces the existing version of Part XA of the Contributions and Benefits Act with a new one. Part XA now contains sections 150B, 150C and 150D.
- 4.2 The original version of section 150B provided for the payment of a winter bonus and set out its qualifying conditions. The new version is redrawn to make its provisions easier to read.
5. *Additional winter bonus*
- 5.1 Section 150C of the Contributions and Benefits Act inserts new provision providing for the payment of an annual *additional winter bonus* and setting out the conditions which a person must meet in order to become entitled to a bonus. The purpose of the bonus is to provide further help to people on the lowest incomes with the rising cost of domestic fuels. For those who are entitled to a winter bonus and meet the existing criteria, the additional winter bonus will also be payable to them.
- 5.2 The qualifying conditions for the additional winter bonus are the same as for the winter bonus except that persons under the age of 60 need not have qualified for a Christmas Bonus in the immediately preceding year to qualify for an additional winter bonus.
- 5.3 The additional winter bonus will be payable to persons whose applicable amount for income support or income-based jobseeker's allowance purposes on any day falling in the first complete benefit week falling in March ("the relevant week") includes a premium because they or their partner—
- are aged 60 or over;
 - have been incapable of working for over a year; or
 - are disabled or have a disabled child.
- (See conditions C and D in section 150C(3) of the Contributions and Benefits Act.)
- 5.4 Persons who have an allowance for a child under the age of 5 included in their applicable amount for income support or income-based jobseeker's allowance at that time will also qualify for an additional winter bonus (see conditions A and B in that section).
- 5.5 Modified rules apply to joint-claim couples entitled to a joint-claim couple jobseeker's allowance (see section 150C(2) and condition E in section 150C(3) of the Contributions and Benefits Act).
- 5.6 Those who would otherwise satisfy the conditions for an additional winter bonus but for their income at that time being of an exceptional amount will also qualify for a bonus (see section 150C(4) and (5)).

- 5.7 A person unable to qualify for a jobseeker's allowance, because they are not actively seeking employment or are denied a jobseeker's allowance because they have failed to take up a training or employment opportunity or lost their job through misconduct, etc., for any day in the relevant week will not be able to qualify for an additional winter bonus in respect of that day (see section 150(6) and (7)).
- 5.8 The first payment of the bonus will be made in March 2007 and will be for £100. After that the amount of bonus payable will be specified by Order made by the DHSS. It may be zero (see section 150(8)).
- 5.9 Only one bonus is payable in respect of any person or joint-claim couple (see section 150(9)).
- 5.10 Any additional winter bonus will not be treated as income support, an income-based jobseeker's allowance or a joint-claim jobseeker's allowance for the purposes of any provision under which entitlement to any of those benefits arises (see section 150C(10)).
- 5.11 Sections 150C(11) and 150D of the Contributions and Benefits Act defines certain terms appearing in sections 150B and 150C of that Act.