



Statutory Document No. 32/07

THE SOCIAL SECURITY CONTRIBUTIONS AND BENEFITS ACT 1992

THE INCOME SUPPORT (GENERAL) (ISLE OF MAN)
(AMENDMENT) REGULATIONS 2007

Approved by Tynwald *20th February 2007*

Coming into operation on 1st March 2007

In exercise of the powers conferred on the Department of Health and Social Security by sections 123 and 124 of the Social Security Contributions and Benefits Act 1992(a) (as that Act has effect in the Isle of Man(b)), and of all other enabling powers, the following Regulations are hereby made:-

Citation, commencement and interpretation

1. These Regulations may be cited as the Income Support (General) (Isle of Man) (Amendment) Regulations 2007 and shall come into operation on 1st March 2007.

2. In these Regulations “the Income Support Regulations” means the Income Support (General) (Isle of Man) Regulations 2000(c).

Amendment of the Income Support Regulations

3. Amend the Income Support Regulations in accordance with the following regulations.

4. For regulation 10 (relevant education), substitute—

“10. For the purposes of these Regulations, a person is to be treated as receiving relevant education if he is a qualifying young person within the meaning of section 142 of the Contributions and Benefits Act (child and qualifying young person).”

5. In regulation 11 (circumstances in which persons in relevant education are to be entitled to income support) for paragraphs (1) and (2) substitute –

“11. (1) Notwithstanding that a person either –

(a) is to be treated as receiving relevant education under regulation 10 (relevant education); or

(b) would be but for his not being a qualifying young person solely by virtue of his being aged 20,

(a) 1992 c.4; (b) S.D. 505/94; (c) S.D. 26/00.

he shall, if paragraph (2) applies to him and he satisfies the other conditions of entitlement to income support, be entitled to income support.

(2) This paragraph applies to a person who is a qualifying young person within the meaning of section 142 of the Contributions and Benefits Act (child and qualifying young person) or would be but for his being aged 20 (hereinafter referred to as an eligible person) who -

- (a) is the parent of a child for whom he is treated as responsible under regulation 13 (circumstances in which a person is to be treated as responsible or not responsible for another) and who is treated as a member of his household under regulation 14 (circumstances in which a person is to be treated as being or not being a member of the household); or
- (b) has in his applicable amount –
 - (i) the disability premium in respect of himself under paragraph 11(a) or in respect of himself or himself and his partner under paragraph 11(b) of Part III of Schedule 2, or
 - (ii) the higher disability premium in respect of himself under paragraph 12(a) or in respect of himself or himself and his partner under paragraph 12(b) of Part III of Schedule 2, or
- (bb) has satisfied the provisions of paragraph 7 of Schedule 1 (persons incapable of work) for a continuous period of not less than 196 days, and for this purpose any two or more separate periods separated by a break of not more than 56 days shall be treated as one continuous period; or
- (c) has no parent nor any person acting in the place of his parents; or
- (d) of necessity has to live away from his parents and any person acting in the place of his parents because –
 - (i) he is estranged from his parents and that person, or
 - (ii) he is in physical or moral danger, or
 - (iii) there is a serious risk to his physical or mental health, or
- (e) has ceased to live in accommodation provided for him under Part 3 of the Children and Young Persons Act 2001 (an Act of Tynwald) and is of necessity living away from his parents and any person acting in place of his parents, or
- (f) is living away from his parents and any person acting in the place of his parents in a case where his parents are or, as the case may be, that person is unable financially to support him and is –
 - (i) chronically sick or mentally or physically disabled, or
 - (ii) detained in custody pending trial or sentence upon conviction or under a sentence imposed by a court, or
 - (iii) prohibited from entering or re-entering the Isle of Man.”.

6. In regulation 12 (persons of a prescribed description) –

- (a) for paragraph (1) substitute –

“(1) Subject to paragraph (2), a person of a prescribed description for the purposes of section 137(1) of the Contributions and Benefits Act as it applies to income support (definition of the family) and section 126(1) and (3) of that Act (trade disputes) is a person who falls within the definition of qualifying young person in section 142 of the Contributions and Benefits Act (child and qualifying young person), and in these Regulations such a person is referred to as a “young person”; and

(b) for paragraph (2) substitute –

“(2) Paragraph (1) shall not apply to a person who is entitled to income support or would, but for section 134(2) of the Contributions and Benefits Act (only one member of a family to be entitled to a particular income-related benefit at the same time), be so entitled.”.

7. In regulation 13 (circumstances in which a person is to be treated as responsible or not responsible for another) –

(a) for paragraph (1) substitute –

“13. (1) Subject to the following provisions of this regulation, a person is to be treated as responsible for a child or a young person for whom he is receiving child benefit (including a child or young person to whom paragraph (3) of regulation 12 applies).”;

(b) in paragraph (3) omit “aged 16 or over but under 19”; and

(c) omit paragraph (3A).

8. In regulation 62 (interpretation of Chapter VII (liable relatives)) in the definition of “young claimant”, for “19” substitute “20”.

9. In regulation 69(1) (interpretation of Chapter 8 of Part 6 of the Income Support Regulations: students) in the definition of “full-time student”, for “means a person,” substitute “means a person who is not a qualifying young person or child within the meaning of section 142 of the Contributions and Benefits Act (child and qualifying young person) and”.

10. In Schedule 1 (prescribed categories of persons entitled to income support) in paragraph 13 (persons in education) for “severely handicapped persons” substitute “disabled persons”.

11. In Schedule 2 (applicable amounts) in Part I (personal allowances) for paragraph 2 substitute –

“2. Child or young person:	£22.50.”.
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12. In Schedule 4A (weekly amounts of board and lodging specified in Part IV of the Income Support Regulations) for paragraph 3 substitute –

“3. Child or young person:	£22.50.”.
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13. In Schedule 4B (applicable amounts for persons with a mental or physical disability or illness living in certain accommodation free of charge) for sub-paragraph (b) substitute –

“(b) in respect of every child or young person who is a member of the claimant’s family and who is also living in the same accommodation as the claimant, a further £22.50.”.

14. In Schedule 7 (sums to be disregarded in the calculation of income other than earnings) for paragraph 6 substitute –

“Winter bonus and additional winter bonus

6. A winter bonus or an additional winter bonus under Part XA of the Contributions and Benefits Act.”.

15. In Schedule 8 (capital to be disregarded) in paragraph 29(2)(c)(ii)(bb) and (4)(c)(ii)(bb) (trust funds established to make payments to (or in respect of) the sufferers of variant Creutzfeldt-Jakob disease) for “19” substitute “20”.

16. Regulations 4 to 9 of these Regulations shall not have effect in the case of a claimant–

- (a) who is entitled to income support immediately before 1st March 2007; and
- (b) whose applicable amount under regulation 15(a) of, and paragraph 2(a) in Part I of Schedule 2 to, the Income Support Regulations includes an amount in respect of a young person in his family aged 19 or 20.

Made 19th December 2006



Minister for Health and Social Security

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations come into operation on 1st March 2007 and make a number of amendments to the Income Support (General) (Isle of Man) Regulations 2000 (“the Income Support Regulations”) mainly consequential on changes to the qualifying conditions for child benefit made by the Child Benefit Act 2005 (of the United Kingdom Parliament) and the Child Benefit (General) Regulations 2006 made under that Act.
2. Regulations 1 and 2 provide for the Regulations’ citation, commencement and interpretation and regulation 3 introduces the amendments they make.

- 3.1 Following the changes mentioned, a person may become entitled to child benefit if the person in respect of whom benefit is claimed is either –
- a person aged less than 16 (called “a child” in the legislation); or
 - a person aged 16 or over but under the age of 20 who is either –
 - undertaking a course of full-time education (but not above “A” level standard); or
 - enrolled to undertake a further course of the same type,(called “a qualifying young person” in the legislation).
- 3.2 Provision already exists for a person claiming income support to have an allowance included in their applicable amount for any child or young person in their family for whom they are entitled to child benefit. Persons in full-time education (but not above “A” level standard) up to the age of 20 may also qualify for income support themselves in prescribed circumstances.
- 3.3 Regulations 4 to 9 and 15 amend the Income Support Regulations so as to maintain eligibility for such allowances by reflecting the new qualifying conditions for child benefit. Persons in full-time education below the age of 21 will also still be able to qualify for income support in prescribed circumstances themselves and make other consequential amendments.
4. Regulations 10 to 13 make minor amendments to the terminology and the lay-out of certain provisions appearing in the Income Support Regulations, for ease of reading.
5. Regulation 14 provides that any additional winter bonus (as well as any winter bonus) payable to a person receiving income support shall not affect their entitlement to income support.
6. Regulation 16 makes necessary transitional provision as to the coming into force of certain of the Regulations.

