



Statutory Document No. 34/07

THE SOCIAL SECURITY CONTRIBUTIONS AND BENEFITS ACT 1992

THE DISABILITY WORKING ALLOWANCE (GENERAL)
(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 section 123 and section 129 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 and commencement

1. These Regulations may be cited as the Disability Working Allowance (General) (Amendment) Regulations 2007 and shall come into operation on 1st March 2007.

Amendment of the Disability Working Allowance (General) Regulations 2004

2. Amend the Disability Working Allowance (General) Regulations 2004(c) ("the Disability Working Allowance Regulations") in accordance with the following regulations.

3. For regulation 12 (persons of a prescribed description) substitute –

"12. (1) A person is a person of a prescribed description for the purposes of section 129(1) (entitlement to disability working allowance) and section 137(1) (meaning of "family") as it applies to disability working allowance if either paragraph (2) or (3) applies to him.

Children and young persons

(2) This paragraph applies to a person who falls within the definition of qualifying young person in section 142 of the Contributions and Benefits Act (child or qualifying young person).

But this paragraph does not apply to a person -

(a) 1992 c.4; (b) S.D. 505/94; (c) S.D. 841/04.

- (a) 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;
- (b) who is entitled to income-based jobseekers allowance or would, but for section 3(1)(d) of the Jobseekers Act 1995 (only one member of a family to be entitled to an income-based jobseeker's allowance at the same time), be so entitled; or
- (c) in whose case regulation 7 of the Child Benefit (General) Regulations 2006¹ (qualifying young person: terminal dates) applies.

A person to whom this paragraph applies is referred to as a "young person".

Disabled adults

(3) This paragraph applies to a person who is aged 16 or over and entitled to -

- (a) the middle or the highest rate of the care component of disability living allowance; or
- (b) attendance allowance.

But this paragraph does not apply to a person -

- (a) if another person is entitled to a carer's allowance in respect of him; or
- (b) if another person is entitled to child benefit in respect of him.

A person to whom this paragraph applies is referred to as a "disabled adult".

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

- (a) in paragraph (2) for "Where a child or a young person to whom regulation 12(2) applies (16 to 18 year olds)" substitute "Where a child or a young person"; and
- (b) in paragraph (3) for "Where a young person to whom regulation 12(3) applies (19 and 20 year olds) or a disabled adult" substitute "Where a disabled adult".

5. In regulation 63 (determination of appropriate applicable amount) -

- (a) in paragraph (1) -
 - (i) in sub-paragraph (d) omit "or 5", and
 - (ii) in sub-paragraph (e) omit "or 5 (as the case may be)"; and
- (b) in paragraph (2) omit "or 5(b) or (c)".

6. In Schedule 3 (sums to be disregarded in the calculation of income other than earnings) for paragraph 12 substitute -

"Winter bonus and additional winter bonus"

¹ S.I. 2006/223.

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

7. In Schedule 4 (capital to be disregarded) in paragraph 18(2)(c)(ii) and (4)(c)(ii) (trust funds established to make payments to (or in respect of) the sufferers of variant Creutzfeldt-Jakob disease) for “19” substitute “20”.

8. In Schedule 7 (applicable amounts) –

(a) for paragraphs 4 and 5 substitute –

“4.		
(a)	For the first or only child, young person or disabled adult:	(a) £11.90;
(b)	For each additional child, young person or disabled adult:	(b) £31.30.”;

(b) for paragraph 6 substitute –

“6.	Additional amount for disabled child (see regulation 65):	4. £31.60.”.
-----	---	--------------

Transitional provision

9. Regulations 3, 4, 5 and 8 of these Regulations shall not have effect in the case of a claimant–

- (a) whose award of disability working allowance has not ended on 1st March 2007; and
- (b) whose applicable amount under regulation 63(1)(d) or (e) of, and paragraph 5 or 6 of Schedule 7 to, the Disability Working Allowance Regulations includes an amount in respect of a young person in his family aged 19 or 20.



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 Disability Working Allowance (General) Regulations 2004 (“the Disability Working Allowance 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. Following those changes, 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. Regulations 1 and 2 provide for the Regulations’ citation, commencement and interpretation and introduce the amendments they make.
4. Provision already exists for a person claiming disability working allowance 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. Regulations 3 to 5, 7 and 8 amend the Disability Working Allowance Regulations so as to maintain eligibility for such allowances by reflecting the new qualifying conditions for child benefit.

5. Regulation 6 provides that any additional winter bonus (as well as any winter bonus) payable to a person receiving disability working allowance will not affect their entitlement to disability working allowance.
6. Regulation 9 makes necessary transitional provision as to the coming into force of certain of the Regulations.

