



## EMPLOYED PERSON'S ALLOWANCE (GENERAL) (AMENDMENT) REGULATIONS 2015

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Statutory Document No. 2015/0043



*Social Security Contributions and Benefits Act 1992*

## **EMPLOYED PERSON'S ALLOWANCE (GENERAL) (AMENDMENT) REGULATIONS 2015**

*Approved by Tynwald: 17 March 2015*  
*Coming into Operation: 6 April 2015*

The Treasury makes the following Regulations under sections 123(1)(a), 128(6), 135(1) and 175 of the Social Security Contributions and Benefits Act 1992<sup>1</sup> as it has effect in the Island<sup>2</sup>.

### **PART 1 – INTRODUCTION**

#### **1 Title**

These Regulations are the Employed Person's Allowance (General) (Amendment) Regulations 2015.

#### **2 Commencement**

If approved by Tynwald, these Regulations come into operation on 6 April 2015<sup>3</sup>.

#### **3 General interpretation**

- (1) In these Regulations “**the 2011 Regulations**” means the Employed Person's Allowance (General) Regulations 2011<sup>4</sup>.
- (2) Unless the context otherwise requires it, phrases appearing in these Regulations have the meanings given to them in the 2011 Regulations or Part VII of the Social Security Contributions and Benefits Act 1992 as it has effect in the Island (as the case may be).

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<sup>1</sup> 1992 c.4.

<sup>2</sup> See SD 505/94.

<sup>3</sup> Tynwald approval is required by section 176 of the Social Security Contributions and Benefits Act 1992 as it has effect in the Island.

<sup>4</sup> SD 431/11.

## PART 2 – EMPLOYED PERSON'S ALLOWANCE REGULATIONS AMENDED

### 4 Amendment of the 2011 Regulations

The 2011 Regulations are amended in accordance with this Part.

### 5 Regulation 70 amended

- (1) Regulation 70 (conditions for applicable amounts for housing costs) is amended as follows.
- (2) Omit the words after paragraph (7).

### 6 Regulation 80 amended

- (1) Regulation 80 (maintenance and insurance costs) is amended as follows.
- (2) In paragraph (1) for “specified in paragraph 1(6) of Schedule 6” substitute “of £13.25”.

### 7 Regulation 83 substituted

For regulation 83 substitute –

#### **83. Restriction on housing costs**

Restrict the amounts applicable under this Part in accordance with Schedule 6.

### 8 Regulation 85 amended

- (1) Regulation 85 (applicable amount for non-householder's contribution) is amended as follows.
- (2) In paragraph (1) for “the amount specified in paragraph 1(7) of Part 1 of Schedule 6” substitute “a weekly amount of £14.80”.

### 9 Regulation 86 amended

- (1) Regulation 86 (applicable amounts of housing costs of boarders) is amended as follows.
- (2) In paragraph (1) for “specified in paragraph 1(8) of Part I of Schedule 6” substitute “a weekly amount of £54.65”.

### 10 Regulation 87 amended

- (1) Regulation 87 (determination of appropriate applicable amount) is amended as follows.

- (2) In paragraph (11) omit “and specified in Schedule 6 (applicable amounts for housing costs)”.

## 11 Schedule 3 amended

- (1) Schedule 3 (income other than earnings disregarded) is amended as follows.
- (2) After paragraph 48 insert —

**☐☐** *Payments in respect of adoption arrangements*

48A. Any payment made to the claimant in respect of a child or young person who is a member of the claimant’s family pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002<sup>5</sup> (of Parliament) or in accordance with a scheme for an analogous purpose or under analogous arrangements.

*Payments in respect of special guardianship support services*

48B. Any payment made to the claimant in respect of a child or young person who is a member of the claimant’s family in accordance with arrangements made pursuant to section 17F(1)(b) of CYPA (special guardianship support services).

*Payments in respect of residence orders*

48C. Any payment made by the Department of Health and Social Care to the claimant towards the cost of the accommodation and maintenance of a child or young person who is a member of the claimant’s family and with respect to whom the court has made a residence order under section 11 of CYPA (orders with respect to children).**☐☐**.

## 12 Schedule 4 amended

- (1) Schedule 4 (capital disregarded) is amended as follows.
- (2) After paragraph 16 insert —

**☐☐** *Payments in respect of adoption arrangements*

16A. Any payment made to the claimant in respect of a child or young person who is a member of the claimant’s family pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002<sup>6</sup> (of Parliament) or in accordance with a scheme for an analogous purpose or under analogous arrangements.

*Payments in respect of special guardianship support services*

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<sup>5</sup> 2002 c.38.

<sup>6</sup> 2002 c.38.

- 16B. Any payment made to the claimant in respect of a child or young person who is a member of the claimant's family in accordance with arrangements made pursuant to section 17F(1)(b) of CYPA (special guardianship support services).

*Payments in respect of residence orders*

- 16C. Any payment made by the Department of Health and Social Care to the claimant towards the cost of the accommodation and maintenance of a child or young person who is a member of the claimant's family and with respect to whom the court has made a residence order under section 11 of CYPA (orders with respect to children).<sup>72</sup>

### 13 Schedule 6 amended

- (1) Schedule 6<sup>7</sup> is amended as follows.  
(2) For Part 1 substitute—

**64 PART 1 - MAXIMUM AMOUNT OF HOUSING COSTS APPLICABLE  
UNDER PART 7**

[Regulation 83]

1.

- (1) The amount of housing costs applicable to a claimant (C) under Part 7 is subject to the following weekly maxima.
- (2) If C is a single claimant, £116.00.
- (3) If C is member of a couple whose family does not include a child or young person, £116.00.
- (4) If C is a lone parent or a member of a couple whose family includes —
- (a) one child; or
- (b) one young person,  
£153.00.
- (5) If C is a lone parent or a member of a couple whose family includes —
- (a) two children; or
- (b) two young persons; or
- (b) one child and one young person,  
£165.00.

<sup>7</sup> See amendments made to Schedule 1 by SD 2014/0034.

- (6) If C is a lone parent or a member of a couple whose family includes —
  - (a) three or more children;
  - (b) three or more young persons; or
  - (c) any combination of children and young persons numbering three or more in total,  
£182.00. ~~22~~.
- (3) In the heading to Part 2 for “8” substitute ~~11~~ 7 ~~22~~.

## PART 3 – SAVINGS AND TRANSITIONAL PROVISIONS

### 14 Savings provisions

- (1) This regulation applies to a person (“P”) who immediately before the commencement date is—
  - (a) entitled to employed person’s allowance;
  - (b) residing in public sector housing;
  - (c) a single claimant or a member of a couple whose family does not include a child or young person; and
  - (d) a person whose appropriate applicable amount includes an amount (A) in respect of applicable housing costs of more than £116.00.
- (2) If this regulation applies to P, the provision specified in paragraph (5) continues to have effect in relation to P as if regulations 5 to 10 and 13 had not been made until the earlier of the dates specified in paragraphs (3) and (4).
- (3) This date is the first day on which any of sub-paragraphs (a) to (c) of paragraph (1) does not apply to P.
- (4) This date is the first day on which the amount specified in the provision specified in paragraph (5) is greater than or equal to A.
- (5) That provision is—
  - (a) if P is a single claimant, paragraph 1(2) in Part 1 of Schedule 6 to the 2011 Regulations; or
  - (b) if P is a member of a couple whose family does not include a child or young person, paragraph 1(3) in that Part,as that Part would have effect were this regulation not to have effect.

**15 Transitional provisions**

If regulation 14 applies to P, P's appropriate applicable amount shall include an amount in respect of applicable housing costs of A (within the meaning of that regulation).

**16 Interpretation of Part 3**

In this Part —

**“applicable housing costs”** means housing costs as determined under Part 7 of the 2011 Regulations;

**“appropriate applicable amount”** means the appropriate applicable amount as determined under Part 8 of the 2011 Regulations;

**“commencement date”** means 6 April 2015; and

**“public sector housing”** means housing owned by —

- (a) an approved housing association (within the meaning of Part II of the *Housing (Miscellaneous Provisions) Act 1976*;
- (b) the Department of Health and Social Care; or
- (b) a local authority.

**MADE 11<sup>TH</sup> FEBRUARY 2015**

**W E TEARE**  
*Minister for the Treasury*



*EXPLANATORY NOTE*

*(This note is not part of the Regulations)*

These Regulations amend the Employed Person's Allowance (General) Regulations 2011 ("the Employed Person's Allowance Regulations").

Regulations 1 to 4 are introductory provisions.

Regulations 5 to 10 and 13 amend existing provisions in the Employed Person's Allowance Regulations in order that the maximum allowances for housing costs which currently apply to persons living in private sector housing apply in the same way to persons living in public sector housing.

Regulations 11 and 12 insert new income and capital disregards for payments made in respect of adoption arrangements, special guardian support services and residence orders.

Regulations 14 to 16 make savings and transitional provisions in relation to regulations 5 to 10 and 13.