



INCOME SUPPORT (GENERAL) (ISLE OF MAN) (AMENDMENT) (NO. 2) REGULATIONS 2015

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Statutory Document No. 2015/0044



Social Security Contributions and Benefits Act 1992

INCOME SUPPORT (GENERAL) (ISLE OF MAN) (AMENDMENT) (NO. 2) REGULATIONS 2015

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

The Treasury makes the following Regulations under sections 123, 124, 135 and 175 of the Social Security Contributions and Benefits Act 1992¹ as it has effect in the Island².

PART 1 – INTRODUCTION

1 Title

These Regulations are the Income Support (General) (Isle of Man) (Amendment) (No. 2) Regulations 2015.

2 Commencement

If approved by Tynwald, these Regulations come into operation on 6 April 2015³.

3 General interpretation

- (1) In these Regulations “**the Income Support Regulations**” means the Income Support (General) (Isle of Man) Regulations 2000⁴.
- (2) Unless the context otherwise requires it, phrases appearing in these Regulations have the meanings given to them in the Income Support 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).

¹ 1992 c.4.

² See SD 505/94.

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

⁴ SD 26/00.

PART 2 – INCOME SUPPORT REGULATIONS AMENDED

4 Amendment of the Income Support Regulations

The Income Support Regulations are amended in accordance with this Part.

5 Regulation 9 amended

- (1) Regulation 9⁵ (persons not treated as engaged in remunerative work) is amended as follows.
- (2) In paragraph (1)(i)⁶ —
 - (a) after “40” insert “or 42”; and
 - (b) for “21” substitute “41”.

6 Regulation 25 amended

- (1) Regulation 25 (maintenance and insurance) is amended as follows.
- (2) In paragraph (1)⁷ for “specified in paragraph 1(13) of Schedule 3” substitute ~~“of £13.25”~~.

7 Regulation 30 amended

- (1) Regulation 30 (restriction on housing costs) is amended as follows.
- (2) Omit “the Table in”.

8 Regulation 48 amended

- (1) Regulation 48 (capital treated as income) is amended as follows.
- (2) In paragraph (3)⁸, in each place in Cases 1 and 2, for “£148,500”⁹ substitute ~~“£150,000”~~.

9 Part I of Schedule 3 substituted

In Schedule 3 for Part I¹⁰ substitute —

~~“PART I - MAXIMUM AMOUNT OF HOUSING COSTS UNDER PART~~
V

[Regulation 30]

⁵ Regulation 9 renumbered as regulation 9(1) by SD 05/01.

⁶ Paragraph (1)(i) amended by SD 122/03.

⁷ Paragraph (1) amended by SD 104/02.

⁸ Paragraphs (2) to (3B) substituted by SD 828/05.

⁹ Figures substituted by SD 73/11.

¹⁰ See amendments of Part I of SDs 104/02, 2014/0008 and 1075/10.

1.
 - (1) The amount of housing costs applicable to a claimant (C) under Part V 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;
 - (b) two young persons; or
 - (c) one child and one young person,£165.00.
 - (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~~.

10 Schedule 7 amended

- (1) Schedule 7 (income other than earnings disregarded) is amended as follows.
- (2) In paragraph 36A(c) ¹¹ for “National Assistance (Isle of Man) Act 1971 (of Tynwald)” substitute ~~66~~ *National Insurance (Isle of Man) Act 1971* ~~22~~.
- (3) After paragraph 42B¹² insert —
~~66~~ *Payments in respect of special guardianship support services*
42C. Any payment made to the claimant in respect of a child or young person who is a member of his family in accordance with arrangements made pursuant to section 17F(1)(b) of the *Children*

¹¹ Paragraph 36A inserted by SD 495/06.

¹² Paragraph 42B inserted by SD 0609/12.

and Young Persons Act 2001 (special guardianship support services).

Payments in respect of residence orders

42D. 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 the *Children and Young Persons Act 2001* (orders with respect to children).¹³

11 Schedule 8 amended

- (1) Schedule 8 (disregarded capital) is amended as follows.
- (2) After paragraph 41¹³ add —

41 *Payments in respect of special guardianship support services*

42. Any payment made to the claimant in respect of a child or young person who is a member of his family in accordance with arrangements made pursuant to section 17F(1)(b) of the *Children and Young Persons Act 2001* (special guardianship support services).

Payments in respect of residence orders

43. 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 the *Children and Young Persons Act 2001* (orders with respect to children).¹³

PART 3 – SAVINGS AND TRANSITIONAL PROVISIONS

12 Savings provisions

- (1) This regulation applies to a person ("P") who immediately before the commencement date is—
 - (a) entitled to income support;
 - (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 weekly applicable amount includes an amount (A) in respect of housing costs of more than £116.00.

¹³ Paragraph 41 added by SD 0609/12.

- (2) If this regulation applies to P, the provision specified in paragraph (5) continues to have effect in relation to P as if regulations 6, 7 and 9 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 I of Schedule 3 to the Income Support 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.

13 Transitional provisions

If regulation 12 applies to P, P's weekly applicable amount shall include an amount in respect of applicable housing costs of A (within the meaning of that regulation).

14 Interpretation of Part 3

In this Part —

“applicable housing costs” means housing costs as applicable under Part V of the Income Support Regulations (housing costs);

“commencement date” means 6 April 2015;

“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
- (c) a local authority; and

“weekly applicable amount” means the weekly applicable amount as determined under Part IV of the Income Support Regulations (applicable amounts).

MADE 11TH FEBRUARY 2015

W E TEARE
Minister for the Treasury

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make a number of miscellaneous amendments to the Income Support (General) (Isle of Man) Regulations 2000 (“the Income Support Regulations”)

Regulations 1 to 4 are introductory provisions.

Regulation 5 corrects cross-references appearing in the Income Support Regulations.

Regulations 6, 7 and 9 amend existing provisions in the Income Support 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. They also make other consequential amendments.

Regulation 8 amends provision in the Income Support Regulations which provides that the value of the former home of a person in residential accommodation is taken into account as income of that person. The former home is taken into account as income at the rate of 5% of the first £148,500 of its value and at 10% of any additional value. The amendment made increases from £148,500 to £150,000 the value taken into account at 5% and provides that any value above £150,000 is taken into account at 10%.

Regulations 10 and 11 insert new income and capital disregards in respect of special guardian support services and residence order payments. Regulation 10 also makes a minor correction to the Income Support Regulations.

Regulations 12 to 14 make savings and transitional provisions in relation to regulations 6, 7 and 9.