

Statutory Document No. 2015/0045



Social Security Act 2000

SOCIAL SECURITY LEGISLATION (BENEFITS) (APPLICATION) (AMENDMENT) (NO. 2) ORDER 2015

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

The Treasury makes the following Order under section 1 of the *Social Security Act 2000*.

PART 1 – INTRODUCTION

1 Title

This Order is the Social Security Legislation (Benefits) (Application) (Amendment) (No. 2) Order 2015.

2 Commencement

If approved by Tynwald, this Order comes into operation on 6 April 2015¹.

3 General interpretation

- (1) In these Regulations “**the Jobseeker’s Allowance Regulations**” means the Jobseeker’s Allowance Regulations 1996² as they have effect in the Island³.
- (2) Unless the context otherwise requires it, phrases appearing in these Regulations have the meanings given to them in the Jobseeker’s Allowance Regulations or the Jobseekers Act 1995⁴ as it has effect in the Island⁵ (as the case may be).

¹ Tynwald approval is required by section 2(1) of the Social Security Act 2000.

² S.I. 1996/207.

³ See SD 634/96.

⁴ 1995 c.18.

⁵ See SD 8/96.

4 Social Security Legislation (Application) (No. 8) Order 1996 amended

The Schedule⁶ to the Social Security Legislation (Application) (No. 8) Order 1996⁷ is amended in accordance with Part 2.

**PART 2 – JOBSEEKER’S ALLOWANCE REGULATIONS
AMENDED**

5 Regulation 53 Jobseeker’s Allowance Regulations amended

- (1) The entry relating to regulation 53⁸ (persons treated as not engaged in remunerative work) is amended as follows.
- (2) For paragraph (1)(f)⁹ substitute –
 - 63**(f) he is engaged in caring for a person who is accommodated with him by virtue of arrangements made under any of the provisions referred to in paragraph 39 or 41, or in accordance with paragraph 40, of Schedule 7 (sums to be disregarded in the calculation of income other than earnings) and is in receipt of any payment specified in those paragraphs;**62**.

6 Schedule 2 Jobseeker’s Allowance Regulations amended

- (1) The entry relating to Schedule 2 is amended as follows.
- (2) In Part I (housing costs) –
 - (a) in paragraph 4(1)¹⁰ for “specified in paragraph 12(13) of Part II of this Schedule” substitute **63** of £13.25**62**; and
 - (b) in paragraph 8¹¹ omit “the Table in”.
- (3) For Part II substitute –

63 PART II - MAXIMUM AMOUNT OF HOUSING COSTS
UNDER PART I OF THIS SCHEDULE

12.

- (1) The amount of housing costs applicable to a claimant (C) or a joint-claim couple under Part I of this Schedule is subject to the following weekly maxima.

⁶ The Schedule sets out the Jobseeker’s Allowance Regulations 1996 (as they have effect in the Island).

⁷ SD 634/96.

⁸ Regulation 53 renumbered as regulation 53(1) by SD 796/03.

⁹ Paragraph (1)(f) amended by SD 119/03.

¹⁰ Paragraph 4(1) amended by SD 105/02.

¹¹ Paragraph 8 substituted by SD 33/00.

- (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) In the case of a joint-claim couple, £116.00.
- (5) 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.
- (6) If C is a lone parent or a member of a couple whose family includes —
 - (a) two children;
 - (b) two young persons; or
 - (b) one child and one young person,£165.00.
- (7) 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~~.

7 Schedule 7 Jobseeker's Allowance Regulations amended

- (1) The entry relating to Schedule 7 (income other than earnings disregarded) is amended as follows.

- (2) After paragraph 41B¹² insert —

~~44~~ *Payments in respect of special guardianship support services*

41C. 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

41D. 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

¹² Paragraph 41B inserted by SD 0608/12.

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

8 Schedule 8 Jobseeker's Allowance Regulations amended

(1) The entry relating to Schedule 8 (disregarded capital) is amended as follows.

(2) After paragraph 40¹³ add —

40 *Payments in respect of special guardianship support services*

41. 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

42. 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

9 Savings provisions: single claimants and members of couples whose family does not include a child or young person

(1) This article applies to a person ("P") who immediately before the commencement date is—

- (a) entitled to an income-based jobseeker'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 weekly applicable amount includes an amount (A) in respect of applicable housing costs of more than £116.00.

(2) If this article applies to P, the provision specified in paragraph (5) continues to have effect in relation to P as if article 6 had not been made until the earlier of the dates specified in paragraphs (3) and (4).

¹³ Paragraph 40 added by SD 0608/12.

- (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 12(2) in Part II of Schedule 2 to the Jobseeker’s Allowance Regulations;
 - (b) if P is a member of a couple whose family does not include a child or young person, paragraph 12(3) in that Part,as that Part would have effect were this article not to have effect.

10 Savings provisions: joint-claim couples

- (1) This article applies to a joint-claim couple (“JCC”) who immediately before the commencement date is—
 - (a) entitled to a joint-claim jobseeker’s allowance;
 - (b) residing in public sector housing; and
 - (c) a joint-claim couple whose weekly applicable amount includes an amount (A) in respect of applicable housing costs of more than £116.00.
- (2) If this article applies to JCC, the provision specified in paragraph (5) continues to have effect in relation to JCC as if article 6 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 either sub-paragraph (a) or (b) of paragraph (1) does not apply to JCC.
- (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 paragraph 12(4) in Part II of Schedule 2 to the Jobseeker’s Allowance Regulations as that Part would have effect were this article not to have effect.

11 Transitional provisions: single claimant and members of couples whose family does not include a child or young person

If article 9 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 article).

12 Transitional provisions: joint-claim couples

If article 10 applies to JCC, JCC’s weekly applicable amount shall include an amount in respect of applicable housing costs of A (within the meaning of that article).

13 Interpretation of Part 3

In this Part —

“**applicable housing costs**” means the housing costs determined as applicable under Schedule 2 to the Jobseeker’s Allowance Regulations;

“**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 VII of the Jobseeker’s Allowance Regulations.

MADE 11TH FEBRUARY 2015

W E TEARE
Minister for the Treasury

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes a number of miscellaneous amendments to the Jobseeker's Allowance Regulations 1996 (as they have effect in the Island) ("the Jobseeker's Allowance Regulations").

Articles 1 to 4 are introductory.

Article 5 corrects cross-references appearing in the Jobseeker's Allowance Regulations.

Article 6 amends existing provisions in the Jobseeker's Allowance Regulations to align the maximum allowance for housing costs for persons claiming a jobseeker's allowance living in public sector housing with that of persons living in private sector housing. Article 6 also makes consequential amendments.

Articles 7 and 8 insert new income and capital disregards in respect of special guardian support services and residence order payments.

Articles 9 to 13 make savings and transitional provisions in relation to article 6.