



SOCIAL SECURITY LEGISLATION (BENEFITS) (APPLICATION) (AMENDMENT) (NO. 3) ORDER 2015

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Statutory Document No. 2015/0114



Social Security Act 2000

SOCIAL SECURITY LEGISLATION (BENEFITS) (APPLICATION) (AMENDMENT) (NO. 3) ORDER 2015

Approved by Tynwald: 21 April 2015
Coming into Operation: 12 May 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. 3) Order 2015.

2 Commencement

If approved by Tynwald, this Order comes into operation on 12 May 2015¹.

3 Interpretation

- (1) In this Order “**the Claims and Payments Regulations**” means the Social Security (Claims and Payments) Regulations 1987² as they have effect in the Island³.
- (2) In Part 2 a reference to a numbered regulation or Schedule is to the entry relating to the regulation or Schedule bearing that number in the Claims and Payments Regulations.

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

² SI 1987/1968.

³ See SD 360/98.

PART 2 – CLAIMS AND PAYMENTS REGULATIONS AMENDED

4 Amendment of the Social Security Legislation (Application) (No. 4) Order 1998

The Schedule⁴ to the Social Security Legislation (Application) (No. 4) Order 1998 is amended in accordance with this Part.

5 Regulation 35 amended

- (1) Regulation 35⁵ (deductions which may be made from benefit and paid to third parties and adjustments of benefit in discharging liability to the Department) is amended as follows.
- (2) In the heading⁶ omit the words after “**parties**”.
- (3) Omit paragraph (1A)⁷.

6 Schedule 9 amended

- (1) Schedule 9⁸ (deductions from benefit and direct payment to third parties and adjustments of benefit in discharging liability to the Department) is amended as follows.
- (2) In the heading⁹ omit the words after “**parties**”.
- (3) In paragraph 1 (interpretation) in sub-paragraph (1) omit the definitions of “5% of the personal allowance for a single claimant aged not less than 18”¹⁰ and “personal allowance for a single claimant aged not less than 18”¹¹.
- (4) In paragraph 2¹² (general)—
 - (a) in sub-paragraph (1A) for paragraphs (a) and (b) substitute —
 - 1A**(a) housing costs;
 - (b) residential accommodation costs;**1A**;
 - (b) omit sub-paragraphs (1B) and (1C);
 - (c) in sub-paragraph (2) omit —

⁴ The Schedule sets out the Social Security (Claims and Payments) Regulations 1987 as they have effect in the Island.

⁵ Regulation 35 amended by article 3 of SD 1070/10.

⁶ Heading amended by SD 1070/10.

⁷ Paragraph (1A) inserted by SD 1070/10.

⁸ Schedule 9 substituted by SD 82/01.

⁹ Heading amended by SD 1070/10.

¹⁰ Definition substituted by SD 394/96.

¹¹ Definition substituted by SD 394/96.

¹² Paragraph 2 amended by SD 1070/10.

- (i) “or adjustment”; and
 - (ii) “or adjusted”; and
- (d) in sub-paragraph (3) omit —
 - (i) “or adjustment to be made”; and
 - (ii) “or adjustment”.
- (5) In paragraph 3¹³ (housing costs other than those arising under a tenancy with or loan from the Department)—
 - (a) in the heading omit the words after “costs”;
 - (b) in sub-paragraph (1) for “Except where paragraph 4A applies and subject” substitute **“Subject”**; and
 - (c) for sub-paragraph (2)(a) substitute —
 - “(a) in respect of each debt to which sub-paragraph (1) applies, or where the debt owed is in respect of an amount which includes more than one item of housing costs, a weekly amount of £5.00 for such period as it is necessary to discharge that debt, so however that in aggregate the weekly amount calculated under this sub-paragraph shall not exceed £15.00;”**.
- (6) In paragraph 4¹⁴ (residential accommodation costs other than Part III accommodation costs) —
 - (a) for the heading substitute **“Residential accommodation costs”**; and
 - (b) for “Except where paragraph 4B applies, where” substitute **“Where”**.
- (7) Omit —
 - (a) paragraph 4A (housing costs arising under a tenancy with or loan from the Department); and
 - (b) paragraph 4B¹⁵ (Part III accommodation costs).
- (8) In paragraph 5¹⁶ (fuel costs) for sub-paragraph (2)(a) substitute —
 - “(a) in respect of each debt to which sub-paragraph (1) applies (“the original debt”), a weekly amount of £5.00 for such period as is necessary to discharge the original debt, but the aggregate of the amounts calculated under this paragraph shall not exceed £15.00;”**.
- (9) In paragraph 5A¹⁷ (National Insurance contributions arrears and debts)
—

¹³ Paragraph 3 amended by SDs 394/06 and 1070/10.

¹⁴ Paragraph 4 amended by SD 1070/10.

¹⁵ Paragraphs 4A and 4B inserted by SD 1070/10.

¹⁶ Paragraph 5 amended by SD 394/06.

- (a) in sub-paragraph (1) for “the Treasury” substitute **the** the Assessor of Income Tax **;** and
 - (b) for sub-paragraph (2)(c) substitute —
 - (c)** which is of a weekly amount more than £15.00 **.**
- (10) For paragraph 6¹⁸ substitute —
- Maximum amount of payments to third parties**
6. The maximum aggregate amount payable to third parties under —
- (a) paragraph 3(2)(a);
 - (b) paragraph 5(2)(a);
 - (c) paragraph 5A; or
 - (d) under more than one of those paragraphs, shall not exceed £15.00 per week. **.**
- (11) In paragraph 7¹⁹ (priority as between certain debts)—
- (a) in sub-paragraph (1) —
 - (i) in paragraph (a) omit “4A,”; and
 - (ii) in paragraph (b) omit “together with any adjustment which may be made under paragraph 4A”; and
 - (b) in sub-paragraph (2) —
 - (i) in paragraph (a) omit “other than those arising under a tenancy with or loan from the Department”; and
 - (ii) omit paragraph (aa).

MADE 11TH MARCH 2015

W E TEARE
Minister for the Treasury

¹⁷ Paragraph 5A inserted by SD 394/06 and amended by SD 1070/10.

¹⁸ Paragraph 6 amended by SDs 394/06 and 1070/10.

¹⁹ Paragraph 7 amended by SDs 394/06 and 1070/10.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Social Security (Claims and Payments) Regulations 1987 as they have effect in the Island consequentially on the Transfer of Functions (Health and Social Care) Order 2014. The Order also updates a number of cross-references appearing in those Regulations and makes other minor amendments.