



SOCIAL SECURITY LEGISLATION (BENEFITS) (APPLICATION) (AMENDMENT) (NO. 4) ORDER 2015

Index

Article	Page
PART 1 – INTRODUCTION	3
1 Title	3
2 Commencement	3
3 Interpretation.....	3
4 Amendment of the Social Security Legislation (Application) (No. 3) Order 1998	3
PART 2 – 1988 REGULATIONS AMENDED	4
5 Regulation 1 amended	4
6 Regulation 8 amended	4
7 Regulation 15 amended	4
8 Regulation 16 amended	4

Statutory Document No. 2015/0116



Social Security Act 2000

SOCIAL SECURITY LEGISLATION (BENEFITS) (APPLICATION) (AMENDMENT) (NO. 4) 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. 4) Order 2015.

2 Commencement

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

3 Interpretation

- (1) In these Regulations “**the 1988 Regulations**” means the Social Security (Payments on account, Overpayments and Recovery) Regulations 1988² as they have effect in the Island³.
- (2) In Part 2 a reference to a numbered regulation is to the entry relating to the regulation bearing that number in the 1988 Regulations.

4 Amendment of the Social Security Legislation (Application) (No. 3) Order 1998

Schedule 1⁴ to the Social Security Legislation (Application) (No. 3) Order 1998⁵ is amended in accordance with Part 2.

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

² S.I. 1988/664.

³ See SD 359/98.

⁴ Schedule 1 sets out the Social Security (Payments on account, Overpayments and Recovery) Regulations 1988 as they have effect in the Island.

PART 2 – 1988 REGULATIONS AMENDED

5 Regulation 1 amended

- (1) Regulation 1 (citation, commencement and interpretation) is amended as follows.
- (2) In paragraph (2) omit the definitions of “disability working allowance”⁶ and “family income supplement”.

6 Regulation 8 amended

- (1) Regulation 8 (duplication and prescribed payments) is amended as follows.
- (2) In paragraph (1)(a)⁷ omit the words after “that Act”.

7 Regulation 15 amended

- (1) Regulation 15 (recovery by deduction from prescribed benefits) is amended as follows.
- (2) In paragraph (2)(a)⁸ omit the words “subject to paragraphs (1) and (2) of regulation 16,”.

8 Regulation 16 amended

- (1) Regulation 16 (limitations on deductions from prescribed benefits) is amended as follows.
- (2) Omit paragraphs (1) and (2)⁹.
- (3) For paragraph (4)(b)¹⁰ substitute –
“(b) in any other case, £20.00;”
- (4) In paragraph (5)¹¹ for the words after “shall be” substitute **“£30.00”**.
- (5) In paragraph (8) –
 - (a) omit the definition of “personal allowance for a single claimant aged not less than 18”; and
 - (b) in the definition of “specified benefit” omit the words after paragraph (b).

⁵ SD 359/98.

⁶ Definition inserted by S.I. 1991/2742 and amended by SD 353/03.

⁷ Paragraph (1)(a) substituted by SD 353/03 and amended by SD's 226/04 and 221/08.

⁸ Paragraph (2)(a) substituted by SD 226/04.

⁹ Paragraph (2) amended by S.I.'s 1988/688 and 1991/2742 and incorporated in SD 359/98.

¹⁰ Paragraph (4)(b) substituted by SD 445/03.

¹¹ Paragraph (5) substituted by SD 445/03.

MADE 11TH MARCH 2015

W E TEARE
Minister for the Treasury

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Social Security (Payments on account, Overpayments and Recovery) Regulations 1988 (as they have effect in the Island) (“the 1988 Regulations”).

Part 1 is introductory (articles 1 to 4). Part 2 (articles 5 to 8) contain the amendments.

Articles 5 and 6 remove references in regulations 1 and 8 of the 1988 Regulations to benefits no longer payable.

Article 7 omits provision in regulation 15 of the 1988 Regulations consequential on article 8(2).

Article 8 amends regulation 16 of the 1988 Regulations.

Article 8(2) removes provision preventing deductions from being made to recover overpaid benefit from payments of child benefit or guardian’s allowance except to recover overpayments of either of those benefits.

Article 8(3) and (4) increases the maximum deduction to be made under the 1988 Regulations from payments of income support, income-based jobseeker’s allowance or (in certain circumstances) contribution-based jobseeker’s allowance in recovering overpaid benefit. The new maxima are £20 per week (in most circumstances) and £30 per week (in special circumstances). Article 8(5) makes consequential amendment on article 8(3) and (4) and removes references to another benefit which is no longer payable.