



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

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Statutory Document No. 2015/0186



Social Security Act 2000

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

Approved by Tynwald: 16 June 2015
Coming into Operation: 7 July 2015

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

1 Title

This Order is the Social Security Legislation (Benefits) (Application) (No.4) Order 2015.

2 Commencement

If approved by Tynwald, this Order comes into operation on 7 July 2015¹.

3 Interpretation

- (1) In this Order “**the applied legislation**” means —
- (a) the Social Security (Miscellaneous Amendments) Regulations 2007²;
 - (b) the Social Security (Miscellaneous Amendments) (No. 2) Regulations 2012³; and
 - (c) the Social Security (Members of the Reserve Forces) (Amendment) Regulations 2015⁴.
- (2) Unless the context otherwise requires or it is expressly provided, a reference in the applied legislation, as applied to the Island in accordance with article 5, to a provision of any such legislation or of any other legislation applied to the Island by an order under section 1 of the *Social Security Act 2000* shall be construed as a reference to that legislation as it has effect in the Island.

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

² S.I. 2007/719.

³ S.I. 2012/2575.

⁴ S.I. 2015/389.

4 Effect

The applied legislation, as applied to the Island in accordance with article 5, has effect from 7 July 2015.

5 Application to the Island of the applied legislation

- (1) The applied legislation, incorporating the exceptions, adaptations and modifications subject to which it applies to the Island, is set out in the Schedules and applies to the Island as part of the law of the Island.
- (2) The applied legislation mentioned in —
 - (a) article 3(1)(a) is set out in Schedule 1;
 - (b) article 3(1)(b) is set out in Schedule 2; and
 - (c) article 3(1)(c) is set out in Schedule 3.

MADE 13TH MAY 2015

W E TEARE
Minister for the Treasury

SCHEDULE 1

[Article 5(2)(a)]

This Schedule sets out the text of the Social Security (Miscellaneous Amendments) Regulations 2007 (S.I. 2007/719) as applied by this Order, with such exceptions, adaptations and modifications made where necessary, which appear in *bold italic* type.

STATUTORY INSTRUMENTS

2007 No. 719

SOCIAL SECURITY

THE SOCIAL SECURITY (MISCELLANEOUS AMENDMENTS) REGULATIONS 2007

Made - - - - - *7th March 2007*

Laid before Parliament *9th March 2007*

Coming into force in accordance with regulation 1

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by—

– sections 123(1)(a), (d) and (e), 124(1)(e), 130(2), 135(1) and (2), 136(3), (5)(a) to (c), 137(1) and 175(1) to (4) of the Social Security Contributions and Benefits Act 1992,

– sections 5(1)(a), 6(1)(a), 189(1), (3) to (5) and 191 of the Social Security Administration Act 1992,

– sections 1(2C), 4(5) and (12), 12(1), (2), (4)(a) to (c), 35(1) and 36(1), (2) and (4) of the Jobseeker's Act 1995, and

– sections 2(3)(b) and (7), 17(2)(b) and 19(1) of the State Pension Credit Act 2002.

The Social Security Advisory Committee has agreed that the proposals in respect of these Regulations should not be referred to it.

In respect of the provisions in these Regulations relating to housing benefit and council tax benefit, the Secretary of State has consulted the organisations appearing to him to be representative of the authorities concerned.

Citation [...]

1. (1) These Regulations may be cited as the Social Security (Miscellaneous Amendments) Regulations 2007.

(2) to (9) *Omitted.*

Amendment of the Income Support (General) Regulations 1987

2. *Omitted.*

Amendment of the Jobseeker's Allowance Regulations 1996

3. (1) The Jobseeker's Allowance Regulations 1996⁵ are amended as follows.

(2) and (3) *Omitted.*

(4) For regulation 105(2)(h) (notional income)⁶ substitute—

“(h) any sum to which paragraph 33(2)(a) of Schedule 8 (capital to be disregarded) applies which is administered in the way referred to in paragraph 33(1)(a)⁷; [...].”

(5) In regulation 113 (notional capital)—

(a) for paragraph (1)(c)⁸ substitute—

“(c) any sum to which paragraph 33(2)(a) of Schedule 8 (capital to be disregarded) applies which is administered in the way referred to in paragraph 33(1)(a) [...].”;

(b) for paragraph (2)(e)⁹ substitute—

“(e) any sum to which paragraph 33(2)(a) of Schedule 8 (capital to be disregarded) applies which is administered in the way referred to in paragraph 33(1)(a) [...].”

(6) to (11) *Omitted.*

Amendment of the State Pension Credit Regulations 2002

4. *Omitted.*

Amendment of the Social Security (Working Tax Credit and Child Tax Credit) (Consequential Amendments) Regulations 2003

5. *Omitted.*

Amendment of the Housing Benefit Regulations 2006

6. *Omitted.*

Amendment of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006

7. *Omitted.*

Amendment of the Council Tax Benefit Regulations 2006

8. *Omitted.*

⁵ S.I. 1996/207 (see SD 634/96).

⁶ Regulation 105(2)(h) inserted by S.I. 1997/2197 (see SD 124/00).

⁷ Paragraph 33 substituted by S.I. 2006/2378 (see SD 497/07).

⁸ Paragraph (1)(c) amended by SD 119/03.

⁹ Paragraph (2)(e) inserted by S.I. 1997/2197 (see SD 124/00) and amended by SD 119/03.

Amendment of the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006

9. *Omitted.*

Signed by authority of the Secretary of State for Work and Pensions.

James Plaskitt
Parliamentary Under Secretary of State,
Department for Work and Pensions

7th March 2007

SCHEDULE 2

[Article 5(2)(b)]

This Schedule sets out the text of the Social Security (Miscellaneous Amendments) (No. 2) Regulations 2012 (S.I. 2012/2575) as applied by this Order, with such exceptions, adaptations and modifications made where necessary, which appear in *bold italic* type.

STATUTORY INSTRUMENTS

2012 No. 2575**SOCIAL SECURITY****THE SOCIAL SECURITY (MISCELLANEOUS AMENDMENTS) (NO. 2)
REGULATIONS 2012**

Made - - - - *11th October 2012*

Laid before Parliament *15th October 2012*

Coming into force - - *5th November 2012*

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 123(1)(a), 136(3), (4) and (5)(b), 137(1) and 175(3) and (4) of the Social Security Contributions and Benefits Act 1992, sections 12(1) to (3), 20(4), 35(1) and 36(2) and (4)(a) of, and paragraphs 11(2) and 14AA of Schedule 1 to, the Jobseekers Act 1995, sections 9(1), 79(4) and 84 of the Social Security Act 1998 and sections 17(1), (2) and (3)(b), 24(1) and 25(2), (3) and (5) of the Welfare Reform Act 2007.

In accordance with section 173(1)(b) of the Social Security Administration Act 1992, the Secretary of State has obtained the agreement of the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it.

1. Citation [...]

(1) These Regulations may be cited as the Social Security (Miscellaneous Amendments) (No. 2) Regulations 2012.

(2) *Omitted.*

2. Amendment of the Income Support (General) Regulations 1987

Omitted.

3. Amendment of the Jobseeker's Allowance Regulations 1996

(1) The Jobseeker's Allowance Regulations 1996 are amended as follows.

(2) In regulation 50 (persons temporarily absent from *the Isle of Man*), after paragraph (6C)¹⁰, insert—

“(6D) For the purposes of the Act, a person (“P”) shall be treated as being in *the Isle of Man* during any period of temporary absence from *the Isle of Man* not exceeding 15 days where—

- (a) P’s absence is for the purpose of taking part in annual continuous training as a member of any territorial or reserve force prescribed in Part 1 of Schedule 6 to the Contributions Regulations; and
 - (b) P or P’s partner was entitled to a jobseeker’s allowance immediately before the period of absence began.”.
- (3) to (5) *Omitted*.

4. Amendment of the Social Security and Child Support (Decisions and Appeals) Regulations 1999

Omitted.

5. Amendment of the Employment and Support Allowance Regulations 2008

Omitted.

Signed by authority of the Secretary of State for Work and Pensions

Freud
Parliamentary Under-Secretary of State
Department for Work and Pensions

11th October 2012

¹⁰ Paragraph (6C) inserted by S.I. 2004/1869 (see SD 839/04).

SCHEDULE 3

[Article 5(2)(c)]

This Schedule sets out the text of the Social Security (Members of the Reserve Forces) (Amendment) Regulations 2015 (S.I. 2015/389) as applied by this Order, with such exceptions, adaptations and modifications made where necessary, which appear in *bold italic* type.

STATUTORY INSTRUMENTS

2015 No. 389**SOCIAL SECURITY**

THE SOCIAL SECURITY (MEMBERS OF THE RESERVE FORCES) (AMENDMENT)
REGULATIONS 2015

Made - - - - - *23rd February 2015*

Laid before Parliament *2nd March 2015*

Coming into force - - - - - *6th April 2015*

The Secretary of State for Work and Pensions, in exercise of the powers conferred by sections 136(3), (4) and (5)(b), 137(1) and 175(3) and (4) of the Social Security Contributions and Benefits Act 1992, sections 6(4), 7(4), 12(1) to (3) and (4)(b), 35(1) and 36(2) and (4) of the Jobseekers Act 1995 and sections 17(1), (2) and (3)(b), 24(1), 25(2), (3) and (5) of the Welfare Reform Act 2007, makes the following Regulations.

In accordance with section 173(1)(b) of the Social Security Administration Act 1992, the Secretary of State has obtained the agreement of the Social Security Advisory Committee that the proposals in respect of these Regulations should not be referred to it.

1. Citation [...]

These Regulations may be cited as the Social Security (Members of the Reserve Forces) (Amendment) Regulations 2015 [...].

2. Amendment of the Income Support (General) Regulations 1987

Omitted.

3. Amendment of the Jobseeker's Allowance Regulations 1996

(1) The Jobseeker's Allowance Regulations 1996 are amended as follows.

(2) In regulation 1(3) (citation, commencement, interpretation and application), after the definition of “*family income supplement*”¹¹ insert—

““first year of training” means a period of one year beginning with a person’s first day of training.”

(3) In regulation 14(1) (circumstances in which a person is to be treated as available)¹², for sub-paragraph (t) *where it appears for the second time*, substitute—

- “(v) if he is a member of a reserve force prescribed in Part 1 of Schedule 6 to the Contributions Regulations¹³, either —
- (i) if he is engaged in his first year of training, for a maximum of 43 days in that year; or
 - (ii) if he is engaged in annual continuous training, for a maximum of 15 days in any calendar year.”.

(4) In regulation 19(1) (circumstances in which a person is to be treated as actively seeking employment)¹⁴, for sub-paragraph (x), substitute—

- “(y) in any week during which he is engaged for not less than 3 days in training as a member of a reserve force prescribed in Part 1 of Schedule 6 to the Contributions Regulations, either—
- (i) if he is engaged in his first year of training, for a maximum of 43 days in that year; or
 - (ii) if he is engaged in annual continuous training, for a maximum of 15 days in any calendar year.”.

(5) For regulation 94(2C) (calculation of earnings derived from employed earner’s employment and income other than earnings)¹⁵ substitute —

“(2C) (a) This paragraph applies where earnings are derived by a claimant as a member of a reserve force prescribed in Part 1 of Schedule 6 to the Contributions Regulations—

- (i) in respect of a period of annual continuous training for a maximum of 15 days in any calendar year; or
 - (ii) in respect of training in the claimant’s first year of training as a member of a reserve force for a maximum of 43 days in that year.
- (b) Earnings, whether paid to the claimant alone or together with other earnings derived from the same source, are to be taken into account—
- (i) in the case of a period of training which lasts for the number of days listed in column 1 of the table in sub-paragraph (c), over a period of time which is equal to the number of days set out in the corresponding row in column 2 of that table; or

¹¹ The definition of “family income supplement” was inserted by SD 793/02. Regulation 1(3) has been amended in other ways not relevant to these Regulations.

¹² Regulation 14(1) has been amended by S.I. 1997/563 (see SD 640/98) and S.I. 2006/1402 (see SD 31/07). Sub-paragraph (t), as it appears for the second time, was inserted by S.I. 2012/1616 (see SD 0607/12). Regulation 14(1) has been amended in other ways not relevant to these Regulations.

¹³ S.I. 2001/1004 (see SD 374/02).

¹⁴ Regulation 19(1) was amended by S.I. 2006/1402 (see SD 31/07). Sub-paragraph (x) was inserted by S.I. 2012/1616 (see SD 0607/12). Regulation 19(1) has been amended in other ways not relevant to these Regulations.

¹⁵ Regulation 94(2C) was inserted by S.I. 2012/1616 (see SD 0607/12).

(ii) in any other case, over a period which is equal to the duration of the training period.

(c) This is the table referred to in sub-paragraph (b)(i)—

<i>Column 1</i> <i>Period of training in days</i>	<i>Column 2</i> <i>Period of time over which earnings are to be taken into account in days</i>
8 to 10	7
15 to 17	14
22 to 24	21
29 to 31	28
36 to 38	35
43	42”

(6) In Schedule 6 (sums to be disregarded in the calculation of earnings) —

(a) *omitted*;

(b) in paragraph 10¹⁶ —

(zi) *in the heading to that paragraph, omit the words “territorial or”;*

(i) in sub-paragraph (3), omit the words “territorial or”; and

(ii) at the end of sub-paragraph (3), omit the full stop and insert —

“or in respect of training in the claimant’s first year of training as a member of a reserve force for a maximum of 43 days in that year.”.

(7) In each of the following provisions, omit the words “territorial or” —

(a) regulation 18(3)(f)(v)¹⁷;

(b) regulation 50(6D)(a)¹⁸; and

(c) regulation 53(I)(d)(iv)¹⁹.

4. Amendment of the Employment and Support Allowance Regulations 2008

Omitted.

5. Amendment of the Jobseeker’s Allowance Regulations 2013

Omitted.

Signed by authority of the Secretary of State for Work and Pensions

¹⁶ Paragraph 10 substituted by S.I 2012/1616 (see SD 0607/12).

¹⁷ Regulation 18 was amended by S.I. 2006/2378 (see SD 497/07). It has been amended in other ways not relevant to these Regulations.

¹⁸ Regulation 50(6D) was inserted by S.I. 2012/2575 (see Schedule 2 to this Order SD 2015/0186).

¹⁹ Regulation 53 was amended by S.I. 2006/2378 (see SD 497/07). It has been amended in other ways not relevant to these Regulations.



Esther McVey
Minister of State
Department for Work and Pensions

23rd February 2015

EXPLANATORY NOTE

(This note is not part of the Order)

Section 1 of the Social Security Act 2000 (of Tynwald) enables the Treasury by Order to apply to the Island, as part of the law of the Island and incorporating such exceptions, adaptations and modifications as may be specified by the Order, any legislation to which that section applies.

Section 1 of that Act applies to (inter alia) the Jobseekers Act 1995 (an Act of the United Kingdom Parliament) and to any statutory instrument made or having effect as if made under that Act.

This Order applies to the Island three statutory instruments of the United Kingdom Parliament, each relating to jobseeker's allowance, the provisions of which are summarised in the following paragraphs.

Social Security (Miscellaneous Amendments) Regulations 2007 (S.I. 2007/719) (regulations 1(1) and 3(1), (4) and (5) only)

Regulation 1 provides for how the Regulations are to be cited.

Regulation 3 amends the Jobseeker's Allowance Regulations 1996 as they have effect in the Island (referred to as "the Jobseeker's Allowance Regulations" in this note).

Regulation 3(4) and (5) amends cross-references in the Jobseeker's Allowance Regulations to provisions relating to the treatment of capital derived from an award of damages for a personal injury for the purposes of determining notional income or capital.

Social Security (Miscellaneous Amendments) (No. 2) Regulations 2012 (S.I. 2012/2575) (regulations 1(1) and 3(1) and (2) only)

These Regulations further amend the Jobseeker's Allowance Regulations.

Regulation 1 provides for how the Regulations are to be cited.

Regulation 3(2) amends regulation 50 of the Jobseeker's Allowance Regulations so that a person who is taking part in annual continuous training, as a member of the territorial or reserve forces, for a period not exceeding 15 days in any calendar year, will be treated as being in the Island, for the purpose of entitlement to a jobseeker's allowance, when temporarily absent from the Island for the purpose of the training, provided the person or their partner was entitled to jobseeker's allowance immediately before the period of absence.

Social Security (Members of the Reserve Forces) (Amendment) Regulations 2015 (S.I. 2015/389) (regulations 1(1) and 3 only)

These Regulations further amend the Jobseeker's Allowance Regulations.

Regulation 1 provides for how the Regulations are to be cited.

Regulation 3(2) and (5) amends the Jobseeker's Allowance Regulations to provide for how earnings are to be taken into account for a member of the reserve forces who is undergoing training. Such earnings are to be taken into account for a period of the same length of time as the training except where it exceeds 14 days, in which case they must be taken into account over a period of 14 days (or for up to 43 days in that year if it is the person's first year of training).

Regulation 3(6)(b)(ii) amends the Jobseeker's Allowance Regulations to extend the maximum period of time over which sums can be disregarded in calculating the earnings of a person receiving jobseeker's allowance from their employment as a member of the reserve forces in their first year of training from 15 days to 43 days.

Regulation 3(3) and (4) amends the Jobseeker's Allowance Regulations to provide that during their first year of training, members of the reserve forces will be treated as available for, and actively seeking, employment (two of the basic conditions of entitlement to jobseeker's allowance) for up to 43 days of training.

Regulation 3's other provisions remove obsolete references to the word "territorial", which are no longer required in respect of the reserve forces due to the renaming of the Army Reserve and Territorial Army in section 44 of the Defence Reform Act 2014 (an Act of the United Kingdom Parliament).