



INCOME SUPPORT (GENERAL) (ISLE OF MAN) (AMENDMENT) (NO. 3) REGULATIONS 2015

Index

Regulation	Page
1 Title	3
2 Commencement	3
3 Interpretation.....	3
4 The 2000 Regulations amended	3
5 Regulation 2 amended	3
6 Regulation 9 amended	4
7 Regulation 38 amended	4
8 Regulation 49 amended	5
9 Regulation 56 substituted	5
10 Regulation 58 amended	6

Statutory Document No. 2015/0188



Social Security Contributions and Benefits Act 1992

INCOME SUPPORT (GENERAL) (ISLE OF MAN) (AMENDMENT) (NO. 3) REGULATIONS 2015

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

The Treasury makes the following Regulations under sections 123, 124, 135, 136 and 175 of the Social Security Contributions and Benefits Act 1992¹ as it has effect in the Island².

1 Title

These Regulations are the Income Support (General) (Isle of Man) (Amendment) (No. 3) Regulations 2015.

2 Commencement

If approved by Tynwald, these Regulations come into operation on 7 July 2015³.

3 Interpretation

In these Regulations “**the 2000 Regulations**” means the Income Support (General) (Isle of Man) Regulations 2000⁴ and in these Regulations a reference to a numbered regulation is a reference to the regulation bearing that number in the 2000 Regulations.

4 The 2000 Regulations amended

The 2000 Regulations are amended as follows.

5 Regulation 2 amended

(1) Regulation 2 (interpretation) is amended as follows.

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.

- (2) In paragraph (1) —
- (a) after the definition of “the Contributions and Benefits Act” insert—
- ☐☐ “the Contributions Regulations” means the Social Security (Contributions) Regulations 2001⁵; ☐☐; and
- (b) after the definition of “family income supplement” insert—
- ☐☐ “first year of training” means a period of one year beginning with a person’s first day of training; ☐☐.

6 Regulation 9 amended

- (1) Regulation 9 (persons not treated as engaged in remunerative work) is amended as follows.
- (2) In paragraph (1)(g)(iv)⁶ omit the words “territorial or”.

7 Regulation 38 amended

- (1) Regulation 38 (calculation of earnings derived from employed earner’s employment and income other than earnings) is amended as follows.
- (2) After paragraph (3)⁷ insert—
- ☐☐ (3A)
- (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

⁵ S.I. 2001/1004 (see SD 374/02).

⁶ Paragraph (1)(g) substituted by SD 377/02 and head (iv) of that paragraph amended by SD 0609/12.

⁷ Paragraph (3) amended by SD 05/01.

- (ii) in any other case, over a period of time which is equal to the number of days of the training period.

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

<i>Column 1</i>	<i>Column 2</i>
<i>Period of training in days</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

- (3B) The period over which earnings to which paragraph (3A) applies are to be taken into account shall begin on the date on which the payment is treated as paid under regulation 40. **22**.

8 Regulation 49 amended

- (1) Regulation 49 (notional income) is amended as follows.
- (2) For paragraph (2)(j)⁸ substitute —
- 23**(j) any sum to which paragraph 34(2)(a)⁹ of Schedule 8 (capital to be disregarded) applies which is administered in the way referred to in paragraph 34(1)(a) of that Schedule; **24**.

9 Regulation 56 substituted

For regulation 56¹⁰ (calculation of capital in the Isle of Man and the United Kingdom) substitute —

2556. Calculation of capital in the British Islands

Capital which a claimant possesses in the British Islands shall be calculated at its current market or surrender value less —

- (a) where there would be expenses attributable to sale, 10 per cent; and
- (b) the amount of any incumbrance secured on it. **26**.

⁸ Paragraph (2)(j) amended by SD 122/03.

⁹ Paragraph 34 substituted by SD 501/07.

¹⁰ Regulation 56 amended by SD 658/00 and SD 795/02.

10 Regulation 58 amended

- (1) Regulation 58 (notional capital) is amended as follows.
- (2) For paragraph (1)(c)¹¹ substitute—
 - (c) any sum to which paragraph 34(2)(a) of Schedule 8 (capital to be disregarded) applies which is administered in the way referred to in paragraph 34(1)(a) of that Schedule ■.
- (3) For paragraph (5)(e)¹² substitute—
 - (e) any sum to which paragraph 34(2)(a) of Schedule 8 (capital to be disregarded) applies which is administered in a way referred to in paragraph 34(1)(a) of that Schedule, ■.

MADE 13TH MAY 2015

W E TEARE

Minister for the Treasury

¹¹ Paragraph (1)(c) amended by SD 122/03.

¹² Paragraph (1)(e) amended by SD 122/03.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations makes miscellaneous amendments to the Income Support (General) (Isle of Man) Regulations 2000 (“the 2000 Regulations”).

Regulations 1 to 3 are introductory (citation, commencement and interpretation) and regulation 4 introduces the amendments.

Regulation 5 inserts definitions of “the Contributions Regulations” and the “first year of training” in regulation 2 of the 2000 Regulations.

Regulation 6 removes reference in regulation 9 of the 2000 Regulations to the words “territorial or”, which are redundant 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).

Regulation 7 amends regulation 38 of the 2000 Regulations to make provision as to how earnings derived from participation as a member of the reserve forces (whether paid alone or together with other earnings derived from the same source) are to be taken into account for periods of training for persons claiming income support. Such earnings are to be taken into account for a period of the same duration as the training undertaken, except where the training 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 claimant’s first year of training as a member of a reserve force.

Regulations 8 and 10 amend cross-references in regulations 49 and 58 of the 2000 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.

Regulation 9 replaces regulation 56 of the 2000 Regulations so that all capital assets in the British Islands are taken into account by reference to their current market or surrender value.