



SOCIAL SECURITY LEGISLATION (BENEFITS) (APPLICATION) (AMENDMENT) (NO. 7) ORDER 2015

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Statutory Document No. 2015/0225



Social Security Act 2000

SOCIAL SECURITY LEGISLATION (BENEFITS) (APPLICATION) (AMENDMENT) (NO. 7) ORDER 2015

Approved by Tynwald: 22 July 2015
Coming into Operation: 11 August 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) (Amendment) (No. 7) Order 2015.

2 Commencement

If approved by Tynwald, this Order comes into operation on 11 August 2015¹.

3 Social Security Legislation (Application) (No. 3) Order 1998 amended

- (1) Schedule 1² to the Social Security Legislation (Application) (No. 3) Order 1998³ is amended as follows.
- (2) In the entry relating to regulation 1 (citation, commencement and interpretation), in paragraph (2), in the appropriate places in the alphabetical order insert the following definitions —
 - ☐ **“income support”** means income support under Part VII of the Contributions and Benefits Act;
 - “income-based jobseeker’s allowance”** has the meaning given in the Jobseekers Act 1995;☐.
- (3) For the entry relating to regulation 17⁴ (recovery from couples) substitute —

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

² Schedule 1 sets out the Social Security (Payments on account, Overpayments and Recovery) Regulations 1988 (SI 1988/664) as they have effect in the Island.

³ SD 359/98.

⁴ Regulation 17 amended by SD 38/00, S.I. 2005/2877 (see SD 866/05) and SD 988/11.

17 Recovery from a person's partner

- (1) This regulation applies to a person (P) to whom section 71(9) of the Administration Act⁵ applies.
- (2) The recoverable amount is recoverable in accordance with regulations 15 and 16 by deduction from any of the benefits specified in paragraph (3) payable to P's partner to which P's partner is entitled as if the recoverable amount were recoverable from P's partner.
- (3) Those benefits are —
 - (a) employed person's allowance;
 - (b) income support; and
 - (c) income-based jobseeker's allowance.
- (4) In this regulation “**partner**” and “**the recoverable amount**” have the meanings given in section 71(9C) of the Administration Act.⁵

MADE 17TH JUNE 2015

W E TEARE
Minister for the Treasury

⁵ Section 71(9) to (9C) substituted for section 71(9) by SD 2015/0115.

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”) by substituting regulation 17 of the 1988 Regulations. It also inserts definitions of “income support” and “income-based jobseeker’s allowance” into regulation 1 of the 1988 Regulations.

New regulation 17 applies to a person to whom section 71(9) of the Social Security Administration Act 1992 as it has effect in the Island applies. Section 71(9) applies to a person who has a partner and from whom an overpayment of employed person’s allowance, income support or income-based jobseeker’s allowance is recoverable. If section 71(9) applies to a person, the recoverable amount may be recovered, in accordance with regulations and without prejudice to any other method of recovery, by deduction from prescribed benefits payable to the person’s partner.

Under new regulation 17 of the 1988 Regulations the recoverable amount is recoverable in accordance with regulations 15 and 16 of those Regulations by deduction from any employed person’s allowance, income support or income-based jobseeker’s allowance payable to the person’s partner as if the amount were recoverable from the person’s partner.