



## SOCIAL SECURITY BENEFITS UPATING REGULATIONS 2018

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Statutory Document No. 2018/0028



*Social Security Contributions and Benefits Act 1992 Social Security Administration Act 1992*

## **SOCIAL SECURITY BENEFITS UPATING REGULATIONS 2018**

*Approved by Tynwald: 20<sup>th</sup> February 2018*

*Coming into Operation in accordance with regulation 2*

The Treasury makes the following Regulations under sections 113(1) and 175(1), (3) and (4) of the Social Security Contributions and Benefits Act 1992<sup>1</sup> and sections 155(3), 189(4) and (5) and 191 of the Social Security Administration Act 1992<sup>2</sup> as they have effect in the Island<sup>3</sup>.

### **1 Title**

These Regulations are the Social Security Benefits Upating Regulations 2018.

### **2 Commencement**

If approved by Tynwald, these Regulations come into operation on 9 April 2018<sup>4</sup>.

### **3 Interpretation**

- (1) In these Regulations, “**the Upating Order**” means the Social Security Benefits Upating Order 2018<sup>5</sup>.
- (2) Unless the context otherwise states, any reference in these Regulations to any provision of any legislation applied to the Island by an Order under section 1 of the Social Security Act 2000 or section 1 of the Pension Schemes Act 1995 shall be construed as a reference to that legislation as it has effect in the Island.

<sup>1</sup> 1992 c.4.

<sup>2</sup> 1992 c.5.

<sup>3</sup> See SD 505/94 and SD 506/94.

<sup>4</sup> Under section 176 of the Social Security Contributions and Benefits Act 1992 and section 190 of the Social Security Administration Act 1992 (as they have effect in the Island), these Regulations shall not have effect unless they are approved by Tynwald.

<sup>5</sup> SD 2018/0027.

#### **4 Exceptions relating to payment of additional benefit by virtue of the Up-rating Order**

Section 155(3) of the Social Security Administration Act 1992 (effect of alteration of rates of benefit under Parts 2 to 5, 12ZA and 12ZB of the Social Security Contributions and Benefits Act 1992) shall not apply if a question arises as to either—

- (a) the weekly rate at which the benefit is payable by virtue of the Up-rating Order, or
- (b) whether the conditions for receipt of the benefit at the altered rate are satisfied,

until that question has been determined in accordance with the provisions of the Social Security Act 1998<sup>6</sup>.

#### **5 Persons not ordinarily resident in the Island**

Regulation 5<sup>7</sup> of the Social Security Benefit (Persons Abroad) Regulations 1975<sup>8</sup> (application of disqualification in respect of up-rating of benefit) shall apply to any additional benefit payable by virtue of the Up-rating Order.

#### **6 Revocations**

The following are revoked —

- (a) the Social Security Benefits Up-rating Regulations 2017<sup>9</sup>; and
- (b) the Tax Credits and Guardian's Allowance Up-Rating etc. Regulations 2017<sup>10</sup>.

**MADE 25<sup>TH</sup> JANUARY 2018**

**A L CANNAN**  
*Minister for the Treasury*

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<sup>6</sup> 1998 c.14 (see SD 92/00).

<sup>7</sup> Regulation 5 amended by SD 2018/0033.

<sup>8</sup> S.I. 1975/563 (see GC 156/75).

<sup>9</sup> S.I. 2017/349 (see SD 2017/0166).

<sup>10</sup> S.I. 2017/406 (see SD 2017/0166).

*EXPLANATORY NOTE*

*(This note is not part of the Regulations)*

These Regulations contain provisions necessary to give full effect to the up-rating of benefits and pensions under the Social Security Benefits Up-rating Order 2018 (“the Up-rating Order”).

Regulations 1 to 3 provide the Regulations’ title, commencement and interpretation provisions.

Regulation 4 provides that where a question has arisen about the effect of the Up-rating Order on a benefit already in payment, the altered rates will not apply until that question is determined by an adjudication officer, a social security appeal tribunal or the Social Security Commissioner.

Regulation 5 applies the provisions of regulation 5 of the Social Security Benefit (Persons Abroad) Regulations 1975 (as they have effect in the Island) so as to restrict the application of the increases specified in the Up-rating Order in cases where the beneficiary is not ordinarily resident in the Island.

Regulation 6 revokes the Social Security Benefits Up-rating Regulations 2017 and the Tax Credits and Guardian’s Allowance Up-Rating etc. Regulations 2017 (as they have effect in the Island).