

Statutory Document No. 2018/0033



*Social Security Act 2000*

## **SOCIAL SECURITY LEGISLATION (BENEFITS) (APPLICATION) (AMENDMENT) ORDER 2018**

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

*Coming into Operation in accordance with article 2*

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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) Order 2018.

### **2 Commencement**

If approved by Tynwald, this Order comes into operation on 9 April 2018<sup>1</sup>.

### **3 Social Security Benefit (Persons Abroad) Regulations 1975 (as they have effect in the Island) amended**

- (1) The Social Security Benefit (Persons Abroad) Regulations 1975<sup>2</sup> as they have effect in the Island<sup>3</sup> are amended as follows.
- (2) In regulation 5<sup>4</sup> (application of disqualification in respect of up-rating of benefit), in paragraph (1) for the words from “section 150” to “Britain)”<sup>5</sup>

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<sup>1</sup> Under section 2(1) of the Social Security Act 2000 an order under section 1(1) or (6) of that Act shall be laid before Tynwald as soon as may be after it is made and unless it is approved by Tynwald at the sitting at which it is laid or the next following sitting, it ceases to have effect, but without prejudice to anything done under it or the making of a new order.

<sup>2</sup> S.I. 1975/563.

<sup>3</sup> The Social Security Subsidiary Legislation (Application) Order 1975 (GC 156/75) applied the Social Security Benefit (Persons Abroad) Regulations 1975 (S.I. 1975/563) to the Island subject to the exceptions, adaptations and modifications provided for by article 3 of, and Schedule 44 to, that Order, and Schedule 1 to GC 154/75.

<sup>4</sup> Regulation 5 inserted by S.I. 1979/1432 (see GC 33/80).

substitute **33** paragraph 1 (annual uprating of benefits) or 2 (annual uprating of basic pension etc.) of Schedule 4E to the Social Security Administration Act 1992<sup>6</sup> (review and alteration of benefits) **32**.

#### 4 Social Security Legislation (Application) (No. 4) Order 1995 amended

- (1) Schedule 7<sup>7</sup> to the Social Security Legislation (Application) (No. 4) Order 1995<sup>8</sup> is amended as follows.
- (2) In the entry relating to regulation 18 (rate of long-term incapacity benefit in transitional cases) —
  - (a) in paragraph (3) for the words from “Part X” to the end substitute **33**Part X of, and Schedule 4E to, the Administration Act (review and alteration of benefits) as if that allowance were a sum specified in paragraph 1(1)(a) of that Schedule **32**; and
  - (b) in paragraph (8)(d) for the words from “section 150” to the end substitute **33** paragraph 1 of Schedule 4E to the Administration Act of the sums mentioned in paragraph 1(1)(j) of that Schedule **32**.

#### 5 Social Security Legislation (Application) (No. 8) Order 1996 amended

- (1) The Schedule<sup>9</sup> to the Social Security Legislation (Application) (No. 8) Order 1996<sup>10</sup> is amended as follows.
- (2) In the entry relating to Schedule 5 (applicable amounts in special cases), in column (2) against paragraph 16A<sup>11</sup>, for sub-paragraph (1) substitute —
  - 33**(1) The amount applicable to the claimant under Part VII plus the actual cost of the child care charges being incurred and if the circumstances specified in sub-paragraph (2) apply, after taking into account a deduction of amount PSC in respect of the weekly child care charges being incurred for each child referred to in that sub-paragraph, but subject to a maximum of —

<sup>5</sup> Words substituted by S.I. 2010/788 (see SD 0444/12).

<sup>6</sup> Schedule 4E inserted by SD 2017/0330.


<sup>7</sup> Schedule 7 sets out the Social Security (Incapacity Benefit) (Transitional) Regulations 1995 (S.I. 1995/310) as they have effect in the Island.

<sup>8</sup> SD 123/95.

<sup>9</sup> The Schedule sets out the Jobseeker’s Allowance Regulations 1996 (S.I. 1996/207) as they have effect in the Island.

<sup>10</sup> SD 634/96.

<sup>11</sup> Paragraph 16A substituted by SD 135/04. In paragraph 16A column (2) substituted by SD 2017/0203.

- (a) in respect of each child in the lone parent's family for whom charges are being incurred who has not reached the age of 2, £200.00 per week;
- (b) in respect of any other child in the lone parent's family for whom charges are being incurred, £170.00 per week. .

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

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

*EXPLANATORY NOTE**(This note is not part of the Order)*

This Order amends the Social Security Benefit (Persons Abroad) Regulations 1975 (“the Persons Abroad Regulations”), the Social Security (Incapacity Benefit) (Transitional) Regulations 1995 (“the Incapacity Benefit (Transitional) Regulations”) and the Jobseeker’s Allowance Regulations 1996 (“the Jobseeker’s Allowance Regulations”) as they each effect in the Island.

Article 1 provides the Order’s title and article 2 provides its commencement provision.

Articles 3 and 4 update cross-references appearing in the Persons Abroad Regulations and the Incapacity Benefit (Transitional) Regulations consequent on new provision in the Social Security Administration Act 1992 (as it has effect in the Island) relating to the uprating of social security benefits and pensions.

Article 5 amends paragraph 16A of Schedule 5 to the Jobseeker’s Allowance Regulations. Paragraph 16A specifies the applicable amount in the case of lone parents who are incurring relevant child care charges who are either: (a) over compulsory school age and in relevant education; (b) full-time students; or (c) attending an approved training course, including the relevant maxima. New paragraph 16A(1) provides that those maxima apply in respect of each child in the claimant’s family (regardless of how many children there are in the family) and that higher maxima apply in respect of children under age 2 in the claimant’s family than for older children.