



## JOBSEEKERS ACT 1995 (APPLICATION) (AMENDMENT) ORDER 2018

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Statutory Document No. 2018/0099



*Social Security Act 2000*

## **JOBSEEKERS ACT 1995 (APPLICATION) (AMENDMENT) ORDER 2018**

*Approved by Tynwald: 17 April 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 Jobseekers Act 1995 (Application) (Amendment) Order 2018.

### **2 Commencement**

If approved by Tynwald, this Order comes into operation on the day after it is approved by Tynwald<sup>1</sup>.

### **3 Interpretation**

Reference in articles 5 and 6 to a numbered section is to the entry relating to the section of the Jobseekers Act 1995<sup>2</sup> bearing that number in the Schedule<sup>3</sup> to the Jobseekers Act 1995 (Application) Order 1996<sup>4</sup>.

### **4 Jobseekers Act 1995 (Application) Order 1996 amended**

The Schedule to the Jobseekers Act 1995 (Application) Order 1996 is amended in accordance with articles 5 and 6.

### **5 Section 3 amended**

(1) Section 3 (the income-based conditions) is amended as follows.

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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> 1995 c.18.

<sup>3</sup> The Schedule sets out the Jobseekers Act 1995 (c.18) as it has effect in the Island.

<sup>4</sup> SD 8/96.

- (2) In subsection (1) for paragraph (g) substitute —
- (g) the person satisfies the IOM residential condition as set out in section 3ZA.
- (3) Omit subsection (5)<sup>5</sup>.

## 6 Sections 3ZA and 3ZB inserted

After section 3 insert —

### 3ZA IOM residential condition

- (1) A person satisfies the IOM residential condition for the purposes of section 3(1)(g) if any of subsections (2) to (8) applies to that person.
- But see also subsection (9).
- Born in IOM*
- (2) This subsection applies to a person who was born in the Island.
- Continuous IOM ordinary residence for at least 5 years*
- (3) This subsection applies to a person who has at any time been ordinarily resident in the Island for a continuous period of at least 5 years.
- Interrupted IOM ordinary residence for at least 10 years*
- (4) This subsection applies to a person who has at any time been ordinarily resident in the Island for 3 or more periods which, when added together, amount to at least 10 years.
- Spouse or civil partner of person to whom any of subsections (2) to (4) applies*
- (5) This subsection applies to a person (P) if—
- (a) P is the spouse or civil partner of a person to whom any of subsections (2) to (4) above applies; and
- (b) P has the right to live in the Island (see subsection (10) below).
- Surviving spouse or surviving civil partner of person to whom any of subsections (2) to (4) applied*
- (6) This subsection applies to a person (P) if —
- (a) P was the spouse or civil partner of a person (S);
- (b) S was a person to whom any of subsections (2) to (4) above applied during P's and S's marriage or civil partnership;

<sup>5</sup> Subsection (5) substituted by SD 2016/0304.

- (c) P's and S's marriage or civil partnership was ended by S's death;
- (d) P was ordinarily resident in the Island immediately before S died; and
- (e) P has been ordinarily resident in the Island since S's death.

*Former spouse or civil partner of person to whom any of subsections (2) to (4) applied*

(7) This subsection applies to a person (P) if —

- (a) P was the spouse or civil partner of a person (S);
- (b) S was a person to whom any of subsections (2) to (4) above applied during P's and S's marriage or civil partnership;
- (c) P and S lived together for an unbroken period of 3 years after P and S married or formed a civil partnership;
- (d) P's and S's marriage or civil partnership was ended by divorce, dissolution or annulment;
- (e) P was ordinarily resident in the Island immediately before P's and S's marriage or civil partnership ended; and
- (f) P has been ordinarily resident in the Island since P's and S's marriage or civil partnership ended.

*Child of person to whom any of subsections (2) to (4) applies and who was serving in HM Forces, etc. when the child was born*

(8) This subsection applies to a person (P) if —

- (a) P is the child of a person (F);
- (b) F —
  - (i) is a person to whom any of subsections (2) to (4) above applies; or
  - (ii) immediately before F's death, was a person to whom any of subsections (2) to (4) above applied; and
- (c) at the time of P's birth, F was —
  - (i) serving; or
  - (ii) married to, or a civil partner of, a person serving, in HM armed forces.

(9) If—

- (a) P fails to satisfy the IOM residential condition for the purposes of section 3(1)(g); but
  - (b) P satisfies the other conditions set out in section 3(1),
- P is to be regarded as satisfying that condition if P satisfies an adjudication officer that there is a special reason which would

render P's disqualification from entitlement to a jobseeker's allowance exceptionally harsh or oppressive.

(10) For the purposes of subsection (5)(b), P has the right to live in the Island if –

(a) P –

(i) has the right of abode; or

(ii) has indefinite leave to enter or remain,

in the Isle of Man under the Immigration Act 1971<sup>6</sup> as that Act of Parliament is extended to the Isle of Man by the Immigration (Isle of Man) Order 2008<sup>7</sup>; or

(b) P has the right to reside in the Isle of Man by virtue of any EU obligation within the meaning of the European Communities (Isle of Man) Act 1973.

**3ZB Payment of travelling expenses and maintenance, etc. of person leaving the Island who is not entitled to a jobseeker's allowance because the person does not satisfy the IOM residential condition**

(1) This section applies if –

(a) a person (P) is not entitled to a jobseeker's allowance only because P does not satisfy the IOM residential condition for the purposes of section 3(1)(g); and

(b) P is willing to leave the Island.

(2) The Department may pay –

(a) the travelling expenses of P and any other member of P's family from the Island to the country in which P previously last resided; and

(b) such sum as the Department thinks is reasonable for the maintenance of P and any other member of P's family on the journey.

(3) The Department may also pay, in such circumstances and for such period as the Department determines as being appropriate, a sum equivalent to the amount of jobseeker's allowance to which P would be entitled if P satisfied the IOM residential condition for the purposes of section 3(1)(g).

This subsection is subject to section 3ZA(9). 

<sup>6</sup> 1971 c.77.

<sup>7</sup> S.I. 2008/680.

**MADE 14<sup>TH</sup> MARCH 2018**

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

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

This Order amends the Jobseekers Act 1995 as it has effect in the Island (“the Jobseekers Act”). The changes made replace the current requirement under section 3(1)(g) and (5) for a person to be an “Isle of Man worker” under control of employment legislation (subject to certain modifications and exceptions) to qualify for an income-based jobseeker’s allowance.

That requirement is replaced with a new IOM residential condition set out in new section 3ZA of the Jobseekers Act, which is satisfied by a person who was —

- a) born in the Island;
- b) ordinarily resident in the Island for a continuous period of at least 5 years; or
- c) ordinarily resident in the Island for 3 or more periods which, when added together, amount to at least 10 years.

The condition is also met by a person who (subject to other conditions) is —

- d) the spouse or civil partner of a person mentioned in paragraph a), b) or c) above;
- e) the surviving spouse or civil partner of such a person;
- f) the former spouse or civil partner of such a person; or
- g) the child of a person mentioned in paragraph a), b) or c) above who was (or whose spouse or civil partner was) serving in HM Forces when the child was born.

New provision is also inserted into the Jobseekers Act (by way of new section 3ZB) for the payment of travelling expenses and maintenance, etc. of persons leaving the Island who are not entitled to jobseeker’s allowance because the person does not satisfy the IOM residential condition for jobseeker’s allowance.