The Social Security Legislation (Application) (No. 8) Order 1996 (SD634/96) was made on the 1 November 1996 and approved by Tynwald 18 February 1997.

That Order applies the Jobseeker’s Allowance Regulations 1996 to the Island as set out in the Schedule to that Order. Incorporated within the applied Jobseeker's Allowance Regulations 1996 are provisions of the Schedule to the Jobseeker's Allowance (Amendment) Regulations 1996 (which made minor amendments to the original regulations). The Jobseeker’s Allowance (Amendment) Regulations 1996 came into force immediately following the coming into force of the Jobseeker’s Allowance Regulations 1996.

Paragraph (3) of article 2 to the application Order provides that unless the contrary intention appears, words and expressions appearing in the applied legislation (as amended or otherwise) are to be construed according to the Interpretation Act 1978 (of Parliament)\(^2\).

1996 No. 207

SOCIAL SECURITY

The Jobseeker's Allowance Regulations 1996

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Part I - General

1. Citation, commencement and interpretation

(1) These Regulations may be cited as the Jobseeker’s Allowance Regulations 1996.

(2) These Regulations shall come into force on 7th October 1996.

(3) In these Regulations -

"the Act" means the Jobseekers Act 1995;

[1]"adoption leave" has the same meaning as in regulation 9(4) of the Social Security Benefit (Computation of Earnings) Regulations 1996;

[2]“adult care home” has the meaning given in section 16 of the Regulation of Care Act and reference to a person (P) being “in an adult care home” means that P is provided with accommodation in an adult care home and related expressions shall be construed accordingly;

[3]"the Armed Forces and Reserve Forces Compensation Scheme" means the scheme established under section 1(2) of the Armed Forces (Pensions and Compensation) Act 2004 (c.32);

"attendance allowance“ means -

(a) an attendance allowance under section 64 of the Benefits Act;

(b) an increase of disablement pension under section 104 or 105 of the Benefits Act (increases where constant attendance needed and for exceptionally severe disablement);

[2]="benefit week” means a period of 7 days ending on Saturday except -

(a) where -

1 Definition inserted by regulation 3(2)(a) of S.I. 2002/2689 from 6 April 2003 (SD152/03).
2 Definition inserted by article 7(2)(c) of SD2015/0392 from 9 February 2016.
3 Definition inserted by regulation 2(1) of S.I. 2005/574 from 4 April 2005 (SD497/07).
4 Subparagraphs (bc) - (d) substituted for subparagraphs (c) and (d) by regulation 4(2)(a) of S.I. 2009/583 from 1 March 2011 (SD1073/10).
5 Definition inserted by regulation 2(2) of S.I. 1996/2538 from 28 October 1996 (SD642/98).
14.216
(i) the Department requires attendance otherwise than at regular two weekly intervals, or in the case of a claimant who is paid benefit in accordance with Part III, other than regulation 20A, of the Claims and Payments Regulations at the time he provides a signed declaration as referred to in regulation 24(6), the "benefit week" ends on such day as the Department may specify in a notice in writing given or sent to the claimant;

(ii) in accordance with an award of [income support] that includes the relevant day, the "benefit week" ends on a Saturday, the "benefit week" shall end on a Saturday, or on such other day as the Department may specify in a notice in writing given or sent to the claimant; or

(iii) in accordance with an award of unemployment benefit that includes the relevant day, the claimant is paid benefit in respect of a period of seven days ending on the week-day specified in a written notice given to him by the Department for the purpose of his claiming unemployment benefit, and that day is a Saturday, the "benefit week" shall end on a Saturday or on such other day as the Department may specify in a notice in writing given or sent to the claimant;

(b) for the purpose of calculating any payment of income in accordance with Part VIII, "benefit week" also means the period 7 days ending on the day before the first day of the benefit week following the date of claim or, as the case may be, the last day on which a jobseeker's allowance is paid if it is in payment for less than a week, and in this definition "relevant day" has the meaning it has in the Jobseeker's Allowance (Transitional Provisions) Regulations 1995:

"benefit week" also means the period of 7 days ending on the day before the first day of the first benefit week following the date of claim or the last day on which jobseeker's allowance is paid if it is in payment for less than a week;

“board and lodging accommodation” means -

(a) accommodation provided to a person, or, if he is a member of a family, to him or any other member of his family, for a charge which is inclusive of the provision of that accommodation and at least some cooked or prepared meals which both are cooked or prepared (by a person other than the person to whom the accommodation is provided or a member of his family) and are consumed in that accommodation or associated premises; or

(b) accommodation provided to a person in a hotel, guest house, lodging house or some similar establishment,

except accommodation provided by a close relative of his or of any other member of his family, or other than on a commercial basis;

["the Caxton Foundation" means the charitable trust of that name established on 28th March 2011 out of funds provided by the Secretary of State for the benefit of certain persons suffering from hepatitis C and other persons eligible for payment in accordance with its provisions;]

“Claims and Payments Regulations” means the Social Security (Claims and Payments) Regulations 1987;
“close relative” means except in Parts II [8] and V, a parent, parent-in-law, son, son-in-law, daughter, daughter-in-law, step-parent, step-son, step-daughter, brother, sister, [or if any of the preceding persons is one member of a couple, the other member of that couple];

“concessionary payment” means a payment made under arrangements made by the Department [10] which is charged either to the Manx National Insurance Fund or to the General Revenue of the Isle of Man to which payments of benefit under the Act or the Benefits Act are charged;

[11]

[12]“the Contributions Regulations” means the Social Security (Contributions) Regulations 200113;]

“co-ownership scheme” means a scheme under which a dwelling is let by a housing association and the tenant, or his personal representative, will, under the terms of the tenancy agreement or of the agreement under which he became a member of the association, be entitled, on his ceasing to be a member and subject to any condition stated in either agreement, to a sum calculated by reference directly or indirectly to the value of the dwelling;

[14]“couple” means-

(a) two people who are married to, or civil partners of, each other and are members of the same household; or

(b) two people who are not married to, or civil partners of, each other but are living together as a married couple;]

“course of advanced education” means -

(a) a course leading to a postgraduate degree or comparable qualification, a first degree or comparable qualification, a diploma of higher education or a higher national diploma; or

(b) any other course which is of a standard above advanced GNVQ or equivalent, including a course which is of a standard above a general certificate of education (advanced level), a Scottish certificate of education (higher level) or a Scottish certificate of sixth year studies;

[15]“course of study” means any course of study, whether or not it is a sandwich course and whether or not a grant is made for attending or undertaking it;]

“date of claim” means the date on which the claimant makes, or is treated as making, a claim for a jobseeker’s allowance for the purposes of regulation 6 of the Claims and Payments Regulations;

“disability living allowance” means a disability living allowance under section 71 of the Benefits Act;

“disability working allowance” means a disability working allowance under section 129 of the Benefits Act;

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8 Word omitted by regulation 2(2) of S.I. 1996/2538 from 28 October 1996 (SD642/98).
9 Words substituted by paragraph 26(2)(a) of Schedule 3 to S.I. 2005/2877 from 5 December 2005 (SD866/05).
10 Words “with the consent of the Treasury” omitted as provided for by paragraph 32(b) of Part 2 of Schedule 1 to the Transfer of Functions (Health and Social Care) Order 2014 from 1 April 2014 (SD2014/0008).
11 Definition of “Conditions of Entitlement Regulations” omitted by article 2(2)(a) of SD33/00 from 10 April 2000.
12 Definition inserted by regulation 2(2) of S.I. 2012/1616 from 30 July 2012 (SD0607/12).
13 S.I. 2001/1004 (SD374/02).
14 Definition substituted by paragraph 8(2) of Schedule 2 to SD2016/0193 from 22 July 2016.
“disabled worker” has the same meaning as in section 128(15)(a) of the Benefits Act;

“dwelling occupied as the home” means the dwelling together with any garage, garden and outbuildings, normally occupied by the claimant as his home including any premises not so occupied which it is impracticable or unreasonable to sell separately;

“earnings” has the meaning specified, in the case of an employed earner, in regulation 98, or in the case of a self-employed earner, in regulation 100;

“the Eileen Trust” means the charitable trust of that name established on 29th March 1993 out of funds provided by the Secretary of State for the benefit of persons eligible for payment in accordance with its provisions;

“employed person’s allowance” means an allowance under section 128 of the Benefits Act;

“employment-related course” means a course the purpose of which is to assist persons to acquire or enhance skills required for employment, for seeking employment or for a particular occupation;

“energy support payment” means an energy support payment under Part XC of the Benefits Act;

“family” means -

(a) a married or unmarried couple;

(b) a married or unmarried couple and a member of the same household for whom one of them is, or both are, responsible and who is a child or a person of a prescribed description;

(c) except in prescribed circumstances, a person who is not a member of a married or unmarried couple and a member of the same household for whom that person is responsible and who is a child or a person of a prescribed description;

“family income supplement” means a family income supplement under section 128 of the Contributions and Benefits Act;

“family support payment” means a family support payment under Part XD of the Benefits Act;

“first year of training” means a period of one year beginning with a person’s first day of training;

“full-time course of advanced education” means a course of advanced education which is [22] -

(a) [23] a full-time course of study which is not funded in whole or in part by General Revenue; or

(b) [24] a course of study which is funded in whole or in part by General Revenue if it involves more than 16 guided learning hours per week for the student in question;
“full-time course of study” means a full-time course of study which -

(a) is not funded in whole or in part by General Revenue; or

(b) is funded in whole or in part by General Revenue if it involves more than 16 guided learning hours per week for the student in question;

“full-time student” means a person, other than a person who is in receipt of a training allowance [2]or a person who is a qualifying young person or child within the meaning of section 142 of the Benefits Act (child and qualifying young person), who is -

(a) aged less than 19 and is attending or undertaking a full-time course of advanced education;

(b) aged 19 or over but under pensionable age and is attending or undertaking a full-time course of study at an educational establishment; or

(c) on a sandwich course;

“the Fund” means monies made available from time to time by the Secretary of State for the benefit of persons eligible for payment in accordance with the provisions of a scheme established by him on 24th April 1992 or, in Scotland, on 10th April 1992;

“a guaranteed income payment” means a payment made under article 14(1)(b) or article 21(1)(a) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2005;

“housing costs” has the meaning given in paragraph 1(2) of Schedule 2;

“income support” means income support under section 124 of the Contributions and Benefits Act;

“the Income Support Regulations” means the Income Support (General) (Isle of Man) Regulations 2000;

“independent care service” has the meaning given in section 10 of the Regulation of Care Act;

“the Independent Living (Extension) Fund” means the Trust of that name established by a deed dated 25th February 1993 and made between the Secretary of State for Social Security of the one part and Robin Glover Wendt and John Fletcher Shepherd of the other part;

“the Independent Living Fund” means the charitable trust established out of funds provided by the Secretary of State for the purpose of providing financial assistance to those persons incapacitated by or otherwise suffering from very severe disablement who are in need of such assistance to enable them to live independently;

“the Independent Living (1993) Fund” means the Trust of that name established by a deed dated 25th February 1993 and made between the Secretary of State for Social Security of the one part and Robin Glover Wendt and John Fletcher Shepherd of the other part;

“the Independent Living Funds” means the Independent Living Fund, the Independent Living (Extension) Fund and the Independent Living (1993) Fund;

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26 Definition inserted by regulation 3(2) of S.I. 2000/1922 from 3 September 2001 (SD198/01).
27 Words inserted by regulation 3(2) of S.I. 2006/718 from 10 April 2006 (SD31/07).
28 Definition inserted by regulation 2(1) of S.I. 2005/574 from 4 April 2005 (SD497/07).
30 Definition inserted by article 19(2) of Part 5 of SD2015/0223 from 1 November 2015.
31 Definition inserted by article 3(2) of SD793/02 from 1 January 2003.
32 Definition inserted by article 2(2)(b) of SD33/00 from 10 April 2000.
33 Definition inserted by article 7(2)(c) of SD2015/0392 from 9 February 2016.
“invalid carriage or other vehicle” means a vehicle propelled by a petrol engine or by electric power supplied for use on the road and to be controlled by the occupant;

“jobseeking period” means the period described in regulation 47;

“last day of the course” has the meaning prescribed in regulation 130 for the purposes of the definition of “period of study” in this paragraph;

“liable relative” has the meaning prescribed in regulation 117;

“life policy” means any instrument by which the payment of money is assured on death (except death by accident only) or the happening of any contingency dependent on human life, or any instrument evidencing a contract which is subject to the payment of premiums for a term dependent on human life, but excluding any instrument where, at the date on which the instrument takes effect, the sum assured on death or the happening of a contingency dependent on human life, as the case may be, is less than ten times the amount of the first premium paid;]

“lone parent” means a person who has no partner and who is responsible for, and a member of the same household as, a child or young person;

“long tenancy” means a tenancy granted for a term of years certain exceeding twenty one years, whether or not the tenancy is, or may become, terminable before the end of that term by notice given by or to the tenant or by re-entry, forfeiture or otherwise and includes a lease for a term fixed by law under a grant with a covenant or obligation for perpetual renewal unless it is a lease by sub-demise from one which is not a long tenancy;

“long-term benefits support payment” means a long-term benefits support payment under Part XE of the Benefits Act;]

“the Macfarlane (Special Payments) Trust” means the trust of that name, established on 29th January 1990 partly out of funds provided by the Secretary of State for the benefit of certain persons suffering from haemophilia;

“the Macfarlane (Special Payments) (No. 2) Trust” means the trust of that name, established on 2nd May 1991 partly out of funds provided by the Secretary of State, for the benefit of certain persons suffering from haemophilia and other beneficiaries;

“the Macfarlane Trust” means the charitable trust, established partly out of funds provided by the Secretary of State to the Haemophilia Society, for the relief of poverty or distress among those suffering from haemophilia;

“making a claim” includes treated as making a claim;

“maternity leave” means a period during which a woman is absent from work because she is pregnant or has given birth to a child, and at the end of which she has a right to return to work either under the terms of her contract of employment or under Part VII of the Employment Act 2006 (of Tynwald);

“MFET Limited” means the company limited by guarantee (number 7121661) of that name, established for the purpose in particular of making payments in accordance with arrangements made with the Secretary of State to persons who have acquired HIV as a result of treatment by the NHS with blood or blood products;]
“MIP” means a Manx Isolation Payment under Part 12ZD of the Social Security Contributions and Benefits Act 1992;

“mobility supplement” means any supplement under [39]article 20 of the Naval, Military and Air Forces Etc. (Disability and Death) Service Pensions Order 2006 including such a supplement by virtue of any other scheme or order or under Article 25A of the Personal Injuries (Civilians) Scheme 1983;

“net earnings” means such earnings as are calculated in accordance with regulation 99;

“net profit” means such profit as is calculated in accordance with regulation 101;

“non-dependant” has the meaning prescribed in regulation 2;

“nursing home” means an adult care home which is an independent care service and which provides -

(a) nursing substantially; and

(b) personal care or personal support, with or without practical assistance,

and reference to a person (P) being “in a nursing home” means that P is provided with accommodation (including board) in a nursing home and related expressions shall be construed accordingly;

“occupational pension” means any pension or other periodical payment under an occupational pension scheme but does not include any discretionary payment out of a fund established for relieving hardship in particular cases;

“partner” means where a claimant -

(a) is a member of a couple, the other member of that couple;

(b) is married polygamously to two or more members of his household, any such member;

“part-time student” means a person who is attending a course of study and who is not a student;

“paternity leave” has the same meaning as in regulation 9(4) of the Social Security Benefit (Computation of Earnings) Regulations 1996;

“payment” includes a part of a payment;

“pay period” means the period in respect of which a claimant is, or expects to be, normally paid by his employer, being a week, a fortnight, four weeks, a month or other longer or shorter period as the case may be;

“period of study” except in Parts II, IV and V means -

[38] Definition inserted by article 8(2) of Part 4 of S.D.2022/0010 from 10 January 2022.

(a) in the case of a course of study for one year or less, the period beginning with the start of the course and ending with the last day of the course;

(b) in the case of a course of study for more than one year, in the first or, as the case may be, any subsequent year of the course, other than the final year of the course, the period beginning with the start of the course or, as the case may be, that year’s start and ending with either -

(i) the day before the start of the next year of the course in a case where the student grant is assessed as a rate appropriate to his study throughout the year, or, if he does not have a grant, where it would have been assessed at such a rate had he had one; or

(ii) in any other case the day before the start of the normal summer vacation appropriate to his course;

(c) in the final year of a course of study of more than one year, the period beginning with that year’s start and ending with the last day of the course;

[46]“personal capability assessment” has the meaning given in regulation 24 of the Social Security (Incapacity for Work) (General) Regulations 1995;

[48]“personal care”, “personal support” and “practical assistance” have the meanings given in the Schedule to the Regulation of Care Act;

[49]“personal pension scheme” means -

(a) a personal pension scheme as defined by section 1 of the Pension Schemes Act 1993;

(b) a personal pension scheme approved under Part 1 of the Income Tax Act 1989 (of Tynwald);

(c) a personal pension scheme approved for the purposes of section 50C of the Income Tax Act 1970 (of Tynwald) which satisfies the conditions in subsection (4) of that section;

[52]“polygamous marriage” means any marriage during the subsistence of which a party to it is married to more than one person and the ceremony of marriage took place under the law of a country which permits polygamy;

[53]“the qualifying age” means -

(a) in the case of a woman, pensionable age;

(b) in the case of a man, pensionable age for a woman born on the same day;

“qualifying person” means a person in respect of whom payment has been made from the Fund, the Eileen Trust, MFET Limited, the Skipton Fund or the Caxton Foundation;
“Regulation of Care Act” means the Regulation of Care Act 2013;

“relative” means close relative, grand-parent, grand-child, uncle, aunt, nephew or niece;


“remunerative work” has the meaning prescribed in regulation 51(1);

“sandwich course” has the meaning prescribed in paragraph 3(2) of Schedule 1 to the Student Awards Regulations;

“self-employed earner” has the meaning it has in Part I of the Benefits Act by virtue of section 2(1)(b) of that Act;

“share fisherman” has the meaning prescribed in regulation 156;

“single claimant” means a claimant who neither has a partner nor is a lone parent;

“the Skipton Fund” means the ex-gratia payment scheme administered by the Skipton Fund Limited, incorporated on 25th March 2004, for the benefit of certain persons suffering from hepatitis C and other persons eligible for payment in accordance with the scheme's provisions;

“Social Services Act” means the Social Services Act 2011;

“sports award” means an award made by one of the Sports Councils named in section 23(2) of the National Lottery etc. Act 1993 (as that section has effect in the United Kingdom) out of sums allocated to it for distribution under that section or any payment made for a similar purpose by the Public Lottery Trust out of money provided under section 1(2) of the National Lottery Act 1999 (an Act of Tynwald);

“the Student Awards Regulations” means the Education (Student Awards) Regulations 2012;

“supplementary benefit” means a supplementary benefit under section 1 or 4 of the Supplementary Benefits Act 1976;

“terminal date” in respect of a claimant means the terminal date in his case for the purposes of regulation 7 of the Child Benefit (General) Regulations 1976;
“training allowance” means an allowance (whether by way of periodical grants or otherwise) payable out of public funds by a Department to a person for his maintenance, or in respect of a member of his family, for the period, or part of the period, during which he is following a course of training or instruction provided by, or in pursuance of arrangements made with, that Department or approved by that Department in relation to him but it does not include an allowance paid by any Department to or in respect of a person by reason of the fact that he is following a course of full-time education or is training as a teacher;

“variable rate energy support payment” means a variable rate energy support payment under Part XC of the Benefits Act;

“voluntary organisation” means a body, other than a public or local authority, the activities of which are carried on otherwise than for profit;

“war disablement pension” means any retired pay or pension or allowance payable in respect of disablement under an instrument specified in section 639(2) of the Income Tax (Earnings and Pensions) Act 2003;

“war pension” means a war disablement pension, a war widow’s pension or a war widower’s pension;

“war widow’s pension” means any pension or allowance payable to a woman as a widow under an instrument specified in section 639(2) of the Income Tax (Earnings and Pensions) Act 2003 in respect of the death or disablement of any person;

“war widower’s pension” means any pension or allowance payable to a man as a widower or to a surviving civil partner under an instrument specified in section 639(2) of the Income Tax (Earnings and Pensions) Act 2003 in respect of the death or disablement of any person;

“week” in the definition of “full-time course of advanced education” and in Parts III, VI, VII, VIII, IX, XI, XII AND XIII means a period of 7 days;

“year of assessment” has the same meaning as in the Income Tax Act 1970 (an Act of Tynwald);

“young person” except in Part IV has the meaning prescribed in regulation 76.

(3A) For the purposes of the definition of “full-time student” in paragraph (3) but subject to paragraphs (3B) and (3C), a person shall be regarded as attending or, as the case may be, undertaking a full-time course of study, a full-time course of advanced education or as being on a sandwich course -

(a) during the period for which any grant or award is paid to him by an education authority for the purpose of such a course, or would be so paid if he were in receipt of such a grant or award; and

Definition inserted by article 6(2) of Part 3 of SD2022/0160 from 21 April 2022.

Definition of “war disablement pension” omitted by regulation 3(2)(f) and then inserted by regulation 3(2)(g) of S.I. 2008/3157 from 19 November 2020 (SD2020/0487).

Definition inserted by regulation 3(2)(g) of S.I. 2008/3157 from 19 November 2020 (SD2020/0487).

Definition inserted by regulation 3(2)(g) of S.I. 2008/3157 from 19 November 2020 (SD2020/0487).

Definition of “war widower’s pension” omitted by regulation 3(2)(f) of S.I. 2008/3157 from 19 November 2020 (SD2020/0487).

Definition of “war widower’s pension” omitted by regulation 3(2)(f) and then inserted by regulation 3(2)(g) of S.I. 2008/3157 from 19 November 2020 (SD2020/0487).

Words inserted by regulation 2(2) of S.I. 1997/454 from 1 June 2000 (SD203/00).

Words substituted by regulation 2(3) of S.I. 1996/1517 from 7 October 1996 (SD640/98).

Paragraphs (3A) to (3D) added by regulation 6(2)(b) of S.I. 2000/1981 from 3 September 2001 (SD198/01).
(b) during the Christmas, Easter or any other vacation, other than the normal summer vacation as recognised in relation to him by the institution at which he is attending his course, falling within the period of that course.

(3B) A person shall no longer be regarded as attending or, as the case may be, undertaking a full-time course of study, a full-time course of advanced education or as being on a sandwich course following his finally abandoning that course or being dismissed from it.

(3C) A full-time student shall not be regarded as attending or, as the case may be, undertaking a full-time course of study, a full-time course of advanced education or as being on a sandwich course for the period specified in paragraph (3D) if -

(a) at any time during an academic year, with the consent of the relevant educational establishment, he ceases to attend or undertake a course because he is -

(i) engaged in caring for another person; or

(ii) ill;

(b) he has subsequently ceased to be engaged in caring for that person or, as the case may be, he has subsequently recovered from that illness; and

(c) he is not eligible for a grant (as defined in regulation 130) in respect of the period specified in paragraph (3D).

(3D) The period specified for the purposes of paragraph (3C) is the period[1, not exceeding one year,] beginning on the day on which he ceased to be engaged in caring for that other person or, as the case may be, the day on which he recovered from that illness and ending on the day before -

(a) the day on which he resumes attending or undertaking the course; or

[2(b) the day from which the relevant educational establishment has agreed that he may resume attending or undertaking the course,]

whichever shall first occur.

(4) In these Regulations, unless the context otherwise requires, a reference -

(a) to a numbered section is to the section of the Act bearing that number;

(b) to a numbered Part is to the Part of these Regulations bearing that number;

(c) to a numbered regulation or Schedule is to the regulation in or Schedule to these Regulations bearing that number;

(d) in a regulation or Schedule to a numbered paragraph is to the paragraph in that regulation or Schedule bearing that number;

(e) in a paragraph to a lettered or numbered sub-paragraph is to the sub-paragraph in that paragraph bearing that letter or number.

(5) Unless the context requires otherwise, any reference to the claimant’s family or, as the case may be, to a member of his family, shall be construed for the purposes of these Regulations as if it included in relation to a polygamous marriage a reference to any partner and to any child or young person who is treated as the responsibility of the claimant or his partner, where that child or young person is a member of the claimant’s household.

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1 Words inserted by regulation 2(1)(a) of S.I. 2002/1763 from 1 August 2002 (SD694/02).
2 Subparagraph (b) substituted by regulation 2(1)(b) of S.I. 2002/1763 from 1 August 2002 (SD694/02).
2. Definition of non-dependant

(1) In these Regulations, "non-dependant" means any person, except a person to whom paragraph (2), (3) or (4) applies, who normally resides with the claimant or with whom the claimant normally resides.

(2) This paragraph applies to -

(a) any member of the claimant's family;

(b) a child or young person who is living with the claimant but who is not a member of his household by virtue of regulation 78 (circumstances in which a person is to be treated as being or not being a member of the household);

(c) a person who lives with the claimant in order to care for him or for the claimant's partner and who is engaged for that purpose by a charitable or voluntary organisation (other than a public or local authority) which makes a charge to the claimant or the claimant's partner for the care provided by that person;

(d) the partner of a person to whom sub-paragraph (c) applies.

(3) This paragraph applies to a person, other than a close relative of the claimant or the claimant's partner -

(a) who is liable to make payments on a commercial basis to the claimant or the claimant's partner in respect of his occupation of the claimant's dwelling;

(b) to whom the claimant or the claimant's partner is liable to make payments on a commercial basis in respect of his occupation of that person's dwelling;

(c) who is a member of the household of a person to whom sub-paragraph (a) or (b) applies.

(4) Subject to paragraph (5), this paragraph applies to -

(a) a person who jointly occupies the claimant's dwelling and who is either -

(i) a co-owner of that dwelling with the claimant or the claimant's partner (whether or not there are other co-owners); or

(ii) jointly liable with the claimant or the claimant's partner to make payments to a landlord in respect of his occupation of that dwelling; or

(b) a partner of a person to whom sub-paragraph (a) applies.

(5) Where a person is a close relative of the claimant or the claimant's partner, paragraph (4) shall apply to him only if the claimant's, or the claimant's partner's, co-ownership, or joint liability to make payments to a landlord in respect of his occupation, of the dwelling arose before the date upon which the claimant or the claimant's partner first occupied the dwelling in question.

(6) For the purposes of this regulation a person resides with another only if they share any accommodation except a bathroom, a lavatory or a communal area but not if each person is separately liable to make payments in respect of his occupation of the dwelling to the landlord.

(7) In this regulation "communal area" means any area (other than rooms) of common access (including halls and passageways) and rooms of common use in sheltered accommodation.

12A. Disapplication of section 1(1A) of the Administration Act

Section 1(1A) of the Administration Act (requirement to state national insurance number) shall not apply -

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1 Regulation 2A inserted by regulation 12 of S.I. 1997/2676 from 1 December 1997 (SD191/98).
(a) to a child or young person in respect of whom jobseeker’s allowance is claimed;
(b) to any claim for jobseeker’s allowance made or treated as made before 5th October 1998.

3. **Meanings of certain expressions used in the Jobseekers Act 1995**

For the purposes of the Act and of these Regulations -

"employed earner" has the meaning it has in Part I of the **Benefits Act** by virtue of section 2(1)(a) of that Act;

"employment" except as provided in regulation 4, includes any trade, business, profession, office or vocation;

"pensionable age" has the meaning it has in Parts I to VI of the **Benefits Act** by virtue of section 122(1) of that Act.
[1Part IA - Joint-claim couples

3A. Prescribed description of a joint-claim couple for the purposes of section 1(4)

(1) For the purposes of section 1(4), a joint-claim couple shall include any joint-claim couple within the meaning given in section 1(4) of the Act where at least one member [2is aged 18 or over and] was born after [28th November 1947], unless a member of the couple is treated as responsible for a child or young person under regulation 77(3), or the couple has care of a child or young person in one or more of the circumstances mentioned in regulation 78(4), or a child or young person is living with either member of the couple in the circumstances mentioned in regulation 78(8).

(2) In a case where a person would (but for these Regulations) be a member of more than one joint-claim couple, a joint-claim couple means the couple of which he is a member which that person nominates (or in default of such nomination, which the Department nominates), to the exclusion of any other couple of which he is a member.

3B. Entitlement of a former joint-claim couple to a jobseeker's allowance

(1) Where a joint-claim couple cease to be a joint-claim couple because they become, or are treated as, responsible for one or more children -

(a) any claim made by both members of that couple for a jobseeker's allowance may be treated as a claim for a jobseeker's allowance made by either member of that couple;

(b) any award of a joint-claim jobseeker's allowance in respect of that couple may be terminated and may be replaced by a replacement award,

where the conditions specified in paragraph (2) have been complied with.

(2) The conditions specified in this paragraph are that a member of the couple -

(a) provides such evidence as the Department may require confirming that the couple are responsible for one or more children; and

(b) advises the Department as to which member of the couple is to be the claimant.

(3) The claim by a member of the couple for a jobseeker's allowance referred to in paragraph (1)(a) shall be treated as made on the date on which he and his partner were treated as having claimed a jobseeker's allowance as a joint-claim couple as determined in accordance with regulation 6 of the Claims and Payments Regulations.

(4) In this regulation, "replacement award" shall have the meaning ascribed to it by paragraph 9A of Schedule 1 to the Act.

3C. Entitlement of a new joint-claim couple to a jobseeker's allowance

(1) Paragraph (2) shall apply where a couple become a joint-claim couple because the child, or all the children, for which they were responsible have -

(a) died;

(b) ceased to be a child or children for whom they are responsible; or

(c) reached the age of 16 and are [4not qualifying young persons within the meaning of section 142 of the Benefits Act (child and qualifying young person)].

2 Words inserted by regulation 2(2) of S.I. 2001/518 from 19 March 2001 (SD558/01).
3 Date substituted by regulation 2(a) of S.I. 2002/1701 from 28 November 2002 (SD694/02).
4 Year substituted by regulation 2(2) of S.I. 2008/13 from 1 June 2008 (SD287/08).
5 Words substituted by regulation 3(3) of S.I. 2006/718 from 10 April 2006 (SD31/07).
(2) In a case to which this paragraph applies -

(a) any claim made by either member of that couple for a jobseeker's allowance may be treated as a claim made by both members of the couple;

(b) any award of an income-based jobseeker's allowance, or a replacement award, in respect of either member of that couple may be terminated and may be replaced by a new award in respect of the couple,

where the conditions specified in paragraph (3) have been complied with.

(3) The conditions specified in this paragraph are that an adjudication officer -

(a) has sufficient evidence to decide whether a new award should be made; and

(b) is informed as to which member of the couple is to be the nominated member for the purposes of section 3B.

(4) The claim by both members of the joint-claim couple for a jobseeker's allowance referred to in paragraph (2)(a) shall be treated as made on the date on which the claim by a member of that couple was treated as made in accordance with regulation 6 of the Claims and Payments Regulations.

(5) For the purposes of Schedule 2 (housing costs), any award of an income-based jobseeker's allowance which related to the day before the day on which the relevant event specified in paragraph (1) occurred and any new award referred to in paragraph (2)(b) shall be treated as a continuous award of an income-based jobseeker's allowance.

(6) In this regulation, "new award" shall have the meaning ascribed to it by paragraph 9C of Schedule 1 to the Act.

3D. Further circumstances in which a joint-claim couple may be entitled to a joint-claim jobseeker's allowance

(1) Subject to paragraph (2), a joint-claim couple are entitled to a joint-claim jobseeker's allowance where -

(a) the members of that couple claim a jobseeker's allowance jointly;

(b) one member satisfies the conditions set out in section 1(2)(a) to (c) and [1(da) to (i)]; and

[c(c) the other member satisfies the condition in section [1(2)(da) and (h)] but is not required to satisfy the other conditions in section 1(2B)(b) because, subject to paragraph (3), he is a person to whom any paragraph in Schedule A1 applies; and]

(d) the conditions set out in section 3A are satisfied in relation to the couple.

(2) A member of a joint-claim couple who falls within any paragraph in Schedule A1 for the purposes of this regulation for any day in a benefit week shall fall within that category for the whole of that week.

(3) Subject to paragraph (4), paragraph 2 of Schedule A1 (students) may only apply to a member of a joint-claim couple in respect of one claim for a jobseeker's allowance made jointly by that couple in respect of a jobseeking period applying to the other member of that couple.

(4) Notwithstanding paragraph (3), paragraph 2 of Schedule A1 may apply to a member of a joint-claim couple in respect of a further claim for a jobseeker's allowance made jointly by the couple where the couple's previous entitlement to a joint-claim jobseeker's allowance ceased because one member of the couple -

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1 Reference substituted by article 6(2)(a) of SD2017/0203 from 5 November 2017.
2 Subparagraph (c) substituted by regulation 2(3) of S.I. 2001/518 from 19 March 2001 (SD558/01).
3 Reference substituted by article 6(2)(b) of SD2017/0203 from 5 November 2017.
(a) .....¹

²(aa) was engaged in remunerative work insofar as he was engaged in employment as -
   (i) a self-employed earner;
   (ii) a company director; or
   (iii) a share fisherman;

(b) had been summoned to jury service; or

(c) was within a linked period as prescribed in regulation 48(2).

3E. Entitlement of a member of a joint-claim couple to a jobseeker's allowance without a claim being made jointly by the couple

(1) A member of a joint-claim couple is entitled to a jobseeker's allowance if, without making a claim jointly for that allowance with the other member of the couple -

   (a) he satisfies the conditions set out in section 1(2) (a) to (c) and [³(da)] to (i);
   (b) he satisfies the conditions set out in section 3; and
   (c) the other member of that couple fails to meet the conditions of entitlement set out in section 1(2B)(b) and is a person to whom paragraph (2) applies.

(2) This paragraph applies to a member of a joint-claim couple -

   (a) who has failed to attend at the time and place specified by the employment officer for the purposes of regulation 6 of the Claims and Payments Regulations;
   (b) in respect of whom it has been determined by the adjudication officer that the conditions in section 1(2)(a) to (c) have not been satisfied but only for so long as it has been so determined in respect of that member;
   (c) who is temporarily absent from [⁴the Isle of Man];
   (d) and (e) .....⁵
   (f) who is over pensionable age;

   ⁶(fa) who is engaged, or has agreed to be engaged, in remunerative work for 16 hours or more per week but less than 24 hours per week insofar as he is engaged in employment as -
     (i) a self-employed earner;
     (ii) a company director; or
     (iii) a share fisherman;

   (g) .....⁷

¹ Subparagraph (a) omitted by article 8(3) of Part 3 of SD2015/0223 from 9 August 2015.
² Subparagraph (aa) inserted by article 6(3) of SD2017/0203 from 5 November 2017.
³ Reference substituted by article 7(2) of SD2017/0203 from 5 November 2017.
⁴ Words substituted by regulation 2(1A)(a) of S.I. 2000/3336 (SD153/01), from immediately following the coming into force of the Jobseeker's Allowance (Joint Claims) Regulations 2000 (S.I. 2000/1978 (SD41/01)). The Jobseeker's Allowance (Joint Claims) Regulations 2000 came into force 19 March 2001.
⁵ Subparagraphs (d) and (e) omitted by regulation 2(1A)(b) of S.I. 2000/3336 (SD153/01), from immediately following the coming into force of the Jobseeker's Allowance (Joint Claims) Regulations 2000 (S.I. 2000/1978 (SD41/01)). The Jobseeker's Allowance (Joint Claims) Regulations 2000 came into force 19 March 2001.
⁶ Subparagraph (fa) inserted by article 7(3) of SD2017/0203 from 5 November 2017.
⁷ Subparagraph (g) omitted by article 9(3) of Part 3 of SD2015/0223 from 9 August 2015.
(h) who has claimed a maternity allowance payable in accordance with section 35 of the 
Benefits Act;

[1(ha) who has claimed a paternity allowance payable in accordance with section 171ZA
(paternity allowance (birth)) or 171ZB (paternity allowance (adoption)) of the
Contributions and Benefits Act;

(hb) who has claimed an adoption allowance payable in accordance with section 171ZL
(adoption allowance) of the Contributions and Benefits Act;

(i) who is or has been pregnant and to whom sub-paragraph (h) does not apply but only for the
period commencing 11 weeks before the expected week of confinement and ending seven
weeks after the date on which the pregnancy ends [where the expected week of confinement begins prior to 6th April 2003 or fifteen weeks after the date on which her pregnancy ends where the expected week of confinement begins on or after 6th April 2003];

(j) in respect of whom there is an Order in Council under section 179 of the Administration
Act giving effect to a reciprocal agreement which, for the purposes of jobseeker's
allowance, has effect as if a payment made by another country is to be treated as a payment
of a jobseeker's allowance; [3]

(k) ...... [5]

(1) where the other member was entitled to an income-based jobseeker's allowance on [31st May 2008], save that this sub-paragraph shall apply only until the day on which he is
required to attend at a place specified by an employment officer in a notification given or
sent to him.]

3F. Transitional case couples: prescribed circumstances and period for the purposes of
paragraph 8A(2) of Schedule 1 (Omitted)

3G. Supply of information

Where a claim for a jobseeker's allowance has been made jointly by a joint-claim couple, information
relating to that claim may be supplied by the Department to either or both members of that couple for any
purpose connected with that claim.]
"casual employment" means employment from which the employee can be released without his giving any notice;

"close relative" means[1, except in Part IV,] [a member of a couple], parent, step-parent, grandparent, parent-in-law, son, step-son, son-in-law, daughter, step-daughter, daughter-in-law, brother, sister, grandchild [or if any of the preceding persons is one member of a couple, the other member of that couple];

"elderly person" means a person of or over pensionable age;

"employment" in sections 1, 3, 6, 8, 14, 19 and 20 and paragraph 8 of Schedule 1 to the Act and in Parts II, IV and V means employed earner's employment except where otherwise provided;

"employment officer" means a person who is an employment officer for the purposes of sections 9 and 10[4, except in regulations 25, 27 and 27A where it means a person who is an employment officer for the purposes of section 8];

"Outward Bound course" means any course or programme for personal development which is made available to persons who are not in employment by the charitable trust known as the Outward Bound Trust Limited;

"part-time member of a fire brigade" means a person who is a part-time member of a fire brigade maintained in pursuance of the Fire Services Act 1984 (an Act of Tynwald);

"pattern of availability" has the meaning given in regulation 7;

[5“period of study” means -

(a) the period during which the student is regarded as attending or undertaking the course of study; and

(b) any period of attendance by the student at his educational establishment or any period of study undertaken by the student, in connection with the course, which occurs before or after the period during which he is to be regarded as undertaking the course of study:]

"a person who is kept on short-time" means a person whose hours of employment have been reduced owing to temporary adverse industrial conditions;

"a person who is laid off" means a person whose employment has been suspended owing to temporary adverse industrial conditions;

"voluntary work" means work for an organisation the activities of which are carried on otherwise than for profit, or work other than for a member of the claimant's family, where no payment is received by the claimant or the only payment due to be made to him by virtue of being so engaged is a payment in respect of any expenses reasonably incurred by him in the course of being so engaged;

"week" in sections 6 and 7 and in Parts II and IV means benefit week except where provided otherwise in Part II and IV;

"work camp" means any place in the Isle of Man or Great Britain where people come together under the auspices of a charity, the Department or a voluntary organisation to provide a service of benefit to the community or the environment.

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1 Words inserted by regulation 2(3) of S.I. 1996/2538 from 28 October 1996 (SD642/98).
2 Words substituted by paragraph 26(3)(a) of Schedule 3 to S.I. 2005/2877 from 5 December 2005 (SD866/05).
3 Words substituted by paragraph 26(3)(b) of Schedule 3 to S.I. 2005/2877 from 5 December 2005 (SD866/05).
4 Words inserted by regulation 2(2) of S.I. 2010/509 from 1 November 2011 (SD956/10).
5 Definition substituted by regulation 6(3) of S.I. 2000/1981 from 3 September 2001 (SD198/01).
Chapter II - Availability for employment

5. Exceptions to requirement to be available immediately: carers, voluntary workers, persons providing a service and persons under an obligation to provide notice

[1] (1) [2] Subject to paragraph (1A),] in order to be regarded as available for employment -

(a) ......

(b) a person who is engaged in voluntary work [3 or who has caring responsibilities] is not required to be able to take up employment immediately, providing he is willing and able -

(i) to take up employment on being given one week's notice; and

(ii) to attend for interview in connection with the opportunity of any such employment on being given 48 hours' notice.

[5] (1A) In order to be regarded as available for employment, a person who has caring responsibilities in relation to a child is not required to take up employment or attend for interview within the periods referred to in paragraph (1) if those responsibilities make it unreasonable for him to do so, providing he is willing and able -

(a) to take up employment on being given 28 days notice; and

(b) to attend for interview in connection with the opportunity of any such employment on being given 7 days notice.

(1B) For the purposes of paragraph (1A), it is for the claimant to show that it is unreasonable for him to take up employment or attend for interview within the periods referred to in paragraph (1).

(2) In order to be regarded as available for employment, a person who is engaged, whether by contract or otherwise, in providing a service with or without remuneration, other than a person who has caring responsibilities or who is engaged in voluntary work, is not required to be able to take up employment immediately, providing he is willing and able to take up employment on being given 24 hours' notice.

(3) In order to be regarded as available for employment, a person who is in employed earner's employment [4 and is not engaged in remunerative work insofar as he is engaged in employment as a company director] [7] and who is required by [8 section 106 of the Employment Act 2006 (of Tynwald) (rights of employer and employee to a minimum period of notice)] to give notice to terminate his contract is not required to be able to take up employment immediately, providing he is willing and able to take up employment immediately he is able to do so in accordance with his statutory obligations.

(4) Where in accordance with regulation 7, 13 or 17 a person is only available for employment at certain times, he is not required to be able to take up employment at a time at which he is not available, but he must be willing and able to take up employment immediately he is available.

(5) Where in accordance with paragraph [9] (1), (1A) or (2)] a person is not required to be able to take up employment immediately, the [10] periods referred to in those paragraphs include periods when in accordance with regulation 7 or 13 he is not available.
6. Employment of at least 40 hours per week

(1) In order to be regarded as available for employment, a person must be willing and able to take up employment of at least 40 hours per week, unless he has restricted his availability in accordance with paragraph (3) or (4) of regulation 13 or paragraph (2) of regulation 17 or two or more of those provisions.

(2) In order to be regarded as available for employment, a person must be willing and able to take up employment of less than 40 hours per week but not for a greater number of hours per week than the number for which he is available in accordance with paragraph (3) or (4) of regulation 13 or paragraph (2) of regulation 17 or two or more of those provisions.

7. Restriction of hours for which a person is available to 40 hours per week

(1) Except as provided in regulation 13 and in regulation 17(2), a person may not restrict the total number of hours for which he is available for employment to less than 40 hours in any week.

(2) A person may restrict the total number of hours for which he is available for employment in any week to 40 hours or more providing-

(a) the times at which he is available to take up employment (his "pattern of availability") are such as to afford him reasonable prospects of securing employment;

(b) his pattern of availability is recorded in his jobseeker's agreement and any variations in that pattern are recorded in a varied agreement; and

(c) his prospects of securing employment are not reduced considerably by the restriction imposed by his pattern of availability.

(3) A person who has restricted the total number of hours for which he is available in accordance with paragraph (2) and who is not available for employment, and is not to be treated as available for employment in accordance with regulation 14, for one day or more in a week in accordance with his pattern of availability shall not be regarded as available for employment even if he was available for employment for a total of 40 hours or more during that week.

8. Other restrictions on availability

Subject to regulations 6, 7 and 9 any person may restrict his availability for employment by placing restrictions on the nature of the employment for which he is available, the terms or conditions of employment for which he is available (including the rate of remuneration) and the locality or localities within which he is available, providing he can show that he has reasonable prospects of securing employment notwithstanding those restrictions and any restrictions on his availability in accordance with regulations 7(2), 13(2), (3), (4) or 17(2).

9. No restrictions on pay after six months

After the expiry of the six month period beginning with the date of claim, a person may not restrict his availability for employment by placing restrictions on the level of remuneration in employment for which he is available.

10. Reasonable prospects of employment

(1) For the purposes of regulations 7 and 8 and paragraphs (2) and (4) of regulation 13, in deciding whether a person has reasonable prospects of securing employment, regard shall be had, in particular, to the following matters-

(a) his skills, qualifications and experience;

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1 Paragraph (6) added by regulation 3(c) of S.I 2002/3072 from 1 January 2003 (SD152/03).
(b) the type and number of vacancies within daily travelling distance from his home;
(c) the length of time for which he has been unemployed;
(d) the job applications which he has made and their outcome;
(e) if he wishes to place restrictions on the nature of the employment for which he is available, whether he is willing to move home to take up employment;

(2) It shall be for the claimant to show that he has reasonable prospects of securing employment if he wishes to restrict his availability in accordance with regulations 7 or 8 or paragraph (2) or (4) of regulation 13.

11. Part-time students

(1) If in any week a person is a part-time student and -

(a) he falls within paragraph (2)

(b) he has restricted the total number of hours for which he is available in accordance with regulation 7(2), 13(3) or (4) or 17(2); and

(c) the hours of his course of study fall in whole or in part within his pattern of availability, in determining whether he is available for employment no matter relating to his course of study shall be relevant providing he is willing and able to re-arrange the hours of his course in order to take up employment at times falling within his pattern of availability, to take up such employment immediately or, if he falls within paragraph 1(1), (1A), (2) or (3) of regulation 5, at the time specified in that paragraph and providing he complies with the requirements of regulation 6.

(2) A person falls within this paragraph if -

(a) for a continuous period of not less than 3 months falling immediately before the date on which he first attended the course of study he was in receipt of jobseeker's allowance or incapacity benefit or was on a course of training or he was in receipt of income support and he fell within paragraph 7 of Schedule 1 to the Income Support Regulations; or

(b) during the period of 6 months falling immediately before the date on which he first attended the course of study he was -

(i) for a period, or periods in the aggregate, of not less than 3 months in receipt of jobseeker's allowance or incapacity benefit or on a course of training or he was in receipt of income support and he fell within paragraph 7 of Schedule 1 to the Income Support Regulations and

(ii) after the period referred to in (i), or in the case of periods in the aggregate, after the first such period and throughout the remainder of the 6 months for which that subparagraph did not apply to him, engaged in work the emoluments of which are such as to disentitle him from receipt of jobseeker's allowance or incapacity benefit or from receipt of income support which would have been payable because he fell within paragraph 7 of Schedule 1 to the Income Support Regulations;

\[1\] Words inserted by regulation 3 of S.I. 1996/1517 from 7 October 1996 (SD640/98).
\[2\] Words substituted by regulation 11(5)(b) of S.I. 2008/3051 from 1 April 2013 (SD0059/13).
\[3\] Words substituted by article 2(3)(a) of SD33/00 from 10 April 2000.
\[4\] Words substituted by article 2(3)(b) of SD33/00 from 10 April 2000.
\[5\] Words substituted by article 2(3)(a) of SD33/00 from 10 April 2000.
\[6\] Words substituted by article 2(3)(b) of SD33/00 from 10 April 2000.
\[7\] Words omitted by article 11(2) of Part 3 of SD2015/0223 from 9 August 2015.
\[8\] Words substituted by article 2(3)(a) of SD33/00 from 10 April 2000.
\[9\] Words substituted by article 2(3)(b) of SD33/00 from 10 April 2000.
12. **Volunteers**

(1) Paragraph (2) applies if in any week a person is engaged in voluntary work and -

(a) he has restricted the total number of hours for which he is available in accordance with regulation 7(2), 13(3) or (4) or 17(2); and

(b) the hours in which he is engaged in voluntary work fall in whole or in part within his pattern of availability.

(2) In determining whether a person to whom this paragraph applies is available for employment no matter relating to his voluntary work shall be relevant providing -

(a) on being given one week's notice, he is willing and able to re-arrange the hours in which he is engaged in voluntary work in order to take up employment at times falling within his pattern of availability; and

(b) on being given 48 hours' notice, he is willing and able to re-arrange the hours in which he is engaged in voluntary work in order to attend for interview at times falling within his pattern of availability in connection with the opportunity of any such employment; and

(c) he complies with the requirements of regulation 6.

(3) In paragraph (2) "week" means any period of seven consecutive days.

13. **Additional restrictions on availability for certain groups**

(1) In any week a person may restrict his availability for employment in the following ways, if the circumstances set out apply.

(2) Subject to regulations 6, 7 and 9, a person may impose restrictions on the nature of the employment for which he is available by reason of a sincerely held religious belief, or a sincerely held conscientious objection providing he can show that he has reasonable prospects of employment notwithstanding those restrictions and any restrictions on his availability in accordance with regulation 7(2), 8, paragraph (3) or (4) of this regulation or regulation 17(1) or (2).

(3) A person may restrict his availability in any way providing the restrictions are reasonable in the light of his physical or mental condition.

(4) A person with caring responsibilities may restrict the total number of hours for which he is available for employment to less than 40 hours in any week providing -

(a) in that week he is available for employment for as many hours as his caring responsibilities allow and for the specific hours that those responsibilities allow; and

(b) he has reasonable prospects of securing employment notwithstanding that restriction; and

(c) he is available for employment of at least 16 hours in that week.

(5) In deciding whether a person satisfies the conditions in paragraph (4)(a), regard shall be had, in particular, to the following matters -

(a) the particular hours and days spent in caring;

(b) whether the caring responsibilities are shared with another person;

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1 Paragraph (3) not applied.

2 Regulation 12 substituted by regulation 4 of S.I. 2002/3072 from 1 January 2003 (SD152/03).
(c) the age and physical and mental condition of the person being cared for.

(6) This paragraph applies to a person who has caring responsibilities in relation to a child if an employment officer determines that, due to the type and number of employment vacancies within daily travelling distance of the person’s home, he would not satisfy the condition in paragraph (4)(b).

(7) If paragraph (6) applies, paragraph (4) has effect as if sub-paragraph (b) were omitted.

14. Circumstances in which a person is to be treated as available

(1) A person, other than one to whom regulation 15(a), (b), (c) or (d) applies, shall be treated as available for employment in the following circumstances for as long as those circumstances apply, subject to paragraph (2B) and to any maximum period specified in this paragraph -

(a) notwithstanding regulation 15(a), if he is participating as a student in an employment-related course where participation by him has been approved before the course started by an employment officer, for a maximum of 2 weeks in any period of 12 months;

(b) if he is attending a residential work camp, for a maximum of 2 weeks and one such occasion in any period of 12 months;

(c) if he is temporarily absent from the Isle of Man because he is taking a member of his family who is a child or young person away for treatment, for a maximum of 8 weeks;

(d) if he is engaged in the manning or launching of a lifeboat or in the performance of duty as a part-time member of a fire brigade or engaged during an emergency in duties for the benefit of others;

(e) if he is a member of a couple and is looking after a member of his family who is a child while the other member is temporarily absent from the Isle of Man, for a maximum of 8 weeks;

(f) if he is following an Open University course and is attending, as a requirement of that course, a residential course, for a maximum of one week per course;

(g) if he is temporarily looking after a child full-time because the person who normally looks after the child is ill or temporarily absent from home or the person is looking after a member of the family who is ill, for a maximum of 8 weeks;

(h) if he has been discharged from detention in a prison, remand centre or youth custody institution, for one week commencing with the date of his discharge;

[i] if the period beginning on the date of claim and ending on the day before the beginning of the first week after the date of claim is less than 7 days and the circumstances in paragraph (2A) apply, for any part of that period when he is not treated as available for employment under any other provision of this regulation;]

(j) [if the award is terminated other than on the last day of a week, for the period beginning with the beginning of the week in which the award is terminated and ending on the day on which the award is terminated;]
(k) notwithstanding regulation 15(a), if he is participating in a programme provided by the Venture Trust in Great Britain in pursuance of an arrangement made by the Secretary of State for the Home Department with the Trust, for a maximum of 4 weeks and one such programme in any period of 12 months;

(l) if he is treated as capable of work in accordance with regulation 55, for the period determined in accordance with that regulation;

[l(l)] if he is treated as capable of work in accordance with regulation 55A (periods of sickness and persons receiving treatment outside the Isle of Man), for the period determined in accordance with that regulation;

(m) if he is temporarily absent from the Isle of Man to attend an interview for employment and has given notice to an employment officer, in writing if so required by the employment officer, that he will be so absent for a maximum of one week;

(n) if he is a member of a couple [other than a joint-claim couple] and he or his partner has attained the age of 60, or where his partner is in receipt of one of the following benefits -

(i) disability living allowance,
(ii) severe disablement allowance,
(iii) long-term incapacity benefit,
(iv) attendance allowance,

[v for a maximum of four weeks] [absence from the Isle of Man];

[nn] if he is a member of a joint-claim couple and he and his partner are both absent from the Isle of Man and a premium referred to in paragraph 20E, 20F, 20G or 20I of Schedule 3 (premiums) is applicable in respect of his partner, for a maximum of 4 weeks;]

(o) if -

(i) he is available for employment, or is treated as such, on the day he makes his claim for a jobseeker’s allowance; and

(ii) [an adjudication officer] has directed that the prescribed time for claiming a jobseeker’s allowance be extended under regulation 19(6) of the Claims and Payments Regulations where the circumstances specified in regulation 19(7)(d) of those Regulations applied in relation to an entitlement to incapacity benefit or an entitlement to income support by virtue of paragraph 7 of Schedule 1 to the Income Support Regulations, for the period of that extension;]

[oo] ......

1 Subparagraph (l) inserted by regulation 3(2)(a) of S.I. 2004/1869 from 4 October 2004 (SD839/04).
2 Words inserted by regulation 2(2) of S.I. 2000/3336 from 9 April 2001 (SD153/01).
3 Head (v) substituted by article 3(3) of SD988/11 from 31 January 2012.
4 Words inserted by article 2(2) of SD581/98 from 7 October 1996.
5 Words inserted by regulation 2(2)(b) of SD386/99 from 18 July 1999.
6 Subparagraph (nn) inserted by regulation 2(3) of S.I. 2000/3336 from 9 April 2001 (SD153/01).
7 Subparagraph (o) inserted by regulation 3 of S.I. 1999/3087 from 1 August 2000 (SD369/00).
8 Words substituted by article 3(3) of SD04/01 from 10 April 2000.
9 Subparagraph (oo) revoked by article 10(a) of Part 4 of SD2017/0203 from 19 July 2017 (subject to savings in article 11 of Part 5 of SD2017/0203).
(p) if he is temporarily absent from the Isle of Man in the circumstances prescribed in
regulation 50(6B)(c), for the period of any such temporary absence;

(q) if he is temporarily absent from the Isle of Man in the circumstances prescribed in
regulation 50(6AA) or, as the case may be, (6C) (persons receiving specialist National
Health Service treatment outside the Isle of Man);

(r) if he is required to attend a court or tribunal as a justice of the peace, a party to any
proceedings, a witness or a juror;

(s) if, for a maximum of 96 hours before being released, he is in -

(i) police detention within the meaning in section 81(2) of the Police Powers and
Procedures Act 1998 (of Tynwald) (c.9) (general interpretation);

(ii) ......

(t) he is looking after a child for whom he has caring responsibilities during the child’s school
holidays or another similar vacation period and it would be unreasonable for him to make
other arrangements for the care of that child;

(u) he is looking after a child for whom he has caring responsibilities at a time when the child -

(i) is excluded from school or another educational establishment, and

(ii) is not receiving education pursuant to arrangements made by the [Department of
Education, Sport and Culture] and there are no other arrangements for the care of
that child it would be reasonable for him to make;

(v) if he is a member of a reserve force prescribed in Part 1 of Schedule 6 to the Contributions
Regulations, either -

(i) if he is engaged in his first year of training, for a maximum of 43 days in that year;

(ii) if he is engaged in annual continuous training, for a maximum of 15 days in any
calendar year.

(2) [Subject to [paragraphs (2ZB), (2ZC) and (2ZD)],] a person, other than one to whom regulation
15 applies, shall be treated as available for employment in the following circumstances -

(a) if there is a death or serious illness of a close relative or close friend of his;

(b) if there is a domestic emergency affecting him or a close relative or close friend of his;

(c) if there is a funeral of a close relative or close friend of his;

(d) if he has caring responsibilities and the person being cared for has died;

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1 Subparagraph (p) inserted by regulation 2(4) of S.I. 2000/3336 from 9 April 2001 (SD153/01).
2 Subparagraph (q) added by regulation 3(2)(b) of S.I. 2004/1869 from 4 October 2004 (SD839/04).
3 Subparagraphs (r) and (s) added by regulation 2(3)(b) of S.I. 2006/1402 from 30 May 2006 (SD31/07).
4 Head (ii) not applied.
5 Subparagraphs (t) and (u) added by regulation 11(8)(a) of S.I. 2008/3051 from 1 April 2013 (SD0059/13).
6 “Department of Education, Sport and Culture” substituted for “Department of Education and Children” as
provided for by article 7 of the Transfer of Functions (Economic Development and Education) Order 2017 from 24
November 2017 (SD2017/0325).
7 Subparagraph (v) substituted by regulation 3(3) of S.I. 2015/389 from 7 July 2015 (SD2015/0186).
8 S.I. 2001/1004 (SD374/02).
9 Words inserted by regulation 11(8)(b) of S.I. 2008/3051 from 1 April 2013 (SD0059/13).
10 Words substituted by regulation 2(2) of S.I. 2014/1623 from 1 November 2014 (SD2014/0277).
for the time required to deal with the emergency or other circumstance and for a maximum of one week on the occurrence of any of the circumstances set out in sub-paragraphs (a) to (d), or any combination of those circumstances, and on no more than 4 such periods in any period of 12 months.

1(2ZA) A person who has caring responsibilities in relation to a child may be treated as available for employment for more than one week, but for no more than 8 weeks, on the occurrence of any of the circumstances set out in paragraph (2)(a) or (b), or any combination of those circumstances, but on no more than one occasion in any period of 12 months.

(2ZB) Where a claimant has been treated as available for employment under paragraph (2ZA) in any period of 12 months, the first week in which he is so treated shall count towards the 4 periods allowable under paragraph (2).

1(2ZC) A person who has recently become homeless shall be treated as available for employment under paragraph (2)(b) only where he takes such steps as are reasonable for him to take to find living accommodation.

(2ZD) A person to whom paragraph (2ZC) applies may be treated as available for employment under paragraph (2)(b) for periods of longer than one week and on more than 4 occasions in any 12 months.

1(2A) A person shall be treated as available for employment under paragraph (1)(i) only if -

(a) where a pattern of availability is recorded in his jobseeker's agreement, or where he has restricted the hours for which he is available in accordance with regulations 13(3) or (4) or 17(2) and that restriction has been agreed with an employment officer, he is available for employment during such of the period referred to in paragraph (1)(i) as he is not treated as available for employment under any other provision of this regulation, in accordance with -

(i) his pattern of availability or, as the case may be, the hours to which he has restricted his availability in accordance with regulations 13(3) or (4) or 17(2), and

(ii) any other restrictions he has placed on his availability for employment which will apply in the first week after the date of claim, provided those restrictions have been agreed with an employment officer, and

(iii) if he falls within regulation 5, that regulation;

(b) where no pattern of availability is recorded in his jobseeker's agreement, he is available for employment during such of the period referred to in paragraph (1)(i) as he is not treated as available for employment under any other provision of this regulation -

(i) in accordance with any restrictions he has placed on his availability for employment which will apply in the first week after the date of claim, provided those restrictions have been agreed with an employment officer, and

(ii) for 8 hours on each day falling within that period on which he is not treated as available for employment to any extent under any other provision of this regulation, and

(iii) if he falls within regulation 5, in accordance with that regulation.

1(2B) A person shall not be treated as available for employment under paragraph (1)(r) -

(a) for more than eight weeks,

1 Paragraphs (2ZA) and (2ZB) inserted by regulation 11(8)(c) of S.I. 2008/3051 from 1 April 2013 (SD0059/13).
2 Paragraphs (2ZC) and (2ZD) inserted by regulation 2(3) of S.I. 2014/1623 from 1 November 2014 (SD2014/0277).
4 Paragraph (2B) inserted by regulation 2(3)(c) of S.I. 2006/1402 from 30 May 2006 (SD31/07).
(b) where he does not, before the period during which he is required to attend the court or tribunal, give an employment officer notice, in writing where requested by the employment officer, that he is so required, or

(c) where he is a prisoner as defined by regulation 85(4) (special cases).

(3) If any of the circumstances set out in paragraph (1), except those in sub-paragraphs (i) and (j), or any of those set out in paragraph (2) apply to a person for part of a week, he shall for the purposes of regulation 7(1) be treated as available for 8 hours on any day on which those circumstances applied subject to the maximum specified in paragraph (1) or (2), unless he has restricted the total number of hours for which he is available in a week in accordance with regulation 7(2), [1][13(4)] or 17(2). If he has so restricted the total number of hours for which he is available in a week he shall, for the purposes of regulation [2][7(1), 13(4) or 17(2)] be treated as available for the number of hours for which he would be available on that day in accordance with his pattern of availability recorded in his jobseeker's agreement, if any of the circumstances set out in paragraph (1) except those in sub-paragraph (i) or (j) or any of those set out in paragraph (2) applied on that day, subject to the maximum specified in paragraph (1) or (2).

(4) In paragraph (1)(c), "treatment" means treatment for a disease or bodily or mental disablement by or under the supervision of a person qualified to provide medical treatment, physiotherapy or a form of treatment which is similar to, or related to, either of those forms of treatment.

(5) For the purposes of paragraph (1)(d) -

(a) a person is engaged in duties for the benefit of others while -

(i) providing assistance to any person whose life may be endangered or who may be exposed to the risk of serious bodily injury or whose health may be seriously impaired,

(ii) protecting property of substantial value from imminent risk of serious damage or destruction, or

(iii) assisting in measures being taken to prevent a serious threat to the health of the people,

as a member of a group of persons organised wholly or partly for the purpose of providing such assistance or, as the case may be, protection;

(b) events which may give rise to an emergency include -

(i) a fire, a flood or an explosion,

(ii) a natural catastrophe,

(iii) a railway or other transport accident;

(iv) a cave or mountain accident,

(v) an accident at sea,

(vi) a person being reported missing and the organisation of a search for that person.

(6) In paragraph (1), except in sub-paragraphs (i) and (j), and in paragraph (2), "week" means any period of 7 consecutive days.

[3][7] In this regulation, "tribunal" means any tribunal listed in Schedule 2 to the Tribunals Act 2006 (of Tynwald).

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1 Words substituted by regulation 5(4) of S.I. 1996/1517 from 7 October 1996 (SD640/98).
2 Words substituted by regulation 5(4) of S.I. 1996/1517 from 7 October 1996 (SD640/98).
3 Paragraph (7) inserted by regulation 2(3)(d) of S.I. 2006/1402 from 30 May 2006 (SD31/07).
15. **Circumstances in which a person is not to be regarded as available**

A person shall not be regarded as available for employment in the following circumstances -

(a) if he is a student as defined in regulation 1(3);

(b) if he is a prisoner on temporary release in accordance with the provisions of the Custody Act 1995 (an Act of Tynwald);

[1(bb) if the period beginning on the date of claim and ending on the day before the beginning of the first week after the date of claim is less than 7 days, for that period, unless he is treated as available for employment for that period in accordance with regulation 14;]

[2(bc) if he is on paternity leave or ordinary or additional adoption leave by virtue of section 95 or 96 of the Employment Act 2006 (of Tynwald);]

(c) if she is in receipt of maternity allowance in accordance with section 35 of the **Benefits Act**.

(\text{ca} and (cb)......}^{3}

15A. **Procedure on claim or question for an adjudication officer to decide also involving a question for determination by the Department**

(1) Where an adjudication officer has decided any claim or question on an assumption of facts as to which there appeared to him to be no dispute, but concerning which, had a question arisen, that question would have fallen for determination by the Department, he shall give the claimant notice in writing informing him of the decision and of the reasons for it and that, if he is dissatisfied with the decision, he should reply to that effect, giving the reasons for his dissatisfaction.

(2) Where -

(a) the claimant replies to the notice referred to in paragraph (1) expressing his dissatisfaction with the decision, and

(b) after any appropriate investigations and explanations have been made, the claimant nonetheless remains dissatisfied with the decision, and

(c) the adjudication officer certifies that the sole ground for dissatisfaction appears to be the assumption referred to in paragraph (1), the claimant shall be notified in writing of his right to apply for the determination by the Department of the question arising on the assumption.

(3) Where the Department's decision -

(a) upholds the assumption, no appeal shall lie against the adjudication officer's decision;

(b) does not uphold the assumption, the Department's decision may be treated by the adjudication officer as an application for the revision of the adjudication officer's decision and the date of the claimant's application for the Department's decision shall be treated as the date of the application for revision.]

16. **Further circumstances in which a person is to be treated as available: permitted period**

(1) A person who is available for employment -

(a) only in his usual occupation;

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1 Subparagraph (bb) inserted by regulation 3 of S.I. 1997/563 from 11 March 1997 (SD640/98).
2 Paragraph (bc) substituted by regulation 4(5)(a) of S.I. 2008/698 from 1 April 2009 (SD125/09).
3 Paragraphs (ca) and (cb) omitted by regulation 4(5)(b) of S.I. 2008/698 from 1 April 2009 (SD125/09).
4 Regulation 15A inserted by article 9(2) of SD04/01 from 6 October 2000.
(b) only at a level of remuneration not lower than that which he is accustomed to receive, or
(c) only in his usual occupation and at a level of remuneration not lower than that which he is accustomed to receive

may be treated for a permitted period as available for employment in that period.

(2) Whether a person should be treated as available for a permitted period and if so, the length of that permitted period shall be determined having regard to the following factors -

(a) the person's usual occupation and any relevant skills or qualifications which he has;
(b) the length of any period during which he has undergone training relevant to that occupation;
(c) the length of the period during which he has been employed in that occupation and the period since he was so employed;
(d) the availability and location of employment in that occupation.

(3) A permitted period shall be for a minimum of one week and a maximum of 13 weeks and shall start on the date of claim and in this paragraph "week" means any period of seven consecutive days.

17. Laid off and short-time workers

(1) A person who is laid off shall be treated as available for employment, providing he is willing and able to resume immediately the employment from which he has been laid off and to take-up immediately any casual employment which is within daily travelling distance of his home or, if he falls within paragraph [(1), (1A) or (2)] of regulation 5, at the time specified in that regulation.

(2) -

[(2)(a)] a person who is kept on short-time shall be treated as available for employment, providing he is willing and able to resume immediately the employment in which he is being kept on short-time and to take up immediately any casual employment which is within daily travelling distance of his home or, if he falls within paragraph (1) or (2) of regulation 5, at the time specified in that regulation in the hours in which he is not working short-time but the total number of hours for which he works and is available for casual employment must be at least 40 in any week [unless paragraph (b) or (c) applies;

(b) the total number of hours for which a person kept on short-time works and is available for casual employment may be less than 40 in any week if that person has imposed restrictions on his availability which are reasonable in the light of his physical or mental condition;

(c) the total number of hours for which a person kept on short-time works and is available for casual employment may be less than 40 in any week if he has caring responsibilities providing the total number of hours for which he works and is available for casual employment is as many as his caring responsibilities allow and for the specific hours those responsibilities allow and is at least 16 in any week;]

(3) A person shall not be treated as available for employment in accordance with this regulation for more than 13 weeks, starting with the day after the day he was laid off or first kept on short time.

1 Words substituted by regulation 11(9) of S.I. 2008/3051 from 1 April 2013 (SD0059/13).
2 Existing paragraph (2) text renumbered as subparagraph (a) by regulation 6 of S.I. 1996/1517 from 7 October 1996 (SD640/98).
3 Words and subparagraphs (b) and (c) inserted by regulation 6 of S.I. 1996/1517 from 7 October 1996 (SD640/98).
(4) A person who is laid off or kept on short-time may not be treated as available for employment for a permitted period in accordance with regulation 16, unless he ceases to be laid off or kept on short time within 13 weeks of the day on which he was laid off or first kept on short time, in which case he may be treated as available for employment for a permitted period ending a maximum of 13 weeks after the date of claim.

(5) In paragraphs (3) and (4), "week" means any period of 7 consecutive days.

Chapter III - Actively seeking employment

18. Steps to be taken by persons actively seeking employment

[1 For the purposes of section 7(1) (actively seeking employment) a person shall be expected to have to take more than two steps in any week unless taking one or two steps is all that is reasonable for that person to do in that week.]

(2) Steps which it is reasonable for a person to be expected to have to take in any week include -

(a) oral or written applications (or both) for employment made to persons -
   (i) who have advertised the availability of employment; or
   (ii) who appear to be in a position to offer employment;

(b) seeking information on the availability of employment from -
   (i) advertisements;
   (ii) persons who have placed advertisements which indicate the availability of employment;
   (iii) employment agencies and employment businesses;
   (iv) employers;

(c) registration with an employment agency or employment business;

(d) appointment of a third party to assist the person in question in finding employment;

(e) seeking specialist advice, following referral by an employment officer, on how to improve the prospects of securing employment having regard to that person's needs and in particular in relation to any mental or physical limitations of that person;

(f) drawing up a curriculum vitae;

(g) seeking a reference or testimonial from a previous employer;

(h) drawing up a list of employers who may be able to offer employment to him with a view to seeking information from them on the availability of employment;

(i) seeking information about employers who may be able to offer employment to him;

(j) seeking information on an occupation with a view to securing employment in that occupation.

(3) In determining whether, in relation to any steps taken by a person, the requirements of section 7(1) are satisfied in any week, regard shall be had to all the circumstances of the case, including -

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1 Paragraph (1) substituted by regulation 2(2) of S.I. 2004/1008 from 1 August 2004 (SD464/04), or subject to regulation 1(2)(b) of S.I. 2004/1008 from 31 January 2005 for persons who on 1 August 2004 are entitled to a jobseeker’s allowance or have any earnings credited to them in accordance with regulation 8A of the Social Security (Credits) Regulations 1975 (S.I. 1975/556).
(a) his skills, qualifications and abilities;
(b) his physical or mental limitations;
(c) the time which has elapsed since he was last in employment and his work experience;
(d) the steps which he has taken in previous weeks and the effectiveness of those steps in improving his prospects of securing employment;
(e) the availability and location of vacancies in employment;
(f) any time during which he was -
   (i) engaged in the manning or launching of a lifeboat or in the performance of duty as a part-time member of a fire brigade or engaged during an emergency in duties for the benefit of others,
   (ii) attending an Outward Bound course,
   (iii) in the case of a blind person, participating in a course of training in the use of guide dogs,
   (iv) participating in training in the use of aids to overcome any physical or mental limitations of his in order to improve his prospects of securing employment,
   (vi) participating as a part-time student in an employment-related course,
   (vii) participating for less than 3 days in an employment or training programme for which a training allowance is not payable;
(g) any time during which he was engaged in voluntary work and the extent to which it may have improved his prospects of securing employment;
(h) whether he is treated as available for employment under regulation 14;
(i) whether he has applied for, or accepted, a place on, or participated in, a course or programme the cost of which is met in whole or in part out of central funds or by the European Community and the purpose of which is to assist persons to select, train for, obtain or retain employed earner’s employment; and
(j) where he had no living accommodation in that week the fact that he had no such accommodation and the steps which he needed to take and has in fact taken to seek such accommodation.

(4) Any act of a person which would otherwise be relevant for purposes of section 7 shall be disregarded in the following circumstances -

   (a) where, in taking the act, he acted in a violent or abusive manner,
   (b) where the act comprised the completion of an application for employment and he spoiled the application,
   (c) where by his behaviour or appearance he otherwise undermined his prospects of securing the employment in question,

unless those circumstances were due to reasons beyond his control.

2 Words omitted by regulation 3(7)(a) of S.I. 2015/389 from 7 July 2015 (SD2015/0186).
3 Words substituted by regulation 13(3)(a) of S.I. 2006/2378 from 1 October 2006 (SD497/07).
(5) In this regulation -

"employment agency" and "employment business" mean an employment agency or (as the case may be) employment business within the meaning of the Employment Agencies Act 1975 (an Act of Tynwald);

"employment or training programme" means a course or programme of rehabilitation or training which is established by any Department for the purpose of assisting persons to select, train for, obtain or retain employed earner's employment.

[18A. Actively seeking employment in the period at the beginning of a claim

(1) Paragraph (2) applies in any case[2], other than a case which falls within regulation 19(1)(i), where the period beginning on the date of claim and ending on the day before the beginning of the first week after the date of claim is less than 7 days.

(2) Where this paragraph applies, a person is actively seeking employment in the period referred to in paragraph (1) if he takes in that period such steps as he can reasonably be expected to have to take in order to have the best prospects of securing employment and in determining whether a person has taken such steps -

(a) the steps which it is reasonable for him to be expected to have to take include those referred to in regulation 18(2); and

(b) regard shall be had to all the circumstances of the case, including those matters referred to in regulation 18(3).

19. Circumstances in which a person is to be treated as actively seeking employment

(1) A person shall be treated as actively seeking employment in the following circumstances, subject to [³paragraphs (2) and (2A)] and to any maximum period specified in this paragraph -

(a) in any week during which he is participating for not less than 3 days as a student in an employment-related course where participation by him has been approved before the course started by an employment officer, for a maximum of 2 weeks [¹per course and two such courses] in any period of 12 months;

(b) in any week during which he is attending for not less than 3 days a residential work camp, for a maximum of 2 weeks and one such occasion in any period of 12 months;

(c) in any week during which he is temporarily absent from the Isle of Man for not less than 3 days because he is taking a member of his family who is a child or young person away for treatment, for a maximum of 8 weeks;

(d) in any week during which he is engaged for not less than 3 days in the manning or launching of a lifeboat or in the performance of duty as a part-time member of a fire brigade or engaged during an emergency in duties for the benefit of others;

(e) if he is member of a couple, in any week during which he is for not less than 3 days looking after a member of his family who is a child while the other member is temporarily absent from the Isle of Man, for a maximum of 8 weeks;

(f) if he is following an Open University course, in any week during which he is attending for not less than 3 days, as a requirement of that course, a residential course, for a maximum of one week per course;

² Words inserted by regulation 4 of S.I. 1999/3087 from 1 August 2000 (SD369/00).
³ Words substituted by regulation 2(4)(a) of S.I. 2006/1402 from 30 May 2006 (SD31/07).
⁴ Words substituted by article 2(3)(a) of SD386/99 from 18 July 1999.
(g) in any week during which he is for not less than 3 days temporarily looking after a child full-time because the person who normally looks after the child is ill or temporarily absent from home or the person is looking after a member of the family who is ill, for a maximum of 8 weeks;

(h) in the first week after the date of claim if he is treated as available for employment to any extent in that week under regulation 14(1)(h);

(i) for any period if he is treated as available for employment to any extent in that period under regulation 14(1)(h);

(j) if the award is terminated other than on the last day of a week, for the period beginning with the beginning of the week in which the award is terminated and ending on the day on which the award is terminated;

(k) in any week during which he is participating for not less than 3 days in a programme provided by the Venture Trust in Great Britain in pursuance of an arrangement made by the Secretary of State for the Home Department with the Trust, for a maximum of 4 weeks and one such programme in any period of 12 months;

(l) in any week during which he is for not less than 3 days treated as capable of work in accordance with regulation 55;

(ll) in any week during which he is for not less than 3 days treated as capable of work in accordance with regulation 55A (periods of sickness and persons receiving treatment outside the Isle of Man);

(m) in any week during which he is temporarily absent from the Isle of Man for not less than 3 days in order to attend an interview for employment and has given notice to an employment officer, in writing if so required by the employment officer, that he will be so absent, for a maximum of 1 week;

(n) if he is a member of a couple [other than a joint-claim couple] and he or his partner has attained the age of 60, or where he or his partner is in receipt of one of the following benefits -

(i) disability living allowance,

(ii) severe disablement allowance,

(iii) long-term incapacity benefit,

(iv) attendance allowance;

(v) employed person’s allowance as a disabled worker,

for a maximum of four weeks;

(nn) if he is a member of a joint-claim couple, in any week during which he and his partner are both absent from the Isle of Man for not less than 3 days and in which a premium referred to in paragraph 20E, 20F, 20G or 20I of Schedule 3 (premiums) is applicable in respect of his partner, for a maximum of 4 weeks;
(o) in any week during which he is treated as available for employment on not less than 3 days under regulation [14(2) or (2ZA)];

(p) in any week in respect of which he has given notice to an employment officer, in writing if so required by the employment officer, that -

(i) he does not intend to be actively seeking employment, but

(ii) he does intend to reside at a place other than his usual place of residence for at least one day;

(q) in any week during which he is participating for not less than 3 days in an employment or training programme for which a training allowance is not payable;

(r) ......2

[s] if he is temporarily absent from the Isle of Man in the circumstances prescribed in regulation 50(6B)(c), for the period of any such temporary absence;

[t] if he is temporarily absent from the Isle of Man in the circumstances prescribed in regulation 50(6AA) or, as the case may be (6C);

[v] in any week during which he is, for not less than three days, required to attend a court or tribunal as a justice of the peace, a party to any proceedings, a witness or a juror;

[w] if, for a maximum of 96 hours before being released, he is in -

(i) police detention within the meaning in section 81(2) of the Police Powers and Procedures Act 1998 (of Tynwald) (c.9) (general interpretation);

(ii) ......6]

[y] in any week during which he is engaged for not less than 3 days in training as a member of a reserve force prescribed in Part 1 of Schedule 6 to the Contributions Regulations, either-

(i) if he is engaged in his first year of training, for a maximum of 43 days in that year; or

(ii) if he is engaged in annual continuous training, for a maximum of 15 days in any calendar year.]

(2) In any period of 12 months a person shall be treated as actively seeking employment under paragraph (1)(p) only for the number of weeks specified in one of the following sub-paragraphs -

(a) a maximum of 2 weeks; or

(b) a maximum of 3 weeks during which he is attending for at least 3 days in each such week an Outward Bound course; or

(c) if he is a blind person, a maximum of 6 weeks during which, apart from a period of no more than 2 weeks, he participates for a maximum period of 4 weeks in a course of training in the use of guide dogs of which at least 3 days in each such week is spent in that training.

1 Words substituted by regulation 11(10) of S.I. 2008/3051 from 1 April 2013 (SD0059/13).
2 Subparagraph (r) not applied.
3 Subparagraph (s) inserted by regulation 2(7) of S.I. 2000/3336 from 9 April 2001 (SD153/01).
4 Subparagraph (t) added by regulation 3(3)(b) of S.I. 2004/1869 from 4 October 2004 (SD839/04).
5 Subparagraphs (v) and (w) added by regulation 2(4)(b) of S.I. 2006/1402 from 30 May 2006 (SD31/07).
6 Head (ii) not applied.
7 Subparagraph (y) substituted by regulation 3(4) of S.I. 2015/389 from 7 July 2015 (SD2015/0186).
(2A) A person shall not be treated as actively seeking employment under paragraph (1)(v) -

(a) for more than eight weeks,

(b) where he does not, before the period during which he is required to attend the court or tribunal, give an employment officer notice, in writing where requested by the employment officer, that he is so required, or

(c) where he is a prisoner as defined by regulation 85(4) (special cases).]

(3) In this regulation -

“employment or training programme” means a course or programme of rehabilitation or training which is established by any Department for the purpose of assisting persons to select, train for, obtain or retain employed earner’s employment;

“treatment” means treatment for a disease or bodily or mental disablement by or under the supervision of a person qualified to provide medical treatment, physiotherapy or a form of treatment which is similar to, or related to, either of those forms of treatment.

“tribunal” means any tribunal listed in Schedule 2 to the Tribunals Act 2006 (of Tynwald) (c. 1);

20. Further circumstances in which a person is to be treated as actively seeking employment: permitted period

(1) A person to whom paragraph (2) does not apply shall be treated as actively seeking employment in any week during any permitted period determined in his case in accordance with regulation 16, if he is actively seeking employment in that week -

(a) only in his usual occupation,

(b) only at a level of remuneration not lower than that which he is accustomed to receive, or

(c) only in his usual occupation and at a level of remuneration not lower than that which he is accustomed to receive.

(2) A person to whom this paragraph applies shall be treated as actively seeking employment in any week during any permitted period determined in his case in accordance with regulation 16, if he is actively seeking employment, self-employed earner's employment, or employment and self-employed earner's employment in that week -

(a) only in his usual occupation,

(b) only at a level of remuneration not lower than that which he is accustomed to receive, or

(c) only in his usual occupation and at a level of remuneration not lower than that which he is accustomed to receive.

(3) Paragraph (2) applies to a person who has, at any time during the period of 12 months immediately preceding the date of claim, been engaged in his usual occupation in self-employed earner's employment.

1 Paragraph (2A) inserted by regulation 2(4)(c) of S.I. 2006/1402 from 30 May 2006 (SD31/07)
2 Definition inserted by regulation 2(4)(d) of S.I. 2006/1402 from 30 May 2006 (SD31/07).
21. **Further circumstances in which a person is to be treated as actively seeking employment: laid off and short-time workers**

A person who has restricted his availability for employment in accordance with regulation 17(1) or, as the case may be, regulation 17(2), shall in any week in which he has so restricted his availability for not less than 3 days be treated as actively seeking employment in that week if he takes such steps as he can reasonably be expected to have to take in order to have the best prospects of securing employment for which he is available under regulation 17.

22. **Interpretation of certain expressions for the purposes of regulations 18(3)(f)(i) and 19(1)(d)**

For the purposes of regulations 18(3)(f)(i) and 19(1)(d) -

(a) a person is engaged in duties for the benefit of others while -

(i) providing assistance to any person whose life may be endangered or who may be exposed to the risk of serious bodily injury or whose health may be seriously impaired,

(ii) protecting property of substantial value from imminent risk of serious damage or destruction, or

(iii) assisting in measures being taken to prevent a serious threat to the health of the people, as a member of a group of persons organised wholly or partly for the purpose of providing such assistance or, as the case may be, protection;

(b) events which may give rise to an emergency include -

(i) a fire, flood or an explosion,

(ii) a natural catastrophe,

(iii) a railway or other transport accident,

(iv) a cave or mountain accident,

(v) an accident at sea,

(vi) a person being reported missing and the organisation of a search for that person.

Chapter IV - Attendance, evidence and information

23. **Attendance**

[¹A claimant shall attend at such place and at such time as the Department may specify by a notification which is given or sent to the claimant and which may be in writing, by telephone or by electronic means.]

[²23A. Attendance by members of a joint-claim couple]

Each member of a joint-claim couple shall attend at such place and at such time as the Department may specify by a notification which is given or sent to that member and which may be in writing, by telephone or by electronic means.]

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¹ Regulation 23 substituted by regulation 2(2) of S.I. 2000/2194 from 1 June 2001 (SD198/01).
² Regulation 23A inserted by paragraph 2 of Schedule 2 to S.I. 2000/1978 from 19 March 2001 (SD41/01).
24. Provision of information and evidence

(1) A claimant shall provide such information as to his circumstances, his availability for employment and the extent to which he is actively seeking employment as may be required by the Department in order to determine the entitlement of the claimant to a jobseeker's allowance, whether that allowance is payable to him and, if so, in what amount.

(1A) A member of a joint-claim couple shall provide such information as to the circumstances of each or either member of a couple, the availability for employment of each or either member of the couple and the extent to which each or either member of the couple is actively seeking employment as may be required by the Department in order to determine the entitlement of the couple to a jobseeker's allowance, whether that allowance is payable to the couple and, if so, in what amount.]

(2) A claimant shall furnish such other information in connection with the claim, or any question arising out of it, as may be required by the Department.

(3) Where -

(a) a jobseeker's allowance may be claimed by either member of a couple, or

(b) entitlement to a jobseeker's allowance or whether that allowance is payable and, if so, in what amount, is or may be affected by the circumstances of either member of a couple or any member of a polygamous marriage,

the Department may require the member of the couple other than the claimant to certify in writing whether he agrees to the claimant's making the claim, or that he, or any member of a polygamous marriage, confirms the information given about his circumstances[2, and in this paragraph “couple” does not include a joint-claim couple.]

(3A) Where entitlement to a joint-claim jobseeker's allowance or whether that allowance is payable and, if so, in what amount, is or may be affected by the circumstances of any member of a polygamous marriage, the Department may require either member of the joint-claim couple to certify in writing that any member of the polygamous marriage confirms the information given about that member's circumstances.

(4) A claimant shall furnish such certificates, documents and other evidence as may be required by the Department for the determination of the claim.

(5) A claimant shall furnish such certificates, documents and other evidence affecting his continuing entitlement to a jobseeker's allowance, whether that allowance is payable to him and, if so, in what amount as the Department may require.

(5A) A member of a joint-claim couple shall furnish such certificates, documents and other evidence affecting the continuing entitlement of the couple to a jobseeker's allowance, whether that allowance is payable to the couple and, if so, in what amount as the Department may require.

(6) A claimant shall, if the Department requires him to do so, provide a signed declaration to the effect that -

[5(a) since making a claim for a jobseeker's allowance or since he last provided a declaration in accordance with this paragraph he has either been available for employment or satisfied the circumstances to be treated as available for employment, save as he has otherwise notified the Department.]

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1 Paragraph (1A) inserted by paragraph 3(a) of Schedule 2 to S.I. 2000/1978 from 19 March 2001 (SD41/01).
2 Words inserted by paragraph 3(b) of Schedule 2 to S.I. 2000/1978 from 19 March 2001 (SD41/01).
3 Paragraph (3A) inserted by paragraph 3(c) of Schedule 2 to S.I. 2000/1978 from 19 March 2001 (SD41/01).
4 Paragraph (5A) inserted by paragraph 3(d) of Schedule 2 to S.I. 2000/1978 from 19 March 2001 (SD41/01).
5 Subparagraph (a) substituted by regulation 8(2) of S.I. 1996/1517 from 7 October 1996 (SD640/98).
(b) since making a claim for a jobseeker's allowance or since he last provided a declaration in accordance with this paragraph he has either been actively seeking employment to the extent necessary to give him his best prospects of securing employment or he has satisfied the circumstances to be treated as actively seeking employment, save as he has otherwise notified the Department, and

(c) since making a claim for a jobseeker's allowance or since he last provided a declaration in accordance with this paragraph there has been no change to his circumstances which might affect his entitlement to a jobseeker's allowance or the amount of such an allowance, save as he has notified the Department.

(7) A claimant shall notify the Department-

(a) of any change of circumstances which has occurred which he might reasonably be expected to know might affect his entitlement to a jobseeker's allowance [or, in the case of a joint-claim couple, the entitlement of the couple to a joint-claim jobseeker’s allowance] or the payability or amount of such an allowance; and

(b) of any such change of circumstances which he is aware is likely so to occur,

and shall do so as soon as reasonably practicable after its occurrence or, as the case may be, after he becomes so aware, by giving notice [of the change to an office of the Department specified by an adjudication officer -

(i) in writing or by telephone (unless an adjudication officer determines in any particular case that notice must be in writing or may be given otherwise than in writing or by telephone); or

(ii) in writing if in any class of case an adjudication officer requires written notice (unless the Department determines in any particular case to accept notice given otherwise than in writing)].

(8) Where, pursuant to paragraph (1)[4, (1A)] or (2), a claimant is required to provide information he shall do so when he attends in accordance with a [notification] under regulation 23 [or 23A], if so required by the Department, or within such period as the Department may require.

(9) Where, pursuant to paragraph (4) [7], a claimant is required to provide certificates, documents or other evidence he shall do so within seven days of being so required or such longer period as [an adjudication officer] may consider reasonable.

[9A] Where, pursuant to paragraph (5) or (5A), a claimant is required to provide certificates, documents or other evidence, he shall do so within the period applicable under regulation 17(4) of the Social Security and Child Support (Decisions and Appeals) Regulations 1999.

(10) Where, pursuant to paragraph (6), a claimant is required to provide a signed declaration he shall provide it on the day on which he is required to attend in accordance with a [notification] under regulation 23 [or 23A] or on such other day as the Department may require.

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1 Words omitted by regulation 8(3) of S.I. 1996/1517 from 7 October 1996 (SD640/98)
2 Words inserted by paragraph 3(e) of Schedule 2 to S.I. 2000/1978 from 19 March 2001 (SD41/01)
3 Words substituted by regulation 4 of S.I. 2006/832 from 10 April 2006 (SD497/07).
4 Words inserted by paragraph 3(f) of Schedule 2 to S.I. 2000/1978 from 19 March 2001 (SD41/01)
5 Word substituted by regulation 2(3) of S.I. 2000/2194 from 1 June 2001 (SD198/01).
6 Words inserted by paragraph 3(f) of Schedule 2 to S.I. 2000/1978 from 19 March 2001 (SD41/01)
7 Words omitted by regulation 3(a) of S.I. 2012/824 from 17 April 2012 (SD0444/12).
8 Words substituted by article 14(2) of SD657/00 from 6 October 2000.
9 Paragraph (9A) inserted by regulation 3(b) of S.I. 2012/824 from 17 April 2012 (SD0444/12).
10 Word substituted by regulation 2(3) of S.I. 2000/2194 from 1 June 2001 (SD198/01).
11 Words inserted by paragraph 3(h) of Schedule 2 to S.I. 2000/1978 from 19 March 2001 (SD41/01)
25. Entitlement ceasing on a failure to comply

(1) [Entitlement] to a jobseeker's allowance shall cease in the following circumstances -

[(a) if a claimant fails to attend on the day specified in a [relevant notification] and fails to make contact with an employment officer in the manner set out in that notification before the end of the period of [two] working days beginning with the first working day after the day on which the claimant failed to attend;]

(b) if -

[(i) that claimant] attends on the day specified in a [relevant notification] but fails to attend at the time specified in that [notification] [(c)] and the Department has informed the claimant in writing that a failure to attend, [on any subsequent occasion falling in the period of 12 months beginning on the day the claimant is so informed] on which he is required to attend, at the time specified in such a [notification] may result in his entitlement to a jobseeker's allowance ceasing [or the benefit not being payable for a period]. [(d)]

(ii) he fails to attend at the time specified in such a [notification] [on any subsequent occasion falling in the period of 12 months referred to in head (i)]; [(e) and]

[(iii) that claimant fails to make contact with an employment officer in the manner set out in such a notification before the end of the period of [two] working days beginning with the first working day after the day on which that claimant failed to attend at the time specified;]

(c) [subject to regulation 27.] if [that claimant] was required to provide a signed declaration as referred to in regulation 24(6) and he fails to provide it on the day on which he ought to do so in accordance with regulation 24(10).

[(1A) In this regulation and in regulations 27A, 28 and 30 -

“relevant notification” means a notification under regulation 23 or 23A, other than a notification requiring attendance under an employment programme or a training scheme;

“working day” means any day on which the Department’s office at Markwell House is not closed.]

(2) In this regulation, “an employment programme” and “a training scheme” have the meaning given in regulation 75.

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1 Words substituted by regulation 2(3)(a) of S.I. 2010/509 from 1 November 2011 (SD956/10).
2 Subparagraph (a) substituted by regulation 2(3)(b) of S.I. 2010/509 from 1 November 2011 (SD956/10).
3 Word substituted by article 5(2)(a) of Part 2 of SD2015/0223 from 9 August 2015.
4 Head (i) substituted by regulation 2 of S.I. 1999/530 from 1 June 2000 (SD204/00).
5 Words substituted by paragraph 4(c) of Schedule 2 to S.I. 2000/1978 from 19 March 2001 (SD41/01).
6 Words substituted by regulation 2(3)(c)(i) of S.I. 2010/509 from 1 November 2011 (SD956/10).
7 Words substituted by regulation 2(4) of S.I. 2000/2194 from 1 June 2001 (SD198/01).
8 Words omitted by regulation 2(3)(c)(ii) of S.I. 2010/509 from 1 November 2011 (SD956/10).
9 Words substituted by article 5(2)(b)(i) of Part 2 of SD2015/0223 from 9 August 2015.
10 Words substituted by regulation 2(4) of S.I. 2000/2194 from 1 June 2001 (SD198/01).
11 Words inserted by regulation 2(3)(c)(iii) of S.I. 2010/509 from 1 November 2011 (SD956/10).
12 Word omitted by regulation 2(3)(c)(iiiia) of S.I. 2010/509 from 1 November 2011 (SD956/10).
13 Words substituted by regulation 2(4) of S.I. 2000/2194 from 1 June 2001 (SD198/01).
14 Words substituted by article 5(2)(b)(ii) of Part 2 of SD2015/0223 from 9 August 2015.
15 Word inserted by regulation 2(3)(d) of S.I. 2010/509 from 1 November 2011 (SD956/10).
16 Head (iii) added by regulation 2(3)(e) of S.I. 2010/509 from 1 November 2011 (SD956/10).
17 Word substituted by article 5(2)(b)(iii) of Part 2 of SD2015/0223 from 9 August 2015.
18 Words inserted by regulation 2(3)(f) of S.I. 2010/509 from 1 November 2011 (SD956/10).
19 Words substituted by paragraph 4(c) of Schedule 2 to S.I. 2000/1978 from 19 March 2001 (SD41/01).
20 Paragraph (1A) inserted by regulation 2(3)(g) of S.I. 2010/509 from 1 November 2011 (SD956/10).
26. **Time at which entitlement is to cease**

Entitlement to a jobseeker’s allowance shall cease in accordance with regulation 25 on whichever is the earlier of -

(a) the day after the last day in respect of which [1][that claimant] has provided information or evidence which [2][shows that he continues to be entitled] to a jobseeker's allowance,

(b) if [3][regulation 25(1)(a) or (b)] applies, the day on which he was required to attend, and

(c) if [3][regulation 25(1)(c)] applies, the day on which he ought to have provided the signed declaration,

provided that it shall not cease earlier than the day after he last attended in compliance with a [4][notification] under regulation 23 [for 23A].

27. **Where entitlement is not to cease under regulation 25(1)(c)**

Entitlement to a jobseeker’s allowance is not to cease by virtue of regulation 25(1)(c) if, before the end of the period of [5][two] working days beginning with the first working day after the day on which a claimant (“C”) failed to provide a signed declaration in accordance with regulation 24(10), C makes contact with an employment officer in the manner set out in a notification under regulation 23 or 23A and shows that C had good cause for the failure.

27A. **Circumstances in which an allowance is not to be payable**

(1) A jobseeker’s allowance is not to be payable for the period prescribed in regulation 27B if either the first or the second condition is satisfied.

(2) The first condition is satisfied if a claimant (“C”) -

(a) fails to attend on the day specified in a relevant notification;

(b) makes contact with an employment officer in the manner set out in a relevant notification before the end of the period of [5][two] working days beginning with the first working day after the day on which C failed to attend on the day specified; and

(c) fails to show good cause for that failure to attend.

(3) The second condition is satisfied if -

(a) C attends on the day specified in a relevant notification, but fails to attend at the time specified in that notification;

(b) the Department has informed C in writing that a failure to attend, [6][on any subsequent occasion falling in the period of 12 months beginning on the day C is so informed] on which C is required to attend, at the time specified in a relevant notification, may result in C’s entitlement to a jobseeker’s allowance ceasing or the benefit not being payable for a period;

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1 Words substituted by paragraph 5(a) of Schedule 2 to S.I. 2000/1978 from 19 March 2001 (SD41/01).
2 Words substituted by regulation 9 of S.I. 1996/1517 from 7 October 1996 (SD640/98).
3 Words substituted by Part I of the Schedule to S.I. 1996/1516.
4 Words substituted by Part I of the Schedule to S.I. 1996/1516.
5 Word substituted by regulation 2(5) of S.I. 2000/2194 from 1 June 2001 (SD198/01).
6 Words inserted by paragraph 5(b) of Schedule 2 to S.I. 2000/1978 from 19 March 2001 (SD41/01).
7 Regulations 27, 27A and 27B substituted for regulation 27 by regulation 2(4) of S.I. 2010/509 from 1 November 2011 (SD956/10).
8 Word substituted by article 6(2) of Part 2 of SD2015/0223 from 9 August 2015.
9 Word substituted by article 7(2) of Part 2 of SD2015/0223 from 9 August 2015.
10 Words substituted by article 7(3)(a) of Part 2 of SD2015/0223 from 9 August 2015.
C fails to attend at the time specified in a relevant notification [\(^{1}\)on any subsequent occasion falling in the period of 12 months beginning on the day C is informed in accordance with sub-paragraph (b)];

C makes contact with an employment officer in the manner set out in a relevant notification before the end of the period of [\(^{2}\)two] working days beginning with the first working day after the day on which C failed to attend at the time specified; and

C fails to show good cause for the failure to attend referred to in sub-paragraphs (c) and (d).

**27B. Prescribed period for the purposes of regulation 27A**

(1) The period prescribed for the purposes of regulation 27A is -

(a) one week on the first occasion on which a jobseeker’s allowance is determined not to be payable to the claimant by virtue of regulation 27A;

(b) two weeks on the second and each subsequent occasion during the same jobseeking period on which a jobseeker’s allowance is determined not to be payable to the claimant by virtue of regulation 27A.

(2) The period begins -

(a) where, in accordance with regulation 26A(1) of the Claims and Payments Regulations, a jobseeker’s allowance is paid otherwise than fortnightly in arrears, on the day following the end of the last week in respect of which that allowance was paid; and

(b) in any other case, on the first day of the week following the date on which a jobseeker’s allowance is determined not to be payable.

**28. Matters to be taken into account in determining whether a claimant has good cause for failing to comply with a notice under regulation 23 \(^{3}\)or 23A\(^{4}\)**

(1) Subject to regulation 30, in determining, for the purposes of regulation [\(^{4}\)27A], whether a claimant has good cause for failing to comply with a [\(^{5}\)relevant notification] the matters which are to be taken into account shall include the following -

(a) whether the claimant misunderstood the requirement on him due to any learning, language or literacy difficulties of the claimant or any misleading information given to the claimant by an employment officer;

(b) whether the claimant was attending a medical or dental appointment, or accompanying a person for whom the claimant has caring responsibilities to such an appointment, and whether it would have been unreasonable, in the circumstances, to rearrange the appointment;

(c) any difficulty with the claimant's normal mode of transport and whether there was any reasonable available alternative;

(d) the established customs and practices of the religion, if any, to which the claimant belongs;

(e) whether the claimant was attending an interview for employment.

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1 Words substituted by article 7(3)(b) of Part 2 of SD2015/0223 from 9 August 2015.
2 Word substituted by article 7(3)(c) of Part 2 of SD2015/0223 from 9 August 2015.
3 Words inserted by paragraph 7 of Schedule 2 to S.I. 2000/1978 from 19 March 2001 (SD41/01).
4 Reference substituted by regulation 2(5)(a) of S.I. 2010/509 from 1 November 2011 (SD956/10)
5 Words substituted by regulation 2(5)(b) of S.I. 2010/509 from 1 November 2011 (SD956/10).
(2) In this regulation, "employment" means employed earner's employment except in relation to a claimant to whom regulation 20(2) applies and for the duration only of any permitted period determined in his case in accordance with regulation 16, in which case, for the duration of that period, it means employed earner's employment or self-employed earner's employment.

29. Matters to be taken into account in determining whether a claimant has good cause for failing to provide a signed declaration

In determining, for the purposes of regulation 27, whether a claimant has good cause for failing to comply with a requirement to provide a signed declaration, as referred to in regulation 24(6), on the day on which he ought to do so the matters which are to be taken into account shall include the following -

(a) whether there were adverse postal conditions;

(b) whether the claimant misunderstood the requirement on him due to any learning, language or literacy difficulties of the claimant or any misleading information given to the claimant by an employment officer.

30. Circumstances in which a claimant is to be regarded as having good cause for failing to comply with a notice under regulation 23 [1 or 23A]

For the purposes of regulation [27A], a claimant is to be regarded as having good cause for failing to comply with a [3 relevant notification] -

(a) where, if regulation 5(1)[4][5](b) applies in his case, he was required to attend at a time less than 48 hours from receipt by him of the notice;

[6(aa) where, if regulation 5(1A) applies in his case, he was required to attend on a date less than 7 days from receipt by him of the notification;

(b) where, if regulation 5(2) applies in his case, he was required to attend at a time less than 24 hours from receipt by him of the notice;

(c) where he was, in accordance with regulation 14(1)(a) - (g), (k) - (n)[7], [8(r) to (t)] or 14(2), treated as available for employment on the day on which he failed to attend;

(d) where the day on which he failed to attend falls in a week in which he was, in accordance with regulation 19(1)(p) and 19(2), treated as actively seeking employment.

Chapter V - Jobseeker's agreement

31. Contents of jobseeker's agreement

The prescribed requirements for a jobseeker's agreement are that it shall contain the following information -

(a) the claimant's name;

(b) where the hours for which the claimant is available for employment are restricted in accordance with regulation 7, the total number of hours for which he is available and any pattern of availability;

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1 Words inserted by paragraph 8 of Schedule 2 to S.I. 2000/1978 from 19 March 2001 (SD41/01).
2 Reference substituted by regulation 2(6)(a) of S.I. 2010/509 from 1 November 2011 (SD956/10).
3 Words substituted by regulation 2(6)(b) of S.I. 2010/509 from 1 November 2011 (SD956/10).
4 Words inserted by regulation 6 of S.I. 2002/3072 from 1 January 2003 (SD152/03).
5 Words omitted by regulation 2(5)(a) of S.I. 2006/1402 from 30 May 2006 (SD31/07).
6 Paragraph (aa) inserted by regulation 11(11)(a) of S.I. 2008/3051 from 1 April 2013 (SD0059/13).
7 Words inserted by regulation 2(5)(b) of S.I. 2006/1402 from 30 May 2006 (SD31/07).
8 Words substituted by regulation 2(5) of S.I. 2012/1616 from 30 July 2012 (SD0607/12).
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32. **Back-dating of a jobseeker's agreement by an adjudication officer**

In giving a direction under section 9(7)(c), the adjudication officer shall take into account all relevant matters including -

(a) where the claimant refused to accept the agreement proposed by the employment officer, whether he was reasonable in so refusing;

(b) where the claimant has signified to the employment officer or to the adjudication officer that the claimant is prepared to accept an agreement which differs from the agreement proposed by the employment officer, whether the terms of the agreement which he is prepared to accept are reasonable;

(c) where the claimant has signified to the employment officer or to the adjudication officer that the claimant is prepared to accept the agreement proposed by the employment officer, that fact;

(d) the date on which, in all the circumstances, he considers that the claimant was first prepared to enter into an agreement which the adjudication officer considers reasonable; and

(e) where the date on which the claimant first had an opportunity to sign a jobseeker's agreement was later than the date on which he made a claim, that fact.

33. **Notification of determinations and directions under section 9**

The claimant shall be notified of -

(a) any determination of the adjudication officer under section 9;

(b) any direction given by the adjudication officer under section 9.

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1 Words substituted by paragraph 1(a) of Schedule 12 to S.I. 1999/2860 from 6 October 2000 (SD603/00).
2 Words substituted by paragraph 1(b)(i) of Schedule 12 to S.I. 1999/2860 from 6 October 2000 (SD603/00).
3 Words substituted by paragraph 1(b)(ii) of Schedule 12 to S.I. 1999/2860 from 6 October 2000 (SD603/00).
34. **Jobseeker's agreement treated as having been made**

A claimant is to be treated as having satisfied the condition mentioned in section 1(2)(b) -

- (a) where he is permitted to make a claim for a jobseeker's allowance without attending at an appropriate office, for the period beginning with the date of the claim and ending on the date on which he has an interview with an employment officer for the purpose of drawing up a jobseeker's agreement;

- (b) where, after the date of claim, the claim is terminated before he has an interview with an employment officer for the purpose of drawing up a jobseeker's agreement;

- (c) as long as he is treated as available for employment in accordance with regulation 14 where the circumstances set out in that regulation arise after the date of claim and before he has an interview with an employment officer for the purpose of drawing up a jobseeker's agreement;

- (d) as long as there are circumstances not peculiar to the claimant which make impracticable or unduly difficult the normal operation of the provisions governing, or the practice relating to, the claiming, awarding or payment of jobseeker's allowance.

- (e) where the claimant was in receipt of a training allowance and was, in accordance with regulation 170, entitled to an income-based jobseeker’s allowance without being available for employment, having entered into a jobseeker’s agreement or actively seeking employment, for the period beginning with the date on which regulation 170 ceased to apply to him and ending on the date on which he has an interview with an employment officer for the purpose of drawing up a jobseeker’s agreement.

- (f) if he is temporarily absent from the Isle of Man in the circumstances prescribed in regulation 50(6B)(a) or (c), for the period of any such temporary absence.

35. **Automatic back-dating of jobseeker's agreement**

Where a jobseeker's agreement is signed on a date later than the date of claim and there is no reference of that agreement to an adjudication officer under section 9(6), the agreement shall be treated as having effect on the date of claim.

36. **Jobseeker's agreement to remain in effect**

A jobseeker's agreement entered into by a claimant shall not cease to have effect on the coming to an end of an award of a jobseeker's allowance made to him -

- (a) where a further claim for a jobseeker's allowance is made within a period not exceeding [28 days]; or

- (b) in respect of any part of a period of suspension, where -

  - (i) [an adjudication officer] has directed under [regulation 16 of the Social Security and Child Support (Decisions and Appeals) Regulations 1999] that payment under an award be suspended for a definite or indefinite period on the ground that a question arises whether the conditions for entitlement to that allowance are or were fulfilled or the award ought to be revised,

  - (ii) subsequently that suspension expires or is cancelled in respect of a part only of the period for which it has been in force, and

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1 Paragraphs (e) and (f) inserted by paragraph 9 of Schedule 2 to S.I. 2000/1978 from 19 March 2001 (SD41/01).
2 Words substituted by article 3(2) of SD849/10 from 1 December 2010.
3 Paragraph (b) substituted by regulation 10 of S.I. 1996/1517 from 7 October 1996 (SD640/96).
4 Words substituted by article 19(3)(a) of SD657/00 from 6 October 2000.
5 Words substituted by article 19(3)(b) of SD657/00 from 6 October 2000.
(iii) it is then determined that the award should be revised to the effect that there was no entitlement to the allowance in respect of all or any part of the period between the start of the period over which the award has been suspended and the date when the suspension expires or is cancelled; or]

(c) for as long as the claimant satisfies the conditions of entitlement to national insurance credits, other than any condition relating to the existence of a jobseeker's agreement, in accordance with the Social Security (Credits) Regulations 1975.

37. Variation of jobseeker's agreement

The prescribed manner for varying a jobseeker's agreement shall be in writing and signed by both parties in accordance with section 10(2) on the proposal of the claimant or the employment officer.

38. Direction to vary agreement: time for compliance

The prescribed period for the purposes of section 10(6)(c) shall be the period of 21 days beginning with the date on which the direction was issued.

39. Variation of agreement: matters to be taken into account

In giving a direction under section 10(6)(b) or (d) an adjudication officer shall take into account the preference of the claimant if he considers that both the claimant's proposals and those of the employment officer satisfy the requirements of section 10(5).

40. Notification of determinations and directions under section 10

The claimant shall be notified of -

(a) any determination of the adjudication officer under section 10;

(b) any direction of the adjudication officer under section 10.

41. Procedure for reviews (Revoked)

42. Appeals to Social Security Appeal Tribunal (Revoked)

43. Direction of Social Security Appeal Tribunal: time limit for compliance (Revoked)

44. Appeals to the Commissioner (Revoked)

45. Appropriate person (Revoked)¹

¹ Regulations 41 to 45 revoked by paragraph 4 of Schedule 12 to S.I. 1999/2860 from 6 October 2000 (SD603/00).
Part III - Other conditions of entitlement

[1]45A. The contribution-based conditions and relevant earnings

(1) A claimant’s relevant earnings for the purposes of section 2(2)(b) of the Act are the total amount of the claimant’s earnings at the lower earnings limit for the base year.2

(2) For the purposes of paragraph (1), earnings which exceed the lower earnings limit are to be disregarded.]

[1]45B. Relaxation of the first set of conditions

(1) A claimant who also satisfies the condition in paragraph (2) is to be taken to satisfy the first set of conditions4 if the claimant has -

(a) paid Class 1 contributions before the relevant benefit week in respect of any one tax year; and

(b) earnings at the lower earnings limit in that tax year on which primary Class 1 contributions have been paid or treated as paid which in total, and disregarding any earnings which exceed the lower earnings limit for that year, are not less than that limit multiplied by 26.

(2) The condition referred to in paragraph (1) is that the claimant, in respect of any week during the last complete tax year preceding the relevant benefit year, is entitled to be credited with earnings in accordance with regulation 9E of the Social Security (Credits) Regulations 19755 (credits for certain spouses and civil partners of members of Her Majesty’s forces).]

46. Waiting days (Omitted)6

47. Jobseeking period

(1) For the purposes of the Act, but subject to paragraphs (2) and (3), the “jobseeking period” means any period throughout which the claimant satisfies or is treated as satisfying the conditions specified in paragraphs (a) to (c) and (e) to (i) of subsection (2) of section 1 (conditions of entitlement to a jobseeker’s allowance).

(2) Any period in which -

(a) a claimant does not satisfy any of the requirements in section 1(2)(a) to (c), and

(b) a jobseeker’s allowance is payable to him in accordance with Part IX (Hardship) [7or, where the claimant is a member of a joint-claim couple, a jobseeker’s allowance is payable in accordance with Part IXA (hardship)],

shall, for the purposes of paragraph (1), be treated as a period in which the claimant satisfies the conditions specified in paragraphs (a) to (c) of subsection (2) of section 1.

[1]4(2A) Any period in which a claimant is entitled to a jobseeker’s allowance in accordance with regulation 11(3) of the Jobseeker’s Allowance (Transitional Provisions) Regulations 1995 shall, for the purposes of paragraph (1), be treated as a period in which he satisfies the conditions specified in paragraphs (a) to (c) and (e) to (i) of subsection (2) of section 1.]

(3) The following periods shall not be, or be part of, a jobseeking period -

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1 Regulation 45A inserted by regulation 2 of S.I. 2010/2446 from 1 November 2011 (SD956/10).
2 See section 2(1)(a) of the Jobseekers Act 1995 (SD8/96) as to what constitutes the “base year”.
3 Regulation 45B inserted by regulation 2 of S.I. 2011/2862 from 11 January 2012 (SD0444/12).
4 “The first set of conditions” is defined for the purpose of section 2(3B) of the Jobseekers Act 1995 (SD8/96).
5 S.I. 1975/556 (GC156/75).
6 Regulation 46 omitted by article 5(2) of SD2020/0209 from 9 April 2020.
8 Paragraph (2A) inserted by regulation 2(4) of S.I. 1996/2538 from 28 October 1996 (SD642/98).
(a) any period in respect of which no claim for a jobseeker's allowance has been made or treated as made;

(b) such period as falls before the day on which a claim for a jobseeker's allowance is made or treated as made [1];

(c) where a claim for a jobseeker's allowance has been made or treated as made but no entitlement to benefit arises in respect of a period before the date of claim by virtue of section 1(2) of the Administration Act (limits for backdating entitlement), that period;

(d) where -
   (i) a claimant satisfies the conditions specified in paragraphs (a) to (c) and (e) to (i) of subsection (2) of section 1; and
   (ii) entitlement to a jobseeker's allowance ceases in accordance with regulation 25 (entitlement ceasing on a failure to comply),
   the period beginning with the date in respect of which, in accordance with regulation 26, entitlement ceases and ending with the day before the date in respect of which the claimant again becomes entitled to a jobseeker's allowance; or

(e) any week in which a claimant is not entitled to a jobseeker's allowance in accordance with section 14 (trade disputes);

[2(f) subject to regulation 2A, any period in respect of which the claimant is not entitled to a jobseeker's allowance because section 1(1A) of the Administration Act (requirement to state national insurance number) applies.]

(4) For the purposes of section 5 (duration of a contribution-based jobseeker's allowance) any day -

(a) which falls within a jobseeking period; and [3 either] -

[4(b) -
   (i) on which the claimant satisfies the conditions specified in section 2 (the contribution-based conditions) other than the conditions specified in subsection (1)(c) and (d) of that section; and
   (ii) on which a contribution-based jobseeker's allowance is not payable to the claimant by virtue of [5regulation 27A or] section 19 [6or on which the claimant is a member of a joint-claim couple and a joint-claim jobseekers allowance is not payable or is reduced because he is subject to sanctions by virtue of [7regulation 27A or] section 6B,]; 20A; or

(c) which falls within a period which is treated as a period in which the claimant satisfies the conditions specified in paragraphs (a) to (c) of subsection (2) of section 1, in accordance with paragraph (2),]

shall be treated as if it was a day in respect of which he was entitled to a contribution-based jobseeker's allowance.

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1 Words omitted by regulation 2(1) of S.I. 1999/714 from 18 July 1999 (SD385/99).
2 Subparagraph (f) inserted by regulation 3 of S.I. 1999/2226 from 1 June 2000 (SD204/00).
3 Word inserted by regulation 14(2) of S.I. 1996/1517 from 7 October 1996 (SD640/98).
4 Subparagraphs (b) and (c) substituted by regulation 14(3) of S.I. 1996/1517 from 7 October 1996 (SD640/98).
5 Words inserted by regulation 2(7)(a) of S.I. 2010/509 from 1 November 2011 (SD956/10).
6 Words inserted by regulation 2(5) of S.I. 2001/518 from 19 March 2001 (SD558/01).
7 Words inserted by regulation 2(7)(b) of S.I. 2010/509 from 1 November 2011 (SD956/10).
8 Reference inserted by regulation 11(2) of S.I. 2010/1160 from 1 November 2011 (SD956/10).
[147A. Jobseeking periods: periods of interruption of employment

[1(1)] For the purposes of section 2(4)(b)(i) [2] -

[1(za)] where a linked period commenced before 7th October 1996 [3] any days of unemployment which form part of a period of interruption of employment where the last day of unemployment in that period of interruption of employment was no more than 8 weeks before the date upon which that linked period commenced;

(a) where a jobseeking period or a linked period commences on 7th October 1996, any period of interruption of employment ending within the 8 weeks preceding that date; or

(b) where a jobseeking period or a linked period commences after 7th October 1996, any period of interruption of employment ending within the 12 weeks preceding the day the jobseeking period or linked period commenced, shall be treated as a jobseeking period;

[4]and, for the purposes of paragraph (za), a day shall be treated as being, or not being, a day of unemployment in accordance with section 25A of the Social Security Contributions and Benefits Act 1992 and with any regulations made under that section, as in force on 6th October 1996.

[1(2)] In paragraph (1) "period of interruption of employment" in relation to a period prior to 7th October 1996 has the same meaning as it had in the Benefits Act by virtue of section 25A of that Act (determination of days for which unemployment benefit is payable) as in force on 6th October 1996.

48. Linking periods

(1) For the purposes of the Act, two or more jobseeking periods shall be treated as one jobseeking period where they are separated by a period comprising only -

(a) any period of not more than 12 weeks;

(b) a linked period;

(c) any period of not more than 12 weeks falling between -

(i) any two linked periods; or

(ii) a jobseeking period and a linked period;

[4(d)] a period in respect of which the claimant is summoned to jury service and is required to attend court.

(2) Linked periods for the purposes of the Act are any of the following periods -

(a) to the extent specified in paragraph (3), any period throughout which the claimant is entitled to [5a carer's allowance] under section 70 of the Benefits Act;

(b) any period throughout which the claimant is incapable of work, or is treated as incapable of work, in accordance with Part XIA of the Benefits Act;

(c) any period throughout which the claimant was entitled to a maternity allowance under section 35 of the Benefits Act;

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1 Regulation 47A inserted by regulation 2(4) of S.I. 1996/2538 from 28 October 1996 (SD642/98).
2 Existing regulation 47A text renumbered as paragraph (1) by regulation 16(1) of S.I. 1998/563 from 1 August 2000 (SD369/00).
3 Words omitted by article 5(3) of SD2020/0209 from 9 April 2020.
4 Subparagraph (za) inserted by regulation 2(a) of S.I. 1997/2677 from 1 December 1997 (SD203/00).
5 Words omitted by regulation 16(1) of S.I. 1998/563 from 1 August 2000 (SD369/00).
6 Words added by regulation 2(b) of S.I. 1997/2677 from 1 December 1997 (SD203/00).
7 Paragraph (2) added by regulation 16(2) of S.I. 1998/563 from 1 August 2000 (SD369/00).
8 Subparagraph (d) substituted by regulation 15 of S.I. 1996/1517 from 7 October 1996 (SD640/98).
9 Words substituted by regulation 3(5)(a) of S.I. 2003/511 from 1 July 2003 (SD354/03).
1. any period throughout which the claimant was entitled to a paternity allowance under section 171ZA (paternity allowance (birth)) or 171ZB (paternity allowance (adoption)) of the Contributions and Benefits Act;

2. any period throughout which the claimant was entitled to an adoption allowance under section 171ZL (adoption allowance) of the Contributions and Benefits Act;

3. any period throughout which the claimant was engaged in training for which a training allowance is payable;

4. a period which includes 6th October [1996] during which the claimant attends court in response to a summons for jury service and which was immediately preceded by a period of entitlement to unemployment benefit.

(2A) A period is a linked period for the purposes of section 2(4)(b)(ii) of the Act only where it ends within 12 weeks or less of the commencement of a jobseeking period or of some other linked period.

(3) A period of entitlement to [carer's allowance] shall be a linked period only where it enables the claimant to satisfy contribution conditions for entitlement to a contribution-based jobseeker's allowance which he would otherwise be unable to satisfy.

49. Persons approaching retirement and the jobseeking period

(1) [Subject to paragraph (5).] the provisions of this regulation apply only to days which fall -

(a) after 6th October 1996; and

(b) within a tax year in which the claimant has attained [the qualifying age] but is under pensionable age,

and in respect of which a jobseeker's allowance is not payable because the decision of the determining authority is that the claimant -

(i) has exhausted his entitlement to a contribution-based jobseeker's allowance; or

(ii) fails to satisfy one or both the contribution conditions specified in section 2(1)(a) and (b); or

(iii) is entitled to a contribution-based jobseeker's allowance but the amount payable is reduced to Nil by virtue of deductions made in accordance with regulation 81 for pension payments.

(2) For the purposes of paragraph (1) of regulation 47 (jobseeking period) but subject to paragraphs (3) and (4), any days to which paragraph (1) applies and in respect of which the person does not satisfy or is not treated in accordance with regulation 14, 16, 17, 19, 20, 21 or 34 as satisfying the conditions specified in paragraphs (a) to (c) of subsection (2) of section 1 (conditions of entitlement to a jobseeker's allowance), shall be days on which the person is treated as satisfying the condition in paragraphs (a) to (c) and (e) to (i) of subsection (2) of section 1.

(3) Where a person -

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1. Subparagraphs (ca) and (cb) inserted by article 5(4) of SD45/04 from 12 April 2004.
3. Year inserted by regulation 2(4) of S.I. 1997/454 from 1 June 2000 (SD203/00).
5. Words substituted by regulation 3(5)(a) of S.I. 2003/511 from 1 July 2003 (SD354/03).
7. Words substituted by regulation 4(3A) of S.I. 2009/583 from 1 March 2011 (SD1073/10).
8. Paragraph (2) substituted by regulation 16(2) of S.I. 1996/1517 from 7 October 1996 (SD640/98).
(a) .....  
(b) is employed as an employed earner or a self-employed earner for a period of more than 12 weeks,
then no day which falls within or follows that period shall be days on which the person is treated as satisfying those conditions so however that this paragraph shall not prevent paragraph (2) from again applying to a person who makes a claim for a jobseeker's allowance after that period.

(4) Any day which is, for the purposes of section 30C of the Benefits Act, a day of incapacity for work falling within a period of incapacity for work shall not be a day on which the person is treated as satisfying the conditions referred to in paragraph (2).

(5) This regulation shall not apply in respect of any days in respect of which a joint-claim jobseeker's allowance has been claimed.]

50. Persons temporarily absent from the Isle of Man

(1) For the purposes of the Act, a claimant shall be treated as being in the Isle of Man during any period of temporary absence from the Isle of Man -

(a) not exceeding 4 weeks in the circumstances specified in paragraphs (2), (3) and (4);
(b) not exceeding 8 weeks in the circumstances specified in paragraph (5).

(2) The circumstances specified in this paragraph are that -

(a) the claimant is in the United Kingdom and satisfies the conditions of entitlement to a jobseeker's allowance; and
(b) immediately preceding the period of absence from the Isle of Man the claimant was entitled to a jobseeker’s allowance; and
(c) the period of absence is unlikely to exceed 52 weeks.

(3) The circumstances specified in this paragraph are that -

(a) immediately preceding the period of absence from the Isle of Man the claimant was entitled to a jobseeker's allowance; and
(b) the period of absence is unlikely to exceed 52 weeks; and
(c) while absent from the Isle of Man, the claimant continues to satisfy, or be treated as satisfying, the other conditions of entitlement to a jobseeker's allowance; and
(d) is one of a couple, both of whom are absent from the Isle of Man, where a premium referred to in [paragraphs 10, 11, 13, 15, 17A or 17B] of Schedule 3 (premiums) is applicable in respect of the claimant's partner.

(4) The circumstances of this paragraph are that -

(a) while absent from the Isle of Man the person is in receipt of a training allowance; and
(b) .....  
(c) immediately preceding his absence from the Isle of Man, he was entitled to a jobseeker's allowance.

1 Subparagraph (a) omitted by regulation 16(3) of S.I. 1996/1517 from 7 October 1996 (SD640/98).
2 Paragraph (5) added by paragraph 12(b) of Schedule 2 to S.I. 2000/1978 from 19 March 2001 (SD41/01).
3 Words inserted by article 3(3) of SD04/01 from 7 October 1996.
4 Subparagraph (b) not applied.
(5) The circumstances specified in this paragraph are that -

(a) immediately preceding the period of absence from the Isle of Man, the claimant was entitled to a jobseeker's allowance, and

(b) the period of absence is unlikely to exceed 52 weeks; and

(c) the claimant continues to satisfy or be treated as satisfying the other conditions of entitlement to a jobseeker's allowance; and

(d) the claimant is, or the claimant and any other member of his family are, accompanying a member of the claimant's family who is a child or young person solely in connection with arrangements made for the treatment of that child or young person for a disease or bodily or mental disablement; and

(e) those arrangements relate to treatment -

(i) outside the Isle of Man;

(ii) during the period whilst the claimant is, or the claimant and any member of his family are, temporarily absent from the Isle of Man; and

(iii) by, or under the supervision of, a person appropriately qualified to carry out that treatment.

(6) A person shall also be treated, for the purposes of the Act, as being in the Isle of Man during any period of temporary absence from the Isle of Man where -

(a) the absence is for the purpose of attending an interview for employment; and

(b) the absence is for 7 consecutive days or less; and

(c) notice of the proposed absence is given to the employment officer before departure, and is given in writing if so required by the officer; and

(d) on his return to the Isle of Man the person satisfies the employment officer that he attended for the interview in accordance with his notice.

(6AA) For the purposes of the Act a claimant shall be treated as being in the Isle of Man during any period of temporary absence from the Isle of Man if -

(a) he was entitled to a jobseeker's allowance immediately before the beginning of that period of temporary absence; and

(b) that period of temporary absence is for the purpose of the claimant receiving treatment at a hospital or other institution outside the Isle of Man where that treatment is being provided under section 28 of the National Health Service Act 2001 (provision of specialist services, including ones provided outside the Isle of Man).

(6A) A member of a joint-claim couple shall be treated, for the purposes of the Act, as being in the Isle of Man where he is a member of a transitional case couple as defined for the purposes of paragraph 8A(2) of Schedule 1 to the Act and, as at the date on which Schedule 7 to the Welfare Reform and Pensions Act 1999 comes into force -

(a) he is temporarily absent from the Isle of Man; or

(b) he has made definite arrangements to be temporarily absent from the Isle of Man from some future date,

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1 Paragraph (6AA) inserted by regulation 3(4)(a) of S.I. 2004/1869 from 4 October 2004 (SD839/04).
2 Paragraphs (6A) and (6B) inserted by paragraph 13 of Schedule 2 to S.I. 2000/1978 from 19 March 2001 (SD41/01).
and that member shall be so treated during any such period of temporary absence from the Isle of Man.

(6B) A member of a joint-claim couple shall be treated, for the purposes of the Act, as being in the Isle of Man during any period of temporary absence from the Isle of Man -

(a) ......

(b) not exceeding 4 weeks where he is in receipt of a training allowance during the period of absence and regulation 170 applies in his case; or

(c) not exceeding 7 days where the absence is for the purpose of attending an interview for employment, where that member is so temporarily absent as at the date of claim by the other member of that couple.]

[3](6C) For the purposes of the Act, a member of a joint-claim couple ("the first member") shall be treated as being in the Isle of Man during any period of temporary absence if -

(a) he and the other member of that couple were entitled to a joint-claim jobseeker's allowance immediately before the beginning of that period of temporary absence; and

(b) that period of temporary absence is for the purpose of the first member receiving treatment at a hospital or other institution outside the Isle of Man where that treatment is being provided under section 28 of the National Health Service Act 2001 (provision of specialist services, including ones provided outside the Isle of Man).]

[4](6D) For the purposes of the Act, a person ("P") shall be treated as being in the Isle of Man during any period of temporary absence from the Isle of Man not exceeding 15 days where-

(a) P’s absence is for the purpose of taking part in annual continuous training as a member of any [5] reserve force prescribed in Part 1 of Schedule 6 to the Contributions Regulations; and

(b) P or P’s partner was entitled to a jobseeker’s allowance immediately before the period of absence began.]

(7) In this regulation -

"appropriately qualified" means qualified to provide medical treatment, physiotherapy or a form of treatment which is similar to, or related to, either of those forms of treatment;

"employment officer" means a person who is an employment officer for the purposes of sections 9 and 10.

51. Remunerative work

(1) For the purposes of the Act, "remunerative work" means -

(a) in the case of [a claimant], work in which he is engaged or, where his hours of work fluctuate, is engaged on average, for not less than 16 hours per week; and

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2 Subparagraph (a) not applied.
3 Paragraph (6C) inserted by regulation 3(4)(b) of S.I. 2004/1869 from 4 October 2004 (SD839/04).
4 Paragraph (6D) inserted by regulation 3(2) of S.I. 2012/2575 from 7 July 2015 (SD2015/0186).
5 Words omitted by regulation 3(7)(b) of S.I. 2015/389 from 7 July 2015 (SD2015/0186).
6 Words substituted by paragraph 14 of Schedule 2 to S.I. 2000/1978 from 19 March 2001 (SD41/01).
(b) in the case of any partner of the claimant, work in which he is engaged or, where his hours of work fluctuate, is engaged on average, for not less than 24 hours per week; [1] and

(c) in the case of a non-dependant, [2] work in which he is engaged or, where his hours of work fluctuate, is engaged on average, for not less than 16 hours per week;]

and for those purposes, [3]“work” is work] for which payment is made or which is done in expectation of payment.

(2) For the purposes of paragraph (1), the number of hours in which [4]a claimant] or his partner is engaged in work shall be determined -

(a) where no recognisable cycle has been established in respect of a person's work, by reference to the number of hours, or where those hours are likely to fluctuate, the average of the hours, which he is expected to work in a week;

(b) where the number of hours for which he is engaged fluctuate, by reference to the average of hours worked over -

(i) if there is a recognisable cycle of work, and sub-paragraph (c) does not apply, the period of one complete cycle (including, where the cycle involves periods in which the person does not work, those periods but disregarding any other absences);

(ii) in any other case, the period of five weeks immediately before the date of claim or the date of [5]supersession], or such other length of time as may, in the particular case, enable the person's average hours of work to be determined more accurately.

(c) ..... [6]

(3) In determining in accordance with this regulation the number of hours for which a person is engaged in remunerative work -

(a) that number shall include any time allowed to that person by his employer for a meal or for refreshments, but only where the person is, or expects to be, paid earnings in respect of that time;

(b) no account shall be taken of any hours in which the person is engaged in an employment or scheme to which any one of paragraphs (a) to (h) of regulation 53 (person treated as not engaged in remunerative work) applies;

(c) no account shall be taken of any hours in which the person is engaged otherwise than in an employment as an earner in caring for -

(i) a person who is in receipt of attendance allowance [7] or the care component of disability living allowance at the highest or middle rate; or

(ii) a person who has claimed an attendance allowance [8] or a disability living allowance, but only for the period beginning with the date of claim and ending on the date the claim is determined or, if earlier, on the expiration of the period of 26 weeks from the date of claim; or

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1 Word and subparagraph (c) added by regulation 9(2) of S.I. 1996/1516 from 7 October 1996 (SD641/98).
2 Words omitted by article 3(2) of SD119/03 from 7 April 2003.
3 Words substituted by regulation 2(5) of S.I. 1997/454 from 1 June 2000 (SD203/00).
4 Words substituted by paragraph 14 of Schedule 2 to S.I. 2000/1978 from 19 March 2001 (SD41/01).
5 Word substituted by paragraph 5 of Schedule 12 to S.I. 1999/2860 from 6 October 2000 (SD600/00).
6 Subparagraph (c) omitted by regulation 4(4) of S.I. 2009/583 from 1 March 2011 (SD1073/10).
7 Words omitted by regulation 9(3) of S.I. 1996/1516 from 7 October 1996 (SD641/98).
8 Words omitted by regulation 9(3) of S.I. 1996/1516 from 7 October 1996 (SD641/98).
(iii) another person \[1\] and] is in receipt of \[2\] a carer's allowance] under section 70 of the \[3\] Benefits Act; or

(iv) a person who has claimed either attendance allowance or disability living allowance and has an award of attendance allowance or the care component of disability living allowance at one of the two higher rates prescribed under section 72(4) of the \[Benefits Act\] for a period commencing after the date on which that claim was made.]

(4) and (5) ...... 4

52. Persons treated as engaged in remunerative work

(1) Except in the case of a person on maternity leave\[5\], paternity leave, adoption leave or absent from work through illness, a person shall be treated as engaged in remunerative work during any period for which he is absent from work referred to in regulation 51(1) (remunerative work) where the absence is either without good cause or by reason of a recognised, customary or other holiday.

(2) For the purposes of an income based jobseeker's allowance \[but not a joint-claim jobseeker’s allowance\], the partner of a claimant shall be treated as engaged in remunerative work where -

(a) the partner is or was involved in a trade dispute; and

(b) had the partner claimed a jobseeker's allowance, section 14 (trade disputes) would have applied in his case; and

(c) the claimant was not entitled to an income-based jobseeker's allowance when the partner became involved in the trade dispute;

and shall be so treated for a period of 7 days beginning on the date the stoppage of work at the partner's place of employment commenced, or if there was no stoppage of work, the date on which the partner first withdrew his labour in furtherance of the trade dispute.

\[7\](2A) For the purposes of a joint-claim jobseeker's allowance, a member of a joint-claim couple shall be treated as engaged in remunerative work where -

(a) he is or was involved in a trade dispute;

(b) had the joint-claim couple of which he is a member claimed a jobseeker's allowance jointly, section 14 (trade disputes) would have applied in the case of one or both members of that couple; and

(c) the joint-claim couple were not entitled to a joint-claim jobseeker's allowance when that member of the joint-claim couple became involved in the trade dispute,

and shall be so treated for a period of 7 days beginning on the date the stoppage of work commenced at that member's place of employment or, if there was no stoppage of work, the date on which that member first withdrew his labour in furtherance of the trade dispute.\]

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1 Word inserted by Part II of the Schedule to S.I. 1996/1516.
2 Words substituted by regulation 3(5)(a) of S.I. 2003/511 from 1 July 2003 (SD354/03).
3 Words substituted and head (iv) inserted by regulation 9(4) of S.I. 1996/1516 from 7 October 1996 (SD641/98).
4 Paragraphs (4) and (5) not applied.
5 Words inserted by regulation 3(4) of S.I. 2002/2689 from 6 April 2003 (SD152/03).
6 Words inserted by paragraph 15(a) of Schedule 2 to S.I. 2000/1978 from 19 March 2001 (SD41/01).
7 Paragraph (2A) inserted by paragraph 15(b) of Schedule 2 to S.I. 2000/1978 from 19 March 2001 (SD41/01).
(3) [1Subject to paragraph (3A), a person] who was, or was treated as being, engaged in remunerative work and in respect of that work earnings to which regulation [2§98(1)(b) and (c)] (earnings of employed earners) applies are paid, shall be treated as engaged in remunerative work for the period for which those earnings are taken into account in accordance with Part VIII.

[3§(3A) Paragraph (3) shall not apply to earnings disregarded under paragraph 1 of Schedule 6 to these regulations.]

53. Persons treated as not engaged in remunerative work

[4(1)] A person shall be treated as not engaged in remunerative work in so far as -

(a) he is engaged by a charity or a voluntary organisation or is a volunteer where the only payment received by him or due to be paid to him is a payment which is to be disregarded under regulation 103(2) and [5paragraph 20 of Schedule 7] (sums to be disregarded in the calculation of income other than earnings) [6and in this paragraph “volunteer” means a person who is engaged in voluntary work, otherwise than for a relative, where the only payment received, or due to be paid to the person by virtue of being so engaged, is in respect of any expenses reasonably incurred by the person in connection with that work];

(b) he is engaged on a scheme for which a training allowance is being paid;

(c) ....... 7

(d) he is engaged in employment as -

(i) a part-time member of a fire brigade maintained in pursuance of the Fire Services Act 1984 (an Act of Tynwald);

(ii) an auxiliary coastguard in respect of coastal rescue activities;

(iii) a person engaged part-time in the manning or launching of a lifeboat;

(iv) a member of any [8] reserve force prescribed in Part I of [9Schedule 6 to the Social Security (Contributions) Regulations 2001];

(e) he is performing his duties as a councillor, and for this purpose "councillor" has the same meaning as in section 171F(2) of the Benefits Act;

[10(f) he is engaged in caring for a person who is accommodated with him by virtue of arrangements made under any of the provisions referred to in paragraph 39 or 41, or in accordance with paragraph 40, of Schedule 7 (sums to be disregarded in the calculation of income other than earnings) and is in receipt of any payment specified in those paragraphs;]

(g) he is -

(i) the partner of the claimant; and

(ii) involved in a trade dispute; and

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1 Words substituted by regulation 8(4)(a) of S.I. 2007/2618 from 1 October 2007 (SD116/08).
2 Words inserted by Part II of the Schedule to S.I. 1996/1516.
3 Paragraph (3A) inserted by regulation 8(4)(b) of S.I. 2007/2618 from 1 October 2007 (SD116/08).
4 Existing regulation 53 text renumbered as paragraph (1) by article 2(3) of SD796/03 from 12 April 2004.
5 Words substituted by article 3(3)(a) of SD119/03 from 7 April 2003.
6 Words inserted by regulation 4(5) of S.I. 2010/641 from 1 March 2011 (SD1073/10).
7 Subparagraph (c) revoked by regulation 4(1)(b)(i) of S.I. 2009/3228 from 1 August 2012 subject to the savings prescribed in paragraphs (3), (5) and (7) of that regulation (SD0444/12).
8 Words omitted by regulation 3(7)(c) of S.I. 2015/389 from 7 July 2015 (SD2015/0186).
9 Words substituted by regulation 13(3)(b) of S.I. 2006/2378 from 1 October 2006 (SD497/07).
10 Subparagraph (f) substituted by article 5(2) of SD2015/0045 from 6 April 2015.
(iii) not a person to whom regulation 52(2) applies,

and had he claimed a jobseeker’s allowance, section 14 (trade disputes) would have applied in his case;

[1](gg) he is -

(i) a member of a joint-claim couple; and

(ii) involved in a trade dispute; and

(iii) not a person to whom regulation 52(2A) applies,

and had the joint-claim couple of which he is a member claimed a jobseeker's allowance jointly, section 14 (trade disputes) would have applied in the case of one or both members of that couple;

(h) ..... 2

[2](i) he is engaged in an activity in respect of which -

(i) a sports award had been made, or is to be made, to him; and

(ii) no other payment is made or is expected to be made to him.

(2) to (2C) ..... 4

54. Relevant education

(1) Only full-time education which is undertaken by a child or young person and which is not a course of advanced education shall be treated as relevant education for the purposes of the Act.

[1](2) A child or young person shall be treated as receiving full-time education where he is a qualifying young person or child within the meaning of section 142 of the Benefits Act (child and qualifying young person).

(3) A young person who -

(a) is a part-time student; and

(b) before he became a part-time student fulfilled the requirements specified for a person falling within paragraph (2) of regulation 11 (part-time students); and

(c) is undertaking a course of study, other than a course of advanced education,

shall not be treated as receiving relevant education.

(4) A young person to whom paragraph (3) applied and who has completed or terminated his course of part-time study shall not be treated as receiving relevant education.

55. Short periods of sickness

(1) Subject to the following provisions of this regulation, a person who -

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1 Subparagraph (gg) inserted by paragraph 16 of Schedule 2 to S.I. 2000/1978 from 19 March 2001 (SD41/01).
2 Subparagraph (h) revoked by regulation 4(1)(b)(i) of S.I. 2009/3228 from 1 August 2012 subject to the savings prescribed in paragraphs (3), (5) and (7) of that regulation (SD0444/12).
3 Subparagraph (i) inserted by regulation 7 of S.I. 1999/2165 from 1 June 2000 (SD204/00).
4 Paragraphs (2) to (2C) revoked by article 10(b) of Part 4 of SD2017/0203 from 19 July 2017 (subject to savings in article 11 of Part 5 of SD2017/0203).
5 Paragraph (2) substituted for paragraphs (2) and (2A) by regulation 3(4) of S.I. 2006/718 from 10 April 2006 (SD31/07).
(a) [1] has been awarded a jobseeker's allowance[2], or is a person whose jobseeker’s allowance is not payable by virtue of regulation 27A, or is a person to whom any of the circumstances mentioned in section 19(5) or (6) [3] or 20A(2) apply; and

(b) proves to the satisfaction of the adjudication officer that he is unable to work on account of some specific disease or disablement; and

(c) but for his disease or disablement, [4] would satisfy] the requirements for entitlement to a jobseeker's allowance other than those specified in section 1(2)(a), (c) and (f) (available for and actively seeking employment, and capable of work),

shall be treated for a period of not more than 2 weeks as capable of work, except where the claimant states in writing that for the period of his disease or disablement he proposes to claim or has claimed incapacity benefit, severe disablement allowance or [5] income support].

(2) The evidence which is required for the purposes of paragraph (1)(b) is a declaration made by the claimant in writing, in a form approved for the purposes by the Department, that he has been unfit for work from a date or for a period specified in the declaration.

(3) The preceding provisions of this regulation shall not apply to a claimant on more than two occasions in any one jobseeking period or where a jobseeking period exceeds 12 months, in each successive 12 months within that period and for the purposes of calculating any period of 12 months, the first 12 months in the jobseeking period commences on the first day of the jobseeking period.

(4) The preceding provisions of this regulation shall not apply to any person where the first day in respect of which he is unable to work falls within 8 weeks of -

(a) an entitlement of his to incapacity benefit, severe disablement allowance or statutory sick pay (paid in the United Kingdom); or

(b) an entitlement to [6] income support] where the person claiming a jobseeker's allowance was -

(i) treated as incapable of work in accordance with the provisions of Part XIIA of the Benefits Act and the regulations made thereunder (incapacity for work); and

(ii) has been so entitled or so incapable, for a continuous period of not less than -

(aa) 196 days in the case of a claimant who is terminally ill within the meaning of section 30B(4) of the Contributions and Benefits Act; or

(bb) 364 days in any other case;

and for these purposes any two or more periods of entitlement or incapacity separated by a break of not more than 56 days shall be treated as one continuous period.

(5) The preceding provisions of this regulation shall not apply to a claimant who is temporarily absent from the Isle of Man in the circumstances prescribed by regulation 50(6AA) or, as the case may be, (6C) (persons receiving specialist National Health Service treatment outside the Isle of Man).]

[55A. Periods of sickness and persons receiving treatment outside the Isle of Man

(1) A person -

1 Words substituted by regulation 17 of S.I. 1996/1517 from 7 October 1996 (SD640/98).
2 Words inserted by regulation 2(8) of S.I. 2010/509 from 1 November 2011 (SD956/10).
5 Words substituted by article 2(5) of SD33/00 from 10 April 2000.
6 Words substituted by article 2(5) of SD33/00 from 10 April 2000.
7 Paragraph (5) added by regulation 3(5) of S.I. 2004/1869 from 4 October 2004 (SD839/04).
8 Regulation 55A inserted by regulation 3(5) of S.I. 2004/1869 from 4 October 2004 (SD839/04).
(a) who has been awarded a jobseeker's allowance, a joint-claim jobseeker's allowance[1], or is a person whose jobseeker’s allowance is not payable by virtue of regulation 27A, or is a person to whom any of the circumstances mentioned in section 19(5) or (6) (circumstances in which a jobseeker’s allowance is not payable) or 20A(2) (denial or reduction of a joint-claim jobseeker’s allowance) apply; and

(b) who is temporarily absent from the Isle of Man in the circumstances prescribed by regulation 50(6AA) or, as the case may be, (6C) (persons receiving specialist National Health Service treatment outside the Isle of Man); and

(c) who proves to the satisfaction of an adjudication officer that he is unable to work on account of some specific disease or disablement; and

(d) but for his disease or disablement, would satisfy the requirements for entitlement to a jobseeker's allowance other than those specified in section 1(2)(a), (c) and (f) (available for and actively seeking employment and capable of work), shall be treated during that period of temporary absence outside the Isle of Man as capable of work, except where that person has stated in writing before that period of temporary absence outside the Isle of Man begins that, immediately before the beginning of the period of that temporary absence outside the Isle of Man, he has claimed incapacity benefit, severe disablement allowance or income support.

(2) The evidence which is required for the purposes of paragraph (1)(c) is a declaration made by that person in writing, in a form approved for the purposes by the Department, that he will be unfit for work from a date or for a period specified in the declaration.]

56. Prescribed amount of earnings

(1) The prescribed amount of earnings for the purposes of section 2(1)(c) (the contribution-based conditions) shall be calculated by applying the formula -

\[(A + D) - £0.01\]

where -

A is the aged-related amount applicable to the claimant in accordance with section 4(2); and

D is any amount disregarded from the claimant's earnings in accordance with section 99(2) (calculation of net earnings of employed earners) or regulation 101(2) (calculation of net profit of self-employed earners) and Schedule 6.

(2) For the avoidance of doubt in calculating the amount of earnings in accordance with paragraph (1), only the claimant's earnings shall be taken into account.

Part IV - Young persons

57. Interpretation of Part IV

(1) In this Part -

"the Careers Service" means any advisory service relating to careers provided by the [2Department of Economic Development];

"chronically sick or mentally or physically disabled" means, in relation to a person to whom that expression refers, a person -

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1 Words inserted by regulation 2(9) of S.I. 2010/509 from 1 November 2011 (SD956/10).
2 Words substituted by regulation 4(4A) of S.I. 2009/583 from 1 March 2011 (SD1073/10).
1\(^{(i)}\) in respect of whom long-term incapacity benefit or severe disablement allowance under the Contributions and Benefits Act is payable, or in respect of whom an invalid carriage or other vehicle has been provided pursuant to section 3 of the National Health Service (Isle of Man) Act 1948 (an Act of Tynwald); or

(ii) who is so blind as to be unable to perform any work for which eyesight is essential and a person shall be treated as blind if he regained his eyesight within the previous six months at a time when a pension or allowance was payable in respect of him; or

(iii) who is suffering from a severe illness and has been so suffering for a continuous period of 28 weeks or more; or

(iv) who is substantially and permanently disabled;

"full-time education" has the same meaning as in regulation 1 of the Child Benefit (General) Regulations 1976;

[2] "suitable training" means training which is suitable for that young person in vocationally relevant respects, namely his personal capacity, aptitude, his preference, the preference of the training provider, the level of approved qualification aimed at, duration of the training, proximity and prompt availability of the training;

"training" in sections 3, 16 and 17 and in this Part except in regulation 65 read with section 7 and except in the phrase "suitable training", means training for young people provided in the Isle of Man;

"treatment" means treatment for a disease or bodily or mental disablement by or under the supervision of a person qualified to provide medical treatment, physiotherapy or a form of treatment which is similar to, or related to, either of those forms of treatment.

[3] "young person" means a person who has reached the age of 16 but not the age of 18 and who does not satisfy the conditions in section 2 or whose entitlement to a contributory-based jobseeker's allowance has ceased as a result of sub-section (1) of section 5.

(2) A young person falls within this paragraph if he is -

(a) a member of a married couple [\(^{4}\)or of a civil partnership] where the other member of that couple [\(^{4}\)or civil partnership] -

(i) has reached the age of 18 or

(ii) is a young person who has registered for employment and training in accordance with regulation 62 or

(iii) is a young person to whom paragraph (4) applies;

(b) a person who has no parent nor any person acting in the place of his parents;

(c) a person who -

(i) is not living with his parents nor any person acting in the place of his parents; and

(ii) immediately before he attained the age of 16 was -

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1 Paragraph (i) substituted by article 2(6)(a) of SD33/00 from 10 April 2000.
2 Definition of “registered person” omitted by article 6(2) of SD2019/0342 from 18 October 2019.
3 Definition substituted by regulation 4 of S.I. 1996/1516 from 7 October 1996 (SD641/98).
4 Words inserted by paragraph 26(4)(a) of Schedule 3 to S.I. 2005/2877 from 5 December 2005 (SD866/05).
5 Words inserted by paragraph 26(4)(b) of Schedule 3 to S.I. 2005/2877 from 5 December 2005 (SD866/05).
(aa) being looked after by the [6Department of Health and Social Care] pursuant to a relevant enactment which placed him with some person other than a close relative of his or

(bb) in custody in any institution within the meaning of the Custody Act 1995 (an Act of Tynwald);

(d) a person who is in accommodation which is other than his parental home and which is other than the home of a person acting in the place of his parents, who entered that accommodation -

(i) as part of a programme of rehabilitation or resettlement, that programme being under the supervision of the probation service or the [7Department of Health and Social Care]; or

(ii) in order to avoid physical or sexual abuse; or

(iii) because of a mental or physical handicap or illness and he needs such accommodation because of his handicap or illness;

(e) a person who is living away from his parents and any person who is acting in the place of his parents in a case where his parents are or, as the case may be, that person is, unable financially to support him and his parents are, or that person is -

(i) chronically sick or mentally or physically disabled; or

(ii) detained in custody pending trial or sentence upon conviction or under a sentence imposed by a court; or

(iii) prohibited from entering or re-entering the Isle of Man;

(f) a person who of necessity has to live away from his parents and any person acting in the place of his parents because -

(i) he is estranged from his parents and that person; or

(ii) he is in physical or moral danger; or

(iii) there is a serious risk to his physical or mental health.

(3) In this regulation any reference to a person acting in the place of a person's parents includes a reference -

(a) except in a case to which sub-paragraph (b) applies, to any person with parental responsibility for the child, and for this purpose "parental responsibility" has the same meaning as in the Family Law Act 1991 (an Act of Tynwald); or

(b) where the person is being looked after by the [8Department of Health and Social Care] or voluntary organisation which places him with a family, a relative of his, or some other suitable person, the person with whom the person is placed, whether or not any payment is made to him in connection with the placement.

(4) This paragraph applies to -

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6 The words “Department of Health and Social Care” substituted for “Department” as a consequence of the Transfer of Functions (Health and Social Care) Order 2014 from 1 April 2014 (SD2014/0008).
7 The words “Department of Health and Social Care” substituted for “Department” as a consequence of the Transfer of Functions (Health and Social Care) Order 2014 from 1 April 2014 (SD2014/0008).
8 The words “Department of Health and Social Care” substituted for “Department” as a consequence of the Transfer of Functions (Health and Social Care) Order 2014 from 1 April 2014 (SD2014/0008).
[4] a person who falls under any of the following paragraphs of Schedule 1 to the Income Support Regulations -

Paragraph 1 (lone parents)
Paragraph 3 (persons temporarily looking after another person)
Paragraph 4 (persons caring for another person)
Paragraph 10 (disabled students)
Paragraph 10A (deaf students]
Paragraph 11 (blind persons)
Paragraph 12 (pregnancy)
Paragraph 13 (persons in education)
Paragraph 18 (member of couple looking after children while other member temporarily away)

[5]

(b) a person who is a member of a couple and is treated as responsible for a child who is a member of his household;

(c) a person who is laid off or kept on short-time, who is available for employment in accordance with section 6 and Chapter 2 of Part II read with regulation 64 and who has not been laid off or kept on short-time for more than 13 weeks;

(d) a person who is temporarily absent from the Isle of Man because he is taking a member of his family who is a child or young person away for treatment, and who is treated as being in the Isle of Man in accordance with regulation 50(1)(b) or whose entitlement to [4] income support is to continue in accordance with [5] regulation 7(3) of the Income Support Regulations]

(e) a person who is incapable of work and training by reason of some disease or bodily or mental disablement if, in the opinion of a medical practitioner, that incapacity is unlikely to end within 12 months because of the severity of that disease or disablement.

[7] Young persons to whom section 3(1)(f)(iii) or 3A(1)(e)(ii) applies

For the period specified in relation to him, a young person to whom [4] regulation 61] applies shall be regarded as a person within prescribed circumstances for the purposes of section 3(1)(f)(iii) or section 3A(1)(e)(ii) (conditions of entitlement for certain persons under the age of 18).]

58. Young persons in the child benefit extension period (Not applied)

60. Young persons at the end of the child benefit extension period (Not applied)

61. Other young persons in prescribed circumstances

(1) For the period specified in relation to him in paragraph (2), this regulation applies to a young person -

(a) who is a person who is laid off or kept on short-time and is available for employment in accordance with section 6 and Chapter II of Part II read with regulation 64;

(b) who is a member of a couple and is treated as responsible for a child who is a member of his household;

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1 Subparagraph (a) substituted by article 2(6)(b) of SD33/00 from 10 April 2000.
2 Words inserted by article 2(3)(a)(i) of SD723/04 from 1 November 2004.
3 Words omitted by article 2(3)(a)(ii) of SD723/04 from 1 November 2004.
4 Words substituted by article 2(6)(c)(i) of SD33/00 from 10 April 2000.
5 Words substituted by article 2(6)(c)(ii) of SD33/00 from 10 April 2000.
6 Words substituted by article 2(3)(b) of SD723/04 from 1 November 2004.
7 Regulation 58 inserted by paragraph 18 of Schedule 2 to S.I. 2000/1978 from 19 March 2001 (SD41/01).
8 Words substituted by article 2(4) of SD723/04 from 1 November 2004.
who falls within a prescribed category of persons for the purposes of section 124(1)(e) of the Benefits Act and who is not claiming [1]income support];

(d) and (e) .....\(^2\)

who has accepted a firm offer of enlistment by one of the armed forces with a starting date not more than 8 weeks after the offer was made who was not in employment or training at the time of that offer and whose jobseeker's allowance has never been reduced in accordance with regulation 63 or section 19(5)(b) or (c) or section 19(6)(c) or (d) \(^1\)or section 20A(2)(b),(c),(f) or (g)] read with regulation 68 or rendered not payable in accordance with section 19(6)(a) or (b) read with Part V.

(2)

(a) The period in the case of any person falling within paragraph (1)(a) is the period starting with the date on which he was laid off or first kept on short-time and ending on the date on which he ceases to be laid off or kept on short-time or the day before the day he attains the age of 18 or at the expiry of the 13 week period starting with the date of the lay off, or date he was first kept on short-time, whichever first occurs;

(b) the period in the case of any person falling within paragraph (1)(b) or (c) is the period until the day before that person attains the age of 18 or until paragraph (1)(b) or (c) ceases to apply, whichever first occurs;

(c) and (d) .....\(^4\)

(e) the period in the case of any person falling within paragraph (1)(f) is the period starting with the date of claim and ending with the day before the day on which he is due to enlist or the day before he attains the age of 18, whichever first occurs.

(3) In this regulation "week" means a period of 7 consecutive days.

62. Registration

(1) A young person to whom section 3(1)(f)(ii) \(^5\)or section 3A(1)(e)(i) or (ii)] applies must register with the Careers Service for both employment and training.

(2) and (3) .....\(^6\)

63. Reduced payments under section 17

(1) Except as provided in paragraph (3), the amount of an income-based jobseeker's allowance which would otherwise be payable to a young person shall be reduced by\(^7\), if he is a single person or a lone parent] a sum equal to 40% of the amount applicable in his case by way of a personal allowance determined \(^8\)in accordance with paragraph 1(1) \(^9\)[in any of the tables in Parts I to IE] of Schedule 1] or, if he is a member of a couple, a sum equal to 40% of the amount which would have been applicable in his case if he had been a single person determined in accordance with paragraph 1(1) \(^10\)[in any of the tables in Parts I to IE] of Schedule 1]] for the period set out in paragraph (2) if -

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\(^1\) Words substituted by article 2(7) of SD33/00 from 10 April 2000.
\(^2\) Subparagraphs (d) and (e) not applied.
\(^3\) Words inserted by paragraph 19 of Schedule 2 to S.I. 2000/1978 from 19 March 2001 (SD41/01).
\(^4\) Subparagraphs (c) and (d) not applied.
\(^5\) Words inserted by paragraph 20 of Schedule 2 to S.I. 2000/1978 from 19 March 2001 (SD41/01).
\(^6\) Paragraphs (2) and (3) not applied.
\(^7\) Words inserted by regulation 2(2) of S.I. 1997/827 from 1 May 2000 (SD124/00).
\(^8\) Words substituted by regulation 2(2) of S.I. 1997/827 from 1 May 2000 (SD124/00).
\(^9\) Words substituted by article 19(3) of Part 5 of SD2015/0223 from 1 November 2015.
\(^10\) Words substituted by article 11(2) of Part 3 of SD2016/0196 from 24 July 2016.
\(^11\) Words substituted by article 19(3) of Part 5 of SD2015/0223 from 1 November 2015.
\(^12\) Words substituted by article 11(2) of Part 3 of SD2016/0196 from 24 July 2016.
(a) he was previously entitled to an income-based jobseeker’s allowance and that entitlement ceased by virtue of the revocation of a direction under section 16 because he had failed to pursue an opportunity of obtaining training or rejected an offer of training;

(b) his allowance has at any time in the past been reduced in accordance with this regulation or in accordance with regulation 68 because he has done an act or omission falling within section 19(5)(b) or (c) [or section 20A(2)(b) or (c)] or rendered not payable in accordance with section 19(6)(a) or (b) [or section 20A(2)(d) or (e)] read with Part V and he has -

(i) failed to pursue an opportunity of obtaining training without showing good cause for doing so,

(ii) rejected an offer of training without showing good cause for doing so or

(iii) failed to complete a course of training without good cause;

(c) he has -

(i) done an act or omission falling within section 16(3)(b)(i) or (ii) and has not shown good cause for doing so or done an act or omission falling within section 19(5)(b)(i), (ii) or (iv) [or section 20A(2)(b)(i), (ii) or (iv)] without good cause or done an act or omission falling within section 19(5)(b)(i), (ii), or (iv) [or section 20A(2)(b)(i), (ii) or (iv)] for which he was regarded as having good cause in accordance with regulation 67(1) and

(ii) after that act or omission failed to complete a course of training and at the time he did an act or omission falling within sub-paragraph (i) he was a new jobseeker;

(d) he has -

(i) failed to complete a course of training without good cause or done an act or omission falling within section 19(5)(b)(iii) [or section 20A(2)(b)(iii)] without good cause or done an act or omission falling within section 19(5)(b)(iii) [or section 20A(2)(b)(iii)] for which he was regarded as having good cause in accordance with regulation 67(1); and

(ii) after that failure he has failed to complete a course of training and on the day before the day he first attended the course referred to in sub-paragraph (i) he was a new jobseeker; or

(e) he has failed to complete a course of training and on the day before he first attended the course he was not a new jobseeker;

(f) he has failed to complete a course of training and he lost his place on the course through his misconduct.

(2) The period shall start with the date on which the first severe hardship direction is made under section 16 after the act or acts referred to in paragraph (a), (b), (c), (d), (e) or (f) of paragraph (1) have taken place and shall end fourteen days later.

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1 Words inserted by paragraph 21(a)(i)(aa) of Schedule 2 to S.I. 2000/1978 from 19 March 2001 (SD41/01).
2 Words inserted by paragraph 21(a)(i)(bb) of Schedule 2 to S.I. 2000/1978 from 19 March 2001 (SD41/01).
3 Words inserted by paragraph 21(a)(ii) of Schedule 2 to S.I. 2000/1978 from 19 March 2001 (SD41/01).
4 Words inserted by paragraph 21(a)(ii) of Schedule 2 to S.I. 2000/1978 from 19 March 2001 (SD41/01).
5 Words inserted by paragraph 21(a)(iii) of Schedule 2 to S.I. 2000/1978 from 19 March 2001 (SD41/01).
6 Words inserted by paragraph 21(a)(iii) of Schedule 2 to S.I. 2000/1978 from 19 March 2001 (SD41/01).
(3) In the case of a young person who is pregnant or seriously ill who does an act falling within sub-
paragraphs (a) - (f) of paragraph (1), the reduction shall be [1, if he is a single person or a lone parent] of
20% of the amount applicable in his case by way of a personal allowance ["determined in accordance
with paragraph 1(1) [4in any of the tables in Parts I to IE] of Schedule 1] or, if he is a member of a
couple, of 20% of the amount which would have been applicable in his case if he had been a single
person determined in accordance with paragraph 1(1) [5in any of the tables in Parts I to IE] of Schedule
1].

(4) For the purposes of this regulation, "new jobseeker" means a young person who has not since first
leaving full-time education been employed or self-employed for 16 or more hours per week or completed
a course of training or failed to complete a course of training or done an act or omission falling within
section 19(5)(b)(iii) ["or section 20A(2)(b)(iii)"] without good cause or done an act or omission falling
within section 19(5)(c) ["or section 20A(2)(c)"].

(5) A reduction under paragraph (1) or (3) shall, if it is not a multiple of 5p, be rounded to the nearest
such multiple or, if it is a multiple of 2.5p but not of 5p, to the next lower multiple of 5p.

64. Availability for employment

(1) A young person is required to be available for employment in accordance with section 6 and
Chapter 2 of Part II except as provided in paragraphs (2) and (3).

(2) A young person whose jobseeker's allowance has not been reduced in accordance with regulation
63 or in accordance with regulation 68 because he has done an act or omission falling within section 19(5)(b) or (c) or section 19(6)(c) or (d) ["or regulation 20A(2)(b), (c), (f) or (g)"] or rendered not payable in accordance with section 19(6)(a) or (b) ["or regulation 20A(2)(d) or (e)"] read with Part V may restrict his
availability for employment where suitable training is provided by the employer.

(3) A young person who places restrictions on the nature of employment for which he is available as
permitted by paragraph (2) does not have to show that he has reasonable prospects of securing
employment notwithstanding those restrictions.

65. Active seeking

(1) Subject to the following paragraphs, section 7 and Chapter 3 of Part II shall have effect in relation
to a young person as if "employment" included "training".

(2) Subject to paragraphs (4) and (5), in order to have the best prospects of securing employment or
training a young person can be expected to have to take more than one step on one occasion in any week
unless taking one step on one occasion is all that it is reasonable for that person to do in that week, and
unless it is reasonable for him to take only one step on one occasion, he can be expected to have to take at
least one step to seek training and one step to seek employment in that week.

(3) Subject to paragraph (4), steps which it is reasonable for a young person to be expected to have to
take include, in addition to those set out in regulation 18(2) -

(a) seeking training; and
(b) seeking full-time education.

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1 Words inserted by regulation 2(3) of S.I. 1997/827 from 1 May 2000 (SD124/00).
2 Words inserted by regulation 2(3) of S.I. 1997/827 from 1 May 2000 (SD124/00).
3 Words substituted by article 19(3) of Part 5 of SD2015/0223 from 1 November 2015.
4 Words substituted by article 11(2) of Part 3 of SD2016/0196 from 24 July 2016.
5 Words substituted by article 19(3) of Part 5 of SD2015/0223 from 1 November 2015.
6 Words substituted by article 11(2) of Part 3 of SD2016/0196 from 24 July 2016.
7 Words inserted by paragraph 21(b) of Schedule 2 to S.I. 2000/1978 from 19 March 2001 (SD41/01).
8 Words inserted by paragraph 21(b) of Schedule 2 to S.I. 2000/1978 from 19 March 2001 (SD41/01).
10 Words inserted by regulation 2(8) of S.I. 2000/3336 from 9 April 2001 (SD153/01).
(4) ....

(5) Paragraphs (1) and (2) do not apply to a young person [2] whose jobseeker's allowance is not payable by virtue of regulation 27A, or who has had his jobseeker's allowance reduced in accordance with regulation 63 or regulation 68 because he has done an act or omission falling within section 19(5)(b) or (c) or section 19(6)(c) or (d) [or section 20A(2)(b), (c), (f) or (g)] or rendered not payable in accordance with section 19(6)(a) or (b) [or section 20A(2)(d) or (e)] read with Part V but paragraph (3) does apply to such a young person.

(6) "Training" in section 7 and in this regulation means suitable training.

[65A. Attendance, information and evidence]

A young person who does not fall within regulation 61(1)(a) or (f) shall, if the Department requires him to do so, provide, in addition to the declaration specified in regulation 24(6), a declaration to the effect that since making a claim for a jobseeker's allowance or since he last provided a declaration in accordance with this regulation he has been actively seeking suitable training to the extent necessary to give him his best prospects of securing suitable training save as he has otherwise notified the Department.

66. The jobseeker's agreement

(1) In a jobseeker's agreement with a young person the following information is required in addition to that prescribed in Chapter 5 of Part II: a broad description of the circumstances in which the amount of the person's benefit may be reduced in accordance with section 17 and regulation 63, or may be rendered not payable in accordance with [4”regulation 27A,”] section 19 [4”or section 20A”] read with Part V or may be payable at a reduced rate in accordance with [section 8 or] sections 19 and 20 ["or sections 20A or 20B"] and regulation 68.

(2) ....

67. Sanctions

(1) Without prejudice to any other circumstances in which a person may be regarded as having good cause for any act or omission for the purposes of section 19(5)(b) [11”or section 20A(2)(b)"], and in addition to the circumstances listed in regulation 73, a young person is to be regarded as having good cause for any act or omission for the purposes of section 19(5)(b) [12”or section 20A(2)(b)"], where -

(a) this is the first occasion on which he has done an act or omission falling with section 19(5)(b) and he has not while claiming a jobseeker's allowance failed to pursue an opportunity of obtaining training without good cause or rejected an offer of training without good cause or failed to complete a course of training; and

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1 Paragraph (4) not applied.
2 Words inserted by regulation 2(10) of S.I. 2010/509 from 1 November 2011 (SD956/10).
3 Words inserted by regulation 2(9) of S.I. 2000/3336 from 9 April 2001 (SD153/01).
4 Words inserted by regulation 2(9) of S.I. 2000/3336 from 9 April 2001 (SD153/01).
5 Regulation 65A inserted by regulation 12 of S.I. 1996/1517 from 7 October 1996 (SD640/98).
6 Words inserted by regulation 2(11)(a) of S.I. 2010/509 from 1 November 2011 (SD956/10).
7 Words inserted by paragraph 22 of Schedule 2 to S.I. 2000/1978 from 19 March 2001 (SD41/01).
8 Words inserted by regulation 2(11)(b) of S.I. 2010/509 from 1 November 2011 (SD956/10).
9 Words inserted by paragraph 22 of Schedule 2 to S.I. 2000/1978 from 19 March 2001 (SD41/01).
10 Paragraph (2) not applied.
11 Words inserted by paragraph 23(a)(i) of Schedule 2 to S.I. 2000/1978 from 19 March 2001 (SD41/01).
12 Words inserted by paragraph 23(a)(i) of Schedule 2 to S.I. 2000/1978 from 19 March 2001 (SD41/01).
(b) at the time he did the act or omission falling within section 19(5)(b)(i), (ii) or (iv) [or section 20A(2)(b)(i), (ii) or (iv)] he was [\(^1\)] a new jobseeker or, in the case of an act or omission falling within section 19(5)(b)(iii) [or section 20A(2)(b)(iii)], at the time he first attended the scheme or programme he was [\(^1\)] a new jobseeker.

(2) Without prejudice to any other circumstances in which a person may be regarded as having good cause for any act or omission for the purposes of section 19(6)(c) or (d) [\(^2\) or section 20A(2)(f) or (g)], a young person is to be regarded as having good cause for any act or omission for the purposes of section 19(6)(c) or (d) where the employer did not offer suitable training or his jobseeker's allowance has been reduced in accordance with regulation 63 or in accordance with regulation 68 because he has done an act or omission falling within section 19(5)(b) or (c) [\(^3\) or section 20A(2)(b) or (c)] or section 19(6)(c) or (d) or rendered not payable in accordance with section 19(6)(a) or (b) [\(^4\) or section 20A(2)(d) or (e)] read with Part V.

(3) For the purposes of this regulation, "new jobseeker" means a young person who has not since first leaving full-time education been employed or self-employed for 16 or more hours per week or completed a course of training or failed to complete a course of training or done an act or omission falling within section 19(5)(b)(iii) [\(^5\) or section 20A(2)(b)(iii)] without good cause or done an act or omission falling within section 19(5)(c) [\(^6\) or section 20A(2)(c)].

68. **Reduced amount of allowance**

(1) Subject to paragraphs (2) and (4), the amount of an income-based jobseeker's allowance which would otherwise be payable to a young person shall be reduced by[\(^7\), if he is a single person or a lone parent] a sum equal to 40% of the amount applicable in his case by way of a personal allowance determined [\(^8\) in accordance with paragraph 1(1) [\(^9\) in any of the tables in Parts I to IE] of Schedule 1] or, if he is a member of a couple [\(^10\) (including a joint-claim couple)], a sum equal to 40% of the amount which would have been applicable in his case if he had been a single person determined in accordance with paragraph 1(1) [\(^11\) in any of the tables in Parts I to IE] of Schedule 1] for a period of two weeks from the beginning of the first week after the adjudication officer's decision where the young person [\(^12\) satisfies a condition referred to in regulation 27A or] has done any act or omission falling within section 19(5) or within 19(6)(c) or (d) [\(^13\) or within section 20A(2)(a) to (c), (f) or (g)], unless the young person reaches the age of 18 before that two week period expires, in which case the allowance shall be payable at the full rate applicable in this case from the date he reaches the age of 18.

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\(^1\) Words inserted by paragraph 23(a)(ii) of Schedule 2 to S.I. 2000/1978 from 19 March 2001 (SD41/01).
\(^2\) Words omitted by regulation 13 of S.I. 1996/1517 from 7 October 1996 (SD640/98).
\(^3\) Words inserted by paragraph 23(a)(ii) of Schedule 2 to S.I. 2000/1978 from 19 March 2001 (SD41/01).
\(^4\) Words omitted by regulation 13 of S.I. 1996/1517 from 7 October 1996 (SD640/98).
\(^5\) Words inserted by paragraph 23(b)(i) of Schedule 2 to S.I. 2000/1978 from 19 March 2001 (SD41/01).
\(^6\) Words inserted by paragraph 23(b)(ii) of Schedule 2 to S.I. 2000/1978 from 19 March 2001 (SD41/01).
\(^7\) Words inserted by paragraph 23(b)(iii) of Schedule 2 to S.I. 2000/1978 from 19 March 2001 (SD41/01).
\(^8\) Words inserted by paragraph 23(c)(i) of Schedule 2 to S.I. 2000/1978 from 19 March 2001 (SD41/01).
\(^9\) Words inserted by paragraph 23(c)(ii) of Schedule 2 to S.I. 2000/1978 from 19 March 2001 (SD41/01).
\(^10\) Words inserted by regulation 32 of S.I. 1997/827 from 1 May 2000 (SD124/00).
\(^11\) Words substituted by regulation 3(2) of S.I. 1997/827 from 1 May 2000 (SD124/00).
\(^12\) Words substituted by article 19(4) of Part 5 of SD2015/0223 from 1 November 2015.
\(^13\) Words substituted by article 12(2) of Part 3 of SD2016/0196 from 24 July 2016.
\(^14\) Words inserted by paragraph 24 of Schedule 2 to S.I. 2000/1978 from 19 March 2001 (SD41/01).
\(^15\) Words substituted by article 19(4) of Part 5 of SD2015/0223 from 1 November 2015.
\(^16\) Words substituted by article 12(2) of Part 3 of SD2016/0196 from 24 July 2016.
\(^17\) Words inserted by regulation 2(12)(a) of S.I. 2010/509 from 1 November 2011 (SD956/10).
\(^18\) Words inserted by paragraph 24 of Schedule 2 to S.I. 2000/1978 from 19 March 2001 (SD41/01).
(2) Subject to paragraph (4), in a case where the young person or any member of his family is pregnant or seriously ill the amount of an income-based jobseeker's allowance which would otherwise be payable to the young person shall be reduced by\(^1\), if he is a single person or a lone parent\(^2\), a sum equal to 20% of the amount applicable in his case by way of a personal allowance determined\(^3\) in accordance with paragraph 1(1)\(^4\) of any of the tables in Parts I to IE of Schedule 1 or, if he is a member of a couple\(^5\), a sum equal to 40% of the amount which would have been applicable in his case if he had been a single person determined in accordance with paragraph 1(1)\(^4\) of any of the tables in Parts I to IE of Schedule 1\(^6\) for a period of two weeks from the beginning of the first week after the adjudication officer's decision where the young person\(^7\) satisfies a condition referred to in regulation 27A or has done any act or omission falling within section 19(5) or within 19(6)(c) or (d)\(^8\) or within section 20A(2)(a) to (c), (f) or (g), unless the young person reaches the age of 18 before that two week period expires, in which case the allowance shall be payable at the full rate applicable in his case from the date he reaches the age of 18.

(3) A reduction under paragraph (1) or (2) shall, if it is not a multiple of 5p, be rounded to the nearest such multiple or if it is a multiple of 2.5p but not of 5p, to the next lower multiple of 5p.

(4) If a young person's claim for an income-based jobseeker's allowance is terminated before the expiry of the period determined in accordance with paragraphs (1) and (2), and he makes a fresh claim for the allowance, it shall be payable to him at the reduced rate determined in accordance with paragraph (1) or (2) for the balance of the time remaining of that two weeks, unless the young person reaches the age of 18 before that two week period expires, in which case the allowance shall be payable at the full rate applicable in his case from the date he reaches the age of 18.

(5) An income-based jobseeker's allowance shall be payable to a young person at the full rate applicable in his case after the expiry of the two week period referred to in paragraphs (1) and (2).

Part V - Sanctions

69. Prescribed period for purposes of section 19(2)

\(^{10}\) The prescribed period for the purposes of sections 19(2) and 20A(3)\(^ {12}\) shall be -

(a) 4 weeks, in any case in which -

(i) a jobseeker's allowance is determined not to be payable to the claimant in circumstances falling within section 19(5)\(^ {13}\) or section 20A(2)(a) to (c), and

(ii) on a previous occasion the jobseeker's allowance was determined not to be payable to him in circumstances falling within that subsection, and

(iii) the first date on which the jobseeker's allowance was not payable to him on that previous occasion falls within the period of 12 months preceding the date of the determination mentioned in (i) above;

\(^1\) Words inserted by regulation 3(2) of S.I. 1997/827 from 1 May 2000 (SD124/00).
\(^2\) Words substituted by regulation 3(2) of S.I. 1997/827 from 1 May 2000 (SD124/00).
\(^3\) Words substituted by article 19(4) of Part 5 of S.D2015/0223 from 1 November 2015.
\(^4\) Words substituted by article 12(2) of Part 3 of S.D2016/0196 from 24 July 2016.
\(^5\) Words inserted by paragraph 24 of Schedule 2 to S.I. 2000/1978 from 19 March 2001 (SD41/01).
\(^6\) Words substituted by article 19(4) of Part 5 of S.D2015/0223 from 1 November 2015.
\(^7\) Words substituted by article 12(2) of Part 3 of S.D2016/0196 from 24 July 2016.
\(^8\) Words inserted by regulation 2(12)(b) of S.I. 2010/509 from 1 November 2011 (SD956/10).
\(^10\) Existing regulation 69 text renumbered as paragraph (1) by regulation 5(2) of S.I. 1999/2677 from 6 October 2000 (SD602/00).
\(^12\) Words omitted by regulation 5(1) of S.I. 1999/2677 from 6 October 2000 (SD602/00).
\(^13\) Words inserted by paragraph 25(a)(ii) of Schedule 2 to S.I. 2000/1978 from 19 March 2001 (SD41/01).
14.

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(b) 2 weeks, in any other case.

[1\(\text{(2)}\) The prescribed period for the purposes of [2\text{sections 19(2) and 20A(3)}] shall begin -

(a) where, in accordance with regulation 26A of the Claims and Payments Regulations, a jobseeker's allowance is paid otherwise than fortnightly in arrears, on the day following the end of the last benefit week in respect of which that allowance was paid; and

(b) in any other case, on the first day of the benefit week following the date on which a jobseeker's allowance is determined not to be payable.]

70. Sanctions of discretionary length

In determining a period under section 19(3) [3\text{or section 20A(4)}] an adjudication officer shall take into account all the circumstances of the case and, in particular, the following circumstances -

(a) where the employment would have lasted less than 26 weeks, the length of time which it was likely to have lasted;

(b) in a case falling within section 19(6)(a) [4\text{or section 20A(2)(d)}] in which the employer has indicated an intention to re-engage the claimant, the date when he is to be re-engaged;

(c) where the claimant has left his employment voluntarily and the hours of work in that employment were 16 hours or less a week, the rate of pay and hours of work in the employment which he left; and

(d) where the claimant left his employment voluntarily or has neglected to avail himself of a reasonable opportunity of employment, any mitigating circumstances of physical or mental stress connected with his employment.

71. Voluntary redundancy

(1) A claimant is to be treated as not having left his employment voluntarily -

(a) where he has been dismissed by his employer by reason of redundancy after volunteering or agreeing to be so dismissed, [5]

(b) where he has left his employment on a date agreed with his employer without being dismissed, in pursuance of an agreement relating to voluntary redundancy; [6\text{or}

(c) where he has been laid off or kept on short-time to the extent specified in sub-section (1) of section 9 of the Redundancy Payments Act 1990 (an Act of Tynwald), and has complied with the requirements of that section.]

(2) In paragraph (1) "redundancy" means one of the facts set out in section 1(2) of the Redundancy Payments Act 1990 (an Act of Tynwald).

72. Good cause for the purposes of section 19(5)(a) and 6(c) and (d)

(1) This regulation shall have effect for the purposes of section 19 (circumstances in which a jobseeker's allowance is not payable) [7\text{and section 20A (denial or reduction of joint-claim jobseeker’s allowance)}].

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1 Paragraph (2) inserted by regulation 5(2) of S.I. 1999/2677 from 6 October 2000 (SD602/00).
2 Words substituted by paragraph 25(b) of Schedule 2 to S.I. 2000/1978 from 19 March 2001 (SD41/01).
3 Words inserted by paragraph 26(a) of Schedule 2 to S.I. 2000/1978 from 19 March 2001 (SD41/01).
4 Words inserted by paragraph 26(b) of Schedule 2 to S.I. 2000/1978 from 19 March 2001 (SD41/01).
5 Word deleted by regulation 5 of S.I. 1996/1516 from 7 October 1996 (SD641/98).
6 Word and subparagraph (c) inserted by regulation 5 of S.I. 1996/1516 from 7 October 1996 (SD641/98).
7 Words inserted by paragraph 27(a) of Schedule 2 to S.I. 2000/1978 from 19 March 2001 (SD41/01).
(2) Subject to paragraph (3), in determining whether a person has good cause for any act or omission for the purposes of section 19(5)(a) and (6)(c) and (d) [and section 20A(a), (f) and (g)] the matters which are to be taken into account shall include the following:

(a) any restrictions on availability which apply in the claimant's case in accordance with regulations 6, 7, 8 and 13, having regard to the extent of any disparity between those restrictions and the requirements of the vacancy in question;

(b) any condition or personal circumstance of that person which indicates that a particular employment or carrying out the jobseeker's direction would be likely to or did:
   (i) cause significant harm to his health; or
   (ii) subject him to excessive physical or mental stress;

(c) the fact that the failure to undertake a particular employment or to carry out the jobseeker's direction resulted from a religious or conscientious objection sincerely held;

(d) any caring responsibilities which would, or did, make it unreasonable for the person to undertake a particular employment or carry out the jobseeker's direction;

(e) the time it took, or would normally take, for the person to travel from his home to the place of the employment or to a place mentioned in the jobseeker's direction and back to his home by a route and means appropriate to his circumstances and to the employment or to the carrying out of the jobseeker's direction;

(f) the expenses which were, or would be, necessarily and exclusively incurred by the person for the purposes of the employment or of carrying out the jobseeker's direction, together with any expenses of travelling to and from the place of the employment or a place mentioned in the jobseeker's direction by a route and means appropriate to his circumstances, if those expenses did, or would, represent an unreasonably high proportion of:
   (i) in the case of employment, the remuneration which it is reasonable to expect that he would derive from that employment; or
   (ii) in any other case, the income which he received, or would receive, while carrying out the jobseeker's direction.

[2\(g\)] any child care expenses which were, or would be, necessarily incurred by the person as a result of his being in the employment or of carrying out the jobseeker's direction if those expenses did, or would, represent an unreasonably high proportion of:
   (i) in the case of employment, the remuneration which it is reasonable to expect that he would derive from that employment; or
   (ii) in any other case, the income which he received, or would receive, while carrying out the jobseeker's direction.

[3\(2A\)] For the purposes of paragraph (2)(d), where the person has caring responsibilities in relation to a child, in considering whether those responsibilities would, or did, make it unreasonable for him to undertake a particular employment or carry out the jobseeker’s direction, regard shall be had, in particular, to the following matters:

(a) child care would not be, or was not, reasonably available to him, or

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1 Words inserted by paragraph 27(b) of Schedule 2 to S.I. 2000/1978 from 19 March 2001 (SD41/01).
2 Subparagraph (g) added by regulation 11(12)(a) of S.I. 2008/3051 from 1 April 2013 (SD0059/13).
3 Paragraph (2A) inserted by regulation 11(12)(b) of S.I. 2008/3051 from 1 April 2013 (SD0059/13).
(b) if it would be, or it was, available, it would be, or was, unsuitable due to his particular needs or those of the child.]

(3) For the purposes of paragraph (2)(f), in considering whether expenses did, or would, represent an unreasonably high proportion of remuneration or income, the principle shall apply that the greater the level of remuneration or income the higher the proportion thereof which it is reasonable should be represented by expenses.

(4) Where a person has undergone training for a particular kind of employment for a period of not less than 2 months, he is to be regarded for a period of 4 weeks beginning with the day on which the training ends as having good cause for any act or omission for the purposes of section 19(5)(a) and (6)(c) and (d) [¹and section 20A(2)(a), (f) and (g)], for -

(a) refusing or failing to apply for, or refusing to accept, employment of any other kind when offered to him;

(b) neglecting to avail himself of a reasonable opportunity of employment of any other kind;

(c) refusing or failing to carry out a jobseeker's direction given to him with a view to assisting him to find employment of any other kind.

(5) A person is to be regarded as having good cause for any act or omission for the purposes of section 19(5)(a) and (6)(c) and (d) [²and section 20A(2)(a), (f) and (g) if, and to the extent that, the reason for that act or omission -

(a) results from restrictions on availability which apply in the claimant's case for the period permitted in accordance with regulations 16 and 17;

(b) results from the fact that the claimant is, in accordance with regulation 5(1) to (3) and (5), excepted from any requirement to be able to take up employment immediately, or is, in accordance with regulation 5(4), excepted from any requirement to be able to take up employment at a time when he is not available.

(c) ......³

[²(5A) A person is to be regarded as having good cause for any act or omission for the purposes of section 19(6)(c) and (d) [³and section 20A(2)(f) and (g)] if -

(a) in a case where it has been agreed that the claimant may restrict his hours of availability to less than 24 hours a week, the employment in question is for less than 16 hours a week; or

(b) in a case not falling within sub-paragraph (a), the employment is for less than 24 hours a week.]

(6) Subject to paragraphs (8) and (9), a person is not to be regarded as having good cause for any act or omission for the purposes of section 19(5)(a) and (6)(c) and (d) [¹and section 20A(2)(a), (f) and (g) if, and to the extent that, the reason for that act or omission relates to -

(a) subject to paragraph (7), his income or outgoings or the income or outgoings of any other member of his household, or the income or outgoings which he or any other member of his household would have if he were to become employed or to carry out the jobseeker's direction, or did have whilst carrying out the jobseeker's direction, but for the purposes of this sub-paragraph a person's outgoings shall not include any expenses taken into account under paragraph (2)(f);

Words inserted by paragraph 27(b) of Schedule 2 to S.I. 2000/1978 from 19 March 2001 (SD41/01).

Words inserted by paragraph 27(b) of Schedule 2 to S.I. 2000/1978 from 19 March 2001 (SD41/01).

Subparagraph (c) omitted by regulation 2(6)(a) of S.I. 1997/454 from 1 June 2000 (SD203/00).

Paragraph (5A) inserted by regulation 2(6)(b) of S.I. 1997/454 from 1 June 2000 (SD203/00).

Words inserted by paragraph 27(c) of Schedule 2 to S.I. 2000/1978 from 19 March 2001 (SD41/01).

Words inserted by paragraph 27(b) of Schedule 2 to S.I. 2000/1978 from 19 March 2001 (SD41/01).
(b) the time it took, or would normally take, for the person to travel from his home to the place
of the employment, or a place mentioned in the jobseeker's direction, and back to his home
where that time was or is normally less than\(^1\) one hour and thirty minutes either way,
by a route and means appropriate to his circumstances and to the employment, or to the
carrying out of the jobseeker's direction, unless, in view of the health of the person or any
caring responsibilities of his, that time was or is unreasonable.]

(7) Paragraph (6)(a) shall not apply -

(a) where the claimant has agreed a restriction on the level of remuneration he was prepared to
accept under regulations 13(3) and 16; or

(b) the employment is remunerated only by commission.

(8) A person shall be regarded for the purposes of section 19(6)(d) \(^2\) and section 20A(2)(g) \(^4\) as having
good cause for neglecting to avail himself of an opportunity of employment unless the situation is a
qualifying former employment of that person.

(9) For the purposes of paragraph (8) a situation is a qualifying former employment of any person if -

(a) it is employment with an employer for whom he has previously worked or with an
employer who has succeeded that employer; and

(b) not more than 12 months have elapsed between -

(i) the date when he last worked for that employer; and

(ii) the date when the question under section 19(6)(d) \(^3\) or section 20A(2)(g) arose or, as the case may be, arises, and

(c) the terms and conditions of employment in the situation are not less favourable than those
in the situation which he held when he last worked for that employer.

73. **Good cause for the purposes of section 19(5)(b)**

(1) This regulation shall have effect for the purposes of section 19 (circumstances in which a
jobseeker's allowance is not payable) \(^8\) and section 20A (denial or reduction of joint-claim jobseeker’s
allowance)).

(2) Without prejudice to any other circumstances in which a person may be regarded as having good
cause for any act or omission for the purposes of section 19(5)(b) \(^5\) and section 20A(2)(b), a person is to
be regarded as having good cause for any act or omission for those purposes if, and to the extent that, the
act or omission is attributable to any of the following circumstances -

(a) the claimant in question was suffering from some disease or bodily or mental disablement
on account of which -

(i) he was not able to attend the relevant training scheme or employment programme in
question;

(ii) his attendance would have put at risk his health; or

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1 Words substituted by regulation 2(3) of S.I. 2004/1008 from 1 August 2004 (SD464/04), or subject to regulation 1(2)(b) of S.I. 2004/1008 from 31 January 2005 for persons who on 1 August 2004 are entitled to a jobseeker’s allowance or have any earnings credited to them in accordance with regulation 8A of the Social Security (Credits) Regulations 1975 (S.I. 1975/556).
2 Words omitted by regulation 2(2) of S.I. 2012/1135 from 16 May 2012 (SD0607/12).
3 Words inserted by paragraph 27(d) of Schedule 2 to S.I. 2000/1978 from 19 March 2001 (SD41/01).
4 Words inserted by paragraph 27(e) of Schedule 2 to S.I. 2000/1978 from 19 March 2001 (SD41/01).
5 Words inserted by paragraph 28(a) of Schedule 2 to S.I. 2000/1978 from 19 March 2001 (SD41/01).
6 Words inserted by paragraph 28(b) of Schedule 2 to S.I. 2000/1978 from 19 March 2001 (SD41/01).
(iii) his attendance would have put at risk the health of other persons;

(b) the claimant's failure to participate in the training scheme or employment programme resulted from a religious or conscientious objection sincerely held;

(c) the time it took, or would normally have taken, for the claimant to travel from his home to the training scheme or employment programme and back to his home by a route and means appropriate to his circumstances and to the scheme or programme exceeded, or would normally have exceeded, one hour in either direction or, where no appropriate training scheme or employment programme is available within one hour of his home, such greater time as is necessary in the particular circumstances of the nearest appropriate scheme or programme;

(d) the claimant had caring responsibilities and -
   (i) no close relative of the person he cared for and no other member of that person's household was available to care for him; and
   (ii) in the circumstances of the case it was not practical for the claimant to make other arrangements for the care of that person;

(e) the claimant was attending court as a party to any proceedings, or as a witness or as a juror;

(f) the claimant was arranging or attending the funeral of a close relative or close friend;

(g) the claimant was engaged in -
   (i) the manning or launching of a lifeboat; or
   (ii) the performance of duty as a part-time member of a fire brigade;

(h) the claimant was required to deal with some domestic emergency; or

(i) the claimant was engaged during an emergency in duties for the benefit of others;

[1(j) the claimant gave up a place on a training scheme or an employment programme and if he had continued to participate in it he would have, or would have been likely to have, put his health and safety at risk.]

(3) For the purposes of paragraph (2)(i),

(a) a person is engaged in duties for the benefit of others while -
   (i) providing assistance to any person whose life may be endangered or who may be exposed to the risk of serious bodily injury or whose health may be seriously impaired;
   (ii) protecting property of substantial value from imminent risk of serious damage or destruction; or
   (iii) assisting in measures being taken to prevent a serious threat to the health of the people; as a member of a group of persons organised wholly or partly for the purpose of providing such assistance or, as the case may be, protection;

(b) events which may give rise to an emergency include -
   (i) a fire, flood or an explosion;

1 Subparagraph (j) inserted by regulation 6 of S.I. 1996/1516 from 7 October 1996 (SD641/98).
(ii) a natural catastrophe;
(iii) a railway or other transport accident;
(iv) a cave or mountain accident;
(v) an accident at sea;
(vi) a person being reported missing and the organisation of a search for that person.

173A. Just cause for the purpose of sections 19(6)(b) and 20A(2)(e)

(1) This regulation applies for the purposes of section 19 (circumstances in which a jobseeker’s allowance is not payable) and section 20A (denial or reduction of joint-claim jobseeker’s allowance).

(2) In determining whether a person has just cause for any act or omission for the purposes of section 19(6)(b) and section 20A(2)(e), the matters which are to be taken into account shall include the following -

(a) any caring responsibilities for a child which made it unreasonable for the person to remain in his employment;
(b) any child care expenses which were necessarily incurred by the person as a result of his being in the employment if those expenses represented an unreasonably high proportion of the remuneration which he derived from the employment.

(3) For the purposes of paragraph (2)(a), in considering whether the caring responsibilities made it unreasonable for the person to remain in his employment, regard shall be had, in particular, to the following matters -

(a) child care would not be, or was not, reasonably available to him, or
(b) if it would be, or it was, available, it would be, or was, unsuitable due to his particular needs or those of the child.

(4) For the purposes of paragraph (2)(b), in considering whether child care expenses represented an unreasonably high proportion of remuneration, the principle shall apply that the greater the level of remuneration the higher the proportion which it is reasonable should be represented by such expenses.]

74. Person of prescribed description for the purpose of section 20(3)

(1) Subject to paragraph (2), a person shall be of a prescribed description for the purposes of section 20(3) [and section 20B(3)] (exemption from non-payment of jobseeker’s allowance) and shall not fall within section 19(6)(b) or (d) [or section 20A(2)(e) or (g)] if he has neither worked in employed earner’s employment, nor has been a self-employed earner, nor been a student nor been in relevant education, during the period of 13 weeks preceding the day of the commencement of the employment.

(2) For the purposes of paragraph (1), a person shall not be regarded as having -

(a) worked in employed earner’s employment; or
(b) been a self-employed earner; or
(c) been a student or been in relevant education;

by reason only of any engagement in an activity referred to in paragraph (3) or by his attendance for a period of up to 14 days at a work camp.

(3) The activities referred to in this paragraph are -

1 Regulation 73A inserted by regulation 11(13) of S.I. 2008/3051 from 1 April 2013 (SD0059/13).
2 Words inserted by paragraph 29(a)(i) of Schedule 2 to S.I. 2000/1978 from 19 March 2001 (SD41/01).
3 Words inserted by paragraph 29(a)(ii) of Schedule 2 to S.I. 2000/1978 from 19 March 2001 (SD41/01).
(a) the manning or launching of a lifeboat; or

(b) the performance of duty as a part-time member of a fire brigade.

(4) A trial period in section 20(3) [and section 20B(3)] means a period of 8 weeks beginning with the commencement of the fifth week of the employment in question and ending at the end of the twelfth week of that employment and for the purposes of this definition in determining the time at which the fifth week of the employment in question commences or at which the twelfth week of that employment ends, any week in which a person has not worked in the employment for at least 16 hours shall be disregarded.

[74A. Persons in receipt of a training allowance

(1) An income-based jobseeker’s allowance shall be payable to a claimant [other than a member of a joint-claim couple] even though section 19 prevents payment of a jobseeker’s allowance to him where the claimant is in receipt of a training allowance and is receiving training falling within paragraph (2) of regulation 170 but the jobseeker’s allowance shall be payable only if and for so long as he satisfies the conditions of entitlement to an income-based jobseeker’s allowance other than those which he is not required to meet by virtue of regulation 170.

(2) An income-based jobseeker’s allowance which is payable to a claimant in accordance with this regulation shall be payable to him at the full rate applicable in his case.

(3) A joint-claim jobseeker's allowance shall be payable in respect of a joint-claim couple even though section 20A prevents payment of a joint-claim jobseeker's allowance to the couple where a member of that couple to whom that section applies is in receipt of a training allowance and is receiving training falling within paragraph (2) of regulation 170 but the jobseeker's allowance shall be payable only if and for so long as that member satisfies the conditions of entitlement to a joint-claim jobseeker's allowance other than those which he is not required to meet by virtue of regulation 170.

(4) A joint-claim jobseeker's allowance which is payable to a couple in accordance with this regulation shall be payable to the couple at the full rate applicable to it.

[74B. Reduced allowance where one member of a joint-claim couple is subject to a sanction

(1) Where only one member of a joint-claim couple is subject to sanctions for the purposes of [regulation 27A or] section 20A, the rate of jobseeker's allowance payable in respect of the couple for the period of those sanctions shall be calculated in accordance with this regulation.

(2) Where paragraph (1) applies, a reduced rate of jobseeker's allowance shall be payable to the member of the couple who is not subject to sanctions.

(3) That reduced rate shall be -

(a) in any case in which the member of the couple who is not subject to sanctions satisfies the conditions set out in section 2, a rate equal to the amount calculated in accordance with section 4(1);

(b) in any case where the couple are a couple in hardship for the purposes of Part IXA, a rate equal to the amount calculated in accordance with regulation 146G;
(c) in any other case, a rate calculated in accordance with section 4(3A) save that the applicable amount shall be the amount determined by reference to [paragraph 1(1) [2]in any of the tables in Parts I to IE] of Schedule 1 which would have been the applicable amount had the member of the couple who is not subject to sanctions been a single claimant.]

75. Interpretation

For the purposes of section 19[1], section 20A and of this Part "employment or training programme" means a course or programme of rehabilitation or training which is established by any Department for the purpose of assisting persons to select, train for, obtain or retain employed earner's employment.

Part VI - Membership of the family

76. Persons of a prescribed description

[4(1) Subject to paragraph (2), a person of a prescribed description for the purposes of the definition of “family” in section 35(1) of the Act is a person who falls within the definition of qualifying young person in section 142 of the Benefits Act (child and qualifying young person), and in these Regulations (except in Part 4) such a person is referred to as a “young person”.]

(2) Paragraph (1) shall not apply to a person who is -

(a) ...... 5

(b) entitled to a jobseeker's allowance or would, but for section 3(1)(d) of the Act (provision against dual entitlement) be so entitled; or

[5(c) entitled to income support or would, but for section 134(2) of the Contributions and Benefits Act (exclusion from benefit) be so entitled.]

[6(3) A person of a prescribed description for the purposes of the definition of “family” in section 35(1) of the Act includes a child or young person in respect of whom section 145A of the Benefits Act applies for the purposes of entitlement to child benefit but only for the period prescribed under section 145A(1) of that Act.]

[77. Circumstances in which a person is (or is not) treated as responsible for another person

(1) A person (P) is to be treated as responsible for a child or a young person (C) (including a child or young person to whom regulation 76(3) applies) if paragraph (1A) applies.

This is subject to the rest of this regulation.

(1A) This paragraph applies if P is receiving child benefit for C.

(2) If a child (A) is in receipt of child benefit in respect of another child (B), the person treated as responsible for A in accordance with this regulation shall also be treated as responsible for B.

(3) If no person is receiving child benefit in respect of C, the person who shall be treated as responsible for C is -

(a) the person with whom C usually lives; or

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1 Words substituted by article 19(5) of Part 5 of SD2015/0223 from 1 November 2015.
2 Words substituted by article 13(2) of Part 3 of SD2016/0196 from 24 July 2016.
4 Paragraph (1) substituted by regulation 3(6)(a) of S.I. 2006/718 from 10 April 2006 (SD31/07).
5 Subparagraph (a) omitted by regulation 3(6)(b) of S.I. 2006/718 from 10 April 2006 (SD31/07).
6 Subparagraph (c) substituted by article 2(8) of SD33/00 from 10 April 2000.
7 Paragraph (3) added by article 3(4) of SD119/03 from 7 April 2003.
8 Regulation 77 substituted by article 3(2) of SD2014/0038 from 7 April 2014.
(b) where only one claim for child benefit has been made in respect of C, the person who made that claim.

(4) If regulation 78(7) (person treated as being or not being a member of the household) applies in respect of C, C shall be treated as the responsibility of the claimant for that part of the week for which C is under that regulation treated as being a member of the claimant’s household.

(5) Unless paragraph (4) applies, for the purposes of these Regulations –

(a) a child or young person shall be treated as the responsibility of only one person (P) in any benefit week; and

(b) any person other than P shall be treated as not so responsible.

(6) For the purposes of this regulation, a person (P) is to be treated as entitled to, or being in receipt of, child benefit for any week in a tax year regardless of whether P’s reckonable income in relation to that week is more than the upper income threshold in relation to that year or not.

Here “reckonable income” has the meaning prescribed in Part 3 of the Child Benefit (Rates) Regulations 2013 and “upper income threshold” has the meaning given in section 147(1) of the Benefits Act.

78. Circumstances in which a person is to be treated as being or not being a member of the household

(1) Subject to paragraphs (2) to (5), the claimant and any partner and, where the claimant or his partner is treated as responsible under regulation 77 (circumstances in which a person is to be treated as responsible or not responsible for another) for a child or young person, that child or young person and any child of that child or young person shall be treated for the purposes of the Act as members of the same household notwithstanding that any of them is temporarily living away from the other members of his family.

[1(1A) Subject to paragraphs (2) and (3), the members of a joint-claim couple shall be treated for the purposes of the Act as members of the same household notwithstanding that they are temporarily living away from each other.]

(2) [2Paragraphs (1) and (1A)] shall not apply to a person who is living away from the other members of his family where -

(a) that person does not intend to resume living with the other members of his family; or

(b) his absence from the other members of his family is likely to exceed 52 weeks, unless there are exceptional circumstances (for example the person is in hospital or otherwise has no control over the length of his absence), and the absence is unlikely to be substantially more than 52 weeks.

(3) [3Paragraphs (1) and (1A)] shall not apply in respect of any member of a couple or of a polygamous marriage where -

(a) one, both or all of them are patients detained in a hospital provided under the [4Mental Health Act 1998 (an Act of Tynwald)];

[5(b) one, both or all of them are -

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1 Paragraph (1A) inserted by paragraph 33(a) of Schedule 2 to S.I. 2000/1978 from 19 March 2001 (SD41/01).
2 Words substituted by paragraph 33(b) of Schedule 2 to S.I. 2000/1978 from 19 March 2001 (SD41/01).
3 Words substituted by paragraph 33(c)(i) of Schedule 2 to S.I. 2000/1978 from 19 March 2001 (SD41/01).
4 Words substituted by regulation 4(4B) of S.I. 2009/583 from 1 March 2011 (SD1073/10).
5 Subparagraph (b) substituted by regulation 18 of S.I. 1996/1517 from 7 October 1996 (SD640/98).
(i) detained in custody pending trial or sentence upon conviction or under a sentence imposed by a court; or

(ii) on temporary release in accordance with the provisions of the Custody Act 1995 (an Act of Tynwald);]

(c) \[a claimant\] is away and does not satisfy the conditions of regulation 50 (persons absent from the Isle of Man); or

\[d\] one of them is permanently in an adult care home].

(4) A child or young person shall not be treated as a member of the claimant's household where he is

\[a\] placed with the claimant or his partner by the [\[Department of Health and Social Care\] under section 26(1)(a) of the Children and Young Persons Act 2001 (c. 20) (an Act of Tynwald); or]

\[b\] placed with the claimant or his partner prior to adoption; or

\[c\] ……\[5\]

\[d\] placed for adoption with the claimant or his partner pursuant to a decision under the Adoption Societies Regulations 1985.

(5) Subject to paragraphs (6) and (7), paragraph (1) shall not apply to a child or young person who is not living with the claimant and who

\[a\] in a case which does not fall within sub-paragraph (b), has been continuously absent from the Isle of Man for a period of more than four weeks commencing

\[i\] where he went away before the date of the claim for a jobseeker's allowance, with that date;

\[ii\] in any other case, on the day which immediately follows the day on which he went away; or

\[b\] where regulation \[50(5)\] or paragraph 11 or 13 of Schedule 5 (temporary absence away for the treatment of a child or young person) applies, has been continuously absent from the Isle of Man for a period of more than 8 weeks, that period of 8 weeks commencing

\[i\] where he went away before the date of the claim for a jobseeker's allowance, on the date of that claim;

\[ii\] in any other case, on the day which immediately follows the day on which he went away; or

\[c\] has been an in-patient or [in an adult care home] for a continuous period of more than 12 weeks commencing

\[i\] where he became an in-patient or, as the case may be, entered that \[home\] before the date of the claim for a jobseeker's allowance, with that date; or

\[1\] Words substituted by paragraph 33(c)(ii) of Schedule 2 to S.I. 2000/1978 from 19 March 2001 (SD41/01).

\[2\] Subparagraph (d) substituted by article 8(2) of SD2015/0392 from 9 February 2016.

\[3\] Subparagraph (a) substituted by article 8(3)(a) of SD915/09 from 5 April 2010.

\[4\] The words “Department of Health and Social Care” substituted for “Department” as a consequence of the Transfer of Functions (Health and Social Care) Order 2014 from 1 April 2014 (SD2014/0008).

\[5\] Subparagraph (c) not applied.

\[6\] Reference substituted by Part II of the Schedule to S.I. 1996/1516.

\[7\] Words substituted by article 8(3)(a) of SD2015/0392 from 9 February 2016.

\[8\] Word substituted by article 8(3)(b) of SD2015/0392 from 9 February 2016.
(ii) in any other case, with the date on which he became an in-patient or entered that [1home],

and, in either case, has not been in regular contact with either the claimant or any member of the claimant’s household; or

(d) is in the care of the [2Department of Health and Social Care] under a relevant enactment; or

(e) has been placed with a person other than the claimant prior to adoption; or

(f) and (g) .....3

(h) has been placed for adoption pursuant to a decision under the Adoption Societies Regulations 1985; or

(i) is detained in custody pending trial or sentence upon conviction or under a sentence imposed by a court.

(6) In the case of a person who was entitled to [4income support] immediately before his entitlement to a jobseeker’s allowance commenced, sub-paragraphs (a), (b) and (c) of paragraph (5) [5shall] each have effect as if head (i) was omitted.

(7) A child or young person to whom any of the circumstances mentioned in sub-paragraphs [6(d), (f) or (i)] of paragraph (5) applies shall be treated as being a member of the claimant’s household only for that part of any benefit week where that child or young person lives with the claimant.

(8) Where a child or young person for the purposes of attending the educational establishment at which he is receiving relevant education is living with the claimant or his partner and neither one is treated as responsible for that child or young person that child or young person shall be treated as being a member of the household of the person treated as responsible for him and shall not be treated as a member of the claimant’s household.

(9) .....7

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1 Word substituted by article 8(3)(b) of SD2015/0392 from 9 February 2016.
2 The words “Department of Health and Social Care” substituted for “Department” as a consequence of the Transfer of Functions (Health and Social Care) Order 2014 from 1 April 2014 (SD2014/0008).
3 Subparagraphs (f) and (g) not applied.
4 Words substituted by article 2(9) of SD33/00 from 10 April 2000.
5 Word substituted by Part II of the Schedule to S.I. 1996/1516.
6 Words substituted by Part II of the Schedule to S.I. 1996/1516.
7 Paragraph (9) omitted by article 3(3)(b) of SD915/09 from 5 April 2010.
Part VII - Amounts

79. Weekly amounts of contribution-based jobseeker's allowance

(1) In the case of a contribution-based jobseeker's allowance, the age-related amount applicable to a claimant for the purposes of section 4(1)(a) shall be -

(a) in the case of a person who has not attained the age of 18, £61.05 per week;
(b) in the case of a person who has attained the age of 18 but not the age of 25, £61.05 per week;
(c) in the case of a person who has attained the age of 25, £77.00 per week.

(2) Where the amount of any contribution based jobseeker's allowance would, but for this paragraph, include a fraction of one penny, that fraction shall be treated as one penny.

79A. Weekly amounts of dependency addition payable under the Jobseeker's Enhanced Allowance Scheme (Omitted)

80. Deductions in respect of earnings

(1) The deduction in respect of earnings which falls to be made in accordance with section 4(1)(b) from the amount which, apart from this regulation, would be payable by way of a contribution-based jobseeker's allowance for any benefit week is an amount equal to the weekly amount of the claimant's earnings calculated in accordance with Part VIII (income and capital).

(2) For the avoidance of doubt, in calculating the amount of earnings for the purposes of this regulation, only the claimant's earnings shall be taken into account.

81. Payments by way of pensions

(1) The deduction in respect of pension payments, PPF payments or FAS payments from the amount which apart from this regulation would be payable to a claimant by way of a contribution-based jobseeker's allowance for any benefit week is an amount equal to the weekly amount of the payment exceed, or as the case may be the aggregate of those payments exceed £50 per week.

(1A) Where pension payments, PPF payments or FAS payments first begin to be made to a person for a period starting other than on the first day of a benefit week, the deduction referred to in paragraph (1) shall have effect from the beginning of that benefit week.

(1B) Where pension payments, PPF payments or FAS payments are already in payment to a person and a change in the rate or payment takes effect in a week other than at the beginning of the benefit week, the deduction referred to in paragraph (1) shall have effect from the first day of that benefit week.

(2) In determining the amount of any pension payments, PPF payments or FAS payments for the purposes of paragraph (1), there shall be disregarded -

1 Sum substituted by article 18(a) of Part 4 of SD2022/0022 from 11 April 2022 subject to article 3 ibid.
2 Sum substituted by article 18(b) of Part 4 of SD2022/0022 from 11 April 2022 subject to article 3 ibid.
3 Sum substituted by article 18(c) of Part 4 of SD2022/0022 from 11 April 2022 subject to article 3 ibid.
4 Regulation 79A omitted by article 2(2) of SD199/01 from 1 June 2001.
5 Words substituted by regulation 2(8) of S.I. 1997/454 from 1 June 2000 (SD203/00).
6 Words inserted by regulation 5(a) of S.I. 2006/1069 from 5 May 2006 (SD134/07).
7 Words substituted by regulation 19(2) of S.I. 1996/1517 from 7 October 1996 (SD640/98).
8 Paragraphs (1A) and (1B) inserted by regulation 19(3) of S.I. 1996/1517 from 7 October 1996 (SD640/98).
9 Words inserted by regulation 5(a) of S.I. 2006/1069 from 5 May 2006 (SD134/07).
10 Words inserted by regulation 5(a) of S.I. 2006/1069 from 5 May 2006 (SD134/07).
11 Words inserted by regulation 5(a) of S.I. 2006/1069 from 5 May 2006 (SD134/07).
(a) and (b) ..... ¹

[²(c)] any payments from a personal pension scheme, an occupational pension scheme or a public service pension scheme which are payable to him and which arose in accordance with the terms of such a scheme on the death of a person who was a member of the scheme in question[³]; and

(d) any PPF payments or FAS payments which are payable to him and which arose on the death of a person who had an entitlement to such payments.

(3) Subject to the provisions of paragraph (2), where a pension payment[⁴, PPF payment or FAS payment], or an aggregate of such payments, as the case may be, is paid to a person for a period other than a week, such payments shall be treated as being made to that person by way of weekly pension payments[⁵, weekly PPF payments or weekly FAS payments] and the weekly amount shall be determined -

(a) where payment is made for a year, by dividing the total by 52;
(b) where payment is made for three months, by dividing the total by 13;
(c) where payment is made for a month, by multiplying the total by 12 and dividing the result by 52;
(d) where payment is made for two or more months, otherwise than for a year or for three months, by dividing the total by the number of months, multiplying the result by 12 and dividing the result of that multiplication by 52; or
(e) in any other case, by dividing the amount of the payment by the number of days in the period for which it is made and multiplying the result by 7.

[⁸². Income-based jobseeker's allowance]

(1) Regulations 83 to 86 apply in the case of an income-based jobseeker's allowance but not a joint-claim jobseeker's allowance.

(2) Regulations 86A to 86D only apply in the case of a joint-claim jobseeker's allowance.]

[⁸³. Applicable amounts: persons to whom housing costs are applicable]

(1) This regulation applies to a claimant (C) to whom housing costs are applicable.

(2) But this regulation does not apply to C if any of regulations [⁸³AA to 86ZA applies to C.

(3) If this regulation applies to C, C’s weekly applicable amount is the sum of such of the following amounts as apply in C’s case -

(a) an amount in respect of -

(ii) if C is a member of a couple, an amount in respect of C and C’s partner,
determined in accordance with Part I of Schedule 1;

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¹ Subparagraphs (a) and (b) omitted by regulation 19(4) of S.I. 1996/1517 from 7 October 1996 (SD640/98).
² Subparagraph (c) substituted by regulation 2(9) of S.I. 1997/454 from 1 June 2000 (SD203/00).
³ Word and subparagraph (d) inserted by regulation 5(b) of S.I. 2006/1069 from 5 May 2006 (SD134/07).
⁴ Words inserted by regulation 5(c)(i) of S.I. 2006/1069 from 5 May 2006 (SD134/07).
⁵ Words inserted by regulation 5(c)(ii) of S.I. 2006/1069 from 5 May 2006 (SD134/07).
⁶ Regulation 82 substituted by paragraph 34 of Schedule 2 to S.I. 2000/1978 from 19 March 2001 (SD41/01).
⁷ Regulations 83 and 83A substituted for regulation 83 by article 16 of Part 5 of SD2015/0223 from 1 November 2015.
⁸ Reference substituted by article 14(2) of Part 3 of SD2016/0196 from 24 July 2016.
(b) an amount in respect of any child or young person who is a member of C’s family, excluding a child or young person whose capital, if calculated in accordance with Part VIII, would exceed £13,000, but including a child whose capital falls to be treated as income in accordance with regulation 106(1) (modification in respect of children and young persons), determined in accordance with Part II of Schedule 1;

(c) any amounts in respect of housing costs, determined in accordance with Schedule 2 (housing costs); and

(d) the amount of any premiums which apply to C, determined in accordance with Schedule 3 (premiums).

(4) If -

(a) a jobseeker’s allowance is awarded for a period which is not a complete benefit week; and

(b) the applicable amount in respect of that period results in an amount which includes a fraction of one penny,

that fraction shall be treated as one penny.

83A. Applicable amounts: persons to whom housing costs are not applicable

(1) This regulation applies to a claimant (C) to whom housing costs are not applicable.

(2) But this regulation does not apply to C if any of regulations [183AB] to 86ZA applies to C.

(3) If this regulation applies to C, C’s weekly applicable amount is the sum of such of the following amounts as apply in C’s case -

(a) an amount in respect of -

(i) C; or

(ii) if C is a member of a couple, an amount in respect of C and C’s partner, determined in accordance with Part IA of Schedule 1;

(b) an amount in respect of any child or young person who is a member of C’s family, excluding a child or young person whose capital, if calculated in accordance with Part VIII, would exceed £13,000, but including a child whose capital falls to be treated as income in accordance with regulation 106(1) (modification in respect of children and young persons), determined in accordance with Part II of Schedule 1; and

(c) the amount of any premiums which may apply to C, determined in accordance with Schedule 3 (premiums).

(4) If -

(a) a jobseeker’s allowance is awarded for a period which is not a complete benefit week; and

(b) the applicable amount in respect of that period results in an amount which includes a fraction of one penny,

that fraction shall be treated as one penny.]

[83AA Applicable amounts: persons to whom housing costs are applicable and to whom regulation 83AC applies

(1) This regulation applies to a claimant (C) if -

1 Reference substituted by article 15(2) of Part 3 of SD2016/0196 from 24 July 2016.
2 Regulations 83AA to 83AF inserted by article 5 of Part 2 of SD2016/0196 from 24 July 2016.
(a) housing costs are applicable to C; and
(b) regulation 83AC (persons found capable of work in accordance with the personal capability assessment) applies to C.

(2) But this regulation does not apply to C if any of regulations 83AD or 84 to 86ZA applies to C.

(3) If this regulation applies to C, C’s weekly applicable amount is the sum of such of the following amounts as apply in C’s case -

(a) an amount in respect of -
   (i) C; or
   (ii) if C is a member of a couple, an amount in respect of C and C’s partner,
        determined in accordance with Part IB of Schedule 1;

(b) an amount in respect of any child or young person who is a member of C’s family, excluding a child or young person whose capital, if calculated in accordance with Part VIII, would exceed £13,000, but including a child whose capital falls to be treated as income in accordance with regulation 106(1) (modifications in respect of children and young persons), determined in accordance with Part II of Schedule 1;

(c) any amounts in respect of housing costs, determined in accordance with Schedule 2 (housing costs); and

(d) the amount of any premiums which apply to C, determined in accordance with Schedule 3 (premiums).

(4) Paragraph (4) of regulation 83 (applicable amounts: persons to whom housing costs are applicable) applies under this regulation as it does under that regulation.

83AB Applicable amounts: persons to whom housing costs are not applicable and to whom regulation 83AC applies

(1) This regulation applies to a claimant (C) if -

(a) housing costs are not applicable to C; and
(b) regulation 83AC (persons found capable of work in accordance with the personal capability assessment) applies to C.

(2) But this regulation does not apply to C if any of regulations 83AE or 84 to 86ZA applies to C.

(3) If this regulation applies to C, C’s weekly applicable amount is the sum of such of the following amounts as apply in C’s case -

(a) an amount in respect of -
   (i) C; or
   (ii) if C is a member of a couple, an amount in respect of C and C’s partner,
        determined in accordance with Part IC of Schedule 1;

(b) an amount in respect of any child or young person who is a member of C’s family, excluding a child or young person whose capital, if calculated in accordance with Part VIII, would exceed £13,000, but including a child whose capital falls to be treated as income in accordance with regulation 106(1) (modifications in respect of children and young persons), determined in accordance with Part II of Schedule 1; and
(c) the amount of any premiums which apply to C, determined in accordance with Schedule 3 (premiums).

(4) Paragraph (4) of regulation 83 (applicable amounts: persons to whom housing costs are applicable) applies under this regulation as it does under that regulation.

83AC Persons found capable of work in accordance with the personal capability assessment

(1) This regulation applies to a claimant (C) if paragraphs (2) to (4) apply to C.

(2) This paragraph applies to C if C has been continuously entitled to either of the following benefits in the immediately preceding period of 196 days—

(a) incapacity benefit; or

(b) income support by virtue of C falling within paragraph 7 (persons incapable of work) and no other paragraph of Schedule 1 to the Income Support Regulations.

(3) This paragraph applies to C if -

(a) it is determined that C is capable of work in accordance with the personal capability assessment (“the determination”); and

(b) C’s entitlement to either of those benefits ends because of the determination.

(4) This paragraph applies to C if C makes a claim for jobseeker’s allowance on day in the period of 28 consecutive days beginning on the day on which C’s entitlement to either of those benefits ends.

83AD Applicable amounts: persons to whom housing costs are applicable and to whom regulation 83AF applies

(1) This regulation applies to a claimant (C) if -

(a) housing costs are applicable to C; and

(b) regulation 83AF (persons who have a personal characteristic or a severe learning disability as a result of which they have no reasonable prospects of securing remunerative work) applies to C.

(2) But this regulation does not apply to C if any of regulations 83AA or 84 to 86ZA applies to C.

(3) If this regulation applies to C, C’s weekly applicable amount is the sum of such of the following amounts as apply in C’s case -

(a) an amount in respect of -

(i) C; or

(ii) if C is a member of a couple, an amount in respect of C and C’s partner, determined in accordance with Part ID of Schedule 1;

(b) an amount in respect of any child or young person who is a member of C’s family, excluding a child or young person whose capital, if calculated in accordance with Part VIII, would exceed £13,000, but including a child whose capital falls to be treated as income in accordance with regulation 106(1) (modifications in respect of children and young persons), determined in accordance with Part II of Schedule 1;

(c) any amounts in respect of housing costs, determined in accordance with Schedule 2 (housing costs); and

(d) the amount of any premiums which apply to C, determined in accordance with Schedule 3 (premiums).
(4) Paragraph (4) of regulation 83 applies under this regulation as it does under that regulation.

83AE  Applicable amounts: persons to whom housing costs are not applicable and to whom regulation 83AF applies

(1) This regulation applies to a claimant (C) if-

(a) housing costs are not applicable to C; and

(b) regulation 83AF (persons who have a personal characteristic or a severe learning disability as a result of which they have no reasonable prospects of securing remunerative work) applies to C.

(2) But this regulation does not apply to C if any of regulations 83AB or 84 to 86ZA applies to C.

(3) If this regulation applies to C, C’s weekly applicable amount is the sum of such of the following amounts as apply in C’s case -

(a) an amount in respect of

(i) C; or

(ii) if C is a member of a couple, an amount in respect of C and C’s partner, determined in accordance with Part IE of Schedule 1;

(b) an amount in respect of any child or young person who is a member of C’s family, excluding a child or young person whose capital, if calculated in accordance with Part VIII, would exceed £13,000, but including a child whose capital falls to be treated as income in accordance with regulation 106(1) (modifications in respect of children and young persons), determined in accordance with Part II of Schedule 1; and

(c) the amount of any premiums which apply to C, determined in accordance with Schedule 3 (premiums).

(4) Paragraph (4) of regulation 83 (applicable amounts: persons to whom housing costs are applicable) applies under this regulation as it does under that regulation.

83AF  Persons who have a personal characteristic or a severe learning disability as a result of which they have no reasonable prospects of securing remunerative work

(1) This regulation applies to a claimant (C) if paragraph (2) or (3) applies to C.

(2) This paragraph applies to C if -

(a) C has a personal characteristic which is outside of C’s control; and

(b) because C has that characteristic an adjudication officer is satisfied that C has no reasonable prospects of securing remunerative work.

(3) This paragraph applies to C if -

(a) C is suffering from a severe learning disability; and

(b) because C suffers from that disability an adjudication officer is satisfied that C has no reasonable prospects of securing remunerative work.

(4) For the purposes of paragraph (2), the following is not a “personal characteristic” -

(a) a fluctuating health condition;

(b) an addiction;

(c) the conviction for a criminal offence under any legislation;
(d) the making of an anti-social behaviour order (within the meaning given in section 28 of the Criminal Justice Act 2001);

(e) a body piercing; or

(f) a tattoo.

(5) In paragraph (3) “severe learning disability” means a condition which -

(a) results from -

(i) the arrested or incomplete physical development of the brain, or

(ii) severe damage to the brain; and

(b) involves severe impairment of intelligence and social functioning.

[1(6) For the purpose of paragraphs (2) and (3), in determining whether or not C has no reasonable prospects of securing remunerative work an adjudication officer must take into account whether or not C has been entitled to a jobseeker’s allowance for the immediately preceding period of 182 days.]

84. Polygamous marriages

(1) Except in the case of a claimant to whom [2any of [3regulations [483 to 83AE]] or 84A to 86ZA] or Part X or paragraph (2) applies, where a claimant is a member of a polygamous marriage his weekly applicable amount shall be the aggregate of such of the following amounts as may be applicable in his case -

(a) an amount in respect of himself and one of his partners, determined in accordance with Part I of Schedule 1 (personal allowances) as if he and that partner were a couple;

[5(b) an amount equal to the difference between the amounts specified in sub-paragraphs (a) and (b) of paragraph 1 of Part I of Schedule 1 in respect of each of his other partners;]

(c) an amount in respect of any child or young person who is a member of his family, excluding a child or young person whose capital, if calculated in accordance with Part VIII, would exceed [6£13,000], but including a child whose capital falls to be treated as income in accordance with regulation 106(1) (modification in respect of children and young persons), determined in accordance with Part II of Schedule 1;

(d) any amounts in respect of housing costs, determined in accordance with Schedule 2 (housing costs);

(e) any amounts in respect of premiums which may be applicable to him, [7determined in accordance with Parts II and III of Schedule 3 (premiums [8]);]

(2) In the case of a partner who is aged less than 18 the amount which applies in respect of that partner shall be Nil unless that partner -

(a) is treated as responsible for a child; or

(b) is a person who, had he not been a member of a polygamous marriage, would have qualified for a jobseeker's allowance by virtue of section 3(1)(f)(ii) and the regulations made thereunder (jobseeker's allowance for persons aged 16 or 17).

1 The second paragraph (4) renumbered as paragraph (6) by article 8 of SD2016/0307 from 6 December 2016.

2 Words substituted by article 5(4) of SD0082/12 from 9 April 2012.

3 Words substituted by article 19(6) of Part 5 of SD2015/0223 from 1 November 2015.

4 Words substituted by article 16(2) of Part 3 of SD2016/0196 from 24 July 2016.

5 Subparagraph (b) substituted by article 2(3)(a) of SD105/02 from 8 April 2002.

6 Sum substituted by article 8(2)(b) of SD128/07 from 9 April 2007.

7 Words substituted by article 2(3)(b) of SD105/02 from 8 April 2002.

8 Words omitted by regulation 4 of SD0055/13 from 8 April 2013
(3) Where allowance is awarded for a period which is not a complete benefit week and the applicable amount in respect of that period results in an amount which includes a fraction of one penny, that fraction shall be treated as one penny.

**[84A. Applicable amounts for boarders]**

(1) The weekly applicable amount of a claimant who is a boarder shall, subject to the remainder of this regulation, be the aggregate of such of the following amounts as may apply in his case -

(a) an amount in respect of himself or, if he is a member of a couple, an amount in respect of him and his partner, determined in accordance with paragraph 2 of Part I of Schedule 4A (personal allowances);

(b) an amount determined in accordance with paragraph 3 of Part I of Schedule 4A in respect of any child or young person who is a member of his family;

(c) an amount determined in accordance with Part II of Schedule 4A in respect of the cost of his board and lodging or lodging only (as the case may be);

(d) where the charge referred to in paragraph (4)(a) does not include the provision of all meals for the claimant and any other member of his family, an amount determined in accordance with Part III of Schedule 4A in respect of the cost of the meals not included in that charge; and

(e) ......

(f) the amount of any other premiums which may be applicable to him, determined in accordance with Parts II and III (premiums for jobseekers) or Parts IIIA and IIIB (premiums for joint-claim couples) (as the case may be) of Schedule 3.

[1(1ZA) But no amount shall be applicable under paragraph (1)(b) in respect of a child or young person whose capital, if calculated in accordance with Part VI in like manner for the claimant (except as provided in regulation 106(1) (modifications in respect of children and young persons)), would exceed £13,000.]

[2(1A) The weekly applicable amount of a claimant (B) who is a boarder is subject to whichever of the maxima specified in paragraph (1C) or (1F) applies in B’s case as specified in paragraph (1B), (1D) or (1E).]

(1B) This paragraph applies if -

(a) neither regulation 83AC (persons found capable of work in accordance with the personal capability assessment) nor regulation 83AF (persons who have a personal characteristic or a severe learning disability as a result of which they have no reasonable prospects of securing remunerative work) applies to B and B has not been entitled to a jobseeker’s allowance in respect of the immediately preceding period of 183 days;

(b) regulation 83AC applies to B and B has not been entitled to a jobseeker’s allowance in respect of the immediately preceding period of 365 days; or

(c) regulation 83AF applies to B.

[3This paragraph is subject to paragraph (1G).]
(1C) If paragraph (1B) applies, the maximum is the sum of such of the following amounts as apply in B’s case -

(a) the sum of the amounts under paragraph (1)(b) and (f); and

(b) the sum of the amounts under paragraph (1)(a), (c) and (d) but not more than -

(i) if B is a single claimant or a lone parent, [1 £236.35]; and

(ii) if B is a member of a couple, £300.90.

(1D) This paragraph applies if -

(a) neither regulation 83AC nor regulation 83AF applies to B; and

(b) B has been entitled to a jobseeker’s allowance in respect of the immediately preceding period of 183 days.

[2 This paragraph is subject to paragraph (1G).]

(1E) This paragraph applies if -

(a) regulation 83AC applies to B but regulation 83AF does not apply to B; and

(b) B has been entitled to a jobseeker’s allowance in respect of the immediately preceding period of 365 days.

[3 This paragraph is subject to paragraph (1G).]

(1F) If paragraph (1D) or (1E) applies, the maximum is the sum of such of the following amounts as apply in B’s case -

(a) the amounts specified in sub-paragraphs (a), (b) and (d) of paragraph (3) of regulation 83 (applicable amounts: persons to whom housing costs are applicable) as would apply in B’s case were that regulation to apply to B and this regulation were not to do so; and

(b) the amount specified in paragraph 12(2) in Part II of Schedule 2 (housing costs).

[4 This paragraph is subject to paragraph (1G).]

In calculating the length of the periods of entitlement to a jobseeker’s allowance referred to in paragraphs (1B), (1D) and (1E), any period of entitlement falling –

(a) on or after 2 March 2020; and

(b) before [5 1 April 2022],

is to be disregarded.

(2) Where -

(a) an award of jobseeker’s allowance to a boarder falls to be made in respect of a period of less than one week; and

(b) the weekly charge for board and lodging or lodging only (as the case may be) only falls due during that period,

the allowance applicable to him under paragraph (1)(c) shall include that weekly charge.

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1 Amount substituted by article 19(2) of Part 4 of SD2022/0022 from 11 April 2022 subject to article 3 ibid.
2 Proviso inserted by article 3(2)(b) of SD2020/0361 from 2 July 2020.
3 Proviso inserted by article 3(2)(c) of SD2020/0361 from 2 July 2020.
4 Paragraph (1G) inserted by article 3(2)(d) of SD2020/0361 from 2 July 2020.
5 Date substituted by article 3(2) of SD2021/0188 from 17 June 2021.
(3) Where meals are normally obtained by the boarder or by any other member of his family free of charge or at a reduced cost, the amount applicable to him under paragraph (1)(d) shall be either -

(a) such lesser amount as would otherwise be the case; or
(b) nil,

as an adjudication officer may determine as being appropriate in the circumstances.

(4) Subject to paragraph (5), in this regulation “boarder” means a person who -

(a) pays a charge which includes his accommodation and at least some cooked or prepared meals which are both prepared and consumed in the accommodation or in associated premises; or
(b) is living in a hotel, guest-house, hostel or lodging-house, or in another similar establishment.

(5) In this regulation “boarder” excludes a person -

(a) whose accommodation and meals (if any) are provided -

(i) by a close relative, or
(ii) other than on a commercial basis; or
(b) who is -

(i) in the opinion of the adjudication officer, on holiday, and
(ii) during a period which has not yet continued for more than 13 weeks, absent from the home or from a hospital or similar institution in which he is normally a patient; or

(c) who is -

(i) aged less than 19 but not less than 16, and
(ii) in the care of the \(^1\)Department of Health and Social Care\] under the provisions of the Family Law Act 1991 or the Children and Young Persons Act 2001 (both Acts of Tynwald),

unless he is personally liable to pay the cost of his accommodation and maintenance directly to someone other than the \(^2\)Department of Health and Social Care\]; or

\(^d\) who is a person to whom regulation 86ZA applies (applicable amounts for claimants in care accommodation provided by, or the provision of which is secured by, the Department of Health and Social Care other than by reason of their age).]

(6) In this regulation -

(a) “hospital” has the same meaning as in regulation 84AB; and
(b) “patient” has the same meaning as in regulation 85.]

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1 The words “Department of Health and Social Care” substituted for “Department” as a consequence of the Transfer of Functions (Health and Social Care) Order 2014 from 1 April 2014 (SD2014/0008).
2 The words “Department of Health and Social Care” substituted for “Department” as a consequence of the Transfer of Functions (Health and Social Care) Order 2014 from 1 April 2014 (SD2014/0008).
3 Word and subparagraph (d) added by article 5(5) of SD0082/12 from 9 April 2012.
4 Subparagraph (d) substituted by article 9(2) of SD2015/0392 from 9 February 2016.
1. Where a claimant -
   (a) lives in accommodation -
      (i) which is other than -
         (aa) a hospital vested in the [Department of Health and Social Care];
         (bb) a hospital vested in the Department of Social Care by virtue of section A2 of the Mental Health Act 1998 (an Act of Tynwald);
         (cc) a school; or
         (dd) any other establishment or premises maintained or controlled by the Department of Health and Social Care or any other Department of the Isle of Man Government;
      (ii) in which he is maintained free of charge; and
      (iii) in the case of a person aged less than 18, which is neither his parental home nor the home of a person acting in the place of his parents, and
   (b) entered that accommodation because of a mental or physical disability or illness and needs such accommodation because of that disability or illness,

his weekly applicable amount shall be an amount in respect of personal expenses as provided for in Schedule 4B.

2. In paragraph (1) -
   (a) “hospital” has the meaning provided in the National Health Service Act 2001 (an Act of Tynwald); and
   (b) “school” has the meaning provided in the Education Act 2001 (an Act of Tynwald).

85. Special cases

1. In the case of a person to whom any paragraph in column (1) of Schedule 5 applies (applicable amounts in special cases), other than a person to whom [regulation 84AB or 86ZA applies], the amount included in the claimant’s weekly applicable amount in respect of him shall be the amount prescribed in the corresponding paragraph in column (2) of that Schedule but excluding an amount for a child or young person whose capital, if calculated, in accordance with Part VIII in like manner as for the claimant, would exceed £13,000, but including an amount for a child or young person whose capital falls to be treated as income in accordance with regulation 106(1) (modification in respect of children and young persons).

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1 Regulation 84AB inserted by regulation 6(3B) of S.I. 2003/1195 from 1 August 2003 (SD446/03).
2 Regulation 84AB substituted by regulation 4(4C) of S.I. 2009/583 from 1 March 2011 (SD1073/10).
3 The words “Department of Health and Social Care” substituted for “Department of Health” as a consequence of the Transfer of Functions (New Departments) (No. 2) Order 2010 (SD155/10).
4 Section A2 was inserted into the Mental Health Act 1998 by paragraph 34 of Schedule 11 to the Transfer of Functions (New Departments) (No. 2) Order 2010 (SD155/10).
5 The words “Department of Health and Social Care” substituted for “Department of Social Care” as a consequence of the Transfer of Functions (Health and Social Care) Order 2014 from 1 April 2014 (SD2014/0008).
6 Words inserted by regulation 6(3C) of S.I. 2003/1195 from 1 August 2003 (SD446/03).
7 Words substituted by article 5(6)(a) of SD0082/12 from 9 April 2012.
8 Words substituted by regulation 2(10) of S.I. 1997/454 from 1 June 2000 (SD203/00).
9 Sum substituted by article 8(2)(d) of SD128/07 from 9 April 2007.
(2) ...

(3) ...

(4) In this regulation and Schedule 5 -

"patient" means a person (other than a prisoner) who is regarded as receiving free in-patient treatment within the meaning of [regulation 2(4) and (5) of the Social Security (Hospital In-Patients) Regulations 2005];

"prisoner" means a person who -

(a) is detained in custody pending trial or sentence upon conviction or under a sentence imposed by a court; or

(b) is on temporary release in accordance with the provisions of the Custody Act 1995 (an Act of Tynwald),

other than a person whose detention is under the provisions of the [Mental Health Act 1998 (an Act of Tynwald)];

(5) ...

(6) ...

[86. Applicable amounts for claimants in an adult care home]

(1) Except in a case to which regulation 85 (special cases) or regulation 86ZA (applicable amounts for claimants in care accommodation provided by, or the provision of which is or secured by, the Department of Health and Social Care) other than by reason of their age who pay for that accommodation) applies, this regulation applies to a claimant who -

[12(a) is in an adult care home; or]

(b) is a member of a family and he and the other members of his family are in an adult care home,

and to whom any of paragraphs (3) to (5) applies.

(2) The weekly applicable amount of a claimant to whom this regulation applies shall be calculated in accordance with Schedule 4.

But it may be determined -

(a) by the Department in a particular class of case; or

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1 Paragraph (2) not applied.
2 Paragraph (3) omitted by regulation 6(2)(a) of S.I. 2005/3360 from 10 April 2006 (SD82/06).
3 Definition of “partner of a person subject to immigration control” omitted by article 5(4) of SD2020/0209 from 9 April 2020.
4 Words substituted by regulation 6(2)(b) of S.I. 2005/3360 from 10 April 2006 (SD82/06).
5 Words substituted by regulation 4(4D) of S.I. 2009/583 from 1 March 2011 (SD1073/10).
6 Definition of “residential accommodation” omitted by article 10(2) of SD2015/0392 from 9 February 2016.
7 Paragraph (5) omitted by article 10(3) of SD2015/0392 from 9 February 2016.
8 Paragraph (6) omitted by article 2(3) of SD153/99 from 1 June 1999.
9 Regulation 86 substituted by article 5(7) of SD0082/12 from 9 April 2012.
10 Words substituted by article 11(2) of SD2015/0392 from 9 February 2016.
11 Words substituted by article 11(3)(a) of SD2015/0392 from 9 February 2016.
12 Subparagraph (a) substituted by article 11(3)(b) of SD2015/0392 from 9 February 2016.
13 Words substituted by article 11(3)(c) of SD2015/0392 from 9 February 2016.
(b) by an adjudication officer in a particular case,

that such a claimant shall have an alternative weekly applicable amount.

1[(3) This paragraph applies to a person who is in an adult care home which is not an independent care service.

(4) This paragraph applies to a person who is in an adult care home which is an independent care service but not to a person in a nursing home.

(5) This paragraph applies to a person who is in a nursing home.]

86ZA. Applicable amounts for claimants in care accommodation provided by, or the provision of which is secured by, the Department of Health and Social Care other than by reason of their age

(1) This regulation applies to a claimant who -

(a) resides in care accommodation provided by, or the provision of which is secured by, the Department of Health and Social Care under section 10 of the Social Services Act other than by reason of the claimant’s age; and

(b) pays charges prescribed for the provision of that accommodation in accordance with section 15 of that Act.

(2) The weekly applicable amount of a claimant to whom this regulation applies is -

(a) an amount in respect of himself; or

(b) if he is a member of a couple, an amount in respect of both of them,
determined in accordance with paragraph (3).

(3) The weekly applicable amount is, in the case of -

(a) a single claimant, [4£135.85];

(b) a couple, [4£271.70].]

86A. Applicable amounts for joint-claim couples to whom housing costs are applicable

(1) This regulation applies to a joint-claim couple (JCC) to whom housing costs are applicable.

(2) This regulation does not apply to JCC if any of regulations 86B to 86D applies to JCC.

(3) If this regulation applies to JCC, JCC’s weekly applicable amount is the sum of such of the following amounts as apply in JCC’s case -

(a) an amount in respect of JCC determined in accordance with Part I of Schedule 1;

(b) the amount of any premiums which may be applicable to either or both members of JCC, determined in accordance with Schedule 3 (premiums); and

(c) any amounts in respect of housing costs, determined in accordance with Schedule 2 (housing costs).

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1 Paragraphs (3) to (5) substituted by article 11(4) of SD2015/0392 from 9 February 2016.
2 Regulation 86ZA inserted by article 5(8) of SD0082/12 from 9 April 2012.
3 Heading and paragraph 1 substituted by article 12(2) of SD2015/0392 from 9 February 2016.
4 Amount substituted by article 19(3)(a) of Part 4 of SD2022/0022 from 11 April 2022 subject to article 3 ibid.
5 Amount substituted by article 19(3)(b) of Part 4 of SD2022/0022 from 11 April 2022 subject to article 3 ibid.
6 Regulations 86A and 86AB substituted for regulation 86A by article 18 of Part 5 of SD2015/0223 from 1 November 2015.
(4) If -

(a) a joint-claim jobseeker’s allowance is awarded for a period which is not a complete benefit week; and

(b) the applicable amount in respect of that period results in an amount which includes a fraction of one penny,

that fraction shall be treated as one penny.

86AB. Applicable amounts for joint-claim couples to whom housing costs are not applicable

(1) This regulation applies to a joint-claim couple (JCC) to whom housing costs are not applicable.

(2) This regulation does not apply to JCC if any of regulations 86B to 86D applies to JCC.

(3) If this regulation applies to JCC, JCC’s weekly applicable amount is the sum of such of the following amounts as apply in JCC’s case -

(a) an amount in respect of JCC determined in accordance with Part IA of Schedule 1; and

(b) the amount of any premiums which may be applicable to either or both members of JCC, determined in accordance with Schedule 3 (premiums).

(4) If -

(a) a joint-claim jobseeker’s allowance is awarded for a period which is not a complete benefit week; and

(b) the applicable amount in respect of that period results in an amount which includes a fraction of one penny,

that fraction shall be treated as one penny.

86AC. Applicable amounts for joint-claim couples to whom housing costs are applicable and to whom regulation 83AC applies

(1) This regulation applies to a joint-claim couple (JCC) if -

(a) housing costs are applicable to JCC; and

(b) regulation 83AC (persons found capable of work in accordance with the personal capability assessment) applies to either member of JCC.

(2) This regulation does not apply to JCC if any of regulations 86AE or 86B to 86D applies to JCC.

(3) If this regulation applies to JCC, JCC’s weekly applicable amount is the sum of such of the following amounts as apply in JCC’s case -

(a) an amount in respect of JCC determined in accordance with Part IB of Schedule 1;

(b) the amount of any premiums which may be applicable to either or both members of JCC, determined in accordance with Schedule 3 (premiums); and

(c) any amounts in respect of housing costs, determined in accordance with Schedule 2 (housing costs).

(4) Paragraph (4) of regulation 86A (applicable amounts for joint-claim couples to whom housing costs are applicable) applies under this regulation as it does under that regulation.

1 Regulations 86AC to 86AF inserted by article 7 of Part 2 of SD2016/0196 from 24 July 2016.
86AD  Applicable amounts for joint-claim couples to whom housing costs are not applicable and to whom regulation 83AC applies

(1) This regulation applies to a joint-claim couple (JCC) if -

(a) housing costs are not applicable to JCC; and
(b) regulation 83AC (persons found capable of work in accordance with the personal capability assessment) applies to either member of JCC.

(2) This regulation does not apply to JCC if any of regulations 86AF or 86B to 86D applies to JCC.

(3) If this regulation applies to JCC, JCC’s weekly applicable amount is the sum of such of the following amounts as apply in JCC’s case -

(a) an amount in respect of JCC determined in accordance with Part IC of Schedule 1; and
(b) the amount of any premiums which may be applicable to either or both members of JCC, determined in accordance with Schedule 3 (premiums).

(4) Paragraph (4) of regulation 86A (applicable amounts for joint-claim couples to whom housing costs are applicable) applies under this regulation as it does under that regulation.

86AE  Applicable amounts for joint-claim couples to whom housing costs are applicable and to whom regulation 83AF applies

(1) This regulation applies to a joint-claim couple (JCC) if -

(a) housing costs are applicable to JCC; and
(b) regulation 83AF (persons who have a personal characteristic or a severe learning disability as a result of which they have no reasonable prospects of securing remunerative work) applies to either member of JCC.

(2) This regulation does not apply to JCC if any of regulations 86AF or 86B to 86D applies to JCC.

(3) If this regulation applies to JCC, JCC’s weekly applicable amount is the sum of such of the following amounts as apply in JCC’s case -

(a) an amount in respect of JCC determined in accordance with Part ID of Schedule 1;
(b) the amount of any premiums which may be applicable to either or both members of JCC, determined in accordance with Schedule 3 (premiums); and
(c) any amounts in respect of housing costs, determined in accordance with Schedule 2 (housing costs).

(4) Paragraph (4) of regulation 86A (applicable amounts for joint-claim couples to whom housing costs are applicable) applies under this regulation as it does under that regulation.

86AF  Applicable amounts for joint-claim couples to whom housing costs are not applicable and to whom regulation 83AF applies

(1) This regulation applies to a joint-claim couple (JCC) if -

(a) housing costs are not applicable to JCC; and
(b) regulation 83AF (persons who have a personal characteristic or a severe learning disability as a result of which they have no reasonable prospects of securing remunerative work) applies to either member of JCC.

(2) This regulation does not apply to JCC if any of regulations 86AD or 86B to 86D applies to JCC.
(3) If this regulation applies to JCC, JCC’s weekly applicable amount is the sum of such of the following amounts as apply in JCC’s case -

(a) an amount in respect of JCC determined in accordance with Part IE of Schedule 1; and

(b) the amount of any premiums which may be applicable to either or both members of JCC, determined in accordance with Schedule 3 (premiums).

(4) Paragraph (4) of regulation 86A (applicable amounts for joint-claim couples to whom housing costs are applicable) applies under this regulation as it does under that regulation.

[86B. Applicable amounts for joint-claim couples: polygamous marriages

Except in the case of a joint-claim couple where [2]any of regulations 86A to 86AF,[3] 86C (special cases) or 86D (members of joint claim couples in [4]an adult care home) applies, the applicable amount of a joint-claim couple who are jointly claiming a jobseeker's allowance where either or both members of that couple are members of a polygamous marriage, shall be the aggregate of such of the following amounts as may apply in their case -

(a) the amount applicable to a member of the joint-claim couple and one other member of that marriage determined in accordance with sub-paragraph (a) of paragraph 1 of Schedule 1 as if those members were a couple;

(b) an amount equal to the difference between the amounts specified in sub-paragraphs (a) and (c) of paragraph 1 of Schedule 1 in respect of each of the other members of the polygamous marriage who are members of that household;

(c) .....^5

(d) the amount of any premiums which may be applicable to a member of the joint-claim couple determined in accordance with Schedule 3 (premiums); and

(e) any amounts determined in accordance with Schedule 2 (housing costs) which may be applicable to the joint-claim couple in respect of such housing costs as are prescribed in that Schedule.

86C. Joint-claim couples: special cases

(1) Where a member of a joint-claim couple is a person to whom any paragraph in column (1) of Schedule 5A applies (applicable amounts in special cases for joint-claim couples), the amount included in the joint-claim couple's weekly applicable amount shall be the amount prescribed in the corresponding paragraph in column (2) of that Schedule.

(2) Except where the amount prescribed in Schedule 5A in respect of a joint-claim couple includes an amount applicable under [^paragraph (3)(b) of any of regulations 86A to 86AF] or 86B(d), a person to whom paragraph (1) applies shall be treated as not falling within the conditions specified in paragraph 20I of [^Schedule 3 (disability premium for joint-claim couples)].
(3) ......

(4) Expressions used in this regulation and in Schedule 5A shall have the same meaning as those expressions have for the purposes of regulation 85 and Schedule 5 [2].

86D. Applicable amount for a joint-claim couple where a member is in [3 an adult care home]

(1) Where either or both members of a joint-claim couple live in [3 an adult care home], the weekly applicable amount of the joint-claim couple shall, except in a case to which regulation 86C (joint-claim couples: special cases) applies, be calculated in accordance with Schedule 4A.

(2) ......

(3) Expressions used in Schedule 4A shall have the same meaning as those expressions have for the purposes of Schedule 4.

(4) ......

87. Transitional supplement to income-based jobseeker’s allowance (Not applied)

87A. Applicable amounts for domestic assistance grants (Revoked)

87B. Applicable amounts for urgent cases (Revoked)7

[87C. Minimum amount of jobseeker’s allowance

Where the amount of a jobseeker’s allowance is less than 10 pence a week that allowance shall not be payable.]

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1 Paragraph (3) omitted by regulation 6(3) of S.I. 2005/3360 from 10 April 2006 (SD82/06).
2 Words omitted by regulation 2(10)(b) of S.I. 2000/3336 (SD153/01), from immediately following the coming in to force of the Jobseeker’s Allowance (Joint Claims) Regulations 2000 (S.I. 2000/1978 (SD41/01)). The Jobseeker’s Allowance (Joint Claims) Regulations 2000 came into force 19 March 2001.
3 Words substituted by article 14(2) of SD2015/0392 from 9 February 2016.
4 Words substituted by article 14(3) of SD2015/0392 from 9 February 2016.
5 Paragraph (2) not applied.
6 Paragraph (4) not applied.
7 Regulations 87A and 87B revoked by regulation 25(f) of SD791/03 from 12 April 2004.
8 Regulation 87C inserted by regulation 21 of S.I. 1996/1517 from 7 October 1996 (SD640/98).
Part VIII - Income and capital

Chapter I - General

88. Calculation of income and capital of members of claimant's family and of a polygamous marriage

(1) Subject to paragraphs (2) and (3) and regulations 88ZA (calculation of income and capital of a joint-claim couple) and 106 (modifications in respect of children and young persons), the income and capital of a claimant's partner and the income of a child or young person which by virtue of section 13(2) is to be treated as the income and capital of the claimant, shall be calculated in accordance with the following provisions of this Part in like manner as for the claimant; and any reference to the "claimant" shall, except where the context otherwise requires, be construed, for the purposes of this Part, as if it were a reference to his partner or that child or young person.

(2) Regulations 99(2) and 101(2), so far as they relate to paragraphs 1 to 5 and 11 of Schedule 6 (earnings to be disregarded) and regulation 104(1) (capital treated as income) shall not apply to a child or young person.

(3) ......

(4) Subject to paragraph (5), where a claimant is married polygamously to two or more members of his household -

(a) the claimant shall be treated as possessing capital and income belonging to each such member and the income of any child or young person who is one of that member’s family; and

(b) the income and capital of that member or, as the case may be, the income of that child or young person shall be calculated in accordance with the following provisions of this Part in like manner as for the claimant or, as the case may be, as for any child or young person who is a member of his family.

(5) Where a member of a polygamous marriage is a partner aged less than 18 and the amount which applies in respect of him under regulation 84(2) (polygamous marriages) is nil, the claimant shall not be treated as possessing the income of that partner to the extent that an amount in respect of him would have been included in the applicable amount if he had fallen within the circumstances set out in regulation 84(2)(a) or (b).

[88ZA. Calculation of income and capital of a joint-claim couple]

(1) Subject to paragraphs (2) and (4), the income and capital of a joint-claim couple shall be calculated by -

(a) determining the income and capital of each member of that couple in accordance with this Part; and

(b) aggregating the amount determined in respect of each member in accordance with subparagraph (a) above.

(2) ......
(3) Where a member of a joint-claim couple is married polygamously to two or more members of his household, the joint-claim couple shall be treated as possessing income and capital belonging to each such member and the income and capital of that member shall be calculated in accordance with the following provisions of this Part in like manner as for each member of the joint-claim couple.

(4) Regulations 99(2) and 101(2) in so far as they relate to paragraphs 5, 7, 8 and 11 of Schedule 6 (earnings to be disregarded) shall not apply to a member of a joint-claim couple but there shall instead be disregarded from the net earnings of a member of a joint-claim couple any sum, where applicable, specified in -

(a) [paragraphs 1 to 5 and 8 of Schedule 6]; and

(b) [paragraphs 1 and 5 of Schedule 6A].]

89. **Liable relatives payments**

Regulations 94 to 106, 108 to 115 and Chapter IX of this Part shall not apply to any payment which is to be calculated in accordance with Chapter VII thereof (liable relatives).

90. **Child support (Not applied)**

91. **Calculation of income and capital of students**

The provisions of Chapters II to VI of this Part (income and capital) shall have effect in relation to students and their partners subject to the modifications set out in Chapter IX thereof (students).

92. **Rounding of fractions**

Where any calculation under this Part results in a fraction of a penny that fraction shall, if it would be to the claimant's advantage, be treated as a penny, otherwise it shall be disregarded.

**Chapter II - Income**

93. **Calculation of income**

(1) For the purposes of [sections 3(1) (the income based conditions) and 3A(1) (the conditions for claims by joint-claim couples)] the income of a claimant shall be calculated on a weekly basis -

(a) by determining in accordance with this Part, other than Chapter VI, the weekly amount of his income; and

(b) by adding to that amount the weekly income calculated under regulation 116 (calculation of tariff income from capital).

(2) For the purposes of paragraph (1) "income" includes capital treated as income under regulation 104 and income which a claimant is treated as possessing under regulation 105 (notional income).

94. **Calculation of earnings derived from employed earner's employment and income other than earnings**

(1) Earnings derived from employment as an employed earner and income which does not consist of earnings shall be taken into account over a period determined in accordance with the following paragraphs and at a weekly amount determined in accordance with regulation 97 (calculation of weekly amount of income).

(2) Subject to the following provisions of this regulation, the period over which a payment is to be taken into account shall be -

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1 Words substituted by article 3(8)(a) of SD119/03 from 7 April 2003.
2 Words substituted by article 3(8)(b) of SD119/03 from 7 April 2003.
3 Words substituted by paragraph 38 of Schedule 2 to S.I. 2000/1978 from 19 March 2001 (SD41/01).
[4](a) where the payment is monthly, a period equal to the number of weeks from the date on which the payment is treated as paid to the date immediately before the date on which the next monthly payment would have been so treated as paid whether or not the next monthly payment is actually paid;

(aa) where the payment is in respect of a period which is not monthly, a period equal to the length of the period for which payment is made;

(b) in any other case, a period equal to such number of weeks as is equal to the number obtained (and any fraction shall be treated as a corresponding fraction of a week) by dividing the net earnings, or in the case of income which does not consist of earnings, the amount of that income less any amount paid by way of tax on that income which is disregarded under [2]paragraph 43 of Schedule 7] (sums to be disregarded in the calculation of income other than earnings), by the amount of jobseeker's allowance which would be payable had the payment not been made plus an amount equal to the total of sums which would fall to be disregarded from that payment under Schedule 6 [3]and Schedule 6A] (sums to be disregarded in the calculation of earnings) or, as the case may be, any paragraph of Schedule 7 [4]other than paragraph 43 of that Schedule], as is appropriate in the claimant's case,

and that period shall begin on the date on which the payment is treated as paid under regulation 96.

[5](2ZA) Payment of a MIP shall be taken into account over the week in which the payment is made.

[6](2A) ......?

(2B) Where grant income as defined in Chapter IX of this Part has been paid to a person who ceases to be a full-time student before the end of the period in respect of which that income is payable and, as a consequence, the whole or part of that income falls to be repaid by that person, that income shall be taken into account over the period beginning on the date on which that income is treated as paid under regulation 96 and ending -

(a) on the date on which repayment is made in full; or

[8(aa) where the grant is paid in instalments, on the day before the next instalment would have been paid had the claimant remained a student; or]

(b) on the last date of the academic term or vacation during which that person ceased to be a full-time student,

whichever shall first occur.]

[9](2C)

(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

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1 Subparagraphs (a) and (aa) substituted for subparagraph (a) by regulation 4(10) of S.I. 2008/698 from 1 April 2009 (SD125/09).
2 Words substituted by article 3(9)(a) of SD119/03 from 7 April 2003.
4 Words substituted by article 3(9)(b) of SD119/03 from 7 April 2003.
5 Paragraph (2ZA) inserted by article 8(3) of Part 4 of SD2022/0010 from 10 January 2022.
6 Paragraph (2B) inserted by regulation 5(2) of S.I. 1997/65 from 1 June 2000 (SD203/00).
7 Paragraph (2A) not applied.
8 Subparagraph (aa) inserted by regulation 12 of S.I. 1998/563 from 1 August 2000 (SD369/00).
9 Paragraph (2C) substituted by regulation 3(5) of S.I. 2015/389 from 7 July 2015 (SD2015/0186).
(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

(ii) in any other case, over a period which is equal to the duration of the training period.

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

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Period of training in days</td>
<td>Period of time over which earnings are to be taken into account in days</td>
</tr>
<tr>
<td>8 to 10</td>
<td>7</td>
</tr>
<tr>
<td>15 to 17</td>
<td>14</td>
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<tr>
<td>22 to 24</td>
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<td>29 to 31</td>
<td>28</td>
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<tr>
<td>36 to 38</td>
<td>35</td>
</tr>
<tr>
<td>43</td>
<td>42</td>
</tr>
</tbody>
</table>

(a) where the person who made the payment represents that it, or part of it, was paid in lieu of notice of termination of employment or on account of the early termination of a contract of employment for a term certain, on the expiry date;

(b) ......  

(c) in any other case, on the standard date.

(7) The maximum length of time over which a compensation payment may be taken into account under paragraph (6) is 52 weeks from the date on which the payment is treated as paid under regulation 96.

(8) In this regulation -

(a) "compensation payment" means any payment to which paragraph (3) of regulation 98 (earnings of employed earners) applies;

(b) "the expiry date" means in relation to the termination of a person's employment -

(i) the date on which any period of notice applicable to the person was due to expire, or would have expired had it not been waived; and for this purpose "period of notice" means the period of notice of termination of employment to which a person is entitled by statute or by contract, whichever is the longer, or, if he is not entitled to such notice, the period of notice which is customary in the employment in question; or

(ii) subject to paragraph (9), where the person who made the payment represents that the period in respect of which that payment is made is longer than the period of notice referred to in head (i) above, the date on which that longer period is due to expire; or

(iii) where the person had a contract of employment for a term certain, the date on which it was due to expire;

(c) "the standard date" means the earlier of -

(i) the expiry date; and

(ii) the last day of the period determined by dividing the amount of the compensation payment by the maximum weekly amount which, on the date on which the payment is treated as paid under regulation 96, [2 is specified in paragraph 10 of Schedule 6 to the Employment Act 2006 (of Tynwald) (maximum amount of a week’s pay)], and treating the result (less any fraction of a whole number) as a number of weeks.

(9) For the purposes of paragraph (8), if it appears to the adjudication officer in a case to which sub-paragraph (b)(ii) of that paragraph applies that, having regard to the amount of the compensation payment and the level of remuneration normally received by the claimant when he was engaged in the employment in respect of which the compensation payment was made, it is unreasonable to take the payment into account until the date specified in that sub-paragraph, the expiry date shall be the date specified in paragraph (8)(b)(i).

(10) For the purposes of this regulation the claimant's earnings and income which does not consist of earnings shall be calculated in accordance with Chapters III and V respectively of this Part.

95. Calculation of earnings of self-employed earners

(1) Except where paragraph (2) applies, where a claimant's income consists of earnings from employment as a self-employed earner the weekly amount of his earnings shall be determined by reference to his average weekly earnings from that employment -

1 Subparagraph (b) not applied.

2 Words substituted by regulation 8(7) of S.I. 2007/2618 from 1 October 2007 (SD116/08).
(a) over a period of one year; or
(b) where the claimant has recently become engaged in that employment or there has been a change which is likely to affect the normal pattern of business, over such other period as may, in any particular case, enable the weekly amount of his earnings to be determined more accurately.

[1] (2) Where the claimant's earnings consist of any items to which paragraph (2A) applies those earnings shall be taken into account over a period equal to such number of weeks as is equal to the number obtained (and any fraction shall be treated as a corresponding fraction of a week) by dividing the earnings by the amount of jobseeker's allowance which would be payable had the payment not been made plus an amount equal to the total of the sums which would fall to be disregarded from the payment under Schedule 6 and Schedule 6A (earnings to be disregarded) as is appropriate in the claimant’s case.

(2A) This paragraph applies to -

(a) royalties or other sums paid as a consideration for the use of, or the right to use, any copyright, design, patent or trade mark; or
(b) any payment in respect of any -
   (i) book registered under the Public Lending Right Scheme 1982; or
   (ii) work made under any international public lending right scheme that is analogous to the Public Lending Right Scheme 1982,

where the claimant is the first owner of the copyright, design, patent or trade mark, or an original contributor to the book or work concerned.

(3) For the purposes of this regulation the claimant's earnings shall be calculated in accordance with Chapter IV of this Part.

In relation to the calculation of earnings derived from work as a share fisherman for the purposes of establishing entitlement to a contribution-based jobseeker's allowance, regulation 95 is omitted by regulation 163(2) (share fishermen - Calculation of earnings).

96. Date on which income is treated as paid

(1) Except where paragraph (2) applies, a payment of income to which regulation 94 (calculation of earnings derived from employed earner's employment and income other than earnings) applies shall be treated as paid -

(a) in the case of a payment which is due to be paid before the first benefit week pursuant to the claim, on the date on which it is due to be paid;
(b) in any other case, on the first day of the benefit week in which it is due to be paid or the first succeeding benefit week in which it is practicable to take it into account.

(2) [Income support], maternity allowance, [paternity allowance, adoption allowance,] short-term or long-term incapacity benefit, severe disablement allowance or jobseeker's allowance, shall be treated as paid on the day of the benefit week in respect of which it is payable.
97. Calculation of weekly amount of income

(1) For the purposes of regulation 94 (calculation of earnings derived from employed earner's employment and income other than earnings), subject to paragraphs (2) to (7), where the period in respect of which a payment is made -

(a) does not exceed a week, the weekly amount shall be the amount of that payment;

(b) exceeds a week, the weekly amount shall be determined -

(i) in a case where that period is a month, by multiplying the amount of the payment by 12 and dividing the product by 52;

(ii) in a case where that period is three months, by multiplying the amount of the payment by 4 and dividing the product by 52;

(iii) in a case where that period is a year by dividing the amount of the payment by 52;

(iv) in any other case by multiplying the amount of the payment by 7 and dividing the product by the number equal to the number of days in the period in respect of which it is made.

(2) Where a payment for a period not exceeding a week is treated under regulation 96(1)(a) (date on which income is treated as paid) as paid before the first benefit week and a part is to be taken into account for some days only in that week ("the relevant days"), the amount to be taken into account for the relevant days shall be calculated by multiplying the amount of the payment by the number equal to the number of relevant days and dividing the product by the number of days in the period in respect of which it is made.

(3) Where a payment is in respect of a period equal to or in excess of a week and a part thereof is to be taken into account for some days only in a benefit week ("the relevant days"), the amount to be taken into account for the relevant days shall, except where paragraph (4) applies, be calculated by multiplying the amount of the payment by the number equal to the number of relevant days and dividing the product by the number of days in the period in respect of which it is made.

(4) In the case of a payment of -

(a) maternity allowance, [paternity allowance, adoption allowance,] short-term or long-term incapacity benefit or severe disablement allowance, the amount to be taken into account for the relevant days shall be the amount of benefit payable in respect of those days;

(b) jobseeker's allowance or [income support], the amount to be taken into account for the relevant days shall be calculated by multiplying the weekly amount of the benefit by the number of relevant days and dividing the product by seven.

(5) Except in the case of a payment which it has not been practicable to treat under regulation 96(1)(b) as paid on the first day of the benefit week in which it is due to be paid, where a payment of income from a particular source is or has been paid regularly and that payment falls to be taken into account in the same benefit week as a payment of the same kind and from the same source, the amount of that income to be taken into account in any one benefit week shall not exceed the weekly amount determined under paragraph (1)(a) or (b), as the case may be, of the payment which under regulation 96(1)(b) (date on which income is treated as paid) is treated as paid first.

1 Words substituted by regulation 2(11) of S.I. 1997/454 from 1 June 2000 (SD203/00).
2 Words inserted by article 5(6) of SD45/04 from 12 April 2004.
3 Words substituted by article 2(13) of SD33/00 from 10 April 2000.
(6) Where the amount of the claimant's income fluctuates and has changed more than once, or a claimant's regular pattern of work is such that he does not work every week, the foregoing paragraphs may be modified so that the weekly amount of his income is determined by reference to his average weekly income -

(a) if there is a recognisable cycle of work, over the period of one complete cycle (including, where the cycle involves periods in which the claimant does no work, those periods but disregarding any other absences);

(b) in any other case, over a period of five weeks or such other period as may, in the particular case, enable the claimant's average weekly income to be determined more accurately.

(7) Where income is taken into account under paragraph (2B) of regulation 94 over the period specified in that paragraph, the amount of that income to be taken into account in respect of any week in that period shall be an amount equal to the amount of that income which would have been taken into account under regulation 131 had the person to whom that income was paid not ceased to be a full-time student.

Chapter III - Employed earners

98. Earnings of employed earners

(1) Subject to paragraphs (2) and (3), "earnings" means in the case of employment as an employed earner, any remuneration or profit derived from that employment and includes -

(a) any bonus or commission;

(b) any compensation payment;

(c) any holiday pay except any payable more than four weeks after the termination or interruption of employment but this exception shall not apply to a person who is, or would be, prevented from being entitled to a jobseeker's allowance by section 14 (trade disputes);

(d) any payment by way of a retainer;

(e) any payment made by the claimant's employer in respect of expenses not wholly, exclusively and necessarily incurred in the performance of the duties of the employment, including any payment made by the claimant's employer in respect of -

(i) travelling expenses incurred by the claimant between his home and place of employment;

(ii) expenses incurred by the claimant under arrangements made for the care of a member of his family owing to the claimant's absence from home;

(f) any payment, remuneration or award of compensation made under [section 135 or 139(3)(a) of the Employment Act 2006 (of Tynwald) (remedies for unfair dismissal: orders for reinstatement and re-engagement and awards of compensation for failure to comply with such an order)];

(ff) any payment or remuneration made under section 76 or 78 of the Employment Act 2006 (of Tynwald) (right to remuneration on suspension on maternity grounds and complaints to the Employment Tribunal in respect of failure to pay such remuneration);]
(g) any award of compensation made under section 134(4) or 139 of the Employment Act 2006 (of Tynwald) where an employee’s dismissal is regarded as having been unfair under section 120 (dismissal on grounds relating to trade union membership or activities);

(2) "Earnings" shall not include -

(a) any payment in kind;
(b) any periodic sum paid to a claimant on account of the termination of his employment by reason of redundancy;
(c) any remuneration paid by or on behalf of an employer to the claimant in respect of a period throughout which the claimant is on maternity leave[2, paternity leave, adoption leave] or is absent from work because he is ill;
(d) any payment in respect of expenses wholly, exclusively and necessarily incurred in the performance of the duties of the employment;
(e) any occupational pension;
(f) any redundancy payment within the meaning of the Redundancy Payments Act 1990 (an Act of Tynwald).

(3) In this regulation "compensation payment" means any payment made in respect of the termination of employment other than -

(a) any remuneration or emolument (whether in money or in kind) which accrued in the period before the termination;
(b) any holiday pay;
(c) any payment specified in paragraphs (1)(f) or (g) or (2);
(d) any refund of contributions to which that person was entitled under an occupational pension scheme.

99. Calculation of net earnings of employed earners

(1) For the purposes of regulation 94 (calculation of earnings of employed earners) the earnings of a claimant derived from employment as an employed earner to be taken into account shall, subject to paragraph (2), be his net earnings.

(2) [There] shall be disregarded from a claimant’s net earnings, any sum, where applicable, specified in [paragraphs 1 to 8, 10 and 11 of Schedule 6].

(3) .....5

(4) For the purposes of paragraph (1) net earnings shall be calculated by taking into account the gross earnings of the claimant from that employment less -

(a) any amount deducted from those earnings by way of -

(i) income tax;

(ii) primary Class 1 contributions payable under the Benefits Act; and

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1 Subparagraph (g) substituted by regulation 8(8)(a)(iii) of S.I. 2007/2618 from 1 October 2007 (SD116/08).
2 Words inserted by regulation 3(5) of S.I. 2002/2689 from 6 April 2003 (SD152/03).
3 Words substituted by article 2(3)(a) of SD135/04 from 12 April 2004.
4 Words substituted by article 3(10)(a) of SD119/03 from 7 April 2003.
5 Paragraph (3) omitted by article 2(3)(b) of SD135/04 from 12 April 2004.
(b) one-half of any sum paid by the claimant in respect of a pay period by way of a contribution towards an occupational or personal pension scheme.

Chapter IV - Self-employed earners

100. Earnings of self-employed earners

(1) Subject to paragraph (2), "earnings", in the case of employment as a self-employed earner, means the gross receipts of the employment.

(2) "Earnings" shall not include -

(a) where a claimant is involved in providing board and lodging accommodation for which a charge is payable, any payment by way of such a charge;

(b) any payment to which [1paragraph 39 or 40 of Schedule 7] refers (payments in respect of a person accommodated with the claimant under an arrangement made by the [2Department of Health and Social Care] or voluntary organisation, and payments made to the claimant by a the [2Department of Health and Social Care] or voluntary organisation in respect of persons temporarily in the claimant's care);

[2(c) any sports award.]

101. Calculation of net profit of self-employed earners

(1) For the purposes of regulation 95 (calculation of earnings of self-employed earners), the earnings of a claimant to be taken into account shall be -

(a) in the case of a self-employed earner who is engaged in employment on his own account, the net profit derived from that employment;

(b) in the case of a self-employed earner whose employment is carried on in partnership, or is that of a share fisherman within the meaning of regulation 156, his share of the net profit derived from that employment less -

(i) an amount in respect of income tax and of social security contributions payable under the Benefits Act calculated in accordance with regulation 102 (deduction of tax and contributions for self-employed earners); and

(ii) one half of any premium paid in the period that is relevant under regulation 95 in respect of a personal pension scheme.

(2) Subject to paragraph (3), there shall be disregarded from a claimant's net profit any sum, where applicable, specified in [3paragraphs 1 to 5, 8 and 11 of Schedule 6].

(3) For the purposes of calculating the amount to be deducted in respect of earnings under regulation 80 (contribution-based jobseeker's allowance: deductions in respect of earnings) the disregards in [3paragraph 5 of Schedule 6] shall not apply.

1 Words substituted by article 3(11) of SD119/03 from 7 April 2003.
2 The words “Department of Health and Social Care” substituted for “Department” as a consequence of the Transfer of Functions (Health and Social Care) Order 2014 from 1 April 2014 (SD2014/0008).
3 The words “Department of Health and Social Care” substituted for “Department” as a consequence of the Transfer of Functions (Health and Social Care) Order 2014 from 1 April 2014 (SD2014/0008).
4 Subparagraph (c) inserted by regulation 7 of S.I. 1999/2165 from 1 June 2000 (SD204/00).
5 Words substituted by article 3(12)(a) of SD119/03 from 7 April 2003.
6 Words substituted by article 3(12)(b) of SD119/03 from 7 April 2003.
(4) For the purposes of paragraph (1)(a) the net profit of the employment shall [1] be calculated by taking into account the earnings of the employment over the period determined under regulation 95 (calculation of earnings of self-employed earners) less-

(a) subject to paragraphs (6) to (8), any expenses wholly and exclusively defrayed in that period for the purposes of that employment;

(b) an amount in respect of-

(i) income tax; and

(ii) social security contributions payable under the Benefits Act, calculated in accordance with regulation 102 (deductions of tax and contributions for self-employed earners); and

(c) one half of any premium paid in the period that is relevant under regulation 95 in respect of a personal pension scheme.

(5) For the purposes of paragraph (1)(b), the net profit of the employment shall be calculated by taking into account the earnings of the employment over the period determined under regulation 95 less, subject to paragraphs (6) to (8), any expenses wholly and exclusively defrayed in that period for the purposes of that employment.

(6) Subject to paragraph (7), no deduction shall be made under paragraph (4)(a) or (5) in respect of-

(a) any capital expenditure;

(b) the depreciation of any capital asset;

(c) any sum employed or intended to be employed in the setting up or expansion of the employment;

(d) any loss incurred before the beginning of the period determined under regulation 95;

(e) the repayment of capital on any loan taken out for the purposes of the employment;

(f) any expenses incurred in providing business entertainment.

(7) A deduction shall be made under paragraph (4)(a) or (5) in respect of the repayment of capital on any loan used for-

(a) the replacement in the course of business of equipment or machinery; and

(b) the repair of an existing business asset except to the extent that any sum is payable under an insurance policy for its repair.

(8) An adjudication officer shall refuse to make a deduction under paragraph (4)(a) or (5) in respect of any expenses where he is not satisfied that the expense has been defrayed or, having regard to the nature of the expense and its amount, that it has been reasonably incurred.

(9) For the avoidance of doubt-

(a) a deduction shall not be made under paragraph (4)(a) or (5) in respect of any sum unless it has been expended for the purposes of the business;

(b) a deduction shall be made thereunder in respect of-

(i) the excess of any VAT paid over VAT received in the period determined under regulation 95;

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1 Words omitted by article 3(5)(a) of SD988/11 from 31 January 2012. Where the circumstances in article 8(1) ibid. applied to someone then this amendment had effect either from the first day on or after 31 January 2012 those circumstances no longer applied to them or 30 July 2012.
(ii) any income expended in the repair of an existing asset except to the extent that any sum is payable under an insurance policy for its repair;

(iii) any payment of interest on a loan taken out for the purposes of the employment.

(10) .....¹

(11) Notwithstanding regulation 95 and the foregoing paragraphs, an adjudication officer may assess any item of a claimant's income or expenditure over a period other than that determined under regulation 95 such as may, in the particular case, enable the weekly amount of that item of income or expenditure to be determined more accurately.

(12) For the avoidance of doubt where a claimant is engaged in employment as a self-employed earner and he is engaged in one or more other employments as a self-employed or employed earner, any loss incurred in any one of his employments shall not be offset against his earnings in any other of his employments.

In relation to the calculation of earnings derived from work as a share fisherman for the purposes of establishing entitlement to a contribution-based jobseeker's allowance see regulation 163(3) for the substituted version of this regulation.

102. Deduction of tax and contributions for self-employed earners

(1) The amount to be deducted in respect of income tax under [²regulation 101(1)(b)(i) or (4)(b)(i)] (calculation of net profit of self-employed earners) shall be calculated on the basis of the amount of chargeable income and as if that income were assessable to income tax at the standard rate of tax less only the personal [³allowance] to which the claimant is entitled under section 35 of the Income Tax Act 1970 (an Act of Tynwald) (personal [³allowance]) as is appropriate to his circumstances; but, if the period determined under regulation 95 is less than a year, the earnings to which the rate of tax is to be applied and the amount of the personal relief deductible under this paragraph shall be calculated on a pro rata basis.

(2) The amount to be deducted in respect of social security contributions under [⁴regulation 101(1)(b)(i) or (4)(b)(ii)] shall be the total of -

(a) the amount of Class 2 contributions payable under section 11(1) or, as the case may be, 11(3) of the Benefits Act at the rate applicable at the date of claim except where the claimant's chargeable income is less than the amount specified in section 11(4) of that Act (small earnings exception) for the tax year in which the date of claim falls; but if the period determined under regulation 95 is less than a year, the amount specified for that tax year shall be reduced pro rata; and

[⁵(b) the amount of Class 4 contributions (if any) which would be payable under section 15(3) of that Act (Class 4 contributions) at the -

(i) main class 4 percentage rate applicable at the date of claim on so much of the chargeable income as exceeds the lower limit but does not exceed the upper limit; and

¹ Paragraph (10) omitted by article 3(5)(b) of SD988/11 from 31 January 2012. Where the circumstances in article 8(1) ibid. applied to someone then this amendment had effect either from the first day on or after 31 January 2012 those circumstances no longer applied to them or 30 July 2012.

² Words substituted by article 3(6)(a) of SD988/11 from 31 January 2012. Where the circumstances in article 8(1) ibid. applied to someone then this amendment had effect either from the first day on or after 31 January 2012 those circumstances no longer applied to them or 30 July 2012.

³ Word substituted by article 2(14) of SD33/00 from 10 April 2000.

⁴ Word substituted by article 2(14) of SD33/00 from 10 April 2000.

⁵ Words substituted by article 3(6)(b)(i) of SD988/11 from 31 January 2012. Where the circumstances in article 8(1) ibid. applied to someone then this amendment had effect either from the first day on or after 31 January 2012 those circumstances no longer applied to them or 30 July 2012.

⁶ Subparagraph (b) substituted by article 3(6)(b)(ii) of SD988/11 from 31 January 2012.
(ii) additional class 4 percentage rate applicable at the date of claim on so much of the chargeable income as exceeds the upper limit,

of profits and gains applicable for the tax year in which the date of claim falls; but if the assessment period determined under regulation 95 is less than a year, those limits shall be calculated on a pro-rata basis.]

1[4] In this regulation “chargeable income” means the earnings derived from the employment less any expenses deducted under paragraph (4)(a) or, as the case may be, (5) of regulation 101.]

See regulation 163(4) for amendments made to regulation 102 in relation to the calculation of earnings derived from work as a share fisherman for the purposes of establishing entitlement to a contribution-based jobseeker’s allowance.

Chapter V - Other income

103. Calculation of income other than earnings

(1) For the purposes of regulation 94 (calculation of income other than earnings) the income of a claimant which does not consist of earnings to be taken into account shall, subject to the following provisions of this regulation, be his gross income and any capital treated as income under regulations 104 and 106 (capital treated as income and modifications in respect of children and young persons).

(2) There shall be disregarded from the calculation of a claimant’s gross income under paragraph (1) any sum, where applicable, specified in Schedule 7.

(3) Where the payment of any benefit under the Act or under the Benefits Act is subject to any deduction by way of recovery, the amount to be taken into account under paragraph (1) shall be the gross amount to which the beneficiary is entitled.

(4) and (5) ......2

1[5] In the case of income to which regulation 94(2B) applies (calculation of income of former full-time students), the amount of income to be taken into account for the purposes of paragraph (1) shall be the amount of that income calculated in accordance with regulation 97(7) and on the basis that none of that income has been repaid.]

(6) For the avoidance of doubt there shall be included as income to be taken into account under paragraph (1) any payment to which regulations 98(2)[4(a) to (e)] or 100(2) (payments not earnings) applies.

104. Capital treated as income

(1) ......5

(2) Any payment received under an annuity shall be treated as income.

(3) ......6

(4) Any earnings to the extent that they are not a payment of income shall be treated as income.

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1 Paragraph (3) substituted by article 3(6)(c) of SD988/11 from 31 January 2012. Where the circumstances in article 8(1) ibid. applied to someone then this amendment had effect either from the first day on or after 31 January 2012 those circumstances no longer applied to them or 30 July 2012.
2 Paragraphs (4) and (5) not applied.
3 Paragraph (5A) inserted by regulation 7(2) of S.I. 1997/65 from 1 June 2000 (SD203/00).
4 Words inserted by regulation 23 of S.I. 1996/1517 from 7 October 1996 (SD640/98).
5 Paragraph (1) omitted by article 2(3) of SD199/01 from 9 April 2001.
6 Paragraph (3) not applied.
(5) Where an agreement or court order provides that payments shall be made to the claimant in consequence of any personal injury to the claimant and that such payments are to be made, wholly or partly, by way of periodical payments, any such periodical payments received by the claimant (but not a payment which is treated as capital by virtue of this Part), shall be treated as income.

(6) Any payment of a MIP shall be treated as income.

105. Notional income

(1) A claimant shall be treated as possessing income of which he has deprived himself for the purpose of securing entitlement to a jobseeker's allowance or increasing the amount of that allowance, or for the purpose of securing entitlement to, or increasing the amount of, [income support.]

(2) Except in the case of -

(a) a discretionary trust;

(b) a trust derived from a payment made in consequence of a personal injury;

(c) ......

(d) employed person’s allowance;

(e) a jobseeker's allowance;

(f) ......

(g) a personal pension scheme, occupational pension scheme or a payment made by the Board of the Pension Protection Fund where the claimant has not attained the qualifying age;]

[or

(h) any sum to which paragraph 33(2)(a) of Schedule 8 (capital to be disregarded) applies which is administered in the way referred to in paragraph 33(1)(a);]

income which would become available to the claimant upon application being made but which has not been acquired by him shall be treated as possessed by him but only from the date on which it could be expected to be acquired were an application made.

(2B) A claimant who has attained the qualifying age shall be treated as possessing -

(a) the amount of any income from an occupational pension scheme, a personal pension scheme, or the Board of the Pension Protection Fund -

(i) for which no claim has been made, and

(ii) to which he might expect to be entitled if a claim for it were made;

(b) income from an occupational pension scheme which the claimant elected to defer, but only from the date on which it could be expected to be acquired were an application for it to be made.

(3) This paragraph applies where a person who has attained the qualifying age -

\[1\] Paragraph (5) inserted by regulation 2(d) of S.I. 2002/2442 from 1 February 2003 (SD883/02).

\[2\] Paragraph (6) inserted by article 8(4) of Part 4 of SD2022/0010 from 10 January 2022.

\[3\] Words substituted by article 2(15) of SD33/00 from 10 April 2000.

\[4\] Subparagraph (c) not applied.

\[5\] Subparagraph (d) substituted by article 3(7) of SD988/11 from 31 January 2012.

\[6\] Subparagraph (f) not applied.

\[7\] Subparagraph (g) substituted by article 5(3)(a) of SD0608/12 from 1 November 2012.

\[8\] Word and subparagraph (h) inserted by regulation 6 of S.I. 1997/2197 from 1 May 2000 (SD124/00).

\[9\] Subparagraph (h) substituted by regulation 3(4) of S.I. 2007/719 from 7 July 2015 (SD2015/0186).

\[10\] Paragraphs (2B) to (5A) substituted for paragraphs (3) to (5) by article 5(3)(b) of SD0608/12 from 1 November 2012.
(a) is entitled to money purchase benefits under an occupational pension scheme or a personal pension scheme;

(b) fails to purchase an annuity with the funds available in that scheme; and

(c) either -

(i) defers in whole or in part the payment of any income which would have been payable to him by his pension fund holder;

(ii) fails to take any necessary action to secure that the whole of any income which would be payable to him by his pension fund holder upon his applying for it, is so paid; or

(iii) income withdrawal is not available to him under that scheme.

(3A) Where paragraph (3) applies, the amount of any income foregone shall be treated as possessed by that person, but only from the date on which it could be expected to be acquired were an application for it to be made.

(4) The amount of any income foregone in a case to which head (i) or (ii) of paragraph (3)(a) applies shall be the [11°rate of the annuity which may have been purchased with the fund] and shall be determined by an adjudication officer, who shall take account of information provided by the pension fund holder in accordance with regulation 7(5) of the Claims and Payments Regulations.

(5) The amount of any income foregone in a case where paragraph (3)(c)(iii) applies shall be the income that the person could have received without purchasing an annuity had the funds held under the relevant occupational or personal pension scheme been held under a scheme where income withdrawal was available and shall be determined in the manner specified in paragraph (4).

(5A) In paragraph (3), “money purchase benefits” has the meaning it has in the Pension Schemes Act 1993.

(6) Subject to paragraph (7), any income which is due to be paid to the claimant but has not been paid to him, shall be treated as possessed by the claimant.

(7) Paragraph (6) shall not apply to -

(a) any amount to which paragraph (8) or (9) applies;

(b) a payment to which section 74(2) or (3) of the Administration Act applies (abatement of prescribed payments from public funds which are not made before the prescribed date, and abatement from prescribed benefits where maintenance not paid); and

(c) a payment from a discretionary trust, or a trust derived from a payment made in consequence of a personal injury;

[12(d) any earnings which are due to an employed earner on the termination of his employment by reason of redundancy but which have not been paid to him.]

(8) This paragraph applies to an amount which is due to be paid to the claimant under an occupational pension scheme but which is not paid because the trustees or managers of the scheme have suspended or ceased payment due to an insufficiency of resources.

(9) This paragraph applies to any amount by which a payment made to the claimant from an occupational pension scheme falls short of the payment to which he was due under the scheme where the shortfall arises because the trustees or managers of the scheme have insufficient resources available to them to meet in full the scheme's liabilities.

11 Words substituted by regulation 8 of S.I. 2017/1015 from 19 November 2020 (SD2020/0487).
12 Subparagraph (d) inserted by regulation 3 of S.I. 1999/3324 from 1 August 2000 (SD369/00).
(10) Any payment of income, other than a payment of income specified in paragraph (10A), made-

(a) to a third party in respect of a single claimant or in respect of a member of the family shall be treated-

(i) in a case where that payment is derived from a payment of any benefit under the payment from the Armed Forces and Reserve Forces Compensation Scheme, a war disablement pension, war widow’s pension or war widower’s pension or a pension payable to a person as a widow, widower or surviving civil partner under any power of Her Majesty otherwise than under an enactment to make provision about pensions for or in respect of persons who have been disabled or have died in consequence of service as members of the armed forces of the Crown, as possessed by that single claimant, if it would normally be paid to him, or as possessed by that member of the family, if it would normally be paid to that member;

(ii) in any other case, as possessed by that single claimant or by that member of the family to the extent that it is used for the food, ordinary clothing or footwear, household fuel, rent, or any housing costs to the extent that they are met under regulations 83(f) or 86A(d) or 86B(e), of that single claimant or, as the case may be, of any member of the family;

(b) to a single claimant or a member of the family in respect of a third party (but not in respect of an other member of the family) shall be treated as possessed by that single claimant or, as the case may be, that member of the family to the extent that it is kept or used by him or used by or on behalf of any member of the family;

but, except where sub-paragraph (a)(i) applies and in the case of a person who is, or would be, prevented from being entitled to a jobseeker's allowance by section 14 (trade disputes), this paragraph shall not apply to any payment in kind to the third party.

(10A) Paragraph (10) shall not apply in respect of a payment of income made-

(a) under or by the MacFarlane Trust, the MacFarlane (Special Payments) Trust, the MacFarlane (Special Payments) (No 2) Trust, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independant Living Funds;

(b) and (c) ......

under an occupational pension scheme or in respect of a pension or other periodical payment made under a personal pension scheme where-

(i) an adjudication order under the Bankruptcy Procedure Act 1892 has been made in respect of the person in respect of whom the payment has been made;

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14 Words omitted by regulation 2(5A) of S.I. 2005/574 from 4 April 2005.
16 Head (ia) inserted by regulation 2(1)(b) of S.I. 1999/2640 from 1 August 2000.
18 Words inserted by article 5(3)(c) of S.D.608/12 from 1 November 2012.
20 Words inserted by regulation 4(8)(a) of S.I. 2010/641 from 1 March 2011.
22 Words inserted by regulation 10(9) of S.I. 2011/2425 from 1 November 2012.
23 Subparagraphs (b) and (c) not applied.
24 Subparagraph (d) added by regulation 2(3)(d) of S.I. 1999/2640 from 1 August 2000.
(ii) the payment is made to the trustee in bankruptcy or any other person acting on behalf of the creditors; and

(iii) the person referred to in (i) and any member of his family does not possess, or is not treated as possessing, any other income apart from that payment.]

[25](11) Where the claimant -

(a) is in an adult care home; or

(b) is temporarily absent from such a home,

any payment made by a person other than the claimant or a member of his family in respect of some or all of the cost of maintaining the claimant or a member of his family in that home shall be treated as possessed by the claimant or by that member of his family.]

(12) Where a claimant's earnings are not ascertainable at the time of the determination of the claim or of any subsequent [26] revision or supersession] the adjudication officer shall treat the claimant as possessing such earnings as is reasonable in the circumstances of the case having regard to the number of hours worked and the earnings paid for comparable employment in the area.

(13) [27]Subject to paragraph (13A) where -

(a) a claimant performs a service for another person; and

(b) that person makes no payment of earnings or pays less than that paid for a comparable employment [28],

the adjudication officer shall treat the claimant as possessing such earnings (if any) as is reasonable for that employment [29]. [30]

[31](13A) Paragraph (13) shall not apply -

(a) to a claimant who is engaged by a charitable or voluntary organisation or who is a volunteer if the adjudication officer is satisfied in any of those cases that it is reasonable for him to provide those services free of charge;

(b) in a case where the service is performed in connection with -

(i) the claimant's participation in an employment or training programme in accordance with regulation 19(1)(q); or

(ii) the claimant's or the claimant's partner's participation in an employment or training programme as defined in regulation 19(3) for which a training allowance is not payable or, where such an allowance is payable, it is payable for the sole purpose of reimbursement of travelling or meal expenses to the person participating in that programme.]

(14) Where a claimant is treated as possessing any income under any of paragraphs (1) to (11) the foregoing provisions of this Part shall apply for the purposes of calculating the amount of that income as if a payment had actually been made and as if it were actual income which he does possess.
(15) Where a claimant is treated as possessing any earnings under paragraphs (12) or (13) the foregoing provisions of this Part shall apply for the purposes of calculating the amount of those earnings as if a payment had actually been made and as if they were actual earnings which he does possess, except that paragraph (4) of regulation 99 (calculation of net earnings of employed earners) shall not apply and his net earnings shall be calculated by taking into account the earnings which he is treated as possessing, less -

(a) an amount in respect of income tax equivalent to an amount calculated by applying to those earnings the basic rate of tax in the year of assessment less only the personal relief to which the claimant is entitled under section 35 of the Income Tax Act 1970 (an Act of Tynwald) (personal reliefs) as is appropriate to his circumstances; but, if the period over which those earnings are to be taken into account is less than a year, the earnings to which the basic rate of tax is to be applied and the amount of the personal relief deductible under this paragraph shall be calculated on a pro-rata basis;

(b) where the weekly amount of those earnings equals or exceeds the lower earnings limit, an amount representing primary Class 1 contributions under the Benefits Act, calculated by applying to those earnings the initial and main primary percentages in accordance with section 8(1)(a) and (b) of that Act; and

(c) one-half of any sum payable by the claimant in respect of a pay period by way of a contribution towards an occupational or personal pension scheme.

(16) In this regulation -

"ordinary clothing or footwear" means clothing or footwear for normal daily use, but does not include school uniforms, or clothing or footwear used solely for sporting activities;

"pension fund holder" means with respect to a personal pension scheme the trustees, managers or scheme administrators, as the case may be, of the scheme concerned;

"resources" has the same meaning as in section 181 of the Pension Schemes Act 19931.

106. Modifications in respect of children and young persons

(1) Any capital of a child or young person payable by instalments which are outstanding on the first day in respect of which an income-based jobseeker's allowance is payable or, in the case of a supersession, the date of that supersession, shall, if the aggregate of the instalments outstanding and the amount of that child or young person's other capital calculated in accordance with Chapter VI of this Part in like manner as for the claimant would exceed £13,000, be treated as income.

(2) In the case of a child or young person who is residing at an educational establishment at which he is receiving relevant education -

(a) any payment made to the educational establishment, in respect of that child's or young person's maintenance, by or on behalf of a person who is not a member of the family or by a member of the family out of funds contributed for that purpose by a person who is not a member of the family, shall be treated as income of that child or young person but it shall only be taken into account over periods during which that child or young person is at present at that educational establishment; and

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1 1993 c. 48.
2 Word substituted by paragraph 5 of Schedule 12 to S.I. 1999/2860 from 6 October 2000 (SD603/00).
3 Word substituted by paragraph 5 of Schedule 12 to S.I. 1999/2860 from 6 October 2000 (SD603/00).
4 Sum substituted by article 8(2)(e) of SD128/07 from 9 April 2007.
(b) if a payment has been so made, for any period in a benefit week in term-time during which that child or young person returns home, he shall be treated as possessing an amount of income in that week calculated by multiplying the amount of personal allowance, if any, applicable in respect of that child or young person by the number equal to the number of days in that week in which he was present at his educational establishment and dividing the product by seven; but this sub-paragraph shall not apply where the educational establishment is provided under [1sections 2 and 20 of the Education Act 2001 (an Act of Tynwald)].

(3) Where a child or young person -

(a) is resident at an educational establishment and he is wholly or partly maintained at that establishment by the [2Department of Education, Sport and Culture] under [1sections 2 and 20 of the Education Act 2001 (an Act of Tynwald)],

(b) ......

he shall for each day he is present at that establishment be treated as possessing an amount of income equal to the sum obtained by dividing the amount of personal allowance, if any, applicable in respect of him by seven.

(4) Where the income of a child or young person who is a member of the claimant's family calculated in accordance with Chapters I to V of this Part exceeds the amount of the personal allowance, if any, applicable in respect of that child or young person, the excess shall not be treated as the income of the claimant.

(5) Where the capital of a child or young person if calculated in accordance with Chapter VI of this Part in like manner as for the claimant, except as provided in paragraph (1), would exceed [3£13,000], any income of that child or young person shall not be treated as the income of the claimant.

(6) In calculating the net earnings or net profit of a child or young person there shall be disregarded, (in addition to any sum which falls to be disregarded under [6paragraphs 6 to 8]), any sum specified in [7paragraph 9 of Schedule 6] (earnings to be disregarded).

(7) Any income of a child or young person which is to be disregarded under Schedule 7 (income other than earnings to be disregarded) shall be disregarded in such manner as to produce the result most favourable to the claimant.

(8) Where a child or young person is treated as possessing any income under paragraphs (2) or (3) the foregoing provisions of this Part shall apply for the purposes of calculating that income as if a payment had actually been made and as if it were actual income which he does possess.

(9) For the purposes of this regulation, a child or young person shall not be treated as present at his educational establishment on any day if on that day he spends the night with the claimant or a member of his household.

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1 Words substituted by regulation 4(6A)(a) of S.I. 2009/583 from 1 March 2011 (SD1073/10).
2 “Department of Education, Sport and Culture” substituted for “Department of Education and Children” as provided for by article 7 of the Transfer of Functions (Economic Development and Education) Order 2017 from 24 November 2017 (SD2017/0325).
3 Words substituted by regulation 4(6A)(a) of S.I. 2009/583 from 1 March 2011 (SD1073/10).
4 Subparagraph (b) not applied.
5 Sum substituted by article 8(2)(e) of SD128/07 from 9 April 2007.
6 Words substituted by article 3(14)(b)(i) of SD119/03 from 7 April 2003.
7 Words substituted by article 3(14)(b)(ii) of SD119/03 from 7 April 2003.
Chapter VI - Capital

107. Capital limit (Omitted)¹

108. Calculation of capital

(1) Subject to paragraph (2), the capital of a claimant to be taken into account shall be the whole of his capital calculated in accordance with this Part and any income treated as capital under regulation 110.

(2) There shall be disregarded from the calculation of a claimant's capital under paragraph (1) any capital, where applicable, specified in Schedule 8.

109. Disregard of capital of child or young person

The capital of a child or young person who is a member of the claimant's family shall not be treated as capital of the claimant.

110. Income treated as capital

(1) ......²

(2) Except in the case of an amount to which section 15(2)(c)(i) (refund of tax in trade dispute cases) applies, any amount by way of a refund of income tax deducted from profits or emoluments chargeable to income tax as being the income of a self-employed earner shall be treated as capital.

(3) Any holiday pay which is not earnings under regulation 98(1)(c) (earnings of employed earners) shall be treated as capital.

(4) Except any income derived from capital disregarded under [³paragraphs 1 to 3, 5 to 8, 11⁴, 26 or 33] of Schedule 8, any income derived from capital shall be treated as capital but only from the date it is normally due to be credited to the claimant's account.

(5) Subject to paragraph (6), in the case of employment as an employed earner, any advance of earnings or any loan made by the claimant's employer shall be treated as capital.

(6) Paragraph (5) shall not apply to a person who is, or would be, prevented from being entitled to a jobseeker's allowance by section 14 (trade disputes).

(7) and (8) ......⁵

(9) Any charitable or voluntary payment which is not made or not due to be made at regular intervals, other than one to which paragraph (10) applies, shall be treated as capital.

(10) This paragraph applies to a payment -

(a) which is made to a person who is, or would be, prevented from being entitled to a jobseeker's allowance by section 14 (trade disputes);

(b) to which regulation 106(2) (modifications in respect of children and young persons) applies; or

¹ Regulation 107 omitted by article 2(2) of SD83/01 from 9 April 2001.
² Paragraph (1) omitted by article 3(15)(a) of SD119/03 from 7 April 2003.
³ Words substituted by article 3(15)(b) of SD119/03 from 7 April 2003.
⁴ Words substituted by regulation 13(6) of S.I. 2006/2378 from 1 October 2006 (SD497/07).
⁵ Paragraphs (7) and (8) not applied.
which is made under [1 or by] the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No. 2) Trust, the Fund, the Eileen Trust[2, MFET Limited][3, the Skipton Fund, the Caxton Foundation] or the Independent Living Funds.


[5] 111. Calculation of capital in the Isle of Man or the United Kingdom

Capital which a claimant possesses in the Isle of Man or the United Kingdom shall be calculated at its current market or surrender value less -

(a) where there would be expenses attributable to the sale, 10 per cent; and

(b) the amount of any incumbrance secured on it.

112. Calculation of capital outside the Isle of Man [and the United Kingdom]

[6] Capital which a claimant possesses in a country outside the Isle of Man [and the United Kingdom] shall be calculated in a case in which there is no prohibition in that country against the transfer to the Isle of Man or the United Kingdom of an amount equal to its current market or surrender value in that country, at that value.

113. Notional capital

(1) A claimant shall be treated as possessing capital of which he has deprived himself for the purpose of securing entitlement to [7 a jobseeker’s allowance or any income-related benefit, or increasing the amount of any such benefit, except -]

(a) where that capital is derived from a payment made in consequence of a personal injury and is placed on trust for the benefit of the claimant;

(b) to the extent that the capital he is treated as possessing is reduced in accordance with regulation 114 (diminishing notional capital rule); [10]

[11] (c) any sum to which paragraph 33(2)(a) of Schedule 8 (capital to be disregarded) applies which is administered in the way referred to in paragraph 33(1)(a).]

[12] (1A) In paragraph (1) “any income-related benefit” includes -

(a) income support;

(b) supplementary benefit;

(c) family income supplement; [13]

(d) disability working allowance][14]; and

1 Words inserted by regulation 4(8)(b) of S.I. 2010/641 from 1 March 2011 (SD1073/10).
2 Words inserted by regulation 4(3)(c) of S.I. 2010/641 from 1 March 2011 (SD1073/10).
3 Words inserted by regulation 10(9) of S.I. 2011/2425 from 1 November 2012 (SD0607/12).
4 Paragraph (10A) added by article 2(4) of SD135/04 from 12 April 2004.
5 Regulation 111 substituted by regulation 8(12) of S.I. 2007/2618 from 1 October 2007 (SD116/08).
6 Words substituted by article 3(3) of SD793/02 from 1 January 2003.
7 Regulation 112 substituted by article 2(17) of SD33/00 from 10 April 2000.
8 Words substituted by article 3(3)(b) of SD793/02 from 1 January 2003.
9 Words substituted by article 3(4)(a) of SD793/02 from 1 January 2003.
10 Word and subparagraph (c) inserted by regulation 6 of S.I. 1997/2197 from 1 May 2000 (SD124/00).
11 Subparagraph (c) substituted by regulation 3(5)(a) of S.I. 2007/719 from 7 July 2015 (SD2015/0186).
12 Paragraph (1A) inserted by article 3(4)(b) of SD793/02 from 1 January 2003.
13 Word omitted by article 3(8)(a) of SD988/11 from 31 January 2012.
14 Word and subparagraph (e) added by article 3(8)(b) of SD988/11 from 31 January 2012.
(e) employed person’s allowance.]

(2) Except in the case of -

(a) a discretionary trust;
(b) a trust derived from a payment made in consequence of a personal injury;
(c) any loan which would be obtainable only if secured against capital disregarded under Schedule 8;
(d) a personal pension scheme; [\text{or}]

\[\text{[(da) an occupational pension scheme or a payment made by the Board of the Pension Protection Fund where the claimant has not attained the qualifying age; or]}\]

\[\text{[(e) any sum to which paragraph 33(2)(a) of Schedule 8 (capital to be disregarded) applies which is administered in the way referred to in paragraph 33(1)(a),]}\]

any capital which would become available to the claimant upon application being made but which has not been acquired by him shall be treated as possessed by him but only from the date on which it could be expected to be acquired were an application made.

(3) [\text{[\text{Any payment of capital, other than a payment of capital specified in paragraph (3A), made -}]}]

(a) to a third party in respect of a single claimant or in respect of a member of the family shall be treated -

(i) in a case where that payment is derived from a payment of any benefit under the [\text{[\text{a payment from the Armed Forces and Reserve Forces Compensation Scheme, a war disablement pension, war widow’s pension or war widower’s pension or a pension payable to a person as a widow, widower or surviving civil partner under any power of Her Majesty otherwise than under an enactment to make provision about pensions for or in respect of persons who have been disabled or have died in consequence of service as members of the armed forces of the Crown], as possessed by that single claimant, if it would normally be paid to him, or as possessed by that member of the family, if it would normally be paid to that member;}}]

\[\text{[(ia) in a case where that payment is a payment of an occupational pension, a pension or other periodical payment made under a personal pension scheme, or a payment made by the Board of the Pension Protection Fund as possessed by that single claimant or, as the case may be, by that member;]}}\]

(ii) in any other case, as possessed by that single claimant or by that member of the family to the extent that it is used for the food, ordinary clothing or footwear, household fuel, rent, or any housing costs to the extent that they are met under [\text{[\text{regulation 83AA(3)(c), 83AD(3)(c), 84(1)(d), 86A(3)(c), 86AC(3)(c), 86AE(3)(c) or 86B(e)] or accommodation charge to the extent that it is met under regulation 86 (persons in [\text{[\text{an adult care home]}], of that single claimant or, as the case may be, of any member of the family;}}]}}\]

\[\text{\footnote{Word inserted by regulation 6 of S.I. 1997/2197 from 1 May 2000 (SD124/00).}}\]

\[\text{\footnote{Subparagraph (da) inserted by article 5(4)(a) of SD0608/12 from 1 November 2012.}}\]

\[\text{\footnote{Subparagraph (e) substituted by regulation 3(5)(b) of S.I. 2007/719 from 7 July 2015 (SD2015/0186).}}\]

\[\text{\footnote{Words inserted by regulation 3 of S.I. 1998/2117 from 24 September 1998 (SD124/00).}}\]

\[\text{\footnote{Words substituted by regulation 3(6) of S.I. 2008/3157 from 19 November 2020 (SD2020/0487).}}\]

\[\text{\footnote{Head (ia) substituted by article 5(4)(b) of SD0608/12 from 1 November 2012.}}\]

\[\text{\footnote{Words substituted by article 19(2) of Part 3 of SD2016/0196 from 24 July 2016.}}\]

\[\text{\footnote{Words substituted by article 16(2) of SD2015/0392 from 9 February 2016.}}\]
(b) to a single claimant or a member of the family in respect of a third party (but not in respect of another member of the family) shall be treated as possessed by that single claimant or, as the case may be, that member of the family to the extent that it is kept or used by him or by or on behalf of any member of the family.

14.353

[1] Paragraph (3) shall not apply in respect of a payment of capital made -

(a) under [2] or by] the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No.2) Trust, the Fund, the Eileen Trust[3], MFET Limited][4], the Independent Living Funds or the Skipton Fund;

(b) ......

[5] under an occupational pension scheme, in respect of a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund where -

(i) an adjudication order under the Bankruptcy Procedure Act 1892 has been made in respect of the person in respect of whom the payment has been made;

(ii) the payment is made to the trustee in bankruptcy or any other person acting on behalf of the creditors; and

(iii) the person referred to in head (i) and any member of his family does not possess, or is not treated as possessing, any other income apart from that payment.]

(4) Where a claimant stands in relation to a company in a position analogous to that of a sole owner or a partner in the business of that company, he shall be treated as if he were such sole owner or partner and in such a case -

(a) the value of his holding in that company shall, notwithstanding regulation 108 (calculation of capital), be disregarded; and

(b) he shall, subject to paragraph (5), be treated as possessing an amount of capital equal to the value or, as the case may be, his share of the value of the capital of that company and the foregoing provisions of this Chapter shall apply for the purposes of calculating that amount as if it were actual capital which he does possess.

(5) For so long as the claimant undertakes activities in the course of the business of the company, the amount which he is treated as possessing under paragraph (4) shall be disregarded.

(6) Where a claimant is treated as possessing any capital under any of paragraphs (1) to (4) the foregoing provisions of this Chapter shall apply for the purposes of calculating the amount of that capital as if it were actual capital which he does possess.

(7) For the avoidance of doubt a claimant is to be treated as possessing capital under paragraph (1) only if the capital of which he has deprived himself is actual capital.

(8) In paragraph (3) the expression "ordinary clothing or footwear" means clothing or footwear for normal daily use, but does not include school uniforms, or clothing or footwear used solely for sporting activities.

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1 Paragraph (3A) inserted by article 5(3) of SD04/01 from 5 October 1998.
2 Words inserted by regulation 4(8)(c) of S.I. 2010/641 from 1 March 2011 (SD1073/10).
3 Words inserted by regulation 4(3)(d) of S.I. 2010/641 from 1 March 2011 (SD1073/10).
4 Words substituted by regulation 3(1) of S.I. 2004/2308 from 4 October 2004 (SD839/04).
5 Subparagraph (b) not applied.
6 Subparagraph (c) inserted by article 5(4)(c) of SD0608/12 from 1 November 2012.
114. Diminishing notional capital rule

(1) Where a claimant is treated as possessing capital under regulation 113(1) (notional capital), the amount which he is treated as possessing -

(a) in the case of a week that is subsequent to -

(i) the relevant week in respect of which the conditions set out in paragraph (2) are satisfied, or

(ii) a week which follows that relevant week and which satisfies those conditions, shall be reduced by an amount determined under paragraph (2);

(b) in the case of a week in respect of which paragraph (1)(a) does not apply but where -

(i) that week is a week subsequent to the relevant week, and

(ii) that relevant week is a week in which the condition in paragraph (3) is satisfied, shall be reduced by an amount determined under paragraph (3);

(2) This paragraph applies to a benefit week or part week where the claimant satisfies the conditions that -

(a) he is in receipt of a jobseeker's allowance; and

(b) but for regulation 113(1), he would have received an additional amount of jobseeker's allowance in that benefit week or, as the case may be, that part week; and in such a case, the amount of the reduction for the purposes of paragraph (1)(a) shall be equal to that additional amount.

(3) Subject to paragraph (4), for the purposes of paragraph (1)(b) the condition is that the claimant would have been entitled to an income-based jobseeker's allowance in the relevant week but for regulation 113(1), and in such a case the amount of the reduction shall be equal to the aggregate of -

(a) the amount of jobseeker's allowance to which the claimant would have been entitled in the relevant week but for regulation 113(1); and for the purposes of this sub-paragraph if the relevant week is a part-week that amount shall be determined by dividing the amount of jobseeker's allowance to which he would have been entitled by the number equal to the number of days in the part week and multiplying the quotient by 7.

(b) and (c) ......\(^1\)

(4) The amount determined under paragraph (3) shall be re-determined under that paragraph if the claimant makes a further claim for a jobseeker's allowance and the conditions in paragraph (5) are satisfied, and in such a case -

(a) sub-paragraph (a) of paragraph (3) shall apply as if for the words "relevant week" there were substituted the words "relevant subsequent week"; and

(b) subject to paragraph (6), the amount as re-determined shall have effect from the first week following the relevant subsequent week in question.

(5) The conditions referred to in paragraph (4) are that -

(a) a further claim is made 26 or more weeks after -

\(^1\) Subparagraphs (b) and (c) not applied.
(i) the date on which the claimant made a claim for a jobseeker's allowance in respect of which he was first treated as possessing the capital in question under regulation 113(1); or

(ii) in a case where there has been at least one re-determination in accordance with paragraph (4), the date on which he last made a claim for a jobseeker's allowance which resulted in the weekly amount being re-determined; or

(iii) the date on which he last ceased to be in receipt of a jobseeker's allowance; whichever last occurred; and

(b) the claimant would have been entitled to a jobseeker's allowance but for regulation 113(1).

(6) The amount as re-determined pursuant to paragraph (4) shall not have effect if it is less than the amount which applied in that case immediately before the re-determination and in such a case the higher amount shall continue to have effect.

(7) For the purposes of this regulation -

(a) "part week" has the same meaning as in regulation 150(3);

(b) "relevant week" means the benefit week or part-week in which the capital in question of which the claimant has deprived himself within the meaning of regulation 113(1) -

(i) was first taken into account for the purposes of determining his entitlement to a jobseeker's allowance or [income support]; or

(ii) was taken into account on a subsequent occasion for the purposes of determining or re-determining his entitlement to a jobseeker's allowance or [income support] on that subsequent occasion and that determination or re-determination resulted in his beginning to receive, or ceasing to receive, a jobseeker's allowance or [income support];

and where more than one benefit week or part-week is identified by reference to heads (i) and (ii) of this sub-paragraph, the later or latest such benefit week or part-week;

(c) “relevant subsequent week” means the benefit week or part-week which includes the day on which the further claim or, if more than one further claim has been made, the last such claim, was made.

115. Capital jointly held

Except where a claimant possesses capital which is disregarded under regulation 113(4) (notional capital), where a claimant and one or more persons are beneficially entitled in possession to any capital asset, they shall be treated as if each of them were entitled in possession [to the whole beneficial interest therein in an equal share and the foregoing provisions of this Chapter shall apply for the purposes of calculating the amount of capital which the claimant is treated as possessing as if it were actual capital which the claimant does possess]
116. Calculation of tariff income from capital

(1) Where the claimant’s capital, as calculated in accordance with this Part, exceeds £13,000 it shall be treated as equivalent to a weekly income of £1 for each complete £250 in excess of £13,000.

(2) For the purposes of paragraph (1), capital includes any income treated as capital under regulations 110 and 124 (income treated as capital and liable relative payments treated as capital).

Chapter VII - Liable relatives

117. Interpretation

In this Chapter, unless the context otherwise requires -

"claimant" includes a young claimant;

"liable relative" means -

(a) a spouse, former spouse, civil partner or former civil partner of a claimant or of a member of the claimant's family;

(b) a parent of a young claimant or of a child or young person who is a member of a claimant's family;

(c) a person who has not been adjudged to be the father of a young claimant or of a child or young person who is a member of a claimant's family, where that person is contributing to the maintenance of that young claimant, child or young person and by reason of that contribution he may reasonably be treated as the father of that young claimant, child or young person;

(d) a person liable to maintain another person by virtue of section 105(3)(d) of the Administration Act where the latter is the claimant or a member of the claimant's family,

and, in this definition, a reference to a child's, young person's or young claimant's parent includes any person in relation to whom the child, young person or young claimant was treated as a child or a member of the family;

"payment" means a periodical payment or any other payment made by or derived from a liable relative including, except in the case of a discretionary trust, any payment which would be so made or derived upon application being made by the claimant but which has not been acquired by him, but only from the date on which it could be expected to be acquired were an application made; but it does not include any payment -

(a) arising as a consequence of a disposition of property made in contemplation of, or as a consequence of -

(i) an agreement to separate; or

(ii) any proceedings for judicial separation, divorce or nullity of marriage; [or]
1(iii) any proceedings for separation, dissolution or nullity in relation to a civil partnership;]

(b) made after the death of the liable relative;

c) made by way of a gift but not in aggregate or otherwise exceeding £250 in the period of 52 weeks beginning with the date on which the payment, or if there is more than one such payment the first payment, is made; and in the case of a claimant who continues to be in receipt of an income-based jobseeker's allowance at the end of the period of 52 weeks, this provision shall continue to apply thereafter with the modification that any subsequent period of 52 weeks shall begin with the first day of the benefit week in which the first payment is made after the end of the previous period of 52 weeks;

d) to which regulation 106(2) applies (payments in respect of children and young persons who reside at an educational establishment);

e) made -

(i) to a third party in respect of the claimant or a member of the claimant's ["partner or is made or derived from a person falling within sub-paragraph (d) of the definition of liable relative"]; or

(ii) to the claimant or to a member of the claimant's family in respect of a third party,

where having regard to the nature of the payment, the terms under which it is made and its amount, it is unreasonable to take it into account;

(f) in kind;

(g) to or in respect of a child or young person who is to be treated as not being a member of the claimant's household under regulation 78;

(h) which is not a periodical payment, to the extent that any amount of that payment -

(i) has already been taken into account under this Part by virtue of a previous claim or determination; or

(ii) has been recovered under [section 74(1) of the Social Security Administration Act 1992] (as that Act has effect in the Isle of Man) (prevention of duplication of payments) or is currently being recovered; or

(iii) at the time the determination is made, has been used by the claimant except where he has deprived himself of that amount for the purpose of securing entitlement to a jobseeker's allowance or increasing the amount of that allowance;

“periodical payment” means -

(a) a payment which is made or is due to be made at regular intervals in pursuance of a court order or agreement for maintenance;

(b) in a case where the liable relative has established a pattern of making payments at regular intervals, any such payment;

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1 Subparagraph (iii) inserted by paragraph 26(6)(b)(ii) of Schedule 3 to S.I. 2005/2877 from 5 December 2005 (SD866/05).

2 Words substituted by regulation 4(9)(b)(i) of S.I. 2009/2655 from 1 March 2011 (SD1073/10).

3 Words substituted by article 2(20) of SD33/00 from 10 April 2000.
(c) any payment not exceeding the amount of jobseeker’s allowance payable had that payment not been made;

(d) any payment representing a commutation of payments to which sub-paragraph (a) or (b) of this definition applies whether made in arrears or in advance,

but does not include a payment due to be made before the benefit week in which the claimant first became entitled to income-based jobseeker’s allowance, which was not so made;

“young claimant” means a person aged 16 or over but under [1]20] who makes a claim for a jobseeker’s allowance.

118. Treatment of liable relative payments (Not applied)

119. Disregard of payments treated as not relevant income (Not applied)

120. Period over which periodical payments are to be taken into account

(1) The period over which a periodical payment is to be taken into account shall be -

(a) in a case where the payment is made at regular intervals, a period equal to the length of that interval;

(b) in a case where the payment is due to be made at regular intervals but is not so made, such number of weeks as is equal to the number obtained (and any fraction shall be treated as a corresponding fraction of a week) by dividing the amount of that payment by the weekly amount of that periodical payment as calculated in accordance with regulation 122(4);

(c) in any other case, a period equal to a week.

(2) The period under paragraph (1) shall begin on the date on which the payment is treated as paid under regulation 123.

121. Period over which payments other than periodical payments are to be taken into account

(1) Subject to paragraph (2), the number of weeks over which a payment other than a periodical payment is to be taken into account shall be equal to the number (and any fraction shall be treated as a corresponding fraction of a week) obtained by dividing that payment by -

(a) where the payment is in respect of the claimant or the claimant and any child or young person who is a member of the claimant's family, the aggregate of £2 and the amount of jobseeker's allowance which would be payable had the payment not been made;

(b) where the payment is in respect of one, or more than one, child or young person who is a member of the family, the lesser of the amount (or the aggregate of the amounts) prescribed under Schedule 1, in respect of -

(i) the personal allowance of the claimant and each such child or young person;

(ii) and (iii) ......

(iv) any carer premium but only if that premium is payable because the claimant is in receipt, or is treated as being in receipt, of [3]carer's allowance] by reason of the fact that he is caring for such a child or young person who is severely disabled;

and the aggregate of £2 and the amount of jobseeker's allowance which would be payable had the payment not been made.

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1 Number substituted by regulation 3(7) of S.I. 2006/718 from 10 April 2006 (SD31/07).
2 Heads (ii) and (iii) not applied.
3 Words substituted by regulation 3(5)(a) of S.I. 2003/511 from 1 July 2003 (SD354/03).
(2) Where a liable relative makes a periodical payment and any other payment concurrently and the weekly amount of that periodical payment, as calculated in accordance with regulation 122 (calculation of the weekly amount of a liable relative payment), is less than -

(a) in a case where the periodical payment is in respect of the claimant or the claimant and any child or young person who is a member of the claimant's family, the aggregate of £2 and the amount of jobseeker's allowance which would be payable had the payments not been made; or

(b) in a case where the periodical payment is in respect of one or more than one child or young person who is a member of the family, the aggregate of the amounts prescribed in Schedule 1 in respect of each such child or young person,

that other payment shall, subject to paragraph (3), be taken into account over a period of such number of weeks as is equal to the number obtained (and any fraction shall be treated as a corresponding fraction of a week) by dividing that payment by an amount equal to the extent of the difference between the amount referred to in sub-paragraph (a) or (b), as the case may be, and the weekly amount of the periodical payment.

(3) If -

(a) the liable relative ceases to make periodical payments, the balance (if any) of the other payment shall be taken into account over the number of weeks equal to the number obtained (and any fraction shall be treated as a corresponding fraction of a week) by dividing that balance by the amount referred to in sub-paragraph (a) or (b), as the case may be, of paragraph (1);

(b) the amount of any subsequent periodical payment varies, the balance (if any) of the other payment shall be taken into account over a period of such number of weeks as is equal to the number obtained (and any fraction shall be treated as a corresponding fraction of a week) by dividing that balance by an amount equal to the extent of the difference between the amount referred to in sub-paragraph (a) or (b), as the case may be, of paragraph (2), and the weekly amount of the subsequent periodical payment.

(4) The period under paragraph (1) or (2) shall begin on the date on which the payment is treated as paid under regulation 123 and under paragraph (3) shall begin on the first day of the benefit week in which the cessation or variation of the periodical payment occurred.

122. Calculation of the weekly amount of a liable relative payment

(1) Where a periodical payment is made or is due to be made at intervals of one week, the weekly amount shall be the amount of that payment.

(2) Where a periodical payment is made or is due to be made at intervals greater than one week and those intervals are monthly, the weekly amount shall be determined by multiplying the amount of the payment by 12 and dividing the product by 52.

(3) Where a periodical payment is made or is due to be made at intervals and those intervals are neither weekly or monthly, the weekly amount shall be determined by dividing that payment by the number equal to the number of weeks (including any part of a week) in that interval.

(4) Where a payment is made and that payment represents a commutation of periodical payments whether in arrears or in advance, the weekly amount shall be the weekly amount of the individual periodical payments so commuted as calculated under paragraphs (1) to (3) as appropriate.

(5) The weekly amount of a payment to which regulation 121 applies (period over which payments other than periodical payments are to be taken into account) shall be equal to the amount of the divisor used in calculating the period over which the payment or, as the case may be, the balance is to be taken into account.
123. **Date on which a liable relative payment is to be treated as paid**

(1) A periodical payment is to be treated as paid -

   (a) in the case of a payment which is due to be made before the benefit week in which the claimant first became entitled to an income-based jobseeker's allowance, on the day in the week in which it is due to be paid which corresponds to the first day of the benefit week;

   (b) in any other case, on the first day of the benefit week in which it is due to be paid unless, having regard to the manner in which jobseeker's allowance is due to be paid in the particular case, it would be more practicable to treat it as paid on the first day of a subsequent benefit week.

(2) Subject to paragraph (3), any other payment shall be treated as paid -

   (a) in the case of a payment which is made before the benefit week in which the claimant first became entitled to an income-based jobseeker's allowance, on the day in the week in which it is paid which corresponds to the first day of the benefit week;

   (b) in any other case, on the first day of the benefit week in which it is paid unless, having regard to the manner in which jobseeker's allowance is due to be paid in the particular case, it would be more practicable to treat it as paid on the first day of a subsequent benefit week.

(3) Any other payment paid on a date which falls within the period in respect of which a previous payment is taken into account, not being a periodical payment, is to be treated as paid on the first day following the end of that period.

124. **Liable relative payments to be treated as capital**

(1) Subject to paragraph (2), where a liable relative makes a periodical payment concurrently with any other payment, and the weekly amount of the periodical payment as calculated in accordance with regulation 122(1) to (4) (calculation of the weekly amount of a liable relative payment) is equal to or greater than the amount referred to in sub-paragraph (a) of regulation 121(2) (period over which payments other than periodical payments are to be taken into account), less the £2 referred to therein, or sub-paragraph (b) of that regulation, as the case may be, the other payment shall be treated as capital.

(2) If, in any case, the liable relative ceases to make periodical payments, the other payment to which paragraph (1) applies shall be taken into account under paragraph (1) of regulation 121 but, notwithstanding paragraph (4) thereof, the period over which the payment is to be taken into account shall begin on the first day of the benefit week following the last one in which a periodical payment was taken into account.

Chapter VIII - Child support

125. **Interpretation** *(Not applied)*

126. **Treatment of child support maintenance** *(Not applied)*

127. **Disregard of payments treated as not relevant income** *(Not applied)*

128. **Calculation of the weekly amount of child support maintenance** *(Not applied)*

129. **Date on which child support maintenance is to be treated as paid** *(Not applied)*
Chapter IX - [\(^1\)Students]

130. Interpretation

In this Chapter \(^2\) and in paragraphs 53 to 60 of Schedule 7 (income other than earnings to be disregarded in determining jobseeker’s allowance entitlement)], unless the context otherwise requires -

\[^3\]“academic year” means the period of twelve months beginning on 1\(^{st}\) January, 1\(^{st}\) April, 1\(^{st}\) July or 1\(^{st}\) September according to whether the course in question begins in the winter, the spring, the summer or the autumn respectively but if students are required to begin attending the course during August or September and to continue attending through the autumn, the academic year of the course shall be considered to begin in the autumn rather than the summer;

\[^4\]“contribution” means -

(a) any contribution in respect of the income of a student or any person which the Department, the Secretary of State, the Scottish Ministers or an education authority takes into account in ascertaining the amount of a student’s grant or student loan; or

(b) any sums, which in determining the amount of a student’s allowance or bursary in Scotland under the Education (Scotland) Act 1980, the Scottish Ministers or education authority takes into account being sums which the Scottish Ministers or education authority consider that it is reasonable for the following persons to contribute towards the holder’s expenses -

(i) the holder of the allowance or bursary;

(ii) the holder’s parents;

(iii) the holder’s parent’s spouse, civil partner or a person ordinarily living with the holder’s parent as if he or she were the spouse or civil partner of that parent; or

(iv) the holder’s spouse or civil partner;

"covenant income" means the income payable to a student under a deed of covenant by a person whose income is, or is likely to be, taken into account in assessing the student's grant or award;

\[^5\]“education authority” means the \[^6\]Department of Education, Sport and Culture\] in the Isle of Man or an analogous government department, authority, board or body, of the United Kingdom, the Channel Islands or any other country outside Great Britain;

\[^7\]“grant” means any kind of educational grant or award and includes any scholarship, studentship, exhibition, allowance or bursary but does not include a payment made available by the \[^6\]Department of Education, Sport and Culture\] or the Secretary of State (as the case may be) for assisting students in financial difficulties under -

(a) section 37 of the Education Act 2001 (an Act of Tynwald);

(b) section 518 of the Education Act 1996;

\(^1\) Title substituted by regulation 3(3) of S.I. 2000/1922 from 3 September 2001 (SD198/01).
\(^2\) Words inserted by article 2(5) of SD135/04 from 12 April 2004.
\(^3\) Definition inserted by regulation 2(1)(a) of S.I. 2001/2319 from 1 February 2002 (SD824/01).
\(^4\) Definition substituted by regulation 4(9)(a) of S.I. 2009/583 from 1 March 2011 (SD1073/10).
\(^5\) Definition substituted by article 2(21) of SD33/00 from 10 April 2000.
\(^6\) “Department of Education, Sport and Culture” substituted for “Department of Education and Children” as provided for by article 7 of the Transfer of Functions (Economic Development and Education) Order 2017 from 24 November 2017 (SD2017/0325).
\(^7\) Definition substituted by regulation 4(9)(c) of S.I. 2009/583 from 1 March 2011 (SD1073/10).
\(^8\) “Department of Education, Sport and Culture” substituted for “Department of Education and Children” as provided for by article 7 of the Transfer of Functions (Economic Development and Education) Order 2017 from 24 November 2017 (SD2017/0325).
(c) sections 14 or 181 of the Education Act 2002;
(d) sections 43 or 49 of the Education (Scotland) Act 1980; or
(e) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992;

[9"grant income" means -
(a) any income by way of a grant;
(b) in the case of a student other than one to whom sub-paragraph (c) refers, any contribution which has been taken into account (whether or not it has been paid);
(c) in the case of a student who satisfies the condition for a disability premium in paragraph 15 of Schedule 3, any contribution which has been taken into account and which has been paid,

and any such contribution which is paid by way of a covenant shall be treated as part of the student’s grant income;]

"last day of the course" means the date on which the last day of the final academic term falls in respect of the course in which the student is enrolled;

[10"periods of experience" means periods of work experience which form part of a sandwich course;]

"standard maintenance grant" means -
(a) except where paragraph (b) or (c) applies, in the case of a student attending [11or undertaking] a course of study at the University of London or an establishment within the area comprising the City of London and the Metropolitan Police District, the amount specified for the time being in Schedule 2 of the Student Awards Scheme 1996 or paragraph 2(2)(a) of Schedule 2 to the Education (Mandatory Awards) Regulations 1995 ("the 1995 regulations") for such a student;
(b) except where paragraph (c) applies, in the case of a student residing at his parents' home, the amount specified in paragraph 3(2) thereof;

[12(c) in the case of a student receiving an allowance or bursary under the Education (Scotland) Act 1980, the amount of money specified as the "standard maintenance allowance" for the relevant year appropriate for the student set out in the Student Support in Scotland Guide issued by the Student Awards Agency for Scotland or its nearest equivalent in the case of a bursary provided by a college of further education or a local education authority [13];]

(d) in any other case, the amount specified in paragraph 2(2) of the 1995 regulations other than in sub-paragraph (a) or (b) thereof;

"student" means a full-time student as defined in regulation 1(3).

[14]
131. **Apportionment of a student’s grant income**

(1) A student’s grant income shall be apportioned -

(a) subject to paragraph (2), in a case where it is attributable to the period of study, equally between the weeks in the period -

(i) beginning with the benefit week the first day of which coincides with, or immediately follows, the first day of the period of study, and

(ii) ending with the benefit week the last day of which coincides with, or immediately precedes, the last day of the period of study; or

(b) in any other case, equally between the weeks in the period -

(i) beginning with the benefit week the first day of which coincides with, or immediately follows, the first day of the period for which it is payable, and

(ii) ending with the benefit week the last day of which coincides with, or immediately precedes, the last day of the period for which it is payable.

(2) In the case of a student on a sandwich course -

(a) any periods of experience within the period of study shall be excluded; and

(b) the student’s grant income shall be apportioned equally between the weeks in the period -

(i) beginning with the benefit week the first day of which immediately follows the last day of the period of experience, and

(ii) ending with the benefit week the last day of which coincides with, or immediately precedes, the last day of the period of study.

132. **Apportionment of a student’s covenant income**

A student’s covenant income shall be apportioned -

(a) in a case where it is attributable to the period of study, equally between the weeks in that period; or

(b) in any other case, equally between the weeks in the period in respect of which it is payable.

133. **Covenant income where no grant income is assessed** *(Not applied)*

134. **Relationship with amounts to be disregarded under Schedule 7** *(Not applied)*

135. **Other amounts to be disregarded** *(Not applied)*

136. **Treatment of student loans** *(Not applied)*

137. **Disregard of contribution** *(Not applied)*

137A. **Further disregard of student’s income** *(Not applied)*

138. **Refund of tax from a student’s income to be treated as capital**

Any amount by way of a refund of tax deducted from a student’s income shall be treated as capital.

139. **Disregard of changes occurring during the summer vacation** *(Not applied)*

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1 Regulations 131 to 139 substituted by article 2(6) of SD135/04 from 12 April 2004.
Part IX - Hardship

140. Meaning of "person in hardship"

(1) In this Part of these Regulations, a "person in hardship" means for the purposes of regulation 141 a claimant, other than a claimant to whom paragraph (3) or (4) applies [1or a member of a joint-claim couple and regulation 3E does not apply], who -

(a) is a single woman -
   (i) who is pregnant; and
   (ii) in respect of whom the adjudication officer is satisfied that, unless a jobseeker's allowance is paid to her, she will suffer hardship; or

(b) is a single person who is responsible for a [2child or young person], and the adjudication officer is satisfied that, unless a jobseeker's allowance is paid to the single person, the [2child or young person] will suffer hardship; or

(c) is a member of [3a couple], where -
   [3(i) at least one member of the couple is a woman who is pregnant; and]  
   (ii) the adjudication officer is satisfied that, unless a jobseeker's allowance is paid, the woman will suffer hardship; or

(d) is a member of a polygamous marriage and -
   (i) one member of the marriage is pregnant; and
   (ii) the adjudication officer is satisfied that, unless a jobseeker's allowance is paid, that woman will suffer hardship; or

(e) is a member of [4a couple] or of a polygamous marriage where -
   (i) one or both members of the couple, or one or more members of the polygamous marriage, are responsible for a child or young person; and
   (ii) the adjudication officer is satisfied that, unless a jobseeker's allowance is paid, the child or young person will suffer hardship; or

(f) ..... ?

(g) suffers, or whose partner suffers from a chronic medical condition which results in functional capacity being limited or restricted by physical impairment and the adjudication officer is satisfied that -
   (i) the suffering has already lasted, or is likely to last, for not less than 26 weeks; and
   (ii) unless a jobseeker's allowance is paid to the claimant the probability is that the health of the person suffering would, within 2 weeks of the adjudication officer making his decision, decline further than that of a normally health adult and that person would suffer hardship; or

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1 Words inserted by paragraph 45(a) of Schedule 2 to S.I. 2000/1978 from 19 March 2001 (SD41/01).
2 Words substituted by regulation 11(14) of S.I. 2008/3051 from 1 April 2013 (SD0059/13).
3 Words substituted by regulation 11(14) of S.I. 2008/3051 from 1 April 2013 (SD0059/13).
4 Words substituted by paragraph 26(8)(a)(i) of Schedule 3 to S.I. 2005/2877 from 5 December 2005 (SD866/05).
5 Head (i) substituted by paragraph 26(8)(a)(ii) of Schedule 3 to S.I. 2005/2877 from 5 December 2005 (SD866/05).
6 Words substituted by paragraph 26(8)(b) of Schedule 3 to S.I. 2005/2877 from 5 December 2005 (SD866/05).
7 Subparagraph (f) not applied.
(h) does, or whose partner does, or in the case of a claimant who is married to more than one person under a law which permits polygamy, at least one of those persons do, devote a considerable portion of each week to caring for another person who -

(i) is in receipt of an attendance allowance or the care component of disability living allowance at one of the two higher rates prescribed under section [8(4)] of the Benefits Act; or

(ii) has claimed either attendance allowance or disability living allowance, but only for so long as the claim has not been determined, or for 26 weeks from the date of claiming, [whichever is the earlier; or

(iii) has claimed either attendance allowance or disability living allowance and has an award of either attendance allowance or the care component of disability living allowance at one of the two higher rates prescribed under section 72(4) of the Benefits Act for a period commencing after the date on which that claim was made,]

and the adjudication officer is satisfied, after taking account of the factors set out in paragraph [10(5)] in so far as they are appropriate to the particular circumstances of the case, that the person providing the care will not be able to continue doing so unless a jobseeker's allowance is paid to the claimant; or

(i) is a person or is the partner of a person to whom section 16 applies by virtue of a direction issued by [an adjudication officer], except where the person to whom the direction applies does not satisfy the requirements of section 1(2)(a) to (c); or

(j) is a person -

(i) under the age of 18 or is the partner of such a person; and

(ii) in respect of whom the adjudication officer is satisfied that the person will, unless jobseeker's allowance is paid to him, suffer hardship;

[12(ja) is a person -

(i) who, pursuant to the Children and Young Persons Act [2001] (an Act of Tynwald) or by virtue of an order under any other enactment, was at or after the time when he attained the age of seventeen in the care of the Department of Health and Social Care but has ceased to be in its care;

(ii) whom the Department of Health and Social Care caused to be visited, advised, befriended or given financial assistance under the powers given to it to do so under paragraph 8(2) of Schedule 2 to the Children and Young Persons Act 2001 (an Act of Tynwald),

but in respect of whom (i) or (ii) above had not applied for a period of three years or less as at the date on which he complies with the requirements of regulation 143; and

(iii) as at the date on which he complies with the requirements of regulation 143, is under the age of 21;]

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8 Reference substituted by Part II of the Schedule to S.I. 1996/1516.
9 Words inserted by regulation 13(1) of S.I. 1996/1516 from 7 October 1996 (SD641/98).
10 Reference substituted by Part II of the Schedule to S.I. 1996/1516.
11 Words substituted by article 14(3) of SD657/00 from 6 October 2000.
12 Subparagraph (ja) inserted by regulation 2 of S.I. 2000/239 from 1 January 2001 (SD736/00).
13 Year substituted by article 3(4)(a) of SD915/09 from 5 April 2010.
14 The words “Department of Health and Social Care” substituted for “Department” as a consequence of the Transfer of Functions (Health and Social Care) Order 2014 from 1 April 2014 (SD2014/0008).
15 The words “Department of Health and Social Care” substituted for “Department” as a consequence of the Transfer of Functions (Health and Social Care) Order 2014 from 1 April 2014 (SD2014/0008).
16 Words substituted by article 3(4)(b) of SD915/09 from 5 April 2010.
[1^{(k)} or such other person as the Department may determine in general or an adjudication officer may determine in a particular case.]

(2) Except in a case to which paragraph (3) \(^2\) applies\(^3\) or the person in hardship is a member of a joint-claim couple and regulation 3E does not apply\(^4\) a "person in hardship" means for the purposes of regulation 142, a claimant where the adjudication officer is satisfied that he or his partner will suffer hardship unless a jobseeker's allowance is paid to him.

(3) In paragraphs (1) and (2) a "person in hardship" does not include a claimant who is entitled, or whose partner is entitled, to income support or a claimant or a partner of a claimant who falls within a category of persons prescribed in for the purposes of Section 124 of (1)(e) of the Benefits Act.\(^5\)

(4) Paragraph (1)(h) shall not apply in a case where the person being cared for resides in an adult care home.\(^6\)

(5) Factors which, for the purposes of paragraphs (1) and (2), an adjudication officer is to take into account in determining whether a person will suffer hardship are -

(a) if he is a member of a couple and he or his partner has attained the age of 60, or where his partner is in receipt of one of the following benefits -
   (i) disability living allowance,
   (ii) severe disablement allowance,
   (iii) long-term incapacity benefit,
   (iv) attendance allowance;

(b) the resources which, without a jobseeker's allowance, are likely to be available to the claimant's family, the amount by which these resources fall short of the amount applicable in his case in accordance with regulation 145 (applicable amount in hardship cases), the amount of any resources which may be available to members of the claimant's family from any person in the claimant's household who is not a member of his family, and the length of time for which those factors are likely to persist;

(c) whether there is a substantial risk that essential items, including food, clothing, heating and accommodation, will cease to be available to the claimant or to a member of the claimant's family, or will be available at considerably reduced levels and the length of time those factors are likely to persist.

141. **Circumstances in which an income-based jobseeker's allowance is payable to a person in hardship**

(1) This regulation applies to persons in hardship within the meaning of regulation 140(1), and is subject to the provisions of regulations 143 and 144.

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1 Subparagraph (k) substituted by article 3(4) of SD82/01 from 9 April 2001.
2 Words omitted by Part II of the Schedule to S.I. 1996/1516.
3 Words inserted by paragraph 45(b) of Schedule 2 to S.I. 2000/1978 from 19 March 2001 (SD41/01).
4 Words substituted by article 2(22)(a) of SD33/00 from 10 April 2000.
5 Words inserted by regulation 25 of S.I. 1996/1517 from 7 October 1996 (SD640/98).
6 Words substituted by article 2(22)(b) of SD33/00 from 10 April 2000.
7 Words substituted by article 17(2) of SD2015/0392 from 9 February 2016.
(2) Subject to paragraph (3) a person in hardship \[1^{\text{[1]}}\] shall be treated as entitled to an income-based jobseeker's allowance for the period beginning with the 4th day of the jobseeking period or, if later, from the day he first becomes a person in hardship and ending on the day before the claim is determined where the sole reason for the delay in determining the claim is that a question arises as to whether the claimant satisfies any of the conditions of entitlement specified in section 1(2)(a) to (c) \[4^{\text{[4]}}\] provided he satisfies the conditions of entitlement specified in paragraph (d)(ii) of subsection (2) of section 1.

(3) A person in hardship to whom paragraph (2) applies may be treated as entitled to an income-based jobseeker's allowance for a period after the date \[6^{\text{[6]}}\] referred to in that paragraph \[8^{\text{[8]}}\] which is applicable in his case but before the date the statement mentioned in regulation 143(1) is furnished where the adjudication officer is satisfied that the claimant suffered hardship because of a lack of resources during that period.

(4) A person in hardship, except where the person has been treated as not available for employment in accordance with regulations under section 6(4) of the Act shall, subject to the conditions specified in regulation 143 (conditions for hardship payments), be entitled to an income based jobseeker's allowance without satisfying the requirements of section 1(2)(a) to (c) of the Act provided he satisfies the other conditions of entitlement to that benefit.

(5) An income-based jobseeker's allowance shall be payable to a person in hardship even though payment to him of a jobseeker's allowance has been suspended in accordance with \[7^{\text{[7]}}\] regulation 16 of the Social Security and Child Support (Decisions and Appeals) Regulations 1999 on the ground that a doubt has arisen as to whether he satisfies the requirements of section 1(2)(a) to (c), but the allowance shall be payable only if and for so long as the claimant satisfies the other conditions of entitlement to an income based jobseeker's allowance.

(6) An income-based jobseeker's allowance shall be payable to a person in hardship even though \[8^{\text{[8]}}\] regulation 27A or section 19 (circumstances in which a jobseeker's allowance is not payable) prevents payment of a jobseeker's allowance to him but the allowance shall be payable only if and for so long as he satisfies the conditions of entitlement to an income-based jobseeker's allowance.

142. Further circumstances in which an income-based jobseeker's allowance is payable to a person in hardship

(1) This Regulation applies to a person in hardship who falls within paragraph (2) but not paragraph (1) of regulation 140 and is subject to the provisions of regulations 143 and 144.

(2) A person in hardship shall be treated as entitled to an income-based jobseeker's allowance for a period commencing on whichever is the later of -

(a) ...... \[9^{\text{[9]}}\]

(b) ...... \[10^{\text{[10]}}\]

(c) the day the claimant complies with the requirements of regulation 143,
and ending on the day before the claim is determined where [1}the sole reason for the delay] in determining the claim is that a question arises as to whether the claimant satisfies any of the conditions of entitlement specified in section 1(2)(a) to (c) [2]provided that he satisfies the conditions of entitlement specified in paragraph (d)(ii) of subsection (2) of section 1].

(3) An income-based jobseeker's allowance shall be payable subject to paragraph (4) to a person in hardship even though payment to him of a jobseeker's allowance has been suspended in accordance with regulations made by virtue of [3]section 21 of the Social Security Act 1998] (suspension of benefit) on the ground that a doubt has arisen as to whether he satisfies the requirements of section 1(2)(a) to (c) but the allowance shall be payable only if and for so long as the claimant satisfies the other conditions of entitlement to an income-based jobseeker's allowance.

(4) An income-based jobseeker's allowance shall not be payable in respect of the first 14 days of the period of suspension.

(5) An income-based jobseeker's allowance shall be payable to a person in hardship even though section 19 (circumstances in which a jobseeker's allowance is not payable) prevents payment of a jobseeker's allowance to him, but the allowance -

(a) shall not be payable under this paragraph in respect of the first 14 days of the period to which section 19 applies; and

(b) shall be payable thereafter only where the conditions of entitlement to an income-based jobseeker's allowance are satisfied.

143. Conditions for hardship payments

(1) A jobseeker's allowance shall not be payable in accordance with regulation 141 or, as the case may be, 142, except where the claimant has -

(a) furnished on a form approved for the purpose by the Department or in such other form as it may in any particular case approve a statement of the circumstances he relies upon to establish entitlement under regulation 141 or as the case may be regulation 142; and

(b) signed the statement.

(2) The completed and signed form shall be delivered by the claimant to such office as the Department may specify.

144. Provision of information

For the purposes of [4]section 20(5) of and] paragraph 10(3) of Schedule 1 to the Act, a claimant shall provide to the Department information as to the circumstances of the person alleged to be in hardship.

145. Applicable amount in hardship cases for persons other than boarders

(1) Subject to paragraph (4), the weekly applicable amount of a person to whom an income-based jobseeker's allowance is payable in accordance with this Part of these Regulations who is not a boarder (see regulation 84A(4) and (5)) -

(a) subject to sub-paragraphs (b) and (c), shall be reduced by a sum equivalent to -

(i) 40%, or

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1 Words substituted by regulation 2(10)(c) of S.I. 1996/2538 from 28 October 1996 (SD642/98).
2 Words added by regulation 2(10)(c) of S.I. 1996/2538 from 28 October 1996 (SD642/98).
3 Words substituted by paragraph 9 of Schedule 12 to S.I. 1999/2860 from 6 October 2000 (SD603/00).
5 Regulations 145 and 145A substituted for regulation 145 by article 3(2) of SD75/11 from 11 April 2011, or 22 May 2011 where the transitional provision in the Schedule to SD75/11 applied.
(ii) in a case where the claimant or any other member of his family is either pregnant or is seriously ill, 20%,

of the amount specified in paragraph (1B) as applies in his case in respect of any day on which he is entitled to, or is treated as entitled to, or there is otherwise payable to him an income-based jobseeker’s allowance under regulation 141(1) to (5) or regulation 142(1) to (4);

(b) shall be reduced by a sum equivalent to -

(i) 50%, or

(ii) in a case where the claimant or any other member of his family is either pregnant or is seriously ill, 25%,

of the amount specified in paragraph (1B) as applies in his case in respect of any day on which he is entitled to, or is treated as entitled to, or there is otherwise payable to him an income-based jobseeker’s allowance under regulation 141(1) to (5) or 142(1) to (4) if, on any of the immediately preceding 42 days, his weekly applicable amount was reduced in accordance with sub-paragraph (a);

(c) shall be reduced by a sum equivalent to -

(i) 60%, or

(ii) in a case where the claimant or any other member of his family is either pregnant or is seriously ill, 30%,

of the amount specified in paragraph (1B) in respect of any day on which he is entitled to, or is treated as entitled to, or there is otherwise payable to him an income-based jobseeker’s allowance under regulation 141(1) to (5) or 142(1) to (4) if, on any of the immediately preceding 42 days, his weekly applicable amount was reduced in accordance with sub-paragraph (b) or this sub-paragraph.

(1A) The weekly applicable amount of a person to whom an income-based jobseeker’s allowance is payable in accordance with this Part of these Regulations who is not a boarder (see regulation 84A(4) and (5)) shall be reduced by a sum equivalent to -

(a) 40%, or

(b) in a case where the claimant or any other member of his family is either pregnant or is seriously ill, 20%,

of the amount specified in paragraph (1B) as applies in his case in respect of any day on which there is payable to him an income-based jobseeker’s allowance under regulation 141(1) and (6) or 142(1) and (5).

(1B) The amounts mentioned in paragraphs (1) and (1A) are -

(a) if he is a person to whom regulation 83 (persons to whom housing costs are applicable) applies, the amounts specified in the provisions of the table in Part I of Schedule 1 specified in paragraph (1C);

(b) if he is a person to whom regulation 83A applies (persons to whom housing costs are not applicable), the amounts specified in the provisions of the table in Part I A of Schedule 1 specified in paragraph (1C);

(c) if he is a person to whom regulation 83AA applies, the amounts specified in the provisions of the table in Part I B of Schedule 1 specified in paragraph (1C);

1 Paragraphs (1B) and (1C) substituted for paragraphs (1B) to (1D) by article 20(2) of Part 3 of SD2016/0196 from 24 July 2016.
(d) if he is a person to whom regulation 83AB applies, the amounts specified in the provisions of the table in Part IC of Schedule 1 specified in paragraph (1C);

(e) if he is a person to whom regulation 83AD applies, the amounts specified in the provisions of the table in Part ID of Schedule 1 specified in paragraph (1C); and

(f) if he is a person to whom regulation 83AE applies, the amounts specified in the provisions of the table in Part IE of Schedule 1 specified in paragraph (1C).

(1C) If he is -

(a) a single claimant aged less than 18, the amount specified in paragraph 1(1)(a);

(b) a single claimant aged not less than 18 but less than 25, the amount specified in paragraph 1(1)(b);

(c) a single claimant aged not less than 25, the amount specified in paragraph 1(1)(c);

(d) a lone parent aged less than 18, the amount specified in paragraph 1(2)(a);

(e) a lone parent aged not less than 18, the amount specified in paragraph 1(2)(b);

(f) a member of a couple where both members are aged less than 18, the amount specified in paragraph 1(3)(a);

(g) a member of a couple, where one member is aged not less than 18 and the other member is aged less than 18, the amount specified in paragraph 1(3)(b); and

(h) a member of a couple where both members are aged not less than 18, the amount specified in paragraph 1(3)(c).

(2) .....1

(3) A reduction under paragraph (1) or (1A) shall, if it is not a multiple of 5p, be rounded to the nearest such multiple or, if it is a multiple of 2.5p but not of 5p, to the next lower multiple of 5p.

(4) The weekly applicable amount of a person to whom an income-based jobseeker’s allowance is payable in accordance with this Part of these Regulations who is a former prisoner (within the meaning of regulation 85(4)) shall not be reduced under this regulation unless either -

(a) there is payable to him an income-based jobseeker’s allowance under regulation 141(1) and (6) or 142(1) and (5); or

(b) at the time of his release from prison he has funds to meet his needs,

and where sub-paragraph (a) or (b) applies to him, the amount of the reduction shall be the same as it would otherwise be apart from this paragraph.

145A. Applicable amount in hardship cases for boarders

(1) Subject to paragraph (5), the weekly applicable amount of a person to whom an income-based jobseeker’s allowance is payable in accordance with this Part of these Regulations who is a boarder (see regulation 84A(4) and (5)) -

(a) subject to sub-paragraphs (b) and (c) shall be reduced by a sum equivalent to -

(i) 40%, or

(ii) in a case where the claimant or any other member of his family is either pregnant or is seriously ill, 20%,

1 Paragraph (2) not applied.
of the amount specified in paragraph (3) in respect of any day on which he is entitled to, or treated as entitled to, or there is otherwise payable to him an income-based jobseeker’s allowance under regulation 141(1) to (5) or regulation 142(1) to (4);

(b) shall be reduced by a sum equivalent to -

(i) 50%, or

(ii) in a case where the claimant or any other member of his family is either pregnant or is seriously ill, 25%,

of the amount specified in paragraph (3) as applies in his case in respect of any day on which he is entitled to, or treated as entitled to, or there is otherwise payable to him an income-based jobseeker’s allowance under regulation 141(1) to (5) or 142(1) to (4) if, on any of the immediately preceding 42 days, his weekly applicable amount was reduced in accordance with sub-paragraph (a);

(c) shall be reduced by a sum equivalent to -

(i) 60%, or

(ii) in a case where the claimant or any other member of his family is either pregnant or is seriously ill, 30%,

of the amount specified in paragraph (3) in respect of any day on which he is entitled, or is treated as entitled, or there is otherwise payable to him an income-based jobseeker’s allowance under regulation 141(1) to (5) or 142(1) to (4) if, on any of the immediately preceding 42 days, his weekly applicable amount was reduced in accordance with sub-paragraph (b) or this sub-paragraph.

(2) The weekly applicable amount of a person to whom an income-based jobseeker’s allowance is payable in accordance with this Part of these Regulations who is a boarder (see regulation 84A(4) and (5)) shall be reduced by a sum equivalent to -

(a) 40%, or

(b) in a case where the claimant or any other member of his family is either pregnant or is seriously ill, 20%,

of the amount specified in paragraph (3) in respect of any day on which there is payable to him an income-based jobseeker’s allowance under regulation 141(1) and (6) or regulation 142(1) and (5).

1 Paragraph (3) substituted by article 19(11) of Part 5 of SD2015/0223 from 1 November 2015.
(f) if he is a member of a couple where both members are aged less than 18, the amount specified in paragraph 1(3)(a) in that table;

(g) if he is a member of a couple, where one member is aged not less than 18 and the other member is aged less than 18, the amount specified in paragraph 1(3)(b) in that table; and

(h) if he is a member of a couple where both members are aged not less than 18, the amount specified in paragraph 1(3)(c) in that table.]

(4) A reduction under paragraph (1) or (2) shall, if it is not a multiple of 5p, be rounded to the nearest such multiple or, if it is a multiple of 2.5p but not of 5p, to the next lower multiple of 5p.

(5) The weekly applicable amount of a person to whom an income-based jobseeker's allowance is payable in accordance with this Part of these Regulations who is a boarder (see regulation 84A(4) and (5)) and who is a former prisoner (within the meaning of regulation 85(4)) shall not be reduced under this regulation unless either -

(a) there is payable to him an income-based jobseeker’s allowance under regulation 141(1) and (6) or 142(1) and (5); or

(b) at the time of his release from prison he has funds to meet his needs,

and where sub-paragraph (a) or (b) applies to him, the amount of the reduction shall be the same as it would otherwise be apart from this paragraph.]

146. Payments made on account of suspended benefit

(1) This regulation applies to a person to whom -

(a) payments of a jobseeker's allowance have been suspended in accordance with regulations made under [section 21 of the Social Security Act 1998];

(b) an income-based jobseeker's allowance is paid under regulation 141 or 142.

(2) In the case of a person to whom -

(a) this regulation applies; and

(b) payments in respect of the benefit suspended fall to be made,

any benefit paid or payable by virtue of regulation 141(5) or 142(3) shall be treated as having been paid on account of the suspended benefit and only the balance of the suspended benefit (if any) shall be payable.

1 Words substituted by paragraph 9 of Schedule 12 to S.I. 1999/2860 from 6 October 2000 (SD603/00).
146A. **Meaning of "couple in hardship"

(1) In this Part of these Regulations, a "couple in hardship" means for the purposes of regulation 146C, a joint-claim couple who are claiming a jobseeker's allowance jointly, other than a couple which includes a member to whom paragraph (3) or (4) applies, where -

(a) [2]at least one member of the joint-claim couple is a woman who is pregnant] and an adjudication officer is satisfied that, unless a joint-claim jobseeker's allowance is paid, she will suffer hardship; or

(b) one or both members of the couple are members of a polygamous marriage, one member of the marriage is pregnant and an adjudication officer is satisfied that, unless a joint-claim jobseeker's allowance is paid, she will suffer hardship; or

(c) the award of a joint-claim jobseeker's allowance includes, or would, if a claim for a jobseeker's allowance from the couple were to succeed, have included in their applicable amount a disability premium and -

(i) where the couple have an award, a joint-claim jobseeker's allowance is not payable either because it is suspended or because [2]regulation 27A or section 20A (denial or reduction of joint-claim jobseeker's allowance) applies in the couple's case; and

(ii) an adjudication officer is satisfied that, unless a joint-claim jobseeker's allowance is paid, the member of the couple who would have caused the disability premium to be applicable to the couple would suffer hardship; or

(d) either member of the couple suffers from a chronic medical condition which results in functional capacity being limited or restricted by physical impairment and an adjudication officer is satisfied that -

(i) the suffering has already lasted or is likely to last, for not less than 26 weeks; and

(ii) unless a joint-claim jobseeker's allowance is paid, the probability is that the health of the person suffering would, within two weeks of an adjudication officer making his decision, decline further than that of a normally healthy adult and the member of the couple who suffers from that condition would suffer hardship; or

(e) either member of the couple, or where a member of that couple is married to more than one person under a law which permits polygamy, one member of that marriage, devotes a considerable portion of each week to caring for another person who -

(i) is in receipt of an attendance allowance or the care component of disability living allowance at one of the two higher rates prescribed under section 72(4) of the Benefits Act; or

(ii) has claimed either attendance allowance or disability living allowance, but only for so long as the claim has not been determined, or for 26 weeks from the date of claiming, whichever is the earlier; or

(iii) has claimed either attendance allowance or disability living allowance and has an award of either attendance allowance or the care component of disability living allowance at one of the two higher rates prescribed under section 72(4) of the Benefits Act for a period commencing after the date on which that claim was made,
and an adjudication officer is satisfied, after taking account of the factors set out in paragraph (6) in so far as they are appropriate to the particular circumstances of the case, that the person providing the care will not be able to continue doing so unless a joint-claim jobseeker's allowance is paid; or

(f) section 16 applies to either member of the couple by virtue of a direction issued by an adjudication officer, except where the member of the joint-claim couple to whom the direction applies does not satisfy the requirements of section 1(2)(a) to (c); or

(g) section 3A(1)(c)(ii) (member of joint-claim couple under the age of 18) applies to either member of the couple and an adjudication officer is satisfied that unless a joint-claim jobseeker's allowance is paid, the couple will suffer hardship;

(h) ......

(i) or such other person as an adjudication officer may determine in general or in particular.

(2) Except in a case to which paragraph (3), (4) or (5) applies, a "couple in hardship" means for the purposes of regulation 146D, a joint-claim couple where the Department is satisfied, after taking account of the factors set out in paragraph (6) in so far as they are appropriate to the particular circumstances of the case, that the couple will suffer hardship unless a joint-claim jobseeker's allowance is paid.

(3) In paragraphs (1) and (2), a "couple in hardship" does not include a couple one of whose members is entitled to income support or who falls within a category of persons prescribed for the purposes of section 124(1)(e) of the Benefits Act.

(4) Paragraph (1)(e) shall not apply in a case where the person being cared for resides in [2]an adult care home].

(5) ......

(6) Factors which, for the purposes of paragraphs (1) and (2), an adjudication officer is to take into account in determining whether a joint-claim couple will suffer hardship are -

(a) the presence in the joint-claim couple of a person who satisfies the requirements for a disability premium specified in paragraph 20I of Schedule 3;

(b) the resources which, without a joint-claim jobseeker's allowance, are likely to be available to the joint-claim couple, the amount by which these resources fall short of the amount applicable in their case in accordance with regulation 146G (applicable amount in hardship cases for joint-claim couples), the amount of any resources which may be available to the joint-claim couple for any person in the couple's household who is not a member of the family and the length of time for which those factors are likely to persist;

(c) whether there is a substantial risk that essential items, including food, clothing, heating and accommodation, will cease to be available to the joint-claim couple, or will be available at considerably reduced levels, the hardship that will result and the length of time those factors are likely to persist.

146B. Period when a joint-claim couple is not in hardship (Not applied)

146C. Circumstances in which a joint-claim jobseeker's allowance is payable where a joint-claim couple is a couple in hardship

(1) This regulation applies where a joint-claim couple is a couple in hardship within the meaning of regulation 146A(1) and is subject to the provisions of regulations 146E and 146F.

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1 Subparagraph (h) not applied.
2 Words substituted by article 18(2) of SD2015/0392 from 9 February 2016.
3 Paragraph (5) not applied.
(2) Subject to paragraph (3), a couple in hardship referred to in paragraph (1)\(^1\) shall be treated as entitled to a joint-claim jobseeker's allowance for the period -

(a) beginning with the fourth day of the jobseeking period or, if later, from the day the couple first becomes a couple in hardship; and

(b) ending on the day before the claim is determined,

where the sole reason for the claim being determined on that day and not earlier is that a question arises as to whether either or both members satisfy the conditions of entitlement in section 1(2)(a) to (c) provided the joint-claim couple satisfy the conditions set out in section 1(2B)(c).

(3) A couple in hardship to whom paragraph (2) applies may be treated as entitled to a joint-claim jobseeker's allowance for a period after the date referred to in that paragraph which is applicable in their case but before the date of the statement referred to in regulation 146E(1) is furnished where an adjudication officer is satisfied that that couple suffered hardship because of a lack of resources during that period.

(4) A couple in hardship, except where either or both members have been treated as not available for employment in accordance with regulations under section 6(4) shall, subject to the conditions specified in regulation 146E (conditions for hardship payments), be entitled to a joint-claim jobseeker's allowance without both members satisfying the requirements of section 1(2)(a) to (c) provided the joint-claim couple satisfy the other conditions of entitlement to that benefit.

(5) A joint-claim jobseeker's allowance shall be payable to a joint-claim couple who are a couple in hardship even though payment to the couple of a joint-claim jobseeker's allowance has been suspended in accordance with regulations made under section 21 of the Social Security Act 1998 on the ground that a doubt has arisen as to whether either joint-claimant satisfies the requirements of section 1(2)(a) to (c), but the allowance shall be payable only if and for so long as -

(a) the joint-claim couple satisfy the other conditions of entitlement to a joint-claim jobseeker's allowance; or

(b) one member satisfies those conditions and the other member comes within any paragraph in Schedule A1 (categories of members not required to satisfy conditions in section 1(2B)(b)).

(6) A joint-claim jobseeker's allowance shall be payable to a couple in hardship even though [\(^2\)regulation 27A or] section 20A(5)(a) (denial of joint-claim jobseeker's allowance) prevents payment of a joint-claim jobseeker's allowance to the couple or section 20A(5)(b) (reduction of joint-claim jobseeker's allowance) reduces the amount of a joint-claim jobseeker's allowance payable to the couple but the allowance shall be payable only if and for so long as -

(a) the joint-claim couple satisfy the other conditions of entitlement to a joint-claim jobseeker's allowance; or

(b) one member satisfies those conditions and the other member comes within any paragraph in Schedule A1 (categories of members not required to satisfy conditions in section 1(2B)(b)).

146D. Further circumstances in which a joint-claim jobseeker's allowance is payable to a couple in hardship

(1) This regulation applies to a couple in hardship falling within paragraph (2) but not paragraph (1) of regulation 146A and is subject to the provisions of regulations 146E and 146F.

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\(^1\) Words omitted by article 5(7) of SD2020/0209 from 9 April 2020.

\(^2\) Words inserted by regulation 2(17) of S.I. 2010/509 from 1 November 2011 (SD956/10).
(2) A couple in hardship shall be treated as entitled to a joint-claim jobseeker's allowance for a period commencing on whichever is the later of -

(a) the 15th day following the date of claim[1]; or

(b) the day on which regulation 146E is complied with,

and ending on the day before the claim is determined where the sole reason for the claim being determined on that day and not earlier is that a question arises as to whether either or both members of that couple satisfy the conditions of entitlement in section 1(2)(a) to (c) provided the joint-claim couple satisfy the conditions set out in section 1(2B)(c).

(3) A joint-claim jobseeker's allowance shall be payable, subject to paragraph (4), to a couple in hardship even though payment to them of a joint-claim jobseeker's allowance has been suspended in accordance with regulations made under section 21 of the Social Security Act 1998 (suspension of benefit) on the ground that a doubt has arisen as to whether either or both members of that couple satisfy the requirements of section 1(2)(a) to (c) of the Act but the allowance shall be payable only if and for so long as -

(a) the joint-claim couple satisfy the other conditions of entitlement to a joint-claim jobseeker's allowance; or

(b) one member satisfies those conditions and the other member comes within any paragraph in Schedule A1 (categories of members not required to satisfy conditions in section 1(2B)(b)).

(4) A joint-claim jobseeker's allowance shall not be payable in respect of the first 14 days of the period of suspension.

(5) A joint-claim jobseeker's allowance shall be payable to a couple in hardship even though section 20A(5)(a) (denial of joint-claim jobseeker's allowance) prevents payment of a joint-claim jobseeker's allowance to them or section 20A(5)(b) (reduction of joint-claim jobseeker's allowance) reduces the amount of a joint-claim jobseeker's allowance payable to them but the allowance -

(a) shall not be payable under this paragraph in respect of the first 14 days of the period to which section 20A applies; and

(b) shall be payable thereafter only where the conditions of entitlement to a joint-claim jobseeker's allowance are satisfied or where one member satisfies those conditions and the other member comes within any paragraph in Schedule A1 (categories of members not required to satisfy conditions in section 1(2B)(b)).

146E. Conditions for hardship payments to a joint-claim couple

(1) A joint-claim jobseeker's allowance shall not be payable in accordance with regulation 146C or, as the case may be, 146D, except where either member of the joint-claim couple has -

(a) furnished on a form approved for the purpose by the Department or in such other form as he may in any particular case approve, a statement of the circumstances he relies upon to establish entitlement under regulation 146C or, as the case may be, regulation 146D; and

(b) signed the statement.

(2) The completed and signed form shall be delivered by either member to such office as the Department may specify.

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146F. Provision of information

For the purposes of section 20B(5) and paragraph 10(3) of Schedule 1 to the Act, a member of a joint-claim couple shall provide to the Department information as to the circumstances of the alleged hardship of that couple.

146G. Applicable amount in hardship cases for joint-claim couples

(1) Subject to paragraph (1C), the weekly applicable amount of a joint-claim jobseeker’s allowance is payable in accordance with this Part of these Regulations -

(a) subject to sub-paragraphs (b) and (c), shall be reduced by a sum equivalent to -

(i) 40%, or

(ii) in a case where a member of the joint-claim couple is either pregnant or seriously ill or where a member of the joint-claim couple is a member of a polygamous marriage and one of the members of that marriage is pregnant or seriously ill, 20%,

of the amount specified in paragraph (1B) as applies in the couple’s case in respect of any day on which the couple are entitled, or are treated as entitled, or there is otherwise payable to the couple an income-based jobseeker’s allowance under regulation 146C(1) to (5) or regulation 146D(1) to (4);

(b) shall be reduced by a sum equivalent to -

(i) 50%, or

(ii) in a case where a member of a joint-claim couple is either pregnant or seriously ill or where a member of the joint-claim couple is a member of a polygamous marriage and one of the members of that marriage is pregnant or seriously ill, 25%,

of the amount specified in paragraph (1B) as applies in the couple’s case in respect of any day on which the couple are entitled, or are treated as entitled, or there is otherwise payable to the couple an income-based jobseeker’s allowance under regulation 146C(1) to (5) or regulation 146D(1) to (4) if, on any of the immediately preceding 42 days, the couple’s weekly applicable amount was reduced in accordance with sub-paragraph (a);

(c) shall be reduced by a sum equivalent to -

(i) 60%, or

(ii) in a case where a member of a joint-claim couple is either pregnant or seriously ill or where a member of the joint-claim couple is a member of a polygamous marriage and one of the members of that marriage is pregnant or seriously ill, 30%,

of the amount specified in paragraph (1B) as applies in the couple’s case in respect of any day on which the couple are entitled, or are treated as entitled, or there is otherwise payable to the couple an income-based jobseeker’s allowance under regulation 146C(1) to (5) or regulation 146D(1) to (4) if, on any of the immediately preceding 42 days, the couple’s weekly applicable amount was reduced in accordance with sub-paragraph (b) or this sub-paragraph.

(1A) The weekly applicable amount of a joint-claim couple to whom a joint-claim jobseeker's allowance is payable in accordance with this Part of these Regulations shall be reduced by a sum equivalent to -

(a) 40%, or

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1 Heading and paragraphs (1) to (1C) substituted for paragraph (1) by article 3(3) of SD75/11 from 11 April 2011, or 22 May 2011 where the transitional provision in the Schedule to SD75/11 applied.
of the amount specified in paragraph (1B) as applies in the couple’s case in respect of any day on which there is payable to the couple an income-based jobseeker’s allowance under regulation 146C(1) and (6) or regulation 146D(1) and (5).

(1B) The amount mentioned in paragraphs (1) and (1A) is the amount specified in paragraph 1(a) of Schedule 1.

(1C) The weekly applicable amount of a joint-claim couple to whom an income-based jobseeker's allowance is payable in accordance with this Part of these Regulations either member of which is a former prisoner shall not be reduced under this regulation unless either -

(a) there is payable to the couple an income-based jobseeker’s allowance under regulation 146C(1) and (6) or 146D(1) and (5); or

(b) at the time of the release from prison of the member who is the former prisoner either member of the couple has funds to meet the needs of the couple,

and where sub-paragraph (a) or (b) applies to the couple, the amount of the reduction shall be the same as it would otherwise be apart from this paragraph.]

(2) A reduction under paragraph (1) shall, if it is not a multiple of 5p, be rounded to the nearest such multiple or, if it is a multiple of 2.5p but not of 5p, to the next lower multiple of 5p.

146H. Payments made on account of suspended benefit

(1) This regulation applies to a joint-claim couple to whom -

(a) payments of a joint-claim jobseeker's allowance have been suspended in accordance with regulations made under section 21 of the Social Security Act 1998;

(b) a joint-claim jobseeker's allowance is paid under regulation 146C or 146D.

(2) In the case of a joint-claim couple to whom -

(a) this regulation applies; and

(b) payments in respect of the benefit suspended fall to be made,

any benefit paid or payable by virtue of regulation 146C(5) or 146D(3) shall be treated as having been paid on account of the suspended benefit and only the balance of the suspended benefit, if any, shall be payable.]

Part X - Urgent cases

147. Urgent cases (Not applied)

148. Applicable amount in urgent cases (Not applied)

149. Assessment of income and capital in urgent cases (Not applied)
Part XI - Part-weeks

150. Amount of a jobseeker's allowance payable

(1) Subject to the following provisions of this Part, the amount payable by way of an income-based jobseeker's allowance in respect of part-week shall be calculated by applying the formula -

(a) where the claimant has no income -

\[
\frac{N \times A}{7}; \text{ or }
\]

(b) where the claimant has an income -

\[
\frac{(N \times (A-I)) - B}{7}
\]

where -

A is the claimant's weekly applicable amount in the relevant week;

B is the amount of any jobseeker's allowance, supplementary benefit, maternity allowance, [paternity allowance, adoption allowance,] incapacity benefit or severe disablement allowance payable to any member of the claimant's family other than the claimant in respect of any day in the part-week;

I is the claimant's weekly income in the relevant week less B;

N is the number of days in the part-week.

(1A) In relation to a joint-claim couple jointly claiming a joint-claim jobseeker's allowance, paragraph (1) shall have effect as if the references to the claimant were references to the joint-claim couple.

(1B) Where a joint-claim couple become, or cease to be, a joint-claim couple on any day other than on the first day of a benefit week, the amount payable by way of a joint-claim jobseeker's allowance in respect of that benefit week shall be calculated by applying the formula in paragraph (1).

(2) Subject to the following provisions of this Part, the amount payable by way of a contribution-based jobseeker's allowance in respect of a part-week shall be calculated by applying the formula -

\[
\frac{(N \times X) - Y}{7}
\]

where -

X is the personal rate determined in accordance with section 4(1);

Y is the amount of any widow's benefit, [carer's allowance], training allowance and any increase in disablement pension payable in accordance with Part I of Schedule 7 to the Benefits Act (Unemployment Supplement) payable in respect of any day in the part-week;

N is the number of days in the part-week.

(3) In this Part -

"part week" means an entitlement to a jobseeker's allowance in respect of any period of less than a week;

1 Words inserted by article 5(7) of SD45/04 from 12 April 2004.
2 Paragraphs (1A) and (1B) inserted by paragraph 48 of Schedule 2 to S.I. 2000/1978 from 19 March 2001 (SD41/01).
3 Words substituted by regulation 3(5)(a) of S.I. 2003/511 from 1 July 2003 (SD354/03).
151. **Amount of a jobseeker's allowance payable where a person is in a residential care or nursing home (Not applied)**

152. **Relevant week**

(1) Where the part-week -

(a) is the whole period for which a jobseeker's allowance is payable or occurs at the beginning of an award, the relevant week is the period of 7 days ending on the last day of that part-week; or

(b) occurs at the end of an award, the relevant week is the period of 7 days beginning on the first day of the part week; or

(c) occurs because a jobseeker's allowance is not payable for any period in accordance with [regulation 27A or] section 19 [or 20A] of the Act (circumstances in which a jobseeker's allowance is not payable), the relevant week is the 7 days ending immediately before the start of the next benefit week to commence for that claimant [or the joint-claim couple].

(2) [Except in a case to which paragraph (3) applies,] where a person has an award of a jobseeker's allowance and his benefit week changes at the discretion of the Department for the purpose of calculating the amounts of a jobseeker's allowance payable for the part-week beginning on the day after his last complete benefit week before the change and ending immediately before the change, the relevant week is the period of 7 days beginning on the day after the last complete benefit week.

(3) Where a joint-claim couple have an award of a joint-claim jobseeker's allowance and their benefit week changes, for the purpose of calculating the amounts of a joint-claim jobseeker's allowance payable for the part-week beginning on the day after their last complete benefit week before the change and ending immediately before the change, the relevant week is the period of 7 days beginning on the day after the last complete benefit week.

153. **Modification in the calculation of income**

For the purposes of regulation 150 (amount of jobseeker's allowance payable for part-weeks) a claimant's income and, in determining the amount payable by way of an income-based jobseeker's allowance, the income of any person which the claimant is treated as possessing under section 12(4)[6], regulation 88(4) or 88ZA(3)], shall be calculated in accordance with Parts VIII, and, where applicable, IX and X subject to the following changes -

(a) any income which is due to be paid in the relevant week shall be treated as paid on the first day of that week;

(b) in determining the amount payable by way of an income based jobseeker's allowance, any jobseeker's allowance, [income support], maternity allowance, [paternity allowance, adoption allowance,] incapacity benefit or severe disablement allowance under the Benefits Act payable in the relevant week but not in respect of any day in the part-week shall be disregarded;

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1 Words inserted by regulation 2(18) of S.I. 2010/509 from 1 November 2011 (SD956/10).
2 Words inserted by paragraph 50(a)(i) of Schedule 2 to S.I. 2000/1978 from 19 March 2001 (SD41/01).
3 Words inserted by paragraph 50(a)(ii) of Schedule 2 to S.I. 2000/1978 from 19 March 2001 (SD41/01).
4 Words inserted by paragraph 50(b) of Schedule 2 to S.I. 2000/1978 from 19 March 2001 (SD41/01).
5 Paragraph (3) added by paragraph 50(c) of Schedule 2 to S.I. 2000/1978 from 19 March 2001 (SD41/01).
6 Words substituted by paragraph 51 of Schedule 2 to S.I. 2000/1978 from 19 March 2001 (SD41/01).
7 Words substituted by article 2(23) of SD33/00 from 10 April 2000.
8 Words inserted by article 5(8) of SD45/04 from 12 April 2004.
in determining the amount payable by way of a contribution based jobseeker’s allowance, any widow’s benefit, [1] carer’s allowance, training allowance or any increase in disablement pension payable in accordance with Part I of Schedule 7 to the Benefits Act (Unemployment Supplement) which is payable in the relevant week but not in respect of any day in the part-week shall be disregarded;

(d) where the part-week occurs at the end of the claim, any income or any change in the amount of income of the same kind which is first payable within the relevant week but not on any day in the part-week shall be disregarded;

(e) where the part-week occurs immediately after a period in which a person was treated as engaged in remunerative work under regulation 52 (persons treated as engaged in remunerative work) any earnings which are taken into account for the purposes of determining that period shall be disregarded;

(f) where only part of the weekly amount of income is taken into account in the relevant week, the balance shall be disregarded.

154. **Reduction in certain cases**

The reduction to be made in accordance with Part IX (Hardship) in respect of an income based jobseeker’s allowance shall be an amount equal to one seventh of the reduction which would be made under that Part for a week multiplied by the number of days in the part-week.

155. **Modification of section 15(2)**

In its application to an income-based jobseeker’s allowance payable for a part-week, section 15(2)(d) shall have effect subject to the following modification -

“(d) any payment by way of an income-based jobseeker's allowance for that period or any part of it which apart from this paragraph would be made to the claimant -

(i) shall not be made, if the amount of an income-based jobseeker's allowance which would be payable for a period of less than a week is equal to or less than the proportion of the prescribed sum appropriate to the number of days in the part-week;

(ii) shall be at a rate equal to the difference between the amount which would be payable for a period of less than a week and the prescribed sum where that amount would be more than the prescribed sum.”

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1 Words substituted by regulation 3(5)(a) of S.I. 2003/511 from 1 July 2003 (SD354/03).
Part XII - Special categories

Share fishermen, persons outside the Isle of Man and Members of the Forces

Chapter I - Share fishermen

156. Interpretation

In this Chapter -

"fishing boat" means a fishing vessel as defined by section 78 of the Merchant Shipping Registration Act 1991 (an Act of Tynwald);

"share fisherman" means any person who -

(a) is ordinarily employed in the fishing industry otherwise than under a contract of service, as a master or member of the crew of any fishing boat manned by more than one person, and is remunerated in respect of that employment in whole or in part by a share of the profits or gross earnings of the fishing boat; or

(b) has ordinarily been so employed, but who by reason of age or infirmity permanently ceases to be so employed and becomes ordinarily engaged in employment ashore in the Isle of Man otherwise than under a contract of service making or mending any gear appurtenant to a fishing boat or performing other services ancillary to or in connection with that boat and is remunerated in respect of that employment in whole or in part by a share of the profits or gross earnings of that boat and has not ceased to be ordinarily engaged in such employment;

and other expressions used in this Chapter, unless the context otherwise requires, have the same meanings as in the Social Security (Mariners' Benefits) Regulations 1975.

157. Special provisions in respect of share fishermen

The Act and the foregoing provisions of these Regulations shall have effect in relation to share fishermen subject to the provisions of this Chapter.

158. Modifications of section 2

(1) Section 2 (the contribution-based conditions) shall apply to share fishermen with the modifications set out in the following provisions of this regulation.

(2) After the words "Class 1 contributions" in each place where they appear there shall be inserted the words "or special Class 2 contributions".

(3) In subsection (4) after the definition of "the relevant benefit year" there shall be inserted the following definition -

"special Class 2 contributions" means any Class 2 contributions paid by a share fisherman at the rate applicable to share fishermen in accordance with ["regulation 125(c) of the Social Security (Contributions) Regulations 2001]."

159. Modifications of sections 19 and 20

For the purposes of sections 19 and 20 (circumstances in which a jobseeker's allowance is not payable) employment as a share fisherman shall be treated as employment as an employed earner.

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1 S.I. 1975/529.
2 Words substituted by regulation 13(8) of S.I. 2006/2378 from 1 October 2006 (SD497/07).
**160. Modification of section 35**

The definition of "trade dispute" in section 35(1) (interpretation) shall apply to share fishermen with the effect that the owner (or managing owner if there is more than one owner) of a fishing boat shall be treated as the employer of any share fisherman (other than himself) ordinarily employed as master or member of the crew of, or making or mending any gear appurtenant to, or performing other services ancillary to or in connection with, that fishing boat, and any such share fisherman shall be treated as his employee.

**161. Additional conditions for payment of a jobseeker's allowance**

(1) It shall be an additional condition with respect to the payment of a jobseeker's allowance to a share fisherman in respect of any [1]benefit week], that in respect of any period in that [2]benefit week] when he has not worked as a share fisherman, he proves that he has not neglected to avail himself of a reasonable opportunity of employment as a share fisherman.

(2) The following provisions shall apply for the purposes of the application of paragraph (1) -

(a) work as a share fisherman within the meaning of paragraph (1) shall include any of the work specified in sub-paragraph (b) which at the time of its performance is necessary for the safety or reasonable efficiency of the fishing boat, or is likely to become so necessary in the near future, and which it is the duty of the share fisherman (whether by agreement, custom, practice or otherwise) to undertake without remuneration other than by way of a share in the profits or gross earnings of the fishing boat, but any other work done to the fishing boat or its nets or gear shall be disregarded; and

(b) the work so included by sub-paragraph (a) is any work done to the fishing boat or its nets or gear by way of repairs (including running repairs) or maintenance, or in connection with the laying up of the boat and its nets and gear at the end of a fishing season or their preparation for a season's fishing.

(3) It shall be a further additional condition with respect to the payment of a contribution-based jobseeker's allowance to a share fisherman in respect of any week that, where he is a master or a member of the crew of a fishing boat of which either the master or any member of the crew is the owner or part owner, he must also prove that in respect of any period in that week when he was not working as a share fisherman, the fishing boat did not put to sea with a view to fishing for the reason -

(a) that on account of the state of the weather the fishing boat could not reasonably have put to sea with a view to fishing; or

(b) that the fishing boat was undergoing repairs or maintenance, not being repairs or maintenance to which paragraph (2) relates; or

(c) that there was an absence of fish from any waters in which the fishing boat could reasonably be expected to operate; or

(d) that any other good cause necessitated abstention from fishing.

[1]In this regulation, "benefit week" in relation to a contribution-based jobseeker's allowance has the meaning it has in regulation 164 (share fisherman: amount payable) and in relation to an income-based jobseeker's allowance has the meaning it has in regulation 1(3) (interpretation).]

**162. Remunerative work (Revoked)**

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1 Words substituted by regulation 17(a) of S.I. 1996/1516 from 7 October 1996 (SD641/98).
2 Words substituted by regulation 17(a) of S.I. 1996/1516 from 7 October 1996 (SD641/98).
3 Paragraph (4) inserted by regulation 17(b) of S.I. 1996/1516 from 7 October 1996 (SD641/98).
4 Regulation 162 revoked by article 12 of Part 3 of SD2015/0223 from 9 August 2015.
163. Calculation of earnings

(1) In the calculation of earnings derived from work as a share fisherman for the purposes of establishing entitlement to a contribution-based jobseeker’s allowance, the provisions of Part VIII (income and capital) shall apply subject to the following provision of this regulation.

(2) Regulation 95 (calculation of earnings of self-employed earners) shall be omitted.

(3) For regulation 101 (calculation of net profit of self-employed earners) there shall be substituted the following regulation -

"101. Calculation of earnings derived from work as a share fisherman

(1) Earnings derived from employment as a share fisherman within the meaning of regulation 156 (interpretation) shall be calculated in accordance with the following provisions of this regulation.

(2) Any such earnings shall be treated as paid in the benefit week in respect of which they are earned.

(3) The amount of earnings to be taken into account in respect of any benefit week shall be the claimant’s share of the net profit derived from that work less-

(a) an amount in respect of income tax and national insurance contributions under the Benefits Act calculated in accordance with regulation 102 (deduction of tax and contributions for self-employed earners); and

(b) one half of any premium paid in respect of a personal pension scheme.

(4) Subject to paragraph (5), there shall be disregarded from a claimant’s weekly net profit-

(a) [[£10.00]; and

(b) the amount of any earnings specified in [[paragraphs 4 and 7 of Schedule 6], if applicable.

(5) Where a share fisherman has earnings from work other than work as a share fisherman, and an amount is disregarded from those earnings in accordance with [[paragraph 11 of Schedule 6] -

(a) if the amount so disregarded is [[£10.00], paragraph (4)(a) shall not apply;

(b) if the amount so disregarded is less than [[£10.00], the amount disregarded under paragraph (4)(a) shall not exceed the difference between the amount disregarded from those earnings and [[£10.00].

(6) For the purposes of paragraph (3), the net profit shall be calculated by taking into account the earnings less, subject to paragraphs (7) to (9), any expenses relevant to that benefit week which were wholly, exclusively and necessarily incurred for the purposes of that employment.

---

1 Sum substituted by article 13(2) of Part 4 of SD2015/0223 from 1 November 2015.
2 Words substituted by article 3(24)(a) of SD119/03 from 7 April 2003.
3 Words substituted by article 3(24)(b) of SD119/03 from 7 April 2003.
4 Sum substituted by article 13(2) of Part 4 of SD2015/0223 from 1 November 2015.
5 Sum substituted by article 13(2) of Part 4 of SD2015/0223 from 1 November 2015.
6 Sum substituted by article 13(2) of Part 4 of SD2015/0223 from 1 November 2015.
(7) Subject to paragraph (8), no deduction shall be made under paragraph (6) in respect of -

(a) any capital expenditure;
(b) the depreciation of any capital asset;
(c) any sum employed or intended to be employed in the setting up or expansion of the employment;
(d) the repayment of capital on any loan taken out for the purposes of the employment;
(e) any expenses incurred in providing business entertainment.

(8) A deduction shall be made under paragraph (6) in respect of the repayment of capital on any loan used for -

(a) the replacement in the course of business of equipment or machinery; and
(b) the repair of an existing business asset except to the extent that any sum is payable under an insurance policy for its repair.

(9) An adjudication officer shall refuse to make a deduction under paragraph (6) in respect of any expenses where he is not satisfied that the expense has been incurred or, having regard to the nature of the expense and its amount, that it has been reasonably incurred.

(10) For the avoidance of doubt -

(a) a deduction shall not be made under paragraph (6) in respect of any sum unless it has been incurred for the purposes of the business;
(b) a deduction shall be made in respect of -

(i) the excess of any VAT paid over VAT received in the benefit week;
(ii) any expense incurred in the repair of an existing asset except to the extent that any sum is payable under an insurance policy for its repair;
(iii) any payment of interest on a loan taken out for the purposes of the employment.

(11) Notwithstanding the foregoing paragraphs, [an] adjudication officer may calculate earnings or expenditure over a period other than the benefit week if he considers it is reasonable to do so having regard to all the facts of the case and in particular whether the earnings earned or expenditure incurred in respect of a benefit week are unusually high or low.

(12) In this regulation “benefit week” has the same meaning as in regulation 164 (share fishermen: amount payable).”.

(4) In regulation 102 (deduction of tax and contributions for self-employed earners) -

(a) in paragraphs (1) and (2) for the words “regulation 101(1)(b)(i)” there shall be substituted the words “regulation 101(3)(a)”;
146. **Amount payable**

(1) The amount payable to a share fisherman by way of a contribution-based jobseeker's allowance shall be calculated in accordance with regulations 79 to 81 (weekly amounts of contribution-based jobseeker's allowance, deductions in respect of earnings and payments by way of pensions) and this regulation, and Part XI (part-weeks) shall not apply.

(2) Regulations 79 to 81 shall apply in respect of share fishermen so that the amount payable is calculated by reference to earnings earned and pension payment received in the benefit week.

(3) In this regulation "benefit week" means -

(a) in respect of the week in which the claim is made, the period of 7 days beginning with the date of claim; and

(b) in respect of any subsequent week, the period of 7 days beginning with the day after the last day of the previous benefit week.

Chapter II - Persons outside the Isle of Man

165. **Amendment of the Social Security Benefit (Persons Abroad) Regulations (Not applied)**

166. **Amendment of the Social Security (Mariners' Benefits) Regulations**

(1) The Social Security (Mariners’ Benefits) Regulations 1975\(^1\) shall be amended in accordance with the following provisions of this regulation.

(2) [Amended regulation 2. The amendment made to this paragraph by Part II of the Schedule to S.I. 1996/1516 is incorporated into the text inserted into regulation 2.]

(3) [Inserted regulation 4A.]

(4) [Substituted regulation 6(1).]

167. **Modification of contribution conditions for volunteer development workers**

Section 2 (the contribution-based conditions) shall apply with the modifications that after the words "Class 1 contributions" in each place where they appear there shall be inserted the words "or Class 2 contributions under [4Case G of Part 9 of the Social Security (Contributions) Regulations 2001]".

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\(^1\) Word substituted by article 14(4) of SD657/00 from 1 December 2000.

\(^2\) Word substituted by article 14(4) of SD657/00 from 1 December 2000.

\(^3\) S.I. 1975/529.

\(^4\) Words substituted by regulation 13(9) of S.I. 2006/2378 from 1 October 2006 (SD497/07).
Chapter III - Members of the Forces

168. Amendment to the Social Security Benefit (Members of the Forces) Regulations

(1) Regulation 3 of the Social Security Benefit (Members of the Forces Regulations 1975\(^1\) (unemployment benefit) shall be amended in accordance with the following provisions of this regulation.

(2) [Amended paragraph (1).]

(3) [Substituted paragraph (2).]

(4) [Amended paragraph (3).]

Part XIII - Miscellaneous

Recovery of maintenance

169. Recovery orders (Not applied)

Training allowance

170. Persons in receipt of a training allowance

\(^{2}\)(1) A person who is in receipt of a training allowance and who is receiving training falling within paragraph (2) may be entitled to an income-based jobseeker’s allowance without -

(a) being available for employment;

(b) having entered into a jobseeking agreement; or

(c) actively seeking employment.

(2) Training falls within this paragraph if it is training for which persons aged under 18 are eligible and for which persons aged 18 or over may be eligible provided by, or in pursuance of arrangements made with a government department or approved by that department.]

Trade disputes

171. Trade disputes: exemptions from section 15

Section 15(2) (trade disputes: effect on other claimants) shall not apply to a claimant during any period where -

(a) a member of the claimant's family is, or would be, prevented by section 14 of the Act from being entitled to a jobseeker's allowance; and

(b) that member is -

(i) a child or young person; or

(ii) incapable \(^{3}\) of work or within the maternity period, and for this purpose "the maternity period" means the period commencing at the beginning of the 6th week before the expected week of confinement and ending at the end of the 7th week after the week in which confinement takes place.

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\(^1\) S.I. 1975/493.

\(^2\) Regulation 170 substituted by article 2(25) of SD33/00 from 10 April 2000.

\(^3\) Word substituted by Part II of the Schedule to S.I. 1996/1516.
172. **Trade disputes: prescribed sum**

The prescribed sum for the purposes of section 15(2)(d) is £43.00.

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1 Sum substituted by article 20 of SD2022/0022 from 11 April 2022 (subject to article 3 ibid.).
Interpretation

1. In this schedule, “member” means a member of a joint claim couple.

Member studying full-time

2. A member -

(1) who, at the date of claim, is a qualifying young person within the meaning of section 142 of the Benefits Act;

(b) who, at the date of claim, is a full-time student; or

(c) to whom (a) or (b) does not apply but to whom sub-paragraph (1A) or (2) does apply.

(1A) This sub-paragraph applies to a member who -

(a) as at the date of claim -

(i) had applied to an educational establishment to commence a full-time course of study commencing from the beginning of the next academic term or, as the case may be, the next academic year after the date of claim and that application has not been rejected; or

(ii) had been allocated a place on a full-time course of study commencing from the beginning of the next academic term or, as the case may be, the next academic year; and

(b) is either -

(i) a qualifying young person within the meaning of section 142 of the Benefits Act; or

(ii) a full-time student.

(2) This sub-paragraph applies to a member who has applied to an educational establishment to commence a full-time course of study (other than a course of study beyond a first degree course or a comparable course) -

(a) within one month of -

(i) the last day of a previous course of study; or

(ii) the day on which the member received examination results relating to a previous course of study; and

(b) who is either -

(i) a qualifying young person within the meaning of section 142 of the Benefits Act; or

(ii) a full-time student.

Member caring for another person

3. A member (the carer) -

2 Words substituted by regulation 2(6)(a) of S.I. 2001/518 from 19 March 2001 (SD558/01).
3 Subparagraphs (1), (1A) and (2) substituted for subparagraphs (1) and (2) by regulation 2(6)(b) of S.I. 2001/518 from 19 March 2001 (SD558/01).
4 Words substituted by regulation 3(9)(a)(i) of S.I. 2006/718 from 10 April 2006 (SD31/07).
5 Words substituted by regulation 3(9)(a)(ii) of S.I. 2006/718 from 10 April 2006 (SD31/07).
6 Words substituted by regulation 3(9)(a)(iii) of S.I. 2006/718 from 10 April 2006 (SD31/07).
(a) who is regularly and substantially engaged in caring for another person if -

(i) the person being cared for is in receipt of attendance allowance or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Benefits Act; or

(ii) the person being cared for has claimed attendance allowance but only for the period up to the date of determination of that claim, or the period of 26 weeks from the date of that claim, whichever date is the earlier; or

(iii) the person being cared for has claimed attendance allowance in accordance with section 65(6)(a) of the Benefits Act (claims in advance of entitlement), an award has been made in respect of that claim under section 65(6)(b) of that Act and, where the period for which the award is payable has begun, that person is in receipt of the allowance;

(iv) the person being cared for has claimed entitlement to a disability living allowance but only for the period up to the date of determination of that claim, or the period of 26 weeks from the date of that claim, whichever date is the earlier; or

(v) the person being cared for has claimed entitlement to the care component of a disability living allowance in accordance with regulation 13A of the Claims and Payments Regulations (advance claims and awards), an award at the highest or middle rate has been made in respect of that claim and, where the period for which the award is payable has begun, that person is in receipt of the allowance;

(b) who is engaged in caring for another person and who is both entitled to, and in receipt of, [1 a carer's allowance].

4. A member to whom paragraph 3 applied, but only for a period of 8 weeks from the date on which that paragraph ceased to apply to him.

5. A member who, had he previously made a claim for, and had been entitled to, a jobseeker's allowance, would have fulfilled the conditions of paragraph 3, but only for a period of 8 weeks from the date on which he ceased to fulfil those conditions.

Member incapable of work

6. A member who -

(a) is incapable of work in accordance with the provisions of Part XIA of the Benefits Act and the regulations made thereunder (incapacity for work); or

(b) is treated as incapable of work by virtue of regulations made under section 171D of that Act (persons to be treated as incapable or capable of work); or

(c) is treated as capable of work by virtue of regulations made under section 171E(1) of that Act (disqualification etc.); or

(d) is entitled to statutory sick pay.

Members in employment living in residential care homes, nursing homes or residential accommodation

7. ...... "Disabled workers"

8. ......2

Disabled students

9. A member who is a student and -

1 Words substituted by regulation 3(5)(b) of S.I. 2003/511 from 1 July 2003 (SD354/03).
2 Paragraphs 7 and 8 revoked by regulation 4(1)(b)(ii) of S.I. 2009/3228 from 1 August 2012 subject to the savings prescribed in paragraphs (3), (5) and (7) of that regulation (SD0444/12).
(a) if he were a single claimant, his applicable amount would have included the [incapacity premium or disability premium]; or
(b) who has satisfied the provisions of paragraph 6 for a continuous period of not less than 196 days, and for this purpose, any two or more separate periods separated by a break of not more than 56 days shall be treated as one continuous period.

Deaf students

10. A member who is a student in respect of whom an amount is payable under the Student Awards Scheme 2000 (of Tynwald), or any Scheme for the time being amending or replacing that Scheme, on account of his disability by reason of deafness.

[2]Blind members

11. (1) A member who is registered as blind in a register compiled under section 27 of the National Assistance (Isle of Man) Act 1951 as that section continues to apply.
(2) But a person who has ceased to be registered as blind on regaining his eyesight shall nevertheless be treated as so registered for a period of 28 weeks following the date on which he ceased to be so registered.

Pregnancy

12. A member who is a woman and who is incapable of work by reason of pregnancy.

Members [who have attained the qualifying age]

13. A member [who has attained the qualifying age].

Refugees

14. ....

[3]Members required to attend a court or tribunal

15. (1) A member who is required to attend a court or tribunal as a justice of the peace, a party to any proceedings, a witness or a juror.
(2) In this paragraph, "tribunal" means any tribunal listed in Schedule 2 to the Tribunals Act 2006 (of Tynwald) (c. 1).

Young persons in training

16. A member who is engaged in training and for this purpose "training" means training for which persons aged under 18 are eligible and for which persons aged 18 and over may be eligible provided in the Isle of Man, directly or indirectly by a government Department and approved by the Department.

Trade disputes

17. A member who is or would be prevented from being entitled to a jobseeker's allowance by virtue of section 14 (trade disputes) but only where that section does not prevent the other member from being so entitled.

---

1 Words substituted by article 2(5) of SD796/03 from 1 December 2003.
2 Paragraph 11 substituted by article 19(2) of SD2015/0392 from 9 February 2016.
3 Despite its repeal by section 31(3) of and Schedule 4 to the Social Services Act 2011 (“the 2011 Act”), section 27 of the National Assistance (Isle of Man) Act 1951 continues to apply to the provision of arrangements and services made before the 2011 Act came into operation (see paragraph 3 of Schedule 2 to the 2011 Act).
4 Words substituted by regulation 4(11A)(a) of S.I. 2009/583 from 1 March 2011 (SD1073/10).
5 Words substituted by regulation 4(11A)(b) of S.I. 2009/583 from 1 March 2011 (SD1073/10).
6 Paragraph 14 not applied.
7 Paragraph 15 substituted by regulation 2(6) of S.I. 2006/1402 from 30 May 2006 (SD31/07).
[1] Schedule 1 - Personal allowances

[2] Part I - Persons to whom housing costs are applicable

A1. For the purposes of regulation 83(3)(a), the applicable amount of a claimant (C) to whom regulation 83 applies shall include the amount specified in whichever of Columns (2) to (5) in the table below applies in C’s case shown opposite in Column (1) of that table.

A2. For the purposes of regulation 86A(3)(a), the applicable amount of a joint-claim couple (JCC) to whom regulation 86A applies shall include the amount specified in whichever of Columns (2) to (5) in the table below applies in JCC’s case shown opposite in Column (1) of that table.

A3. In calculating the length of the periods referred to in Columns (2) to (5) in the table below, the following are to be disregarded –

(a) any period of 56 days or fewer separating two periods of entitlement to a jobseeker’s allowance; and

(b) any period of entitlement to a jobseeker’s allowance falling –

(i) on or after 2 March 2020; and

(ii) before [4 April 2022].

Table

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
<th>Column 3</th>
<th>Column 4</th>
<th>Column 5</th>
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<td>Less than 183 days</td>
<td>More than 182 days but less than 274 days</td>
<td>More than 273 days but less than 365 days</td>
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<td><strong>Person or couple</strong></td>
<td><strong>Amount</strong></td>
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<td>(3) Couple –</td>
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1 Schedule 1 substituted by article 5(9) of SD0082/12 from 9 April 2012.
2 Part I and IA substituted for Part I as provided for by article 20 of Part 5 of, and set out in the Schedule to, SD2015/0223 from 1 November 2015.
3 Paragraph A3 substituted by article 3(3) of SD2020/0361 from 2 July 2020.
4 Date substituted by article 3(3) of SD2021/0188 from 17 June 2021.
Part IA - Persons to whom housing costs are not applicable

A1. For the purposes of regulation 83A(3)(a), the applicable amount of a claimant (C) to whom regulation 83A applies shall include the amount specified in whichever of Columns (2) to (5) in the table below applies in C’s case shown opposite in Column (1) of that table.

A2. For the purposes of regulation 86AB(3)(a), the applicable amount of a joint-claim couple (JCC) to whom regulation 86A applies shall include the amount specified in whichever of Columns (2) to (5) in the table below applies in JCC’s case shown opposite in Column (1) of that table.

[A3. In calculating the length of the periods referred to in Columns (2) to (5) in the table below, the following are to be disregarded –

(a) any period of 56 days or fewer separating two periods of entitlement to a jobseeker’s allowance; and
(b) any period of entitlement to a jobseeker’s allowance falling –
   (i) on or after 2 March 2020; and
   (ii) before [1 April 2022].]

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<th>Case</th>
<th>Column 1</th>
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<th>Column 3</th>
<th>Column 4</th>
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<td>More than 182 days but less than 274 days</td>
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<td>Person or couple</td>
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<td>(c) aged not less than 25:</td>
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<td>(3) Couple –</td>
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</tbody>
</table>

1 Paragraph A3 substituted by article 3(3) of SD2020/0361 from 2 July 2020.
2 Date substituted by article 3(3) of SD2021/0188 from 17 June 2021.
(a) where both members are aged less than 18:  £100.05  £80.04  £70.04  £60.03
(b) where one member is aged not less than 18 and the other member is aged less than 18:  £100.05  £80.04  £70.04  £60.03
(c) where both members are aged not less than 18:  £125.10  £100.08  £87.57  £75.06

[1] Part IB - Persons to whom regulations 83AA or 86AC apply

A1. For the purposes of regulation 83AA(3)(a), the applicable amount of a claimant (C) to whom regulation 83AA applies shall include the amount specified in whichever of Columns 2 to 5 in the table below applies in C’s case shown opposite in Column 1 of that table.

A2. For the purposes of regulation 86AC(3)(a), the applicable amount of a joint-claim couple (JCC) to whom regulation 86AC applies shall include the amount specified in whichever of Columns 2 to 5 in the table below applies in JCC’s case shown opposite in Column 1 of that table.

[2] A3. In calculating the length of the periods referred to in Columns (2) to (5) in the table below, the following are to be disregarded –

(a) any period of 56 days or fewer separating two periods of entitlement to a jobseeker’s allowance; and

(b) any period of entitlement to a jobseeker’s allowance falling –
   (i) on or after 2 March 2020; and
   (ii) before [31 April 2022].

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
<th>Column 3</th>
<th>Column 4</th>
<th>Column 5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Case</td>
<td>Number of consecutive days comprising the immediately preceding period in respect of which C or JCC has been entitled to a jobseeker’s allowance</td>
<td>Less than 365 days</td>
<td>More than 364 days but less than 456 days</td>
<td>More than 455 days but less than 547 days</td>
</tr>
<tr>
<td>Person or couple</td>
<td>Amount</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(1) Single claimant –</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) aged less than 18:</td>
<td>£89.90</td>
<td>£71.92</td>
<td>£62.93</td>
<td>£53.94</td>
</tr>
<tr>
<td>(b) aged not less than 18 but less than 25:</td>
<td>£89.90</td>
<td>£71.92</td>
<td>£62.93</td>
<td>£53.94</td>
</tr>
<tr>
<td>(c) aged not less than 25:</td>
<td>£112.35</td>
<td>£89.88</td>
<td>£78.65</td>
<td>£67.41</td>
</tr>
</tbody>
</table>

1 Parts IB to IE inserted by article 8 of Part 2 of, and as set out in the Schedule to, SD2016/0196 from 24 July 2016.
2 Paragraph A3 substituted by article 3(3) of SD2020/0361 from 2 July 2020.
3 Date substituted by article 3(3) of SD2021/0188 from 17 June 2021.
### Schedule 1

#### (2) Lone parent –

<table>
<thead>
<tr>
<th>Case</th>
<th>Column 2</th>
<th>Column 3</th>
<th>Column 4</th>
<th>Column 5</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) aged less than 18:</td>
<td>£89.90</td>
<td>£71.92</td>
<td>£62.93</td>
<td>£53.94</td>
</tr>
<tr>
<td>(b) aged not less than 18:</td>
<td>£112.35</td>
<td>£89.88</td>
<td>£78.65</td>
<td>£67.41</td>
</tr>
</tbody>
</table>

#### (3) Couple –

<table>
<thead>
<tr>
<th>Case</th>
<th>Column 2</th>
<th>Column 3</th>
<th>Column 4</th>
<th>Column 5</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) where both members are aged less than 18:</td>
<td>£137.10</td>
<td>£109.68</td>
<td>£95.97</td>
<td>£82.26</td>
</tr>
<tr>
<td>(b) where one member is aged not less than 18 and the other member is aged less than 18:</td>
<td>£137.10</td>
<td>£109.68</td>
<td>£95.97</td>
<td>£82.26</td>
</tr>
<tr>
<td>(c) where both members are aged not less than 18:</td>
<td>£171.40</td>
<td>£137.12</td>
<td>£119.98</td>
<td>£102.84</td>
</tr>
</tbody>
</table>

### Part IC – Persons to whom regulations 83AB or 86AD apply

**A1.** For the purposes of regulation 83AB(3)(a), the applicable amount of a claimant (C) to whom regulation 83AB applies shall include the amount specified in whichever of Columns 2 to 5 in the table below applies in C’s case shown opposite in Column 1 of that table.

**A2.** For the purposes of regulation 86AD(3)(a), the applicable amount of a joint-claim couple (JCC) to whom regulation 86AD applies shall include the amount specified in whichever of Columns 2 to 5 in the table below applies in JCC’s case shown opposite in Column 1 of that table.

**[A3]**. In calculating the length of the periods referred to in Columns (2) to (5) in the table below, the following are to be disregarded –

<table>
<thead>
<tr>
<th>Case</th>
<th>Column 2</th>
<th>Column 3</th>
<th>Column 4</th>
<th>Column 5</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) any period of 56 days or fewer separating two periods of entitlement to a jobseeker’s allowance; and</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(b) any period of entitlement to a jobseeker’s allowance falling –</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(i) on or after 2 March 2020; and</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(ii) before [1 April 2022].</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Table**

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
<th>Column 3</th>
<th>Column 4</th>
<th>Column 5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Case</td>
<td>Number of consecutive days comprising the immediately preceding period in respect of which C or JCC has been entitled to a jobseeker’s allowance</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Less than 365 days</td>
<td>More than 364 days but less than 456 days</td>
<td>More than 455 days but less than 547 days</td>
<td>More than 546 days</td>
<td></td>
</tr>
</tbody>
</table>

**Person or couple**

**Amount**

1.  

---

1 Erroneous cross-reference corrected as per the Uprating Order.
2 Paragraph A3 substituted by article 3(3) of SD2020/0361 from 2 July 2020.
3 Date substituted by article 3(3) of SD2021/0188 from 17 June 2021.
<table>
<thead>
<tr>
<th>Case</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Single claimant –</td>
<td></td>
</tr>
<tr>
<td>(a) aged less than 18:</td>
<td>£65.00</td>
</tr>
<tr>
<td>(b) aged not less than 18 but less than 25:</td>
<td>£65.00</td>
</tr>
<tr>
<td>(c) aged not less than 25:</td>
<td>£82.05</td>
</tr>
<tr>
<td>(2) Lone parent –</td>
<td></td>
</tr>
<tr>
<td>(a) aged less than 18:</td>
<td>£65.00</td>
</tr>
<tr>
<td>(b) aged not less than 18:</td>
<td>£82.05</td>
</tr>
<tr>
<td>(3) Couple –</td>
<td></td>
</tr>
<tr>
<td>(a) where both members are aged less than 18:</td>
<td>£100.05</td>
</tr>
<tr>
<td>(b) where one member is aged not less than 18 and the other member is aged less than 18:</td>
<td>£100.05</td>
</tr>
<tr>
<td>(c) where both members are aged not less than 18:</td>
<td>£125.10</td>
</tr>
</tbody>
</table>

Part ID - Persons to whom regulations 83AD or 86AE apply

**A1.** For the purposes of regulation 83AD(3)(a), the applicable amount of a claimant (C) to whom regulation 83AD applies shall include the amount specified in Column (2) in the table below as applies in C’s case shown opposite in Column 1 of that table.

**A2.** For the purposes of regulation 86AE(3)(a), the applicable amount of a joint-claim couple (JCC) to whom regulation 86AE applies shall include the amount specified in whichever of Columns 2 to 5 in the table below applies in JCC’s case shown opposite in Column 1 of that table.

**Table**

<table>
<thead>
<tr>
<th>Person or couple</th>
<th>Case</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Single claimant –</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) aged less than 18:</td>
<td></td>
<td>£89.90</td>
</tr>
<tr>
<td>(b) aged not less than 18 but less than 25:</td>
<td></td>
<td>£89.90</td>
</tr>
<tr>
<td>(c) aged not less than 25:</td>
<td></td>
<td>£112.35</td>
</tr>
<tr>
<td>(2) Lone parent –</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) aged less than 18:</td>
<td></td>
<td>£89.90</td>
</tr>
<tr>
<td>(b) aged not less than 18:</td>
<td></td>
<td>£112.35</td>
</tr>
</tbody>
</table>
(3) **Couple** –
   - (a) where both members are aged less than 18: £137.10
   - (b) where one member is aged not less than 18 and the other member is aged less than 18: £137.10
   - (c) where both members are aged not less than 18: £171.40

### Part IE - Persons to whom regulations 83AE or 86AF apply

**A1.** For the purposes of regulation 83AE(3)(a), the applicable amount of a claimant (C) to whom regulation 83AE applies shall include the amount specified in Column (2) in the table below as applies in C’s case shown opposite in Column 1 of that table.

**A2.** For the purposes of regulation 86AF(3)(a), the applicable amount of a joint-claim couple (JCC) to whom regulation 86AF\(^1\) applies shall include the amount specified in whichever of Columns 2 to 5 in the table below applies in JCC’s case shown opposite in Column 1 of that table.

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Case</strong></td>
<td><strong>Amount</strong></td>
</tr>
<tr>
<td><strong>Person or couple</strong></td>
<td></td>
</tr>
<tr>
<td>1.</td>
<td></td>
</tr>
<tr>
<td>(1) Single claimant –</td>
<td></td>
</tr>
<tr>
<td>(a) aged less than 18:</td>
<td>£65.00</td>
</tr>
<tr>
<td>(b) aged not less than 18 but less than 25:</td>
<td>£65.00</td>
</tr>
<tr>
<td>(c) aged not less than 25:</td>
<td>£82.05</td>
</tr>
<tr>
<td>(2) Lone parent –</td>
<td></td>
</tr>
<tr>
<td>(a) aged less than 18:</td>
<td>£65.00</td>
</tr>
<tr>
<td>(b) aged not less than 18:</td>
<td>£82.05</td>
</tr>
<tr>
<td>(3) Couple –</td>
<td></td>
</tr>
<tr>
<td>(a) where both members are aged less than 18:</td>
<td>£100.05</td>
</tr>
<tr>
<td>(b) where one member is aged not less than 18 and the other member is aged less than 18:</td>
<td>£100.05</td>
</tr>
<tr>
<td>(c) where both members are aged not less than 18:</td>
<td>£125.10</td>
</tr>
</tbody>
</table>

The sums specified in Parts I to IE of this Schedule are as set out in Schedule 8 to, and as provided for by articles 19(1) and (4) of Part 4 of, SD2022/0022 from 11 April 2022 (subject to article 3 ibid.).

\(^1\) Erroneous cross-reference corrected as per the Uprating Order.
### Part II - Child or young person

<table>
<thead>
<tr>
<th>Column (1)</th>
<th>Column (2)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Child or young person</strong></td>
<td><strong>Amount</strong></td>
</tr>
<tr>
<td>2. Child or young person -</td>
<td>(a) £44.90;</td>
</tr>
<tr>
<td>(a) in respect of whom child benefit is payable at the rate specified in regulation 8 of the Child Benefit (Rates) Regulations 2013 (enhanced rate) or, in the opinion of an adjudication officer, would be but for section 141(2) of the Contributions and Benefits Act:</td>
<td></td>
</tr>
<tr>
<td>(b) in respect of whom child benefit is payable at the rate specified in regulation 10 of those Regulations (rate for any other child or qualifying young person) or, in the opinion of an adjudication officer, would be but for section 141(2) of that Act:</td>
<td>(b) £44.90.</td>
</tr>
<tr>
<td>(c) ......</td>
<td>(c) ......(^1)</td>
</tr>
</tbody>
</table>

*The sums specified in Part II of this Schedule are as set out in Schedule 9 to, and as provided for by articles 19(1) and (5) of Part 4 of, SD2022/0022 from 11 April 2022 (subject to article 3 ibid.).*

\(^1\) Subparagraph (c) omitted by article 3(2) of SD2017/0042 from 22 February 2017.
Schedule 2

Part I - Housing costs

1. **Housing Costs**

   (1) Subject to the following provisions of this Schedule, the housing costs applicable to a claimant are those costs which he or, where he is a member of a family, he or any member of that family is, in accordance with paragraph 2, liable to meet in respect of the dwelling occupied as the home which he or any other member of his family is treated as occupying.

   (2) In this Schedule -

   "housing costs" means those costs to which sub-paragraph (1) refers;

   "the home" means the accommodation, with any garage, garden and outbuildings, normally occupied by the family and any other members of the same household as their home and it includes also any premises not so occupied which it would be impracticable or unreasonable to expect to be sold separately.

1(3) The housing costs of a claimant, including the costs of any partner or dependant of his, shall be the aggregate of any amounts which, in accordance with sub-paragraphs (5) and (6), are applicable in his case under paragraphs 1A to 7 subject to any restriction or reduction applicable under paragraphs 8 and 9, and where any one or more, but not all, members of a family are affected by a trade dispute those costs shall be treated as those of the other members of the family.

1(3A) Where the claimant or any other member of his family (if he has one) and one or more other persons are liable to make payments in respect of a dwelling, the amount of housing costs applicable to the claimant shall be as apportioned for him or that other member of his family having regard to all the circumstances, in particular, the number of such persons and the proportion of those payments paid by each such person.

1(4) For the purposes of this Part of this Schedule, a disabled person is a person -

(a) in respect of whom -

   (i) a disability premium;

   (ii) a disabled child premium; or

   (iii) in the case of a person aged not less than 75, a pensioner premium,

   is included in his applicable amount or the applicable amount of a person living with him; or

(b) who, had he in fact been entitled to income-based jobseeker’s allowance or income support, would have had included in his applicable amount -

   (i) a disability premium;

   (ii) a disabled child premium; or

   (iii) in the case of a person aged not less than 75, a pensioner premium.]

5 For the purposes of sub-paragraph (4), a person shall not cease to be a disabled person on account of his being disqualified for receiving benefit or treated as capable of work by virtue of the operation of section 171E of the Contributions and Benefits Act (incapacity for work, disqualification etc.).

6 No amount shall be allowed under this Part of these Regulations in respect of a person to whom Schedule 4 applies.

---

1 Subparagraphs (3) to (6) substituted by article 2(26)(a) of SD33/00 from 10 April 2000.
2 Subparagraph (3A) inserted by article 2(6)(a) of SD796/03 from 12 April 2004.
3 Subparagraph (4) substituted by regulation 5 of SD0055/13 from 8 April 2013.
S.I. 1996/207
Jobseeker’s Allowance Regulations 1996
Schedule 2

[3A. (Circumstances in which a person is to be treated as liable to meet housing costs in respect of a dwelling)]

[3(1) Subject to paragraph 1AA, a person shall be treated as liable to meet housing costs in respect of a dwelling where -

(a) the liability falls upon him or his partner;]

(b) because the person liable to meet the housing costs is not meeting them, the claimant has to meet those costs in order to continue to live in the dwelling occupied as the home and it is reasonable in all the circumstances to treat the claimant as liable to meet those costs;

(c) he in practice shares the housing costs with other members of the household none of whom are close relatives either of the claimant or his partner, and

(i) one or more of those members is liable to meet those costs, and

(ii) it is reasonable in the circumstances to treat him as sharing responsibility.

[3(cc) his liability to make such payments is waived by his landlord as reasonable compensation in return for works actually carried out by the tenant in carrying out reasonable repairs or redecoration which the landlord would otherwise have carried out or be required to carry out, but this sub-paragraph shall apply only for a maximum of 8 benefit weeks in respect of any one waiver of liability;]

(2) Where any one or more, but not all, members of the claimant’s family are affected by a trade dispute, the housing costs shall be treated as wholly the responsibility of those members of the family not so affected.]

[3AA. Circumstances in which a person is to be treated as not liable to meet housing costs in respect of a dwelling]

(1) A person who is liable to meet housing costs in respect of a dwelling shall be treated as if he were not so liable where -

(a) the tenancy or other agreement pursuant to which he occupies the dwelling is not on a commercial basis;

(b) his liability under the agreement is to -

(i) a member of the same household as him; or

(ii) a close relative of his or of his partner who also resides in the same dwelling unless that relative occupies a separate and self-contained part of that dwelling;

(c) his liability under the agreement is to -

(i) his former partner and is in respect of a dwelling which he and his former partner occupied before they ceased to be partners, or

(ii) his partner’s former partner and is in respect of a dwelling which his partner and his partner’s former partner occupied before they ceased to be partners;

(d) he or his partner is responsible for a child of the person to whom he is liable under the agreement;

(e) subject to sub-paragraph (3), his liability under the agreement is to a company or a trustee of a trust of which -

(i) he or his partner,

(ii) his or his partner’s close relative who resides with him, or

1 Paragraph 1A inserted by article 2(26)(b) of SD33/00 from 10 April 2000.
2 Heading substituted by article 2(6)(b)(i) of SD796/03 from 12 April 2004.
3 Words from the beginning of subparagraph (1) to the end of head (a) substituted by article 2(6)(b)(ii) of SD796/03 from 12 April 2004.
4 Head (cc) added by article 2(6)(b)(iii) of SD796/03 from 12 April 2004.
5 Paragraph 1AA inserted by article 2(6)(c) of SD796/03 from 12 April 2004.
(iii) his or his partner’s former partner

is, in the case of a company, a director or an employee, or, in the case of a trust, a trustee or a beneficiary;

(f) his liability under the agreement is to a trustee of a trust of which his or his partner’s child is a beneficiary;

(g) subject to sub-paragraph (3), before the liability was created he was a non-dependant of someone who resided, and continues to reside, in the dwelling;

(h) he or his partner previously owned the dwelling in respect of which the liability arises and less than five years have elapsed since he or, as the case may be, his partner, ceased to own the property, but this sub-paragraph shall not apply where he satisfies an adjudication officer that he or his partner could not have continued to occupy that dwelling without relinquishing ownership;

(i) he is a member of, and is wholly maintained (disregarding any liability he may have to make payments in respect of the dwelling he occupies as his home) by, a religious order;

(j) in a case to which the preceding sub-paragraphs do not apply, an adjudication officer is satisfied that the liability was created to take advantage of the provisions of the Act under which entitlement to an income-based jobseeker’s allowance may arise.

(2) In determining whether a tenancy or other agreement pursuant to which a person occupies a dwelling is not on a commercial basis regard shall be had (inter alia) to whether the terms upon which the person occupies the dwelling include terms which are not enforceable at law.

(3) Heads (e) and (g) of sub-paragraph (1) shall not apply in a case where the person satisfies an adjudication officer that the liability was not intended to be a means of taking advantage of the provisions of the Act under which entitlement to an income-based jobseeker’s allowance may arise.

[1B. Circumstances in which a person is to be treated as occupying the dwelling as his home]

(1) Subject to the following provisions of this regulation, a person shall be treated as occupying as his home the dwelling normally occupied as his home by himself or, if he is a member of a family, by himself and his family and he shall not be treated as occupying any other dwelling as his home.

(2) In determining whether a dwelling is the dwelling normally occupied as the claimant’s home for the purposes of sub-paragraph (1) regard shall be had to any other dwelling occupied by the claimant or by him and his family whether or not that other dwelling is in the Isle of Man.

(3) Subject to sub-paragraph (4), where a single claimant or a lone parent is a student or is on a training course and is liable to make payments (including payments of loan interest or analogous payments) in respect of either (but not both) the dwelling which he occupies for the purpose of attending his course of study or his training course or, as the case may be, the dwelling which he occupies when not attending his course, he shall be treated as occupying as his home the dwelling in respect of which he is liable to make payments.

(4) A full-time student shall not be treated as occupying a dwelling as his home for any week of absence from it, other than an absence occasioned by the need to enter hospital for treatment, outside the period of study, if the main purpose of his occupation during the period of study would be to facilitate attendance on his course.

(5) Where a claimant has been required to move into temporary accommodation by reason of essential repairs being carried out to the dwelling normally occupied as his home and he is liable to make payments (including payments of loan interest or analogous payments) in respect of either (but not both) the dwelling normally occupied or the temporary accommodation, he shall be treated as occupying as his home the dwelling in respect of which he is liable to make those payments.

(6) Where a person is liable to make payments in respect of two (but not more than two) dwellings, he shall be treated as occupying both dwellings as his home only.

---

1 Paragraph 1B inserted by article 2(26)(b) of SD33/00 from 10 April 2000.
2 Words substituted by article 2(5)(a) of SD105/02 from 8 April 2002.
3 Words substituted by article 2(5)(a) of SD105/02 from 8 April 2002.
(a) where he has left and remains absent from the former dwelling occupied as the home through fear of violence in that dwelling or by a former member of his family and it is reasonable that housing costs should be met in respect of both his former dwelling and his present dwelling occupied as the home; or

(b) in the case of a couple or a member of a polygamous marriage where a partner is a full-time student or is on a training course and it is unavoidable that he or they should occupy two separate dwellings and reasonable that housing costs should be met in respect of both dwellings; or

(c) in the case where a person has moved into a new dwelling occupied as the home, except where sub-paragraph (5) applies, for a period not exceeding four benefit weeks if his liability to make payments in respect of two dwellings is unavoidable.

(7) Where -

(a) a person has moved into a dwelling and was liable to make payments in respect of that dwelling before moving in; and

(b) he had claimed income-based jobseeker’s allowance before moving in and either that claim has not yet been determined or it has been determined but an amount has not been included under this Part of this Schedule and if the claim has been refused a further claim has been made within four weeks of the date on which the claimant moved into the new dwelling occupied as the home; and

(c) the delay in moving into the dwelling in respect of which there was liability to make payments before moving in was reasonable and -

(i) that delay was necessary in order to adapt the dwelling to meet the disablement needs of the claimant or any member of his family; or

(ii) the move was delayed pending the outcome of an application under Part 8A of the Benefits Act for an exceptional needs grant or a budgeting loan to meet a need arising out of the move or in connection with setting up the home in the dwelling, and -

(aa) a member of the claimant’s family is aged five or under,

(bb) the claimant’s applicable amount includes a premium under any of paragraphs 10, 11, 13 or 15 to 16 of Schedule 3 (applicable amounts); or

(cc) ......

(iii) the person became liable to make payments in respect of the dwelling while he was a patient or was in an adult care home,

he shall be treated as occupying the dwelling as his home for any period not exceeding four weeks immediately prior to the date on which he moved into the dwelling and in respect of which he was liable to make payments.

(8) This paragraph applies to a person who enters an adult care home -

(a) for the purpose of ascertaining whether the accommodation suits his needs; and

(b) with the intention of returning to the dwelling which he normally occupies as his home should, in the event, the adult care home prove not to suit his needs,

and while in the accommodation, the part of the dwelling which he normally occupies as his home is not let, or as the case may be, sub-let to another person.
(9) A person to whom sub-paragraph (8) applies shall be treated as occupying the dwelling he normally occupies as his home during any period (commencing with the day he enters the accommodation) not exceeding 4 weeks, or such longer period as [1 an adjudication officer] may direct generally or in a particular case.

(10) A person, other than a person to whom sub-paragraph (11) applies, shall be treated as occupying a dwelling as his home throughout any period of absence not exceeding 13 weeks, if, and only if -

(a) he intends to return to occupy the dwelling as his home; and

(b) the part of the dwelling normally occupied by him has not been let or, as the case may be, sub-let to another person; and

(c) the period of absence is unlikely to exceed 13 weeks.

(11) This sub-paragraph applies to a person whose absence from the dwelling he normally occupies as his home is temporary and -

(a) he intends to return to occupy the dwelling as his home; and

(b) while the part of the dwelling which is normally occupied by him has not been let or, as the case may be, sub-let; and

(c) he is -

[i] required, as a condition of bail, to reside in a dwelling other than the dwelling he occupies as his home, or

[ii] resident in a hospital or similar institution as a patient, or

[iii] undergoing or, as the case may be, his partner or his dependant child is undergoing, in the Isle of Man or elsewhere, medical treatment or medically approved convalescence, in accommodation other than [an adult care home], or

(iv) undertaking the care of a child whose parent or guardian is temporarily absent from the dwelling normally occupied by that parent or guardian for the purpose of receiving medically approved care or medical treatment, or

(v) a person who is, whether in the Isle of Man or elsewhere, receiving medically approved care provided in accommodation other than [an adult care home], or

(vi) a student to whom sub-paragraph (3) or (6)(b) does not apply, or

(vii) a person other than a person to whom sub-paragraph (8) applies, who is receiving care provided in [an adult care home], or

(viii) a person to whom sub-paragraph (6)(a) does not apply and who has left the dwelling he occupies as his home through fear of violence in that dwelling, or by a person who was formerly a member of his family; and

(d) the period of his absence is unlikely to exceed a period of 52 weeks or, in exceptional circumstances, is unlikely substantially to exceed that period.

(12) A person to whom sub-paragraph (11) applies is to be treated as occupying the dwelling he normally occupies as his home during any period of absence not exceeding 52 weeks beginning with the first day of that absence.

(13) In this paragraph -

(a) “medically approved” means certified by a medical practitioner;

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1 Words substituted by article 21(2) of SD657/00 from 6 October 2000.
2 Subhead (i) substituted by regulation 6(a) of S.I. 2004/2327 from 1 January 2005 (SD839/04).
3 Words substituted by article 20(2)(c) of SD2015/0392 from 9 February 2016.
4 Words substituted by article 20(2)(c) of SD2015/0392 from 9 February 2016.
5 Words substituted by article 20(2)(c) of SD2015/0392 from 9 February 2016.
(b) “patient” means a person who is undergoing medical or other treatment as an in-patient in a hospital or similar institution;

(c) .......

(d) “training course” means such a course of training or instruction approved by the Department.

2. Rent

(1) Subject to sub-paragraphs (2) to (6), there shall be applicable under this paragraph the amount, calculated on a weekly basis, of the rent payable for the home and of any additional charge made by a landlord in respect of the home because of letting of any part of the home, taking in lodgers or accommodating non-dependants.

(2) No amount shall be applicable under this paragraph in respect of any part of the rent which is irrecoverable from the tenant.

[4(2A) No amount shall be applicable under this paragraph in respect of any penalty incurred by the claimant for the late payment or the non-payment of rent.]

[4(2B) No amount shall be applicable to a claimant under this regulation in respect of any rent payable by him in respect of any accommodation which is or was his home (or any part of his home) if he is treated as still possessing that home (or any interest in any part of that home) by virtue of regulation 113(1) (notional capital).]

(3) Where the amount payable for rent is inclusive of any of the items mentioned in (a) to (d) below there shall, in respect of those items, be deducted from the amount applicable under sub-paragraph (1) and (2) above, the amounts specified in paragraph 13 of Part III of this Schedule

(a) for heating,
(b) for lighting,
(c) for cooking,
(d) for hot water,

so however that where the adjudication officer is satisfied that the inclusive rent does not provide for all the necessary expenditure of the family on the item in question the amount of the deduction to be made under (a) to (d) above shall be such lesser amount as he considers reasonable in the circumstances, and that where the claimant is not a partner and has been absent from the home for a continuous period of more than thirteen weeks, or for a shorter period if a householder rate of personal allowances is no longer applicable, no deduction shall be made under this paragraph provided the absence is temporary and expenditure on the item unavoidable.

[4(3A) Where the accommodation is provided by the Department of Health and Social Care, a local authority or an approved housing association (within the meaning of Part II of the Housing (Miscellaneous Provisions) Act 1976 (an Act of Tynwald)) and amounts in respect of heads (a) to (d) of sub-paragraph (3) above are payable as a separate charge or are separately identifiable, then only the weekly amount in respect of rent and rates is payable.]

(4) Where for the administrative convenience of the landlord arrangements are made for rent payable for a year to be paid for 53 weeks, or irregularly, or so that no rent is payable for or collected in certain periods, or so that rent for different periods in the year is of different amounts, the weekly amount applicable shall be the rent payable for the year divided by 52.

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1 Head (c) omitted by article 20(2)(d) of S.I. 2015/0392 from 9 February 2016.
2 Words substituted by article 3(6)(a) of S.D. 793/02 from 1 January 2003.
3 Subparagraph (2A) inserted by regulation 2(2)(a) of S.D. 367/00 from 1 June 2000.
4 Words substituted by article 3(6)(b)(i) of S.D. 793/02 from 1 January 2003.
5 Words substituted by article 3(6)(b)(ii) of S.D. 793/02 from 1 January 2003.
6 Subparagraph (2B) inserted by article 3(6)(c) of S.D. 793/02 from 1 January 2003.
7 Words substituted by article 2(7)(a) of S.D. 135/04 from 12 April 2004.
8 Subparagraph (3A) inserted by regulation 2(5)(b) of S.D. 105/02 from 8 April 2002.
9 The words “Department of Health and Social Care” substituted for “Department” as a consequence of the Transfer of Functions (Health and Social Care) Order 2014 from 1 April 2014 (S.D. 2014/0008).
(5) Where for a specific purpose, such as to meet or contribute to redecoration costs or in compensation for disturbance while improvements are carried out, payment of rent is waived, the rent shall, for a period not exceeding 8 weeks, be treated as still payable.

(6) There shall be treated as rent for the purposes of this paragraph the amount payable in respect of the home -

(a) under a co-ownership scheme, that is to say a scheme under which the home is let by a housing association and the tenant (or his personal representative) will, under the terms of the tenancy agreement or of the agreement under which he became a member of the association, be entitled, on his ceasing to be a member and subject to any conditions stated in either agreement, to a sum calculated by reference directly or indirectly to the value of the home;

(b) under a rental purchase agreement, that is to say where the home is being acquired through payments for a fixed period of rent which includes a capital element attributable to the landlord’s interest in the home;

(c) by way of mesne profits.

[23. Loans on residential property

(1) A loan qualifies under this paragraph where the loan was taken out to defray monies applied for any of the following purposes -

(a) acquiring an interest in the dwelling occupied as the home; or

(b) paying off another loan to the extent that the other loan would have qualified under head (a) above had the loan not been paid off.

(2) For the purposes of this paragraph, references to a loan include also a reference to money borrowed under a hire purchase agreement for any purpose specified in heads (a) and (b) of sub-paragraph (1) above.

(3) Where a loan is applied only in part for the purposes specified in heads (a) and (b) of sub-paragraph (1), only that portion of the loan which is applied for that purpose shall qualify under this paragraph.

4. Maintenance and insurance

(1) Where a person is -

(a) an owner-occupier;

(b) a person in respect of whom an amount is applicable by reason of paragraph 2(6)(b) (rental purchaser); or

(c) any other person who, as a condition of the lease or agreement under which the home is occupied, is liable to undertake or to meet the costs of either or both or all repairs to, and the insurance of, the structure of the home,

there shall be applicable under this paragraph a weekly amount for maintenance and insurance [1£14.80].

(2) For the purposes of this paragraph "maintenance and insurance" means essential routine minor maintenance, and insurance, of the structure of the home.

[25. Loans for repairs and improvements to the dwelling occupied as the home

(1) A loan qualifies under this paragraph where the loan was taken out, with or without security, for the purpose of -

(a) carrying out repairs and improvements to the dwelling occupied as the home;

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1 Word substituted by article 2(4)(b) of SD581/98 from 7 October 1996.
2 Paragraph 3 substituted by article 2(26)(c) of SD33/00 from 10 April 2000.
3 Words substituted by article 6(2)(a) of SD2015/0045 from 6 April 2015.
4 Amount substituted by article 19(6)(a) of Part 4 of SD2022/0022 from 11 April 2022 (subject to article 3 ibid.).
5 Paragraph 5 substituted by article 2(26)(d) of SD33/00 from 10 April 2000.
(b) paying any service charge imposed to meet the cost of repairs and improvements to the dwelling occupied as the home;

(c) paying off another loan to the extent that the other loan would have qualified under heads (a) or (b) of this sub-paragraph had the loan not been paid off,

and the loan was used for that purpose, or is used for that purpose within 6 months of the date of receipt or such further period as may be reasonable in the particular circumstances of the case.

(2) In sub-paragraph (1) “repairs and improvements” means any of the following measures undertaken with a view to maintaining the fitness of the dwelling for human habitation or, where the dwelling forms part of a building, any part of the building containing that dwelling -

(a) provision of a fixed bath, shower, wash basin, sink or lavatory, and necessary associated plumbing, including the provision of hot water not connected to a central heating system;

(b) repairs to existing heating systems;

(c) damp proof measures;

(d) provision of ventilation and natural lighting;

(e) provision of drainage facilities;

(f) provision of facilities for preparing and cooking food;

(g) provision of insulation to the dwelling occupied as the home;

(h) provision of electric lighting and sockets;

(i) provision of storage facilities for fuel and refuse;

(j) repairs of unsafe structural defects;

(k) adapting a dwelling for the special needs of a disabled person; or

(l) provision of separate sleeping accommodation for [persons] of different sexes aged 10 or over [but under the age of 20 who live with the claimant and for whom the claimant or the claimant’s partner is responsible].

(3) Where a loan is applied only in part for the purposes specified in sub-paragraph (1), only that portion of the loan which is applied for that purpose shall qualify under this paragraph.

[5A. The calculation for loans

The weekly amount of housing costs to be met under this Part in respect of a loan which qualifies under paragraph 3 or 5 shall be calculated by applying the formula -

\[ \frac{A \times B}{52} \]

where -

“A” = the amount of the outstanding loan which qualifies under paragraph 3 or 5 in respect of which interest is payable; and

“B” = the lender’s current interest rate.]
6. Miscellaneous outgoings

[1(1)] Subject to sub-paragraph (2), the amounts, calculated on a weekly basis, of the following miscellaneous outgoings payable in respect of the home shall be applicable under this regulation -

(a) general rate, less any rate rebate;
(b) charges or rates in respect of water, sewerage and allied environmental services;
(c) recurring charges for the emptying of cess-pits and septic tanks and the cost of fluid and materials to service a chemical toilet;
(d) ground rent;
[1(e) service charges, payment of which is a condition on which the right to occupy the dwelling depends (for example for maintenance, insurance, management and the cleaning of common areas) but subject to deduction where the charges provide for any item which is referred to in paragraph 2(3) (deductions from inclusive rent), of the amount which in the opinion of the adjudication officer is attributable to that item;]
(f) contributions to the cost of improvements (including redecoration) made by a squatters’ organisation or association, provided that the home is occupied with the permission of the owner;
(g) outgoings analogous to those mentioned in this Schedule.

[1(2) The amount applicable under this paragraph shall be the amount of the outgoing mentioned in sub-paragraph (1) less any discount available at any time in respect of that amount, whether or not advantage is taken of that discount.]

7. Special cases

(1) Amounts shall be applicable in respect of expenditure on the home in special cases in accordance with the following provisions of this [paragraph].

(2) Where amounts are not applicable under any of paragraphs 2 to 6 because of the special character of the accommodation occupied as the home, for example where the home is a caravan or a houseboat, an amount shall be applicable under this [paragraph] calculated by reference to any expenditure analogous to that for which amounts are allowable under those regulations.

(3) A garage rented separately from the home shall be treated as part of the home for the purposes of paragraphs 2 to 6 provided that all reasonable efforts are being made to terminate the liability.

(4) Where the family changes its home amounts shall be applicable under paragraphs 2 to 6 in respect of both the old and the new home -

(a) for a period of overlap not exceeding four weeks where the overlap of liability is unavoidable;
(b) where this is reasonable because the old home was left through fear of domestic violence.

(5) Where the assessment unit moves into accommodation for which an amount is applicable under paragraph 2 (rent) and -

(a) there were reasonable grounds for the family not to remain in the previous accommodation (for example because it was unsuited to the needs of the family or because the move was made for the purpose of improving employment prospects); and
(b) the rent is payable to a landlord for a period in advance,

the amount applicable for rent, and for any items to which paragraph 6 relates which are similarly payable, may, for a single week, be increased -

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1 Existing paragraph 6 text renumbered as subparagraph (1) by regulation 2(2)(b)(i) of SD367/00 from 1 June 2000.
2 Words inserted by article 2(7)(b)(i) of SD135/04 from 12 April 2004.
3 Head (e) substituted by article 2(26)(e) of SD33/00 from 10 April 2000.
4 Subparagraph (2) substituted by article 2(7)(b)(ii) of SD135/04 from 12 April 2004.
5 Word substituted by article 2(4)(c) of SD581/98 from 7 October 1996.
6 Word substituted by article 2(4)(c) of SD581/98 from 7 October 1996.
(i) in a case where the landlord is a local authority[1], the [2]Department of Health and Social Care[3] or an approved housing association (within the meaning of Part II of the Housing (Miscellaneous Provisions) Act 1976 (an Act of Tynwald)), up to a maximum of twice the amount which would otherwise be applicable,

(ii) in any other case, up to a maximum of 4 times that amount,

subject to compensating adjustments in the following weeks.

[4.8. Restriction on housing costs]

The amounts applicable under this Part shall be restricted in accordance with [5] Part II of this Schedule.]

9. Reduction in amounts applicable for certain occupants of the home

(1) The amounts applicable under paragraphs 2 to 7 shall be reduced in accordance with the following sub-
paragraphs where any part of the home is [6] occupied by non-dependants.

(2) ......[7]

(3) Subject to sub-paragraph (5), where the home is [8] occupied by a non-dependant the reduction shall be by
the amount of a housing contribution calculated in accordance with sub-paragraph (4).

(4) For the purposes of sub-paragraph (3) a housing contribution shall be assumed in respect of each non-
dependant, or group of non-dependants, who -

(a) are a family for the purposes of a current entitlement to income-based jobseeker’s allowance [9]or
income support]; or

(b) are not members of such a family but would [10]if either of those benefits were] payable, or was payable to one of them, be assessed as individual claims,

and the amount of the reduction shall be -

(c) in respect of -

(i) a family referred to in (a) above, [11]or

(ii) a family referred to in (b) above where the person to whom benefit would be payable is aged less than 18,

(iii) ......[12]

the amount specified in paragraph 13(4) of Part III of this Schedule;

(d) subject to (e) below, in any other case the sum specified in paragraph 13(5) of Part III of this Schedule;

(e) where sub-paragraph (4)(c)(ii) would apply but for the fact that the person to whom benefit would be payable is aged 18 or over, the sum applicable under (d) above may be reduced to such sum, not being less than the sum mentioned in (c) above, as an adjudication officer shall determine in accordance with sub-paragraph (5) and if it is a case to which that sub-paragraph applies.

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1 Words inserted by article 2(5)(e) of SD105/02 from 8 April 2002.
2 The words “Department of Health and Social Care” substituted for “Department” as a consequence of the Transfer of Functions (Health and Social Care) Order 2014 from 1 April 2014 (SD2014/0008).
3 Words omitted by regulation 4(11B)(a) of S.I. 2009/583 from 1 March 2011 (SD1073/10).
4 Paragraph 8 substituted by article 2(26)(f) of SD33/00 from 10 April 2000.
5 Words omitted by article 6(2)(b) of SD2015/0045 from 6 April 2015 subject to savings and transitional provisions contained within SD2015/0045.
6 Words omitted by article 2(4)(a) of SD153/99 from 1 June 1999.
7 Subparagraph (2) omitted by article 2(4)(b) of SD153/99 from 1 June 1999.
8 Word omitted by article 2(4)(c) of SD153/99 from 1 June 1999.
9 Words added by article 2(5)(f)(i)(aa) of SD105/02 from 8 April 2002.
10 Words substituted by article 2(5)(f)(i)(bb) of SD105/02 from 8 April 2002.
11 Word added by article 2(5)(f)(i)(cc) of SD105/02 from 8 April 2002.
12 Subhead (iii) omitted by article 2(26)(g) of SD33/00 from 10 April 2000
(5) This sub-paragraph applies where it is shown to the satisfaction of a [the adjudication officer] that the weekly income of the person referred to in sub-paragraph (4)(e) when combined with those of his partner (if any) is less than 4 times the sum referred to in sub-paragraph (4)(d) and in such a case the reduced sum referred to in sub-paragraph (4)(e) shall be an amount calculated by [the adjudication officer] to be 25% of that weekly income (or combined income as the case may be).

(6) No reduction shall be made under sub-paragraph (3) -

(a) where the claimant, or the partner of the claimant, is blind;

(b) in respect of a non-dependant or group of non-dependants -

(i) whose usual home is, in the opinion of the adjudication officer, elsewhere. [3]

(ii) ......]

(c) where the [claimant or any partner of his] is receiving in respect of himself either -

(i) attendance allowance; or

(ii) the care component of disability living allowance;

(d) where the non-dependant is not residing with the claimant because he has been a patient for a period in excess of 52 weeks, or a prisoner -

(i) “patient” has the meaning given in paragraph 1(13)(b) and “prisoner” has the meaning given in regulation 85(4), and

(ii) in calculating any period of 52 weeks as a patient, any two or more distinct periods separated by one or more intervals each not exceeding 28 days shall be treated as a single period; or]

(e) in respect of a person under the age of 18 in receipt of income-based jobseeker’s allowance or income support]

10. Non-householder’s contribution (Omitted)7

11. Storage of furniture (Omitted)8
[Part II - Maximum amount of housing costs under Part I of this Schedule]

12. The amount of housing costs applicable to a claimant (C) or a joint-claim couple under Part I of this Schedule is subject to the following weekly maxima.

1. If C is a single claimant, [£124.00].

2. If C is member of a couple whose family does not include a child or young person, [£124.00].

3. In the case of a joint-claim couple, [£124.00].

4. If C is a lone parent or a member of a couple whose family includes -
   (a) one child; or
   (b) one young person,
   [£176.50].

5. If C is a lone parent or a member of a couple whose family includes -
   (a) two children;
   (b) two young persons; or
   (c) one child and one young person,
   [£190.50].

6. If C is a lone parent or a member of a couple whose family includes -
   (a) three or more children;
   (b) three or more young persons; or
   (c) any combination of children and young persons numbering three or more in total,
   [£210.00].]
### Part III - Weekly amounts of deductions specified in Part I

#### 13.

(1) The weekly amounts of deductions specified in column (2) below shall be the weekly amounts for the purposes of Part I of this Schedule.

<table>
<thead>
<tr>
<th>Column (1)</th>
<th>Column (2)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Items in respect of which deductions are made</td>
<td>Amount</td>
</tr>
<tr>
<td>(2)</td>
<td>(2)</td>
</tr>
<tr>
<td>(a) for heating;</td>
<td>(a) £20.90;</td>
</tr>
<tr>
<td>(b) for lighting;</td>
<td>(b) £1.75;</td>
</tr>
<tr>
<td>(c) for cooking;</td>
<td>(c) £2.60;</td>
</tr>
<tr>
<td>(d) for hot water;</td>
<td>(d) £2.60.</td>
</tr>
</tbody>
</table>

**Reduction in amounts applicable for certain occupants of the home**

| (4) | £16.05. |
| (5) | £52.10. |

*The sums specified in Part III of this Schedule are as set out in Schedule 10 to, and as provided for by articles 19(1) and (7) of Part 4 of, SD2022/0022 from 11 April 2022 (subject to article 3 ibid.).*
Part IV - Board and lodging (*Omitted*)

Part V - Applicable amounts of board and lodging specified in Part IV (*Omitted*)

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1 Parts IV and V omitted by article 3(25) of SD119/03 from 7 April 2003.
[1] Schedule 3 - Premiums

Part I - Lone parent premium (Revoked)²

Part II - Premiums

[2]Regulations 83(3)(d), 83A(3)(c), 83AA(3)(d), 83AB(3)(c), 83AD(3)(d), 83AE(3)(c), 84(1)(e), 84A(1)(f), 86A(3)(b), 86AB(3)(b), 86AC(3)(b), 86AD(3)(b), 86AE(3)(b) and 86AF(3)(b)]

Part 5 of SD0055/13 provides transitional provisions in respect of premiums specified in this Part, see regulation 26 (persons entitled to an income-based jobseeker’s allowance on 11 February 2013) and regulation 28 (persons entitled to an income-based jobseeker’s allowance on 8 April 2013).

5. Except as provided in paragraph 6, the weekly premiums specified in Part III of this Schedule shall, for the purposes of regulations 83(1)(d) and 84(1)(e), be applicable to a claimant who satisfies the condition specified in paragraphs [10] to 17B in respect of that premium.

[6. Subject to paragraphs 7 and 7A, where a claimant satisfies the conditions in respect of more than one premium in this Part of this Schedule, only one premium shall be applicable to him and, if they are different amounts, the higher or highest amount shall apply.]

[7. (1) This paragraph applies if the claimant -
(a) is a single claimant or a lone parent; or
(b) is a member of a couple and in relation to any premium in this Part of this Schedule, the condition in respect of that premium is satisfied in respect of only one member of the couple.

(2) If this paragraph applies, the following premiums may be applicable in addition to any other premium which may apply to the claimant under this Part of this Schedule -
(a) a disabled child premium to which paragraph 16 applies; and
(b) a shared care premium to which paragraph 16A applies;[7; and
(ba) a child benefit premium to which paragraph 16B or 16C applies.]

(3) If this paragraph applies, in addition to the premiums referred to in sub-paragraph (2), a carer premium to which paragraph 10 applies may be applicable in addition to -
(a) a carer premium to which paragraph 17 applies; and
(b) a mobility premium to which paragraph 17B applies.

7A. (1) This paragraph applies if -
(a) the claimant is a member of a couple; and
(b) in relation to any premium in this Part of this Schedule, the condition in respect of that premium is satisfied by both members of the couple.

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¹ Parts I and II substituted by article 2(8) of SD105/02 from 8 April 2002.
² Part I revoked by regulation 19(1)(c) of SD0055/13 from 8 April 2013 subject to the saving provisions contained within that regulation. See also transitional provisions contained within Part 5 of SD0055/13, regulation 26 (persons entitled to an income-based jobseeker’s allowance on 11 February 2013) and regulation 28 (persons entitled to an income-based jobseeker’s allowance on 8 April 2013).
³ Shoulder heading substituted by article 21(2) of Part 3 of SD2016/0196 from 24 July 2016.
⁴ Reference substituted by regulation 6(2)(a) of SD0055/13 from 8 April 2013.
⁵ Paragraph 6 substituted by regulation 6(2)(b) of SD0055/13 from 8 April 2013.
⁶ Paragraphs 7 and 7A substituted for paragraph 7 by regulation 6(2)(c) of SD0055/13 from 8 April 2013.
⁷ Word and head (ba) inserted by article 5(2)(a) of SD2015/0221 from 22 July 2015.
(2) If this paragraph applies, the following premiums may be applicable in addition to any other premium which may apply to the claimant under this Part of this Schedule -

(a) a disabled child premium to which paragraph 16 applies;
(b) a shared care premium to which paragraph 16A applies; and
(c) a carer premium to which paragraph 17 applies.]

8.

(1) Subject to sub-paragraph (2), for the purposes of this Part of this Schedule, once a premium is applicable to a claimant under this Part, a person shall be treated as being in receipt of any benefit -

(a) in the case of a benefit to which the Social Security (Overlapping Benefits) Regulations 1979 applies, for any period during which, apart from the provisions of those Regulations, he would be in receipt of that benefit; and

(b) for any period spent by a person in undertaking a course of training approved by the Department or for any period during which he is in receipt of a training allowance.

(2) For the purposes of the carer premium under paragraph 17, a person shall be treated as being in receipt of the carer's allowance only if, and for so long as, the person in respect of whose care the allowance has been claimed remains in receipt of attendance allowance or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Benefits Act.

9A. Bereavement Premium (Revoked)


The condition is that the claimant -

(a) is a single claimant or lone parent aged not less than the qualifying age; or

(b) has a partner and one of them is, or both of them are, aged not less than the qualifying age [5].]

11. Pensioner premium for persons 75 or over (Revoked)

13. Incapacity premium

The condition is that the claimant’s partner (if he has one) is incapable of work in accordance with Part XIIA of the Benefits Act and -

(a) has been incapable of work in accordance with that Part for the whole of the immediately preceding 364 days; or

(b) is terminally ill (within the meaning of section 30B(4) of that Act).]

15. Disability premium

The condition is -

(a) that the claimant is in receipt of -

(i) the highest or middle rate care component of disability living allowance under section 72(4)(a) or (b) of the Benefits Act; or

(ii) the higher rate mobility component of disability living allowance under section 73(11)(a) of that Act;

1 Words substituted by regulation 3(5)(c) of S.I. 2003/511 from 1 July 2003 (SD354/03).
2 Paragraph 9A revoked by the Schedule to S.I. 2007/2618 from 1 October 2007 (SD116/08).
3 Paragraph 10 substituted by article 3(6) of SD915/09 from 5 April 2010.
4 Words omitted by regulation 6(2)(d)(ii) of SD0055/13 from 8 April 2013.
5 Words omitted by regulation 6(2)(d)(i) of SD0055/13 from 8 April 2013 subject to regulation 10 ibid.
6 Paragraph 11 revoked by regulation 20(a) of SD0055/13 from 8 April 2013.
7 Paragraph 13 substituted by regulation 6(2)(e) of SD0055/13 from 8 April 2013 subject to regulation 11 ibid.
8 Paragraph 15 substituted by regulation 6(2)(f) of SD0055/13 from 8 April 2013 subject to regulation 12 ibid.
(b) that the claimant’s partner (if he has one) is in receipt of -
   (i) the highest or middle rate care component of disability living allowance under section 72(4)(a) or (b) of the Benefits Act;
   (ii) the higher rate mobility component of disability living allowance under section 73(11)(a) of that Act;
   (iii) an attendance allowance under Part III of that Act; or

(c) that the claimant and his partner are both in receipt of -
   (i) the highest or middle rate care component of disability living allowance under section 72(4)(a) or (b) of the Benefits Act; or
   (ii) the higher rate mobility component of disability living allowance under section 73(11)(a) of that Act;

(d) that -
   (i) the claimant is in receipt of either benefit mentioned in sub-paragraph (c); and
   (ii) his partner is in receipt of an attendance allowance under Part III of the Benefits Act.]

15A. Higher disability premium (Revoked)

16. Disabled child premium

   The condition is that a child or young person for whom the claimant or a partner of his is responsible and who is a member of the claimant’s household -

   (a) has no capital or has capital which, if calculated in accordance with Part VIII in like manner as for the claimant, except as provided in regulation 106(1) (modifications in respect of children and young persons), would not exceed £13,000; and

   (b) is in receipt of the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Benefits Act or the higher rate of the mobility component of disability living allowance payable under section 73 of that Act.

[116A. [12Shared care] premium

   The condition is that, in the week in question, [13the claimant or his partner (if he has one)] -

   (a) is substantially engaged in caring for a child or young person; but

   (b) is not entitled to child benefit in respect of that child or young person.

   More than one person may satisfy this condition in respect of the same child or young person.]

[1416B. Higher child benefit premium

   The condition is that -

   (a) if the claimant does not have a partner, the claimant is not entitled to child benefit in respect of a child or young person (C); or

   (b) if the claimant has a partner, neither the claimant nor his partner is entitled to child benefit in respect of C,

   only because of the operation of section 141(2) of the Benefits Act.

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9 Paragraph 15A revoked by regulation 21(a)(i) of SD0055/13 from 8 April 2013 subject to regulation 12 ibid.
10 Sum substituted by article 8(2)(g) of SD128/07 from 9 April 2007.
12 Words substituted by article 5(5)(a)(ii) of SD0608/12 from 1 November 2012.
13 Words substituted by regulation 6(2)(g) of SD0055/13 from 8 April 2013.
14 Paragraphs 16B and 16C inserted by article 5(2)(b) of SD2015/0221 from 22 July 2015.
16C. Lower child benefit premium

(1) The condition is that -
   (a) if the claimant does not have a partner, the claimant is entitled to child benefit in respect of a child or young person (C); or
   (b) if the claimant has a partner, the claimant or his partner is entitled to child benefit in respect of C, which is payable at a rate specified in any of the provisions of the Child Benefit (Rates) Regulations 2013 specified in sub-paragraph (2).

(2) Those provisions are -
   (a) regulation 8(2)(b), (c) or (d); or
   (b) ......15
   (c) regulation 10(2)(b), (c) or (d).]

17. Carer premium

[16(1) Subject to sub-paragraphs (3) to (4), the condition is that -
   (a) the claimant or his partner (if he has one) is -
      (i) entitled to a carer’s allowance under section 70 of the Benefits Act; and
      (ii) not a severely disabled person (within the meaning of section 70(2) of that Act); or
   (b) the claimant and his partner are both -
      (i) entitled to a carer’s allowance under section 70 of the Benefits Act; and
      (ii) not severely disabled persons (within the meaning of section 70(2) of that Act).]

(2) ......17

[18(3) Where a carer premium is awarded but -
   (a) the person in respect of whose care the [19carer's allowance] has been awarded dies; or
   (b) in any other case the person in respect of whom a carer premium has been awarded ceases to be entitled [20] to [21a carer's allowance],
   the condition for the award of the premium shall be treated as satisfied for a period of eight weeks from the relevant date specified in sub-paragraph (3A) below.

(3A) The relevant date for the purposes of sub-paragraph (3) above shall be -
   (a) [22where sub-paragraph (3)(a) applies,] the Sunday following the death of the person in respect of whose care [23a carer's allowance] has been awarded or the date of death if the death occurred on a Sunday;
   (b) ......24

15 Head (b) omitted by article 3(3)(a) of SD2017/0042 from 22 February 2017.
16 Subparagraph (1) substituted by regulation 6(2)(h) of SD0055/13 from 8 April 2013 subject to regulation 13 ibid.
17 Subparagraph (2) omitted by regulation 3(3)(a)(i) of S.I. 2003/2279 from 1 July 2004 (SD379/04).
18 Subparagraphs (3) and (3A) substituted for subparagraph (3) by article 2(2)(a) of SD624/02 from 28 October 2002.
19 Words substituted by regulation 3(5)(c) of S.I. 2003/511 from 1 July 2003 (SD354/03).
20 Words omitted by regulation 3(3)(a)(ii) of S.I. 2003/2279 from 1 July 2004 (SD379/04).
21 Words substituted by regulation 3(5)(c) of S.I. 2003/511 from 1 July 2003 (SD354/03).
22 Words inserted by regulation 3(3)(a)(ii)(aa) of S.I. 2003/2279 from 1 July 2004 (SD379/04).
23 Words substituted by regulation 3(5)(c) of S.I. 2003/511 from 1 July 2003 (SD354/03).
24 Head (b) omitted by regulation 3(3)(a)(iii)(bb) of S.I. 2003/2279 from 1 July 2004 (SD379/04).
(c) in any other case, the date on which the person who has been entitled to [25]a carer's allowance] ceases to be entitled to that allowance.]

(4) Where a person who has been entitled to [26]a carer's allowance] ceases to be entitled to that allowance and makes a claim for a jobseeker's allowance, the condition for the award of the carer premium shall be treated as satisfied for a period of eight weeks from the date on which -

[27](a) the person in respect of whose care the [28]carer's allowance] has been awarded dies;

(b) ......29

[30](c) in any other case, the person who has been entitled to a carer's allowance ceased to be entitled to that allowance.]

17A. Blindness premium (Revoked)31

17B. Mobility premium

The condition is that the claimant’s partner [32]has attained pensionable age] and -

(a) in the opinion of an adjudication officer, would be entitled to the higher rate mobility component of disability living allowance under section 73(11)(a) of the Benefits Act but for section 75 of that Act (disability living allowance not payable after [34]pensionable age] unless an award of that benefit was made before then); or

(b) -

(i) is in receipt of the lower rate mobility component of disability living allowance under section 73(11)(b) of the Benefits Act; and

(ii) in the opinion of an adjudication officer, would be entitled to the higher rate mobility component of disability living allowance under section 73(11)(a) of the Benefits Act but for section 75 of that Act.

18. Persons in receipt of concessionary payments

For the purposes of determining whether a premium is applicable to a person under the following paragraphs, namely -

(a) ......35

(b) paragraph 15 (disability premium);

(c) ......36

(d) paragraph 16 (disabled child premium);

(e) paragraph 17 (carer premium); and

(f) paragraph 17B (mobility premium),

any concessionary payment made to compensate that person or any partner of his for the non-payment of any benefit mentioned in those paragraphs shall be treated as if it were a payment of that benefit.

---

25 Words substituted by regulation 3(5)(c) of S.I. 2003/511 from 1 July 2003 (SD354/03).
26 Words substituted by regulation 3(5)(c) of S.I. 2003/511 from 1 July 2003 (SD354/03).
27 Heads (a) to (c) substituted for heads (a) and (b) by article 2(2)(b) of SD624/02 from 28 October 2002.
28 Words substituted by regulation 3(5)(c) of S.I. 2003/511 from 1 July 2003 (SD354/03).
29 Head (c) substituted by regulation 3(3)(a)(iv)(aa) of S.I. 2003/2279 from 1 July 2004 (SD379/04).
30 Head (b) omitted by regulation 3(3)(a)(iv)(bb) of S.I. 2003/2279 from 1 July 2004 (SD379/04).
31 Paragraph 17A revoked by regulation 22(1)(a) of SD0055/13 from 8 April 2013 subject to the saving provisions contained within that regulation.
32 Paragraph 17B substituted by regulation 6(2)(i) of SD0055/13 from 8 April 2013 subject to regulation 14 ibid.
33 Words substituted by article 3(2)(a)(i) of SD2020/0089 from 20 May 2020.
34 Words substituted by article 3(2)(a)(ii) of SD2020/0089 from 20 May 2020.
35 Subparagraph (a) omitted by regulation 14(3) of S.I. 1998/2231 from 1 August 2002 (SD375/02).
36 Subparagraph (c) revoked by regulation 21(a)(ii) of SD0055/13 from 8 April 2013 subject to regulation 12 ibid.
19. Persons in receipt of benefit

For the purposes of this Part of this Schedule, a person shall be regarded as being in receipt of any benefit if, and only if, it is paid in respect of him and shall be so regarded only for any period in respect of which that benefit is paid.

19A. Linking rule

(1) For the purposes of paragraph 13 (incapacity premium) [\(^1\)] any two or more periods of the claimant’s partner’s incapacity for work separated by a break of not more than -

(a) \(104\) weeks, in the case of a welfare to work beneficiary; or

(b) 56 days, in any other case,

shall be treated as one continuous period.

(2) In sub-paragraph (1)(a) “welfare to work beneficiary” means a person -

(a) to whom regulation 13A(1) of the Social Security (Incapacity for Work) (General) Regulations 1995 applies (as that regulation 13 is modified in accordance with sub-paragraph (3)); and

(b) whose partner again becomes incapable of work for the purposes of Part XIIA of the Benefits Act.

(3) For the purposes of this paragraph only, regulation 13A of the Social Security (Incapacity for Work) (General) Regulations 1995 shall be modified as if -

(a) for its paragraph (1) there were substituted the following paragraph -

"13A. Welfare to work beneficiary

(1) Subject to paragraph (3), a person is a “welfare to work beneficiary” on any day in a linking term, where -

(a) his partner was incapable of work for a period of incapacity for work of more than 364 days in his partner’s immediate past period of incapacity for work;

(b) he ceased to be entitled to the benefit at the end of that immediate past period of incapacity for work on a day which falls on or after 1st August 2002;

(c) his partner became engaged in remunerative work within one week of his so ceasing to be entitled to that benefit at the end of the immediate past period of incapacity for work of his partner;

(cc) his partner remains in remunerative work during the whole of the linking term other than during periods of incapacity for work falling within it; and

(d) either -

(i) he gave notice, within a period of a month after so ceasing to be entitled to that benefit, to the Department that his partner had been engaged in remunerative work within one week from the end of that past period of incapacity for work, or

(ii) his partner had successfully appealed against a determination made in respect of the personal capability assessment or the own occupation test in relation to his partner’s immediate past period of incapacity for work, which period, had that determination not been made, would have consisted of a period of incapacity for work of more than 364 days.”; and

(b) for its paragraph (3) there were substituted the following paragraph -

“(3) A person is not a welfare to work beneficiary under paragraph (1) if -

\(^1\) Paragraph 19A substituted by regulation 14(4) of S.I. 1998/2231 from 1 August 2002 (SD375/02)

\(^2\) Words omitted by regulation 6(2)(j) of SD0055/13 from 8 April 2013.

\(^3\) Words substituted by regulation 13(10)(a) of S.I. 2006/2378 from 1 November 2012 (SD0607/12).
(a) his partner’s immediate past period of incapacity for work was ended by a
determination (other than a determination in the circumstances applicable to a person
under paragraph (1)) that his partner was, or was treated as, capable of work; or

(b) his partner’s immediate past period of incapacity for work ended within a period of less
than 28 weeks from the end of his last linking term.”]
### Part III - Weekly amounts of premiums specified in Part II

**Table**

<table>
<thead>
<tr>
<th>Premium</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>20.</strong></td>
<td></td>
</tr>
<tr>
<td>(1) Pensioner premium -</td>
<td>(1)</td>
</tr>
<tr>
<td>(a) if the condition in paragraph 10(a) is satisfied:</td>
<td>(a) £86.05;</td>
</tr>
<tr>
<td>(b) if the condition in paragraph 10(b) is satisfied:</td>
<td>(b) £136.15.</td>
</tr>
<tr>
<td>(1A) ......</td>
<td>(1A) ......</td>
</tr>
<tr>
<td>(2) ......</td>
<td>(2) ......</td>
</tr>
<tr>
<td>(3) Incapacity premium</td>
<td>(3)</td>
</tr>
<tr>
<td>If the condition in paragraph 13 is satisfied:</td>
<td>£27.70.</td>
</tr>
<tr>
<td>(4) Disability premium -</td>
<td>(4)</td>
</tr>
<tr>
<td>(a) if the condition in paragraph 15(a) or (b) is satisfied:</td>
<td>(a) £65.25;</td>
</tr>
<tr>
<td>(b) if the condition in paragraph 15(c) or (d) is satisfied:</td>
<td>(b) £97.90.</td>
</tr>
<tr>
<td>(5) ......</td>
<td>(5) ......</td>
</tr>
<tr>
<td>(6) Disabled child premium</td>
<td>(6)</td>
</tr>
<tr>
<td>£49.80 in respect of each child or young person in respect of whom the conditions specified in paragraph 16 are satisfied.</td>
<td></td>
</tr>
<tr>
<td>(6A) [Shared care] premium</td>
<td>(6A)</td>
</tr>
<tr>
<td>£26.90 in respect of each child or young person in respect of whom the condition specified in paragraph 16A is satisfied.</td>
<td></td>
</tr>
</tbody>
</table>

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1. Part III substituted by article 2(27) of SD33/00 from 10 April 2000.
2. Subparagraph (1) substituted by regulation 6(3)(a) of SD0055/13 from 8 April 2013 subject to regulation 10 ibid.
3. Subparagraph (1A) revoked by the Schedule to S.I. 2007/2618 from 1 October 2007 (SD116/08).
4. Subparagraph (2) revoked by regulation 20(b) of SD0055/13 from 8 April 2013.
5. Subparagraph (3) substituted by regulation 6(3)(b) of SD0055/13 from 8 April 2013 subject to regulation 11 ibid.
6. Subparagraph (4) substituted by regulation 6(3)(c) of SD0055/13 from 8 April 2013 subject to regulation 12 ibid.
7. Subparagraph (5) revoked by regulation 21(b) of SD0055/13 from 8 April 2013 subject to regulation 12 ibid.
8. Subparagraph (6A) inserted by regulation 3(10A)(b) of S.I. 2006/718 from 10 April 2006 (SD31/07).
9. Words substituted by article 5(5)(b) of SD0608/12 from 1 November 2012.
<table>
<thead>
<tr>
<th>(6B) Higher child benefit premium-</th>
<th>(6B) For each child or young person (C) in respect of whom the condition in paragraph 16B is satisfied an amount equal to the rate of child benefit that would be payable in respect of C specified in regulation 8(2)(a)(^2) or 10(2)(a) (as the case may be) of the Child Benefit (Rates) Regulations 2013 but for the operation of section 141(2) of the Benefits Act.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(6C) Lower child benefit premium-</td>
<td>(6C) For each child or young person (C) in respect of whom the condition in paragraph 16C is satisfied an amount equal to A – B. Here -</td>
</tr>
<tr>
<td></td>
<td>(a) “A” means an amount equal to the rate of child benefit that would be payable in respect of C specified in regulation 8(2)(a)(^3) or 10(2)(a) (as the case may be) of the Child Benefit (Rates) Regulations 2013 were the claimant’s reckonable income not more than the lower income threshold;</td>
</tr>
<tr>
<td></td>
<td>(b) “B” means the rate of child benefit which is payable in respect of C specified in regulation 8(2)(b), (c) or (d)(^3) or 10(2)(b), (c) or (d) (as the case may be) of the Child Benefit (Rates) Regulations 2013;</td>
</tr>
<tr>
<td></td>
<td>(c) “lower income threshold” has the meaning given in regulation 4(1) of those Regulations; and</td>
</tr>
</tbody>
</table>

| 1 Subparagraphs (6B) and (6C) inserted by article 5(3) of SD2015/0221 from 22 July 2015. |
| 2 Reference omitted by article 3(3)(b)(i) of SD2017/0042 from 22 February 2017. |
| 4 References omitted by article 3(3)(b)(ii)(bb) of SD2017/0042 from 22 February 2017. |
### S.I. 1996/207
#### Jobseeker’s Allowance Regulations 1996

**Schedule 3**

| (d) “reckonable income” has the meaning prescribed in those Regulations. |
|---|---|
| [1](7) Carer premium | (7) |
| (a) if the condition in paragraph 17(1)(a) is satisfied; | (a) £87.50; |
| (b) if the condition in paragraph 17(1)(b) is satisfied; | (b) £131.25. |
| (8) ...... | (8) ......² |
| [1](9) Mobility premium | (9) |
| (a) if the condition in paragraph 17B(a) is satisfied; | (a) £29.65; |
| (b) if the condition in paragraph 17B(b) is satisfied; | (b) £6.45.] |

The sums specified in Part III of this Schedule are as set out in Schedule 11 to, and as provided for by articles 19(1) and (8) of Part 4 of, SD2022/0022 from 11 April 2022 (subject to article 3 ibid.).

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¹ Subparagraph (7) substituted by regulation 6(3)(d) of SD0055/13 from 8 April 2013 subject to regulation 13 ibid.
² Subparagraph (8) revoked by regulation 22(1)(b) of SD0055/13 from 8 April 2013 subject to the saving provisions contained within that regulation.
³ Subparagraph (9) substituted by regulation 6(3)(e) of SD0055/13 from 8 April 2013 subject to regulation 14 ibid.
Part IIIA - Premiums for joint-claim couples

Part 5 of SD0055/13 provides transitional provisions in respect of premiums specified in this Part, see regulation 27 (joint-claim couples entitled to a joint-claim jobseeker’s allowance on 11 February 2013) and regulation 29 (joint-claim couples entitled to a joint-claim jobseeker’s allowance on 8 April 2013).

20A. Except as provided in paragraph 20B, the weekly premium specified in Part IIIB of this Schedule shall, for the purposes of regulations 86A(c) and 86B(d), be applicable to a joint-claim couple where either or both members of a joint-claim couple satisfy the condition specified in paragraphs 20E to 20JAA in respect of that premium.

20B. Subject to paragraph 20C, where a member of a joint-claim couple satisfies the conditions in respect of more than one premium in this Part of this Schedule, only one premium shall be applicable to the joint-claim couple in respect of that member and, if they are different amounts, the higher or highest amount shall apply.

20C. (1) The following premiums may be applicable in addition to any other premium which may apply to a joint-claim couple under this Part of this Schedule

(a) a shared care premium to which paragraph 20IB applies;
(b) a carer premium to which paragraph 20J applies; and
(c) a mobility premium to which paragraph 20JAA applies.

20D. (1) Subject to sub-paragraph (2), for the purposes of this Part of this Schedule, once a premium is applicable to a joint-claim couple under this Part, a person shall be treated as being in receipt of any benefit -

(a) in the case of a benefit to which the Social Security (Overlapping Benefits) Regulations 1979 applies, for any period during which, apart from the provisions of those Regulations, he would be in receipt of that benefit; and
(b) for any period spent by a person in undertaking a course of training or instruction provided or approved by an adjudication officer or for any period during which he is in receipt of a training allowance.

(2) For the purposes of the carer premium under paragraph 20J, a person shall be treated as being in receipt of [carer's allowance] by virtue of sub-paragraph (1)(a) only if, and for so long as, the person in respect of whose care the allowance has been claimed remains in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Benefits Act.

20E. Pensioner premium [4]

The condition is that one member of a joint-claim couple is aged not less than [the qualifying age] [6].

20F. Pensioner Premium for persons 75 or over (Revoked)[7]

20G. Incapacity premium [9]

The condition is that one member of a joint-claim couple is incapable of work in accordance with Part XIA of the Benefits Act and -

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1 Paragraph IIIA substituted by article 2(9) of SD105/02 from 8 April 2002.
2 Paragraph 20C substituted by regulation 7(2)(a) of SD0055/13 from 8 April 2013.
3 Words substituted by regulation 3(5)(c) of S.I. 2003/511 from 1 July 2003 (SD354/03).
4 Words omitted by regulation 7(2)(b)(ii) of SD0055/13 from 8 April 2013.
5 Words substituted by regulation 4(11C) of S.I. 2009/583 from 1 March 2011 (SD1073/10).
6 Words omitted by regulation 7(2)(b)(i) of SD0055/13 from 8 April 2013.
7 Paragraph 20F revoked by regulation 23(a) of SD0055/13 from 8 April 2013.
8 Paragraph 20G substituted by regulation 7(2)(c) of SD0055/13 from 8 April 2013 subject to regulation 15 ibid.
has been incapable of work in accordance with that Part for the whole of the immediately preceding 364 days (whether or not he was a member of a joint-claim couple for that period); or

(b) is terminally ill (within the meaning of section 30B(4) of that Act).]

[§20I. Disability premium

The condition is -

(a) that one member of a joint-claim couple is in receipt of -

(i) the highest or middle rate care component of disability living allowance under section 72(4)(a) or (b) of the Benefits Act;

(ii) the higher rate mobility component of disability living allowance under section 73(11)(a) of that Act; or

(iii) an attendance allowance under Part III of the Benefits Act;

(b) that both members of a joint-claim couple are in receipt of -

(i) the highest or middle rate care component of disability living allowance under section 72(4)(a) or (b) of the Benefits Act; or

(ii) the higher rate mobility component of disability living allowance under section 73(11)(a) of that Act; or

(c) that -

(i) one member of a joint-claim couple is in receipt of either benefit mentioned in sub-paragraph (b); and

(ii) the other member of the joint-claim couple is in receipt of an attendance allowance under Part III of the Benefits Act.]

20IA. Higher disability premium (Revoked)

§20IB  [§8Shared care premium]

The condition is that, in the week in question –

(a) either or both members of a joint-claim couple are substantially engaged in caring for a child or young person; but

(b) that member or both of them (as the case may be) are not entitled to child benefit in respect of that child or young person.

More than one person may satisfy this condition in respect of the same child or young person.]

20J. Carer Premium

§(1) Subject to sub-paragraphs (3) to (4), the condition is that -

(a) one member of a joint-claim couple is -

(i) entitled to a carer’s allowance under section 70 of the Benefits Act; and

(ii) not a severely disabled person (within the meaning of section 70(2) of that Act); or

(b) both members of a joint-claim couple are -

(i) entitled to a carer’s allowance under section 70 of the Benefits Act; and

Paragraph 20I substituted by regulation 7(2)(d) of SD0055/13 from 8 April 2013 subject to regulation 16 ibid.

Paragraph 20IA revoked by regulation 24(a)(i) of SD0055/13 from 8 April 2013 subject to regulation 16 ibid.

Paragraph 20IB inserted by regulation 3(10A)(c)(ii) of S.I. 2006/718 from 10 April 2006 (SD31/07).

Heading substituted by regulation 7(2)(e) of SD0055/13 from 8 April 2013.

Subparagraph (1) substituted by regulation 7(2)(f) of SD0055/13 from 8 April 2013 subject to regulation 17 ibid.
(ii) not severely disabled persons (within the meaning of section 70(2) of that Act).]

(2) ......¹

(3) Where a carer premium is awarded but -
(a) the person in respect of whose care the [²carer's allowance] has been awarded dies; or
(b) in any other case the person in respect of whom a carer premium has been awarded ceases to be entitled [⁴] to [³a carer's allowance],

the condition for the award of the premium shall be treated as satisfied for a period of eight weeks from the relevant date specified in sub-paragraph (3A) below.

(3A) The relevant date for the purposes of sub-paragraph (3) above shall be -
(a) [where sub-paragraph (3)(a) applies,] the Sunday following the death of the person in respect of whose care [³a carer's allowance] has been awarded or the date of death if the death occurred on a Sunday;
(b) ......⁵
(c) in any other case, the date on which the person who has been entitled to [³a carer's allowance] ceases to be entitled to that allowance.

(4) Where a member of a joint-claim couple who has been entitled to [¹⁰a carer's allowance] ceases to be entitled to that allowance and makes a claim for a jobseeker's allowance jointly with the other member of that couple, the condition for the award of the carer premium shall be treated as satisfied for a period of eight weeks from the date on which -

[¹¹(a) the person in respect of whose care the [¹¹carer's allowance] has been awarded dies;
(b) ......¹³
[¹⁴(c) in any other case, the member who has been entitled to a carer's allowance ceased to be entitled to that allowance.]

20JA. Blindness premium (Revoked)¹⁵

[¹⁶20JAA. Mobility premium

The condition is that one member of a joint-claim couple [¹⁷has attained pensionable age] and -

¹ Subparagraph (2) omitted by regulation 3(3)(b)(ii) of S.I. 2003/2279 from 1 July 2004 (SD379/04).
² Subparagraphs (3) and (3A) substituted for subparagraph (3) by article 2(3)(a) of SD624/02 from 28 October 2002.
³ Words substituted by regulation 3(5)(c) of S.I. 2003/511 from 1 July 2003 (SD354/03).
⁴ Words omitted by regulation 3(3)(b)(iii) of S.I. 2003/2279 from 1 July 2004 (SD379/04).
⁵ Words substituted by regulation 3(5)(c) of S.I. 2003/511 from 1 July 2003 (SD354/03).
⁶ Words inserted by regulation 3(3)(b)(iv)(aa) of S.I. 2003/2279 from 1 July 2004 (SD379/04).
⁷ Words substituted by regulation 3(5)(c) of S.I. 2003/511 from 1 July 2003 (SD354/03).
⁸ Head (b) omitted by regulation 3(3)(b)(iv)(bb) of S.I. 2003/2279 from 1 July 2004 (SD379/04).
⁹ Words substituted by regulation 3(5)(c) of S.I. 2003/511 from 1 July 2003 (SD354/03).
¹⁰ Words substituted by regulation 3(5)(c) of S.I. 2003/511 from 1 July 2003 (SD354/03).
¹¹ Heads (a) to (c) substituted for heads (a) and (b) by article 2(3)(b) of SD624/02 from 28 October 2002.
¹² Words substituted by regulation 3(5)(c) of S.I. 2003/511 from 1 July 2003 (SD354/03).
¹³ Head (b) omitted by regulation 3(3)(b)(v)(aa) of S.I. 2003/2279 from 1 July 2004 (SD379/04).
¹⁴ Head (c) substituted by regulation 3(3)(b)(v)(bb) of S.I. 2003/2279 from 1 July 2004 (SD379/04).
¹⁵ Paragraph 20JA revoked by regulation 25(1)(a) of SD0055/13 from 8 April 2013 subject to the saving provisions contained within that regulation.
¹⁶ Paragraph 20JAA substituted by regulation 7(2)(g) of SD0055/13 from 8 April 2013 subject to regulation 18 ibid.
¹⁷ Words substituted by article 3(2)(b)(i) of SD2020/0089 from 20 May 2020.
in the opinion of an adjudication officer, would be entitled to the higher rate mobility component of
disability living allowance under section 73(11)(a) of the Benefits Act but for section 75 of that Act
(disability living allowance not payable after \(^{16}\) pensionable age unless an award of that benefit was
made before then); or

(b) -

(i) is in receipt of the lower rate mobility component of disability living allowance under section
73(11)(b) of the Benefits Act; and

(ii) in the opinion of an adjudication officer, would be entitled to the higher rate mobility
component of disability living allowance under section 73(11)(a) of the Benefits Act but for
section 75 of that Act.

20K. Member of a joint-claim couple in receipt of concessionary payments

For the purposes of determining whether a premium is applicable to a person under the following
paragraphs, namely -

(a) ......\(^{19}\)

(b) paragraph 20I (disability premium);

(c) ......\(^{20}\)

(d) paragraph 20J (carer premium); and

(e) paragraph 20JAA (mobility premium),

any concessionary payment made to compensate that person for the non-payment of any benefit mentioned
in those paragraphs shall be treated as if it were a payment of that benefit.

20L. Person in receipt of benefit

For the purposes of this Part of this Schedule, a member of a joint-claim couple shall be regarded as being in
receipt of any benefit if, and only if, it is paid in respect of him and shall be so regarded only for any period
in respect of which that benefit is paid.

[21] 20LA. Linking rule

(1) For the purposes of paragraph 20G (incapacity premium) \(^{22}\), any two or more periods of incapacity for
work separated by a break of not more than -

(a) \(^{23}\) 104 weeks, in the case of a welfare to work beneficiary; or

(b) 56 days, in any other case,

shall be treated as one continuous period.

(2) In sub-paragraph (1)(a) “welfare to work beneficiary” means a person -

(a) to whom regulation 13A(1) of the Social Security (Incapacity for Work) (General) Regulations 1995
applies (as that regulation is modified in accordance with paragraph (3)); and

(b) who again becomes incapable of work for the purposes of Part XIA of the Benefits Act.

(3) For the purposes of this paragraph only, regulation 13A(1) of the Social Security (Incapacity for Work)
(General) Regulations 1995 shall have effect as if there were substituted for it the following –

---

\(^{18}\) Words substituted by article 3(2)(b)(ii) of SD2020/0089 from 20 May 2020.

\(^{19}\) Subparagraph (a) omitted by regulation 14(6) of S.I. 1998/2231 from 1 August 2002 (SD375/02).

\(^{20}\) Subparagraph (c) revoked by regulation 24(a)(ii) of SD0055/13 from 8 April 2013 subject to regulation 16 ibid.

\(^{21}\) Paragraph 20LA substituted by regulation 14(7) of S.I. 1998/2231 from 1 August 2002 (SD375/02).

\(^{22}\) Words omitted by regulation 7(2)(h) of SD0055/13 from 8 April 2013.

\(^{23}\) Words substituted by regulation 13(10)(a) of S.I. 2006/2378 from 1 November 2012 (SD0607/12).
"13A. Welfare to work beneficiary

(1) Subject to paragraph (3), a person is a "welfare to work beneficiary" on any day in a linking term, where -

(a) he was incapable of work for a period of incapacity for work of more than 364 days in his immediate past period of incapacity for work;

(b) the joint-claim couple of which he is a member ceased to be entitled to the benefit at the end of that immediate past period of incapacity for work on a day which falls on or after 1st August 2002;

(c) he became engaged in remunerative work within one week of the couple so ceasing to be entitled to that benefit at the end of that immediate past period of incapacity for work;

(cc) he remains in remunerative work during the whole of the linking term other than during periods of incapacity for work falling within it; and

(d) either -

(i) he or the other member of the couple gave notice, within a period of a month after the couple’s so ceasing to be entitled to that benefit, to the Department that he had been engaged in remunerative work within one week from the end of that past period of incapacity for work, or

(ii) he had successfully appealed against a determination made in respect of the personal capability assessment or the own occupation test in relation to his immediate past period of incapacity for work, which period, had that determination not been made, would have consisted of a period of incapacity for work of more than 364 days."}
### Part IIIB - Weekly amounts of premiums specified in Part IIIA

<table>
<thead>
<tr>
<th>Premium</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>20M.</strong></td>
<td></td>
</tr>
<tr>
<td>(1) Pensioner premium -</td>
<td>(1)</td>
</tr>
<tr>
<td>If the condition in paragraph 20E is satisfied:</td>
<td>£136.15.</td>
</tr>
<tr>
<td>(2)</td>
<td>(2)</td>
</tr>
<tr>
<td></td>
<td>...6</td>
</tr>
<tr>
<td>(3) Incapacity premium -</td>
<td>(3)</td>
</tr>
<tr>
<td>If the condition in paragraph 20G is satisfied:</td>
<td>£27.70.</td>
</tr>
<tr>
<td>(4) Disability premium -</td>
<td>(4)</td>
</tr>
<tr>
<td>(a) if the condition in paragraph 20I(a) is satisfied:</td>
<td>£65.25;</td>
</tr>
<tr>
<td>(b) if the condition in paragraph 20IA(b) or (c) is satisfied:</td>
<td>£97.90.</td>
</tr>
<tr>
<td>(4A)</td>
<td>(4A)</td>
</tr>
<tr>
<td></td>
<td>...9</td>
</tr>
<tr>
<td>(4B) Shared care premium</td>
<td>(4B)</td>
</tr>
<tr>
<td>£26.90 in respect of each child or young person in respect of whom the condition specified in paragraph 20IB is satisfied.</td>
<td></td>
</tr>
<tr>
<td>(5) Carer premium</td>
<td>(5)</td>
</tr>
<tr>
<td>(a) if the condition in paragraph 20J(1)(a) is satisfied:</td>
<td>£87.50;</td>
</tr>
<tr>
<td>(b) if the condition in paragraph 20J(1)(b) is satisfied:</td>
<td>£131.25.</td>
</tr>
<tr>
<td>(5A)</td>
<td>(5A)</td>
</tr>
<tr>
<td></td>
<td>...8</td>
</tr>
<tr>
<td>(5B) Mobility premium -</td>
<td>(5B)</td>
</tr>
<tr>
<td>(a) if the condition in paragraph 20JAA(a) is satisfied:</td>
<td>£29.65;</td>
</tr>
<tr>
<td>(b) if the condition in paragraph 20JAA(b) is satisfied:</td>
<td>£6.45.</td>
</tr>
</tbody>
</table>

The sums specified in Part IIIB of this Schedule are as set out in Schedule 12 to, and as provided for by articles 19(1) and (9) of Part 4 of, SD2022/0022 from 11 April 2022 (subject to article 3 ibid.).
[1 Schedule 4 - Applicable amounts for claimants in [2 an adult care home]

1. The weekly applicable amount of a claimant to whom regulation 86 applies (applicable amounts for claimants in [2 an adult care home] except in the case of a claimant to whom regulation 85 or 86ZA applies) shall be the aggregate of such of the amounts -

(a) specified in any of paragraphs 1 to 3 in the table below (personal allowances); and

(b) under paragraph 2 (personal expenses),
as apply in his case.

Table

<table>
<thead>
<tr>
<th>Personal allowances for [2claimants in an adult care home]</th>
</tr>
</thead>
<tbody>
<tr>
<td>Column (1)</td>
</tr>
<tr>
<td>Person</td>
</tr>
<tr>
<td>[2Person in an adult care home which is not an independent care service]</td>
</tr>
<tr>
<td>1. Person to whom regulation 86(3) applies:</td>
</tr>
<tr>
<td>[2Person in an adult care home which is an independent care service but not a nursing home]</td>
</tr>
<tr>
<td>2. Person to whom regulation 86(4) applies:</td>
</tr>
<tr>
<td>Person in nursing home</td>
</tr>
<tr>
<td>3. Person to whom regulation 86(5) applies:</td>
</tr>
</tbody>
</table>

2. Personal expenses

The claimant’s weekly applicable amount shall include an amount in respect of personal expenses for the claimant and each member of his family living with him made up of the aggregate of the following amounts -

(a) for the claimant, £37.80 and (if he has a partner) for his partner, £37.80; and

(b) for any child or young person in respect of whom child benefit is payable or, in the opinion of an adjudication officer, would be payable but for the operation of section 141(2) of the Benefits Act, at the rate specified in -

(i) regulation 8 of the Child Benefit (Rates) Regulations 2013, £44.90;

(ii) regulation 10 of those Regulations, a further £44.90.

---

1 Schedule 4 substituted by article 5(10) of SD00082/12 from 9 April 2012.
2 Words substituted by article 21(2) of SD2015/0392 from 9 February 2016.
3 Words substituted by article 21(3) of SD2015/0392 from 9 February 2016.
4 Words substituted by article 21(4) of SD2015/0392 from 9 February 2016.
5 Heading substituted by article 21(5)(a) of SD2015/0392 from 9 February 2016.
6 Heading substituted by article 21(5)(b) of SD2015/0392 from 9 February 2016.
The sums specified in this Schedule are as set out in Schedule 13 to, and as provided for by articles 19(1) and (10) of Part 4 of, SD2022/0022 from 11 April 2022 (subject to article 3 ibid.).

---

1 Head (iii) omitted by article 3(4) of SD2017/0042 from 22 February 2017.
[1] Schedule 4A - Weekly amounts of board and lodging specified in Part IV

1. [2] The weekly amounts specified in column (2) of the tables below in respect of each person, couple or other member of the claimant’s family specified in column (1) shall be the weekly amounts for the purposes of regulation 84A (applicable amounts for boarders).

**Tables**

**Part I - Personal allowances**

<table>
<thead>
<tr>
<th>Column (1)</th>
<th>Column (2)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Person or couple</strong></td>
<td><strong>Amount</strong></td>
</tr>
<tr>
<td>2.</td>
<td></td>
</tr>
<tr>
<td>(a) couple;</td>
<td>(a) £74.00;</td>
</tr>
<tr>
<td>(b) single claimant or lone parent.</td>
<td>(b) £37.00.</td>
</tr>
<tr>
<td>3.</td>
<td></td>
</tr>
<tr>
<td>Child or young person -</td>
<td></td>
</tr>
<tr>
<td>(a) in respect of whom child benefit is payable or, in the opinion of an adjudication officer, would be payable but for the operation of section 141(2) of the Contributions and Benefits Act, at the rate specified in regulation 8 of the Child Benefit (Rates) Regulations 2013:</td>
<td>(a) £44.90;</td>
</tr>
<tr>
<td>(b) in respect of whom child benefit is payable or, in the opinion of an adjudication officer, would be payable but for the operation of section 141(2) of that Act, at the rate specified in regulation 10 of those Regulations:</td>
<td>(b) £44.90.</td>
</tr>
<tr>
<td>(c) ......</td>
<td>(c) ......³</td>
</tr>
</tbody>
</table>

---

1 Schedule 4A substituted by article 2(3) of SD226/04 from 1 May 2004.
2 Words substituted by article 19(13)(a) of Part 5 of SD2015/0223 from 1 November 2015.
3 Subparagraph (c) omitted by article 3(5) of SD2017/0042 from 22 February 2017.
Part II - Amounts in respect of board and lodging or lodging only (as the case may be)

<table>
<thead>
<tr>
<th>Column (1)</th>
<th>Column (2)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Person or couple</strong></td>
<td><strong>Amount</strong></td>
</tr>
<tr>
<td>4.</td>
<td>4.</td>
</tr>
<tr>
<td>(a) couple:</td>
<td>(a) the full weekly amount of the charge for board and lodging or lodging only (as the case may be), subject to a maximum of £240.40;</td>
</tr>
<tr>
<td>(b) single claimant or lone parent:</td>
<td>(b) the full weekly amount of the charge for board and lodging or lodging only (as the case may be), subject to a maximum of £199.35.</td>
</tr>
</tbody>
</table>

Part III - Amounts in respect of the cost of any meals not included in the cost of board and lodging

<table>
<thead>
<tr>
<th>Column (1)</th>
<th>Column (2)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Meals</strong></td>
<td><strong>Amount</strong></td>
</tr>
<tr>
<td>5.</td>
<td>5.</td>
</tr>
<tr>
<td>Meal allowance for each member of the claimant’s family -</td>
<td></td>
</tr>
<tr>
<td>(a) where meals can be obtained within the board and lodging establishment:</td>
<td>(a) the actual cost of such meals, calculated on a daily basis;</td>
</tr>
<tr>
<td>(b) where meals cannot be obtained within the board and lodging establishment, for each day -</td>
<td>(b) -</td>
</tr>
<tr>
<td>(i) for breakfast:</td>
<td>(i) £3.00;</td>
</tr>
<tr>
<td>(ii) for midday meals:</td>
<td>(ii) £4.30;</td>
</tr>
<tr>
<td>(iii) for evening meals:</td>
<td>(iii) £4.30.</td>
</tr>
</tbody>
</table>

6. ......¹

The sums specified in this Schedule are as set out in Schedule 14 to, and as provided for by articles 19(1) and (11) of Part 4 of, SD2022/0022 from 11 April 2022 (subject to article 3 ibid.).

¹ Paragraph 6 omitted by article 19(13)(b) of Part 5 of SD2015/0223 from 1 November 2015.
Schedule 4B - Applicable amounts for persons with a mental or physical disability or illness living in certain accommodation free of charge

Regulation 84AB

The amounts of personal expenses for a claimant to whom regulation 84AB applies shall be -

(a) in respect of a claimant who is -
   (i) a single claimant or lone parent, £37.80;
   (ii) a member of a couple whose partner either -
       (aa) lives in the same accommodation as the claimant; or
       (bb) lives elsewhere but to whom regulation 84AB also applies,
       £75.60;

(b) in respect of every child or young person who is a member of the claimant’s family and who is also living in the same accommodation as the claimant -
   (i) in respect of whom child benefit is payable or, in the opinion of an adjudication officer, would be payable but for the operation of section 141(2) of the Contributions and Benefits Act, at the rate specified in regulation 8 of the Child Benefit (Rates) Regulations 2013, a further £44.90;
   (ii) in respect of whom child benefit is payable or, in the opinion of an adjudication officer, would be payable but for the operation of section 141(2) of that Act, at the rate specified in regulation 10 of those Regulations, a further £44.90.
   (iii) .....3]

The sums specified in this Schedule are as set out in Schedule 15 to, and as provided for by articles 19(1) and (12) of Part 4 of, SD2022/0022 from 11 April 2022 (subject to article 3 ibid.).

---

1 Schedule 4B inserted by regulation 6(4B) of S.I. 2003/1195 from 1 August 2003 (SD446/03).
2 Subparagraph (b) substituted by article 5(12) of SD0082/12 from 9 April 2012.
3 Head (iii) omitted by article 3(6) of SD2017/0042 from 22 February 2017.
## Schedule 5 - Applicable amounts in special cases

### (Regulation 85)

<table>
<thead>
<tr>
<th>Column (1)</th>
<th>Column (2)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1.</strong></td>
<td><img src="#1" alt="Supplementary note" /></td>
</tr>
<tr>
<td><strong>2.</strong></td>
<td><img src="#2" alt="Supplementary note" /></td>
</tr>
</tbody>
</table>

### 1. Claimant who is a patient

<table>
<thead>
<tr>
<th><strong>1A.</strong></th>
<th><strong>1B.</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>A claimant who has been a patient for a continuous period of more than 52 weeks.</td>
<td>The amount applicable under <em>[any of regulations 83 to 83AB, 83AD or 83AE] less any amount applicable by virtue of paragraph 13 or 15 of Schedule 3 (incapacity or disability premium).]</em></td>
</tr>
<tr>
<td>A claimant who has been a patient for a continuous period of more than 4 weeks.</td>
<td>The amount applicable under <em>[any of regulations 83 to 83AB, 83AD or 83AE] less any amount applicable by virtue of paragraph 17B of Schedule 3.]</em></td>
</tr>
</tbody>
</table>

### 2. (a) A claimant who is not a patient and who is a member of a family of which another member is a child or young person who has been a patient for a period of more than 12 weeks; or (b) where the person is a member of a family and paragraph 1 applies to him and another member of the family who is a child or young person has been a patient for a period of more than 12 weeks; | (a) The amount applicable to him under *[any of regulations 83 to 83AB, 83AD or 83AE] or 84 except that the amount applicable under *[paragraph (3)(b) of any of regulations 83 to 83AB, 83AD or 83AE] or 84(1)(c) in respect of the child or young person referred to in Column (1) of this paragraph shall be *[£16.40] instead of an amount determined in accordance with *[Part II] of Schedule 1; or (b) the amount applicable to him under paragraph 1, except that the amount applicable under *[paragraph (3)(b) of any of regulations 83 to 83AB, 83AD or 83AE] or 84(1)(c) in respect of the child or young person referred to in Column (1) of this paragraph shall be *[£16.40] instead of an amount determined in accordance with *[Part II] of Schedule 1.* |

---

1. Heading and paragraph 1 omitted by regulation 6(5)(a) of S.I. 2005/3360 from 10 April 2006 (SD82/06).
2. Paragraphs 1A and 1B inserted by regulation 6(5)(b) of S.I. 2005/3360 from 10 April 2006 (SD82/06).
3. Text in the second column of paragraph 1A substituted by regulation 8 of SD0055/13 from 8 April 2013.
4. Words substituted by article 22(2) of Part 3 of SD2016/0196 from 24 July 2016.
5. Words substituted by article 22(2) of Part 3 of SD2016/0196 from 24 July 2016.
6. Words substituted by article 22(3)(a) of Part 3 of SD2016/0196 from 24 July 2016.
7. Words substituted by article 22(3)(b) of Part 3 of SD2016/0196 from 24 July 2016.
8. Sum in paragraph 2(a) set out as provided for by articles 8(1) and (11) of, and as set out in Schedule 20 to, SD75/05 from 11 April 2005.
9. Words substituted by article 19(14)(b)(iii) of Part 5 of SD2015/0223 from 1 November 2015.
10. Words substituted by article 22(3)(b) of Part 3 of SD2016/0196 from 24 July 2016.
11. Sum in paragraph 2(b) set out as provided for by articles 8(1) and (11) of, and as set out in Schedule 20 to, SD75/05 from 11 April 2005.
12. Words substituted by article 19(14)(b)(iii) of Part 5 of SD2015/0223 from 1 November 2015.
<table>
<thead>
<tr>
<th>Column (1)</th>
<th>Column (2)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Claimants without accommodation</strong></td>
<td><strong>3.</strong> The amount applicable to him under [1regulation 2paragraph (3)(a) of any of regulations 83 to 83AB, 83AD or 83AE]] (personal allowance) only.</td>
</tr>
<tr>
<td><strong>3.</strong> A claimant who is without accommodation.</td>
<td></td>
</tr>
<tr>
<td><strong>Members of religious orders</strong></td>
<td><strong>4.</strong> Nil.</td>
</tr>
<tr>
<td><strong>4.</strong> A claimant who is a member of and fully maintained by a religious order.</td>
<td></td>
</tr>
<tr>
<td><strong>Specified cases of temporarily separated couples</strong></td>
<td><strong>5.</strong> Either -</td>
</tr>
<tr>
<td><strong>5.</strong> A claimant who is a member of a couple and who is temporarily separated from his partner, where -</td>
<td>(a) the amount applicable to him as a member of a couple under [any of regulations 83 to 83AB, 83AD or 83AE]; or</td>
</tr>
<tr>
<td>(a) one member of the couple is -</td>
<td>(b) the aggregate of his applicable amount and that of his partner assessed under the provisions of these Regulations as if each of them were a single claimant, or a lone parent,</td>
</tr>
<tr>
<td>(i) in an adult care home but is not a patient[,] or</td>
<td>whichever is the greater.</td>
</tr>
<tr>
<td>(ii) .....4</td>
<td></td>
</tr>
<tr>
<td>(iii) resident in premises used for the rehabilitation of alcoholics or drug addicts, or</td>
<td></td>
</tr>
<tr>
<td>(iv) .....5</td>
<td></td>
</tr>
<tr>
<td>(v) or participating in arrangements for training, or participating in an employment programme, where the course requires him to live away from the dwelling occupied as the home, or</td>
<td></td>
</tr>
<tr>
<td>(vi) in a probation or bail hostel approved for the purpose by the Department, and</td>
<td></td>
</tr>
<tr>
<td>(b) the other member of the couple is -</td>
<td></td>
</tr>
<tr>
<td>(i) living in the dwelling occupied as the home, or</td>
<td></td>
</tr>
<tr>
<td>(ii) a patient, or</td>
<td></td>
</tr>
<tr>
<td>(iii) in an adult care home.</td>
<td></td>
</tr>
<tr>
<td>(iv) .....7</td>
<td></td>
</tr>
</tbody>
</table>

1 Words substituted by article 19(14)(c) of Part 5 of SD2015/0223 from 1 November 2015.
2 Reference substituted by article 22(4) of Part 3 of SD2016/0196 from 24 July 2016.
3 Head (i) substituted by article 22(2)(a)(i) of SD2015/0392 from 9 February 2016.
4 Head (ii) omitted by article 22(2)(a)(ii) of SD2015/0392 from 9 February 2016.
5 Head (iv) not applied.
6 Head (iii) substituted by article 22(2)(b)(i) of SD2015/0392 from 9 February 2016.
7 Head (iv) omitted by article 22(2)(b)(ii) of SD2015/0392 from 9 February 2016.
8 Words substituted by article 22(5) of Part 3 of SD2016/0196 from 24 July 2016.
<table>
<thead>
<tr>
<th>Column (1)</th>
<th>Column (2)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Polygamous marriages where one or more partners are temporarily separated</strong></td>
<td></td>
</tr>
<tr>
<td>6. A claimant who is a member of a polygamous marriage and who is temporarily separated from a partner of his, where one of them is living in the home while the other member is -</td>
<td>6. Either -</td>
</tr>
<tr>
<td>(a) not a patient but is resident in a nursing home; or</td>
<td>(a) the amounts applicable to the members of the polygamous marriage under regulation 84; or</td>
</tr>
<tr>
<td>(b) in an adult care home but not a nursing home; or</td>
<td>(b) the aggregate of the amount applicable for the members of the polygamous marriage who remain in the home under regulation 84 and the amount applicable in respect of those members not in the home calculated as if each of them were a single claimant, or a lone parent,</td>
</tr>
<tr>
<td>(c) resident in premises used for the rehabilitation of alcoholics or drug addicts; or</td>
<td>whichever is the greater.</td>
</tr>
<tr>
<td>(d) attending a course of training or instruction provided or approved by the Department where the course requires him to live away from home; or</td>
<td></td>
</tr>
<tr>
<td>(e) in a probation or bail hostel approved for the purpose by the Department.</td>
<td></td>
</tr>
</tbody>
</table>

**Single claimants temporarily in local authority accommodation**

| 7. ......                                                                 | 7. ...... |

**Couples and members of polygamous marriages where one member is or all are temporarily in local authority accommodation**

| 8. ......                                                                 | 8. ...... |

**Lone parents who are in residential accommodation temporarily**

| 9. ......                                                                 | 9. ...... |

---

1 Subparagraph (b) substituted by article 22(3) of SD2015/0392 from 9 February 2016.
2 Paragraph 7 not applied.
3 Paragraph 8 not applied.
4 Paragraph 9 not applied.
<table>
<thead>
<tr>
<th>Column (1)</th>
<th>Column (2)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Couples where one member is absent from the Isle of Man</strong></td>
<td><strong>For the first four weeks of that absence, the amount applicable to them as a couple under [[any of regulations 83 to 83AB, 83AD or 83AE] or 86 as the case may be and thereafter the amount applicable to the claimant in the Isle of Man under [[any of regulations 83 to 83AB, 83AD or 83AE] or 86 as the case may be as if the claimant were a single claimant or, as the case may be, a lone parent.</strong></td>
</tr>
<tr>
<td>[1](^{10}).</td>
<td>[2](^{10}).</td>
</tr>
<tr>
<td>(1) <strong>Subject to paragraph 11, a claimant who is a member of a couple and whose partner is temporarily absent from the Isle of Man.</strong></td>
<td>(1) <strong>A claimant who is a member of a joint-claim couple and whose partner is temporarily absent from the Isle of Man.</strong></td>
</tr>
<tr>
<td>[3](^{(2)}) <strong>A claimant who is a member of a joint-claim couple and whose partner is temporarily absent from the Isle of Man -</strong></td>
<td>[5](^{(2)}) <strong>for the first four weeks of that absence, the amount applicable to them as a couple under [[any of regulations 83 to 83AB, 83AD or 83AE] or 86 and thereafter the amount applicable to the claimant in the Isle of Man under [[any of regulations 83 to 83AB, 83AD or 83AE] or 86 as if the claimant were a single claimant;</strong></td>
</tr>
<tr>
<td>(\text{(a) in the circumstances prescribed in regulation 50(6A);})</td>
<td>(\text{(a) for the first four weeks of that absence, the amount applicable to them as a couple under [[any of regulations 83 to 83AB, 83AD or 83AE] or 86 and thereafter the amount applicable to the claimant in the Isle of Man under [[any of regulations 83 to 83AB, 83AD or 83AE] or 86 as if the claimant were a single claimant;**</td>
</tr>
<tr>
<td>(\text{(b) in any other circumstances.]})</td>
<td>(\text{(b) the amount which would be applicable to the claimant under [[any of regulations 83 to 83AB, 83AD or 83AE] or 86 if that claimant was a single claimant for the period commencing on the date of claim and ending on the day after the day on which the partner returned to the Isle of Man.]})</td>
</tr>
</tbody>
</table>

---

1. Paragraph 10 renumbered as subparagraph (1) by paragraph 56(a) of Schedule 2 to S.I. 2000/1978 from 19 March 2001 (SD41/01).
2. Paragraph 10 renumbered as subparagraph (1) by paragraph 56(a) of Schedule 2 to S.I. 2000/1978 from 19 March 2001 (SD41/01).
3. Words substituted by article 22(6) of Part 3 of SD2016/0196 from 24 July 2016.
4. Words substituted by article 22(6) of Part 3 of SD2016/0196 from 24 July 2016.
5. Subparagraph (2) inserted into “Column (1)” by paragraph 56(a)(i) of Schedule 2 to S.I. 2000/1978 from 19 March 2001 (SD41/01).
7. Words substituted by article 22(6) of Part 3 of SD2016/0196 from 24 July 2016.
8. Words substituted by article 22(6) of Part 3 of SD2016/0196 from 24 July 2016.
11. A claimant who is a member of a couple where either -
   (a) he or his partner is, or
   (b) both he and his partner are absent from the Isle of Man in the circumstances specified in sub-paragraph (2),

(2) For the purpose of sub-paragraph (1), the specified circumstances are -
   (a) the claimant is absent from the Isle of Man but is treated as available for and actively seeking employment in accordance with regulations 14(1) and 19(1);
   (b) the claimant's partner is absent from the Isle of Man and regulation 50(5) would have applied to him if he had claimed a jobseeker's allowance.

Polygamous marriages where any member is away

12. Subject to paragraph 13 a claimant who is a member of a polygamous marriage where -
   (a) he or one of his partners is, or
   (b) he and one or more of his partners are, or
   (c) two or more of his partners are, temporarily absent from the Isle of Man.

11. For the first 8 weeks of that absence, the amount applicable to the claimant under \(^1\)any of regulations 83 to 83AB, 83AD or 83AE or 86, as the case may be, and, thereafter, if the claimant is in the Isle of Man the amount applicable to him under \(^2\)any of regulations 83 to 83AB, 83AD or 83AE or 86, as the case may be, as if the claimant were a single claimant, or, as the case may be, a lone parent.

12. For the first four weeks of that absence, the amount applicable to the claimant under regulations 84 to 86, as the case may be, and thereafter, if the claimant is in the Isle of Man the amount applicable to him under regulations 84 to 86, as the case may be, as if any member of the polygamous marriage not in the Isle of Man were not a member of the marriage.

---

\(^1\) Words substituted by article 22(6) of Part 3 of SD2016/0196 from 24 July 2016.
\(^2\) Words substituted by article 22(6) of Part 3 of SD2016/0196 from 24 July 2016.
### Polygamous marriage: taking child or young person away for treatment

#### 13.

(1) A claimant who is a member of a polygamous marriage where -

(a) he or one of his partners is, or

(b) he and one of his partners are, or

(c) two or more of his partners are, absent from the Isle of Man in the circumstances specified in sub-paragraph (2),

had claimed a jobseeker's allowance.

(2) For the purposes of sub-paragraph (1) the specified circumstances are -

(a) in respect of the claimant,

(b) he is absent from the Isle of Man but is treated as available for and actively seeking employment in accordance with regulations 14(1) and 19(1); or

(c) one or more of the members of the polygamous marriage is absent from the Isle of Man and regulation 50(5) would have applied to the absent partner if he had claimed a jobseeker's allowance.

#### 13.

For the first 8 weeks of that absence, the amount applicable to the claimant under regulations 84 to 86, as the case may be, and thereafter, if the claimant is in the Isle of Man the amount applicable to him under regulations 84 to 86, as the case may be, as if any member of the polygamous marriage not in the Isle of Man were not a member of the marriage.
<table>
<thead>
<tr>
<th>Column (1)</th>
<th>Column (2)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Partner of a person subject to immigration control</strong></td>
<td></td>
</tr>
<tr>
<td>13A. ......</td>
<td>13A. ......¹</td>
</tr>
<tr>
<td><strong>Persons from abroad</strong></td>
<td></td>
</tr>
<tr>
<td>14. ......</td>
<td>14. ......²</td>
</tr>
<tr>
<td><strong>Persons temporarily absent from a residential care or nursing home</strong></td>
<td></td>
</tr>
<tr>
<td>15. Where a person is temporarily absent from accommodation for which he is liable to pay a retaining fee, and but for his temporary absence from that accommodation his applicable amount would be calculated in accordance with regulation 86 (applicable amounts for persons in residential care and nursing homes), and</td>
<td>15. The amount otherwise applicable to him under these regulations may be increased to take account of the retaining fee by an amount not exceeding 80 per cent of the applicable amount referred to in Schedule 4 (applicable amounts of persons in residential care or nursing homes) and any such increase shall not be for a continuous period of more than 52 weeks.</td>
</tr>
<tr>
<td>(a) he is a person in accommodation provided by a local authority of a kind specified in the definition of residential accommodation in regulation 85(4)(special cases) and Schedule 4 does not apply to him by reason only that his stay in that accommodation has not become other than temporary; or</td>
<td></td>
</tr>
<tr>
<td>(b) he is a person to whom paragraph 1 or 2 (person other than claimant who is a patient) applies.</td>
<td></td>
</tr>
<tr>
<td><strong>Persons in residential care or nursing homes who become patients</strong></td>
<td></td>
</tr>
<tr>
<td>16. ......</td>
<td>16. ......³</td>
</tr>
</tbody>
</table>

¹ Paragraph 13A omitted by article 5(9) of SD2020/0209 from 9 April 2020.
² Paragraph 14 not applied.
³ Paragraph 16 omitted by regulation 6(5)(c) of S.I. 2005/3360 from 10 April 2006 (SD82/06).
<table>
<thead>
<tr>
<th>Column (1)</th>
<th>Column (2)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lone parents incurring relevant child care charges who are over compulsory school age and in relevant education, or are either full-time students or attending training courses</td>
<td>16A. 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 -</td>
</tr>
<tr>
<td>16A. In the case of a lone parent who is incurring relevant child care charges (as defined in regulation 69 of the Employed Person’s Allowance (General) Regulations 2011) and is -</td>
<td>(1) 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, £213.00 per week;</td>
</tr>
<tr>
<td>(a) over compulsory school age and in relevant education;</td>
<td>(b) in respect of any other child in the lone parent’s family for whom charges are being incurred, £181.00 per week.</td>
</tr>
<tr>
<td>(b) a full-time student; or</td>
<td>(2) The circumstances are that -</td>
</tr>
<tr>
<td>(c) attending a training course approved by the Department.</td>
<td>(a) the claimant is provided with one or more pre-school credits by the Department of Education, Sport and Culture pursuant to section 34 of the Education Act 2001 (of Tynwald) for the purpose of meeting child care charges being incurred for a child in respect of an academic year;</td>
</tr>
<tr>
<td></td>
<td>(b) the claimant is incurring relevant child care charges in the period to which the claim relates in respect of that child; and</td>
</tr>
<tr>
<td></td>
<td>(c) the period to which the claim relates falls in the academic year referred to in paragraph (a).</td>
</tr>
</tbody>
</table>

1 Paragraph 16A substituted by article 2(8) of SD135/04 from 12 April 2004.
2 Words substituted by article 3(9) of SD988/11 from 31 January 2012.
3 In paragraph 16A, column (2) substituted by article 9 of Part 3 of SD2017/0203 from 1 September 2017.
4 Subparagraph (1) substituted by article 5(2) of SD2018/0033 from 9 April 2018.
5 Amount substituted by article 19(13)(a) of Part 4 of SD2022/0022 from 11 April 2022 (subject to article 3 ibid.).
6 Amount substituted by article 19(13)(b) of Part 4 of SD2022/0022 from 11 April 2022 (subject to article 3 ibid.).
7 “Department of Education, Sport and Culture” substituted for “Department of Education and Children” as provided for by article 7 of the Transfer of Functions (Economic Development and Education) Order 2017 from 24 November 2017 (SD2017/0325).
### Persons who have commenced remunerative work

16AA. ......

16BB. **Persons absent from the Isle of Man to attend certain courses, schemes or assessments**

16B. A single claimant, or a member of a couple where either he or his partner, or he and his partner, are absent from the Isle of Man for the purposes of attending a course, scheme or assessment arranged by the Department or any government department, and approved by the Department.

16BB. The amount applicable to the claimant in respect of -

(a) housing costs payable under paragraph 1(5) or (6) of Schedule 2;

(b) personal allowances under any of Parts I to IE of Schedule 1.

and for the purposes of sub-paragraph (a) above the claimant must be liable for housing costs prior to leaving the Island and must continue to be liable for such costs whilst absent from the Island.

---

1 Paragraph 16AA revoked by article 10(c) of Part 4 of *SD2017/0203* from 19 July 2017 (subject to savings in article 11 of Part 5 of *SD2017/0203*).

2 Paragraph 16B inserted by article 2(28) of *SD33/00* from 10 April 2000.

3 Subparagraph (b) substituted by article 19(14)(g) of Part 5 of *SD2015/0223* from 1 November 2015.

4 Words substituted by article 22(8) of Part 3 of *SD2016/0196* from 24 July 2016.
### Column (1) | Column (2)
---|---

| 17A. A joint claim couple and one member - | \[1\]The amount which would be applicable to the claimant under [1^any of regulations 83 to 83AB] or 86 if that claimant was a single claimant for the period commencing on the day on which the member of the couple who is not the claimant fails to attend at the time and place specified by the Department for the purposes of regulation 6 of the Claims and Payments Regulations and ending on the day on which that member does so attend; |
| (a) is a person to whom regulation 3E(2)(a) applies; | (a) is a person to whom regulation 3E(2)(b) applies; |
| (b) is a person to whom regulation 3E(2)(b) applies.; | (b) the amount which would be applicable to the claimant under [1^any of regulations 83 to 83AB] or 86 if that claimant was a single claimant.] |

### Rounding of fractions

18. Where any calculation under this Schedule or as a result of a jobseeker's allowance being awarded for a period less than one complete benefit week results in a fraction of a penny that fraction shall be treated as a penny.

---

1 Paragraph 17A inserted in “Column (1)” by paragraph 56(b)(i) of Schedule 2 to S.I. 2000/1978 from 19 March 2001 (SD41/01).
2 Paragraph inserted in “Column (2)” by paragraph 56(b)(ii) of Schedule 2 to S.I. 2000/1978 from 19 March 2001 (SD41/01).
3 Words substituted by article 22(9) of Part 3 of SD2016/0196 from 24 July 2016.
4 Words substituted by article 22(9) of Part 3 of SD2016/0196 from 24 July 2016.
<table>
<thead>
<tr>
<th>Column (1)</th>
<th>Column (2)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Patients</strong></td>
<td></td>
</tr>
<tr>
<td>1.  ......</td>
<td>1.  ......</td>
</tr>
<tr>
<td>[41] A claimant who has been a patient for a continuous period of more than 52 weeks</td>
<td>[41] The amount applicable under [3]any of regulations 86A to 86AF less any amount applicable by virtue paragraph 20E, 20G or 20I of Schedule 3 (pensioner, incapacity or disability premium for joint-claim couples).]</td>
</tr>
<tr>
<td><strong>Joint claim couple without accommodation</strong></td>
<td></td>
</tr>
<tr>
<td>2.  A joint claim couple who are without accommodation.</td>
<td>2.  The amount applicable to the couple under [4]paragraph (3)(a) of any of regulations 86A to 86AF (personal allowance) only.</td>
</tr>
<tr>
<td><strong>Members of religious orders</strong></td>
<td></td>
</tr>
<tr>
<td>3.  A joint claim couple who are both member of and fully maintained by a religious order.</td>
<td>3.  Nil.</td>
</tr>
<tr>
<td><strong>Specified cases of temporarily separated joint-claim couples</strong></td>
<td></td>
</tr>
<tr>
<td>4.  A joint-claim couple who are temporarily separated where -</td>
<td></td>
</tr>
<tr>
<td>(a)  one member is -</td>
<td></td>
</tr>
<tr>
<td>(i)  not a patient but is resident in a nursing home;</td>
<td></td>
</tr>
<tr>
<td>[7] (ii) in an adult care home but not a nursing home;</td>
<td></td>
</tr>
<tr>
<td>(iii) resident in premises used for the rehabilitation of alcoholics or drug addicts;</td>
<td></td>
</tr>
<tr>
<td>(iv)  ......</td>
<td></td>
</tr>
<tr>
<td>(v)  participating in arrangements for training or participating in an employment programme where the course requires him to live away from the dwelling occupied as the home; or</td>
<td></td>
</tr>
</tbody>
</table>

1 Schedule 5A inserted by paragraph 57 of Schedule 2 to S.I. 2000/1978 from 19 March 2001 (SD41/01).
2 Paragraph 1 omitted by regulation 6(6)(a) of S.I. 2005/3360 from 10 April 2006 (SD82/06).
3 Paragraph 1A inserted by regulation 6(6)(b) of S.I. 2005/3360 from 10 April 2006 (SD82/06).
4 Text in the second column of paragraph 1A substituted by regulation 9 of SD0055/13 from 8 April 2013.
5 Words substituted by article 23(2) of Part 3 of SD2016/0196 from 24 July 2016.
6 Words substituted by article 23(3) of Part 3 of SD2016/0196 from 24 July 2016.
7 Head (ii) substituted by article 23(2)(a) of SD2015/0392 from 9 February 2016.
8 Head (iv) not applied.
9 Words substituted by article 23(2) of Part 3 of SD2016/0196 from 24 July 2016.
Column (1)

(vi) in a probation or bail hostel approved for the purpose by an adjudication officer, and

(b) the other member is -

(i) living in the dwelling occupied as the home;

(ii) a patient;

[\textsuperscript{1}(iii) in an adult care home].

(iv) ......\textsuperscript{2}

---

Polygamous marriages where one or more members of the marriage are temporarily separated

5. A joint-claim couple where one member is a member of a polygamous marriage and is temporarily separated from a partner of his, where one of them is living in the home while the other member is -

(a) not a patient but is resident in a nursing home;

[\textsuperscript{3}(b) in an adult care home but not a nursing home:]

(c) resident in premises used for the rehabilitation of alcoholics or drug addicts;

(d) attending a course of training or instruction provided or approved by the adjudication officer where the course requires him to live away from home; or

(e) in a probation or bail hostel approved for the purpose by the adjudication officer.

---

5. Either -

(a) the amount applicable to the joint-claim couple under regulation 86B; or

(b) the aggregate of the amount applicable for the joint-claim couple in respect of the members of the polygamous marriage who remain in the home under regulation 86B and the amount applicable in respect of those members not in the home calculated as if each of them were a single claimant, whichever is the greater.

---

Joint-claim couples and members of polygamous marriages where one member is, or all are, temporarily in local authority accommodation

6. ......\textsuperscript{3}

6. ......\textsuperscript{4}

---

\textsuperscript{1} Head (iii) substituted by article 23(2)(b)(i) of SD2015/0392 from 9 February 2016.

\textsuperscript{2} Head (iv) omitted by article 23(2)(b)(ii) of SD2015/0392 from 9 February 2016.

\textsuperscript{3} Subparagraph (b) substituted by article 23(3) of SD2015/0392 from 9 February 2016.

\textsuperscript{4} Paragraph 6 not applied.
<table>
<thead>
<tr>
<th>Column (1)</th>
<th>Column (2)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Joint-claim couples where one member is absent from the Isle of Man</strong></td>
<td></td>
</tr>
<tr>
<td>7. A joint-claim couple where one member is temporarily absent from the Isle of Man</td>
<td>7. For the first four weeks of that absence, the amount applicable to them as a couple under [^any of regulations 86A to 86AF] or 86D as the case may be and thereafter the amount applicable to the claimant in the Isle of Man under regulation 83 or 86 as the case may be as if that claimant were a single claimant.</td>
</tr>
</tbody>
</table>

**Polygamous marriages where any member of the marriage is [^away]**

| 8. A joint-claim couple where one member is a member of a polygamous marriage and - | 8. For the first four weeks of that absence, the amount applicable to the joint-claim couple under regulations 86B to 86D, as the case may be, and thereafter, if the joint-claim couple are in the Isle of Man the amount applicable to them under regulations 86B to 86D, as the case may be, as if any member of the polygamous marriage not in the Isle of Man were not a member of the marriage. |
| (a) he, the other member or one of his partners is;                        |                                                                           |
| (b) he, the other member and one or more of his partners are; or           |                                                                           |
| (c) the other member and one or more of his partners or two or more of his partners are, |                                                                           |
| temporarily absent from the [^Isle of Man].                               |                                                                           |

**Members of joint-claim couples in residential accommodation**

| 9. ......                                                                 | 9. ......                                                                    |

**Members of joint-claim couples temporarily absent from a hostel, residential care or nursing home**

| 10. ......                                                                | 10. ......                                                                  |

**Members of joint-claim couples in residential care or nursing homes who become patients**

| 11. ......                                                                | 11. ......                                                                  |

**Members of joint-claim couples who have commenced remunerative work**

| 11A. ......                                                              | 11A. ......                                                                 |

---

\(^1\) Words substituted by article 23(4) of Part 3 of SD2016/0196 from 24 July 2016.


\(^3\) Words substituted by regulation 2(11)(b) of S.I. 2000/3336 (SD153/01), from immediately following the coming into force of the Jobseeker’s Allowance (Joint Claims) Regulations 2000 (S.I. 2000/1978 (SD41/01)). The Jobseeker’s Allowance (Joint Claims) Regulations 2000 came into force 19 March 2001.

\(^4\) Paragraph 9 not applied.

\(^5\) Paragraph 10 omitted by article 23(4) of SD2015/0392 from 9 February 2016.

\(^6\) Paragraph 11 not applied.

\(^7\) Paragraph 11A revoked by article 10(d) of Part 4 of SD2017/0203 from 19 July 2017 (subject to savings in article 11 of Part 5 of SD2017/0203).
Rounding of Fractions

13. Where any calculation under this Schedule or as a result of a joint-claim jobseeker's allowance being awarded for a period of less than one complete benefit week results in a fraction of a penny, that fraction shall be treated as a penny.]
Schedule 6 - Sums to be disregarded in the calculation of earnings

1. Earnings paid to a claimant’s employed earner’s employment has been terminated, and where it has not been terminated but the claimant is not in remunerative work

In the case of a claimant who has been engaged in remunerative work as an employed earner or, had the employment been in the Isle of Man, would have been so engaged -

(a) any earnings paid or due to be paid in respect of that employment which has terminated except earnings to which regulation 98(1)(b), (c), (f) or (g) applies (earnings of employed earners); or

(b) where -

(i) the employment has not been terminated, but

(ii) the claimant is not engaged in remunerative work,

any earnings in respect of that employment except earnings to which regulation 98(1)(c) or (d) applies (payments of holiday pay or retainers); but this subparagraph shall not apply where the claimant has been suspended from his employment.

1A. Earnings paid to a claimant’s partner after partner’s employed earner’s employment has been terminated by way of retirement if partner has attained pensionable age

If the claimant’s partner has been engaged in remunerative work as an employed earner or, had the employment been in the Isle of Man, would have been so engaged, any earnings paid or due to be paid on termination of that employment by way of retirement but only if the claimant’s partner has attained pensionable age.

2. Earnings paid to a claimant formerly in part-time employed earner’s employment

In the case of a claimant who, before the date of claim -

(a) has been engaged in part-time employment as an employed earner or, where the employment has been outside the Isle of Man would have been so engaged had the employment been in the Isle of Man; and

(b) has ceased to be engaged in that employment, whether or not that employment has been terminated,

any earnings in respect of that employment except any payment to which regulation 98(1)(b), (c), (d), (f) or (g) applies; but this paragraph shall not apply where the claimant has been suspended from his employment.

3. Payments, remuneration or awards for unfair dismissal

Any payment to which regulation 98(1)(f) applies -

(a) which is due to be paid more than 52 weeks after the date of termination of the employment in respect of which the payment is made; or

(b) which is a compensatory award within the meaning of section 140(1)(b) of the Employment Act 2006 (of Tynwald) for so long as such a award remains unpaid and the employer is insolvent within the meaning of section 155 of that Act]

3A. Persons not treated as in remunerative work during a 4-week benefit run-on period (Revoked)
4. **Earnings paid to a claimant in respect of his former self-employment**

   In the case of a claimant who has been engaged in remunerative work or part-time employment as a self-employed earner or, had the employment been in the Isle of Man, would have been so engaged and who has ceased to be so employed, from the date of the cessation of his employment any earnings derived from that employment except earnings to which regulation 95(2) (royalties etc.) applies.

5. **Two or more payments of the same kind and from the same source which are to be taken into account in the same benefit week, because it has not been practicable to treat the payments as paid on the first day of the benefit week in which they were due to be paid**

   Notwithstanding the foregoing provisions of this Schedule, where two or more payments of the same kind and from the same source are to be taken into account in the same benefit week, because it has not been practicable to treat the payments under regulation 96(1)(b) (date on which income treated as paid) as paid on the first day of the benefit week in which they were due to be paid, there shall be disregarded from each payment the sum that would have been disregarded if the payment had been taken into account on the date on which it was due to be paid.

6. **Earnings which are prohibited from being transferred to the Isle of Man**

   Any earnings derived from employment which are payable in a country outside the Isle of Man for such period during which there is a prohibition against the transfer to the Isle of Man of those earnings.

7. **Charges in converting foreign currency earnings into sterling**

   Where a payment of earnings is made in a currency other than sterling, any banking charge or commission payable in converting that payment into sterling.

8. **Earnings due to be paid before the date of claim which would otherwise fall to be taken into account in the same benefit week as a payment of the same kind and from the same source**

   Any earnings which are due to be paid before the date of claim and which would otherwise fall to be taken into account in the same benefit week as a payment of the same kind and from the same source.

9. **Earnings of children and young persons**

   Any earnings of a child or young person.

10. **Earnings from employment as a member of any reserve force**

    (1) In the case of a contribution-based jobseeker’s allowance, where by reason of earnings to which subparagraph (3) applies (in aggregate with the claimant’s other earnings (if any) calculated in accordance with this Part) the claimant would (apart from this paragraph) have a personal rate of less than 10 pence, the amount of such earnings but only to the extent that that amount exceeds the claimant’s personal rate less 10 pence.

    (2) In the case of an income-based jobseeker’s allowance, where earnings to which subparagraph (3) applies (in aggregate with the claimant’s other income (if any) calculated in accordance with this Part) exceed the applicable amount less 10 pence, the amount of those earnings corresponding to that excess.

    (3) This sub-paragraph applies to earnings, in so far as they exceed the amount disregarded under paragraph 11, derived by the claimant from employment as a member of any reserve force prescribed in Part 1 of Schedule 6 to the Contributions Regulations in respect of a period of annual continuous training for a maximum of 15 days in any calendar year or 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.

    (4) In sub-paragraph (1), “personal rate” means the rate for the claimant calculated as specified in section 4(1) of the Act.

---

2 Paragraph 10 substituted by regulation 2(7) of S.I. 2012/1616 from 30 July 2012 (SD0607/12).
11. **Any other earnings**

In any case other than one to which another paragraph of this Schedule applies, [\(^1\) £10.00]; but notwithstanding regulation 88 (calculation of income and capital of members of claimant’s family), if this paragraph applies to a claimant it shall not apply to his partner except where, and to the extent that, the earnings of the claimant which are to be disregarded under this paragraph are less than [\(^2\) £10.00].

12. **Interpretation of “part-time employment”**

In this Schedule “part-time employment” means employment in which the person is not to be treated as engaged in remunerative work under regulation 52 or 53 (persons treated, or not treated, as engaged in remunerative work).\]

---

\(^1\) Sum substituted by article 14(2) of Part 4 of SD2015/0223 from 1 November 2015.

\(^2\) Sum substituted by article 14(2) of Part 4 of SD2015/0223 from 1 November 2015.
[1] Schedule 6A - Sums to be disregarded in the calculation of earnings of members of joint-claim couples

Regulation 88ZA(4)(b)

1. **Earnings generally**

In any case other than one to which paragraph 2 applies, [²£10.00]; but notwithstanding regulation 88ZA (calculation of income and capital of members of a joint-claim couple), if this paragraph applies to one member of a joint-claim couple, it shall not apply to the other member except where, and to the extent that, the earnings of the member which are to be disregarded under this paragraph are less than [³£10.00].

1A. **Persons not treated as in remunerative work during a 4-week benefit run-on period (Revoked)**

2. **Earnings from employment as a member of a territorial or reserve force (Omitted)**

3. **Meaning of “part-time employment”**

   In this Schedule, “part-time employment” shall bear the meaning prescribed in paragraph 12 of Schedule 6.

---

1 Schedule 6A substituted by article 3(28) of SD119/03 from 7 April 2003.
2 Sum substituted by article 15(2) of Part 4 of SD2015/0223 from 1 November 2015.
3 Sum substituted by article 15(2) of Part 4 of SD2015/0223 from 1 November 2015.
4 Paragraph 1A revoked by article 10(f) of Part 4 of SD2017/0203 from 19 July 2017 (subject to savings in article 11 of Part 5 of SD2017/0203).
5 Paragraph 2 omitted by regulation 2(8) of S.I. 2012/1616 from 30 July 2012 (SD0607/12).
Schedule 7 - Sums to be disregarded in the calculation of income other than earnings

Regulation 103(2)

Benefits and pensions

Attendance allowance and the care component of disability living allowance

1. Any attendance allowance or the care component of disability living allowance.

The mobility component of disability living allowance

2. The mobility component of any disability living allowance.

Mobility supplement

3. Any mobility supplement or any payment intended to compensate for the non-payment of such a supplement.

Child benefit


Christmas bonus

5. Any payment under Part X of the Benefits Act (Christmas bonus).

Energy support payments

5A. An energy support payment or a variable rate energy support payment under Part XC of the Benefits Act.

Family support payment

5B. A family support payment under Part XD of the Benefits Act.

Long-term benefits support payment

5C. A long-term benefits support payment under Part XE of the Benefits Act.

Winter bonus and additional winter bonus

6. A winter bonus or an additional winter bonus under Part XA of the Benefits Act.

Guardian's allowance

6A. Any guardian's allowance.

Payments of maternity and funeral expenses under the Benefits Act

7. Any payment made in order to meet maternity or funeral expenses made pursuant to Part VIII of the Benefits Act.

Exceptional needs grants and budgeting loans under Part VIII A of the Benefits Act

7A. Any exceptional needs grant or budgeting loan under Part VIII A of the Benefits Act.

1 Schedule 7 substituted by article 3(29) of SD119/03 from 7 April 2003.
2 Paragraph 1 substituted by article 9 of SD2016/0307 from 6 December 2016.
3 Words omitted by article 6 of SD2015/0221 from 22 July 2015.
4 Paragraph 5A inserted by article 6(3) of Part 3 of SD2022/0160 from 21 April 2022.
5 Paragraph 5B inserted by article 6(3) of Part 3 of SD2022/0183 from 13 May 2022.
6 Paragraph 5C inserted by article 6(3) of Part 3 of SD2022/0188 from 13 May 2022.
7 Paragraph 6 substituted by regulation 3(10E)(a) of S.I. 2006/718 from 10 April 2006 (SD31/07).
8 Paragraph 6A inserted by paragraph 5 of Schedule 2 to S.I. 2002/2402 from 6 April 2003 (SD75/03).
9 Paragraph 7A inserted by article 2(11)(a) of SD796/03 from 12 April 2004.
[1] Bereavement support payment

7B. Any bereavement support payment under section 30 of the Pensions Act 2014 (bereavement support payment) except any such payment which is disregarded as capital under paragraph 13(1)(c) or 12AA of Schedule 8.

Concessionary payments for the non-payment of certain benefits

8. Any concessionary payment made to compensate for the non-payment of -
   (a) any payment specified in paragraph 1 or 2;
   (b) a jobseeker’s allowance or income support.

Disablement or industrial death benefit, etc.

9. The first £30.00 of any disablement or industrial death benefit payable under the Benefits Act, if paid periodically, or any analogous payment.

Widowed mother’s allowance and widowed parent’s allowance

10. The first £30.00 of -
   (a) any widowed mother’s allowance paid pursuant to section 37 of the Benefits Act;
   (b) any widowed parent’s allowance paid pursuant to section 39A of the Benefits Act.

[1] War disablement pensions

11. (1) Subject to paragraphs 19 and 51 and sub-paragraph (2) below, a war disablement pension.
   (2) For the purposes of sub-paragraph (1), if the claimant is in an adult care home no more than £30 shall be disregarded.

War widow’s and war widower’s pensions, etc.

11A. Subject to paragraphs 19 and 51, £30 of any of the following, namely –
   (a) ......
   (b) a war widow’s pension or war widower’s pension;
   (c) a pension payable to a person as a widow, widower or surviving civil partner under any power of Her Majesty otherwise than under an enactment to make provision about pensions for or in respect of persons who have been disabled or have died in consequence of service as members of the armed forces of the Crown;
   (d) a guaranteed income payment and, if the amount of that payment has been abated to less than £30 by a payment under the Armed Forces Pension Scheme 1975 or the Armed Forces Pension Scheme 2005, so much of the pension payable under either of those schemes as would not, in aggregate with the amount of the guaranteed income payment disregarded, exceed £30;
   (e) a payment made to compensate for the non-payment of such a pension or payment as is mentioned in any of the preceding sub-paragraphs;
   (f) a pension paid by the government of a country outside Great Britain which is analogous to any of the pensions or payments mentioned in sub-paragraphs (b) to (d) above;

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1 Paragraph 7B inserted by article 14(2) of S.I. 2017/422 (SD2017/0201) from 6 April 2017 subject to articles 5 and 6 of SD2017/0201.
2 Sums substituted by article 8(15)(a) of SD75/05 from 11 April 2005.
3 Sums substituted by article 8(15)(a) of SD75/05 from 11 April 2005.
5 Subparagraph (a) not applied.
12. ......

13. (1) If the claimant is in receipt of any benefit under Part 2, 3 or 5 of the Benefits Act, any increase in the rate of that benefit arising under Part 4 (increases for dependants) or section 106(a) (unemployability supplement) of that Act, where the dependant in respect of whom the increase is paid is not a member of the claimant’s family.

(2) If the claimant is in receipt of any pension or allowance under Part 2 or 3 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006, any increase in the rate of that pension or allowance under that Order, where the dependant in respect of whom the increase is paid is not a member of the claimant’s family.

14. Any supplementary pension under article 23(2) of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006 (pensions to surviving spouses and surviving civil partners) and any analogous payment made by the Secretary of State for Defence to any person who is not a person entitled under that Order.

15. In the case of a pension awarded at the supplementary rate under article 27(3) of the Personal Injuries (Civilians) Scheme 1983 (pensions to widows, widowers or surviving civil partners), the sum specified in paragraph 1(c) of Schedule 4 to that Scheme.

16. (1) Any payment which is -

(a) made under any of the Dispensing Instruments to a widow, widower or surviving civil partner of a person -

(i) whose death was attributable to service in a capacity analogous to service as a member of the armed forces of the Crown; and

(ii) whose service in such capacity terminated before 31st March 1973; and

(b) equal to the amount specified in article 23(2) of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006.

(2) In this paragraph “the Dispensing Instruments” means the Order in Council of 19th December 1881, the Royal Warrant of 27th October 1884 and the Order of His Majesty of 14th January 1922 (exceptional grants of pay, non-effective pay and allowances).

Other income

Attendance and travelling allowances paid to local authority members

17. Any allowance payable to a member of a local authority under Schedule 2 to the Local Government Act 1985 (an Act of Tynwald).

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1 Subparagraph (g) substituted by regulation 3 of S.I. 2017/174 from 19 November 2020 immediately after S.I. 2008/3157 have effect (SD2020/0487)
2 Subparagraphs (h) and (i) not applied.
3 Paragraph 12 omitted by regulation 3(10)(i) of S.I. 2008/3157.
5 Words substituted by regulation 3(10E)(d) of S.I. 2006/718 from 10 April 2006 (SD31/07).
6 Words substituted by regulation 3(10E)(e)(i) of S.I. 2006/718 from 10 April 2006 (SD31/07).
7 Head (b) substituted by regulation 3(10)(m) of S.I. 2008/3157 from 19 November 2020 (SD2020/0487).
Charitable, voluntary or personal injury payments

18. 

[1] (1) Subject to sub-paragraph (3) and paragraph 50, any relevant payment made or due to be made at regular intervals.

(2) ......

(3) [Sub-paragraph (1)] shall not apply -

(a) to a payment which is made by a person for the maintenance of any member of his family or of his former partner or of his children;

(b) to a payment made -

(i) to a person who is, or would be, prevented from being entitled to a jobseeker’s allowance by section 14 (trade disputes); or

(ii) to a member of the family of such a person where the payment is made by virtue of that person’s involvement in the trade dispute.

(3A) to (5) ......

(6) In this paragraph, “relevant payment” means -

(a) a charitable payment;

(b) a voluntary payment;

(c) a payment (not falling within sub-paragraph (a) or (b) above) from a trust whose funds are derived from a payment made in consequence of any personal injury to the claimant;

(d) a payment under an annuity purchased -

(i) pursuant to any agreement or court order to make payments to the claimant; or

(ii) from funds derived from a payment made, in consequence of any personal injury to the claimant; or

(e) a payment (not falling within sub-paragraphs (a) to (d) above) received by virtue of any agreement or court order to make payments to the claimant in consequence of any personal injury to the claimant.

(7) ......

19. The total of a claimant’s income or, if he is a member of a family, the family’s income and the income of any person which he is treated as possessing under regulation 88(4) (calculation of income and capital of members of claimant’s family) to be disregarded under [paragraph 11] [or 11A] shall in no case exceed [£30.00] per benefit week.

Charity or voluntary work expenses

20. Any payment in respect of any expenses incurred, or to be incurred, by a claimant who is -

(a) engaged by a charitable or voluntary organisation; or

(b) a volunteer,

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1 Subparagraph (1) substituted by regulation 13(12)(a)(i) of S.I. 2006/2378 from 1 November 2012 (SD0607/12).
2 Subparagraph (2) omitted by regulation 13(12)(a)(iii) of S.I. 2006/2378 from 1 November 2012 (SD0607/12).
3 Words substituted by regulation 13(12)(a)(ii) of S.I. 2006/2378 from 1 November 2012 (SD0607/12).
4 Subparagraphs (3A) to (5) omitted by regulation 13(12)(a)(iii) of S.I. 2006/2378 from 1 November 2012 (SD0607/12).
5 Subparagraph (7) omitted by regulation 13(12)(a)(ii) of S.I. 2006/2378 from 1 November 2012 (SD0607/12).
6 Words substituted by regulation 13(12)(e) of S.I. 2006/2378 from 1 November 2012 (SD0607/12).
8 Sum substituted by article 8(15)(a) of SD75/05 from 11 April 2005.
if he otherwise derives no remuneration or profit from the employment and is not to be treated as possessing any earnings under regulation 105(13) (notional income).

**Education**

21. Any sum in respect of a course of study attended by a child or young person payable under [1section 37 of the Education Act 2001 (an Act of Tynwald)].

**Employment expenses**

22. In the case of employment as an employed earner, any payment in respect of expenses wholly, exclusively and necessarily incurred in the performance of the duties of the employment.

[2Isle of Man T.T. and Manx Grand Prix Homestay Scheme]

22A. Any income under the [3Department for Enterprise]’s Isle of Man T.T. and Manx Grand Prix Homestay Scheme.

**Hospital in-patients and former hospital in-patients**

23. Any payment or repayment made under the National Health Service (Isle of Man) (Expenses in Attending Hospitals) Regulations 1989.

24. Any resettlement benefit which is paid to the claimant by virtue of regulation 3 of the Social Security (Hospital In-Patients) Amendment (No. 2) Regulations 1987.

**Housing costs payable to the claimant by another person**

25. Any payment made to the claimant by a person who normally resides with the claimant, which is a contribution towards that person’s living and accommodation costs, except where that person is residing with the claimant in circumstances to which paragraph 26 or 27 refers.

26. Where the claimant occupies a dwelling as his home and the dwelling is also occupied by another person and there is a contractual liability to make payments to the claimant in respect of the occupation of the dwelling by that person or a member of his family -

   (a) [4£6.75] of the aggregate of any payments made in respect of any one week in respect of the occupation of the dwelling by that person or a member of his family, or by that person and a member of his family; and

   (b) a further [5£15.75], where the aggregate of any such payments is inclusive of an amount for heating.

27. Where the claimant occupies a dwelling as his home and he provides in that dwelling board and lodging accommodation, an amount, in respect of each person for whom such accommodation is provided for the whole or any part of a week, equal to -

   (a) where the aggregate of any payments made in respect of any one week in respect of such accommodation provided to such person does not exceed [6£30.00], 100% of such payments; or

   (b) where the aggregate of any such payments exceeds [7£30.00], [8£30.00] and 50% of the excess over [9£30.00].

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1 Words substituted by regulation 4(12)(a) of S.I. 2009/583 from 1 March 2011 (SD1073/10).
2 Paragraph 22A inserted by regulation 13(12)(aa) of S.I. 2006/2378 from 1 October 2006 (SD497/07).
3 “Department for Enterprise” substituted for “Department of Economic Development” as provided for by article 7 of the Transfer of Functions (Economic Development and Education) Order 2017 from 24 November 2017 (SD2017/0325).
4 Sum substituted by article 19(14)(a) of Part 4 of SD2022/0022 from 11 April 2022 (subject to article 3 ibid.).
5 Sum substituted by article 19(14)(b) of Part 4 of SD2022/0022 from 11 April 2022 (subject to article 3 ibid.).
6 Sum substituted by article 8(15)(a) of SD75/05 from 11 April 2005.
7 Sum substituted by article 8(15)(a) of SD75/05 from 11 April 2005.
8 Sum substituted by article 8(15)(a) of SD75/05 from 11 April 2005.
9 Sum substituted by article 8(15)(a) of SD75/05 from 11 April 2005.
Income from disregarded capital

28.

(1) Any income derived from capital to which the claimant is or is treated under regulation 115 (capital jointly held) as beneficially entitled but, subject to sub-paragraph (2), not income derived from capital disregarded under paragraph 1 to 3, 6 to 8, 11 or 26 of Schedule 8.

(2) Income derived from capital disregarded under paragraph 2, 3 or 5 to 8 of Schedule 8 but only to the extent of any mortgage repayments made in respect of the dwelling or premises in the period during which that income accrued.

Income in kind

29.

(1) Subject to sub-paragraph (2), except where regulation 105(10)(a)(i) (notional income) applies or in the case of a payment made-

(a) to a person who is, or would be, prevented from being entitled to a jobseeker’s allowance by section 14 (trade disputes); or

(b) to a member of the family of such a person where the payment is made by virtue of that person’s involvement in the trade dispute,

any income in kind.

(2) The exception under sub-paragraph (1) shall not apply where the income in kind is received from the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No. 2) Trust, the Fund, the Eileen Trust[1], MFET Limited[2], the Skipton Fund, the Caxton Foundation[3] or the Independent Living Funds.

[3] The reference in sub-paragraph (1) to “income in kind” does not include a payment to a third party made in respect of the claimant which is used by the third party to provide benefits in kind to the claimant.

Income treated as capital

30. Any payment of income which under regulation 110 (income treated as capital) is to be treated as capital.

[4] Income under an annuity equal to the interest payable on a loan used for the purchase of that annuity under a home income plan or mortgage annuity scheme

30A. Where a claimant receives income under an annuity purchased with a loan which satisfies the following conditions -

(a) the loan was made as part of a scheme under which not less than 90% of the proceeds of the loan were applied to the purchase by the person to whom it was made of an annuity ending with his life or with the life of the survivor of two or more persons (in this paragraph referred to as “the annuitants”) who include the person to whom the loan was made;

(b) the interest on the loan is payable by the person to whom it was made or by one of the annuitants;

(c) at the time the loan was made the person to whom it was made or each of the annuitants had attained the age of 65;

(d) the loan was secured on a dwelling in the Isle of Man and the person to whom the loan was made or one of the annuitants owns an estate or interest in that dwelling; and

(e) the person to whom the loan was made or one of the annuitants occupies the accommodation on which it was secured as his home at the time the interest is paid,

the amount, calculated on a weekly basis, equal to the interest which is payable on the loan.]

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1 Words inserted by regulation 4(3)(f) of S.I. 2010/641 from 1 March 2011 (SD1073/10).
2 Words inserted by regulation 10(9) of S.I. 2011/2425 from 1 November 2012 (SD0607/12).
3 Subparagraph (3) added by regulation 4(9)(c) of S.I. 2000/636 from 1 April 2007 (SD131/07).
4 Paragraph 30A inserted by regulation 6A of S.I. 2004/2327 from 1 January 2005 (SD839/04).
Insurance payments paid to the claimant

31. Subject to sub-paragraph (2), any payment received under an insurance policy taken out to insure against the risk of being unable to maintain repayments on a loan taken out to acquire an interest in a dwelling or for repairs and improvements to the dwelling, occupied as the home, and used to meet such repayments to the extent that it does not exceed the aggregate of -

(a) the amount, calculated on a weekly basis, of any interest on that loan which is in excess of the amount met in accordance with Schedule 2 (housing costs);

(b) the amount of any payment, calculated on a weekly basis, due on the loan attributable to the repayment of capital; and

(c) any amount due by way of premiums on -
   (i) that policy, or
   (ii) a policy of insurance taken out to insure against loss or damage to any building or part of a building which is occupied by the claimant as his home.

(2) This paragraph shall not apply to any payment which is treated as possessed by the claimant by virtue of regulation 105(10)(a)(ii) (notional income).

32. Except where paragraph 31 or 33 applies, and subject to sub-paragraph (2), any payment made to the claimant which is intended to be used and is used as a contribution towards -

(a) any payment due on a loan if secured on the dwelling occupied as the home which does not qualify under Schedule 2 (housing costs);

(b) any interest payment or charge which qualifies in accordance with paragraphs 3 to 6 of Schedule 2 to the extent that the payment or charge is not met;

(c) any payment due on a loan which qualifies under paragraph 3 or 5 of Schedule 2 attributable to the payment of capital;

(d) any amount due by way of premiums on -
   (i) an insurance policy taken out to insure against the risk of being unable to make the payments referred to in (a) to (c) above, or
   (ii) an insurance policy taken out to insure against loss or damage to any building or part of a building which is occupied by the claimant as his home.

(2) This paragraph shall not apply to any payment which is treated as possessed by the claimant by virtue of regulation 105(10)(a)(ii) (notional income).

33. Subject to sub-paragraph (2), any payment received under an insurance policy, other than an insurance policy referred to in paragraph 30, taken out to insure against the risk of being unable to maintain repayments under a regulated agreement as defined for the purposes of the Consumer Credit Act 1974 or under a hire-purchase agreement or a conditional sale agreement as defined for the purposes of the Hire-Purchase Acts 1939-1973 (Acts of Tynwald).

(2) A payment referred to in sub-paragraph (1) shall only be disregarded to the extent that the payment received under that policy does not exceed the amounts, calculated on a weekly basis, which are used to -

(a) maintain the repayments referred to in sub-paragraph (1); and

(b) meet any amount due by way of premiums on that policy.
33A. In the case of any remuneration paid by or on behalf of an employer to the claimant who for the time being is unable to work due to illness or maternity or who is taking paternity leave or adoption leave -

(a) any amounts deducted by way of primary Class 1 contributions under the Benefits Act;

(b) one-half of any sum paid by the claimant by way of a contribution towards an occupational or personal pension scheme.]

34. Any payment which falls to be treated as notional income made under regulation 105(11) (payments made in respect of a person in an adult care home).

35. Any payment made to a juror or a witness in respect of attendance at a court other than compensation for loss of earnings or for the loss of a benefit payable under the Act or the Benefits Act.

36. Any income which is payable in a country outside the Isle of Man for such period during which there is prohibition against the transfer to the Isle of Man of that income.

37. Where a payment of income is made in a currency other than sterling, any banking charge or commission payable in converting that payment into sterling.

38. The first £5 of any income derived from capital held in a country outside the Isle of Man for such period during which there is prohibition against the transfer to the Isle of Man of that capital.

39. Any payment made by the Department of Health and Social Care to the claimant with whom a person is accommodated by virtue of arrangements made under section 26(1)(a) of the Children and Young Persons Act 2001 (an Act of Tynwald).

40. Any payment made by the Department of Health and Social Care or voluntary organisation to the claimant in respect of a person who is not normally a member of the claimant’s household but is temporarily in his care.

41. The whole of any assistance provided in accordance with the provisions of section 23 of the Children and Young Persons Act 2001 (an Act of Tynwald).
41A. Any payment made by the Department of Health and Social Care in accordance with paragraph 8(2) of Schedule 2 to the Children and Young Persons Act 2001 (an Act of Tynwald), to a person (“A”), which A then passes on to the claimant.

(2) Subparagraph (1) does not apply where the claimant is a person to whom section 14 (trade disputes) of the Contributions and Benefits Act applies.

(3) Subparagraph (1) applies only where A -
   (a) was formerly living with the claimant, and
   (b) is aged 18 or over, and
   (c) continues to live with the claimant.

[41B. Any payment made to the claimant pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002 (of Parliament) or in accordance with a scheme for an analogous purpose or under any analogous arrangements in the Isle of Man or elsewhere.]

41C. Any payment made to the claimant in respect of a child or young person who is a member of his family in accordance with arrangements made pursuant to section 17F(1)(b) of the Children and Young Persons Act 2001 (special guardianship support services).

41D. Any payment made by the Department of Health and Social Care to the claimant towards the cost of the accommodation and maintenance of a child or young person who is a member of the claimant’s family and with respect to whom the court has made a residence order under section 11 of the Children and Young Persons Act 2001 (orders with respect to children).

42. Subject to paragraph 47A, any payment made, whether by the Department of Health and Social Care or by any other person, under the Disabled Persons (Employment) Act 1946 (an Act of Tynwald) or in accordance with arrangements made under any Scheme to assist disabled persons to obtain or retain employment despite their disability.

43. Any payment to the claimant as holder of the Victoria Cross or George Cross or any analogous payment.

1 Paragraph 41A inserted by article 3(7)(c) of SD915/09 from 5 April 2010
2 The words “Department of Health and Social Care” substituted for “Department” as a consequence of the Transfer of Functions (Health and Social Care) Order 2014 from 1 April 2014 (SD2014/0008).
3 The words “Department of Health and Social Care” substituted for “Department” as a consequence of the Transfer of Functions (Health and Social Care) Order 2014 from 1 April 2014 (SD2014/0008).
4 Paragraph 41B inserted by article 5(7)(a) of SD0608/12 from 1 November 2012.
5 2002 c. 38.
6 Paragraphs 41C and 41D inserted by article 7(2) of SD2015/0045 from 6 April 2015.
7 Words inserted by article 3(2)(a)(i) of SD380/04 from 1 July 2004.
8 Words omitted by article 3(2)(a)(ii) of SD380/04 from 1 July 2004.
9 The words “Department of Health and Social Care” substituted for “Department” as a consequence of the Transfer of Functions (Health and Social Care) Order 2014 from 1 April 2014 (SD2014/0008).
Persons not treated as in remunerative work during a 4-week benefit run-on period

43A. 


44. (1) Subject to sub-paragraphs (2) and (3), where a claimant-

(a) is a person to whom regulation 86 ([3] claimants in an adult care home) applies; or

(b) is a person to whom regulation 86 temporarily does not apply but who remains liable to pay a retaining fee in respect of the [4] adult care home from which he is temporarily absent; and

(c) is not residing with his spouse [5 or civil partner]; and

(d) at least 50 per cent. of any occupational pension of his, or any income from a personal pension scheme or a retirement annuity contract of his, is being paid to, or in respect of, his spouse [6 or civil partner for that spouse’s [7 or civil partner’s (as the case may be)] maintenance, an amount equal to 50 per cent. of the pension, pensions or income concerned.

(2) Where a claimant is entitled to pensions or income referred to in sub-paragraph (1) from more than one source, all such pensions and income to which he is entitled shall be aggregated for the purposes of that sub-paragraph.

(3) This paragraph shall not have effect in respect of that part of any pension or income referred to in sub-paragraph (1) to which a spouse [8 or civil partner] is legally entitled whether under a court order or not.

Payments made to persons in [12] an adult care home used to meet the cost of maintaining the claimant in that home

45. [13](1) Subject to sub-paragraph (3), in the case of a claimant in an adult care home which is an independent care service, any payment (whether or not the payment is charitable or voluntary) made to the claimant which is intended to be used and is used to meet the cost of maintaining the claimant in that home.

(2) 

(3) The amount to be disregarded under this paragraph shall not exceed the difference between-

(a) the claimant’s applicable amount less any of the amounts referred to in [15] paragraph 2] of Schedule 4 (personal expenses) which would be applicable to the claimant if his applicable amount fell to be calculated in accordance with that Schedule, and

(b) the weekly charge for the accommodation.

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1 Paragraph 43A revoked by article 10(g) of Part 4 of SD2017/0203 from 19 July 2017 (subject to savings in article 11 of Part 5 of SD2017/0203).
2 Heading substituted by article 2(9)(b) of SD135/04 from 12 April 2004.
3 Words substituted by article 24(3)(a) of SD2015/0392 from 9 February 2016.
4 Words inserted by article 3(2)(a) of SD2019/0259 from 18 July 2019.
5 Words inserted by article 3(2)(a) of SD2019/0259 from 18 July 2019.
6 Words substituted by article 24(3)(b)(ii) of SD2015/0392 from 9 February 2016.
7 Words substituted by article 24(3)(b)(ii) of SD2015/0392 from 9 February 2016.
8 Words inserted by article 3(2)(b)(ii) of SD2019/0259 from 18 July 2019.
9 Words inserted by article 3(2)(b)(ii)(aa) of SD2019/0259 from 18 July 2019.
10 Words inserted by article 3(2)(b)(ii)(bb) of SD2019/0259 from 18 July 2019.
11 Words inserted by article 3(2)(c) of SD2019/0259 from 18 July 2019.
12 Words substituted by article 24(4)(a) of SD2015/0392 from 9 February 2016.
13 Subparagraph (1) substituted by article 24(4)(b) of SD2015/0392 from 9 February 2016.
14 Subparagraph (2) omitted by article 24(4)(c) of SD2015/0392 from 9 February 2016.
15 Words substituted by article 5(13)(b) of SD0082/12 from 9 April 2012.
[1] Payments to assist visits to persons in custody

45A. Any payment made by the Department of Home Affairs under a scheme established to assist relatives and other persons to visit persons in custody.]

Sports awards

46.

(1) Any payment of a sports award except to the extent that it has been made in respect of any one or more of the items specified in sub-paragraph (2).

(2) The items specified for the purposes of sub-paragraph (1) are -

(a) food;

(b) ordinary clothing or footwear;

(c) household fuel;

(d) any housing costs to the extent that they are met under [2]regulation 83(3)(c), 83AA(3)(c), 83AD(3)(c), 84(1)(d), 86A(3)(c), 86AC(3)(c) or 86AE(3)(c)] (housing costs); or

(e) any accommodation charges to the extent that they are met under regulation 86 (1)claimants in an adult care home);

of the claimant or, where the claimant is a member of a family, any other member of his family.

(3) For the purposes of sub-paragraph (2) -

“food” does not include vitamins, minerals or other special dietary supplements intended to enhance the performance of the person in the sport in respect of which the award is made;

“ordinary clothing and footwear” means clothing or footwear for normal daily use but does not include school uniforms or clothing or footwear used solely for sporting activities.

Tax

47. Any amount paid by way of tax on income which is taken into account under regulation 47 (calculation of income other than earnings).

[1] Training allowance paid by a Government department

47A. Up to [1]£30.00 of any training allowance.]

Trade disputes

48. In the case of a person who is, or would be, prevented from being entitled to a jobseeker's allowance by section 14 (trade disputes), any payment up to the amount of the prescribed sum within the meaning of section 15(2)(d) made by a trade union.

Trust income

49. Up to [6]£30.00 of any income from any trust to which the claimant is entitled, including that by virtue of regulation 49 (notional income).

1 Paragraph 45A inserted by article 5(7)(b) of SD0608/12 from 1 November 2012.
2 Words substituted by article 24(2) of Part 3 of SD2016/0196 from 24 July 2016.
3 Words substituted by article 24(5) of SD2015/0392 from 9 February 2016.
4 Paragraph 47A inserted by article 3(2)(b) of SD380/04 from 1 July 2004.
5 Sums substituted by article 8(15)(a) of SD75/05 from 11 April 2005.
6 Sums substituted by article 8(15)(a) of SD75/05 from 11 April 2005.
50.  

(1) Any payment made under [\(^1\)or by] the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No. 2) Trust ("the Trusts"), the Fund, the Eileen Trust[\(^2\), MFET Limited][\(^3\), the Skipton Fund, the Caxton Foundation] or the Independent Living Funds.

(2) Any payment by or on behalf of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person, which derives from a payment made under [\(^4\)or by] any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of -

(a) that person’s partner or former partner from whom he is not, or where that person has died was not, estranged or divorced [\(^5\)or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person’s death];

(b) any child or young person who is a member of that person’s family or who was such a member and who is a member of the claimant’s family.

(3) Any payment by or on behalf of the partner or former partner of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person provided that the partner or former partner and that person are not, or if either of them has died were not, estranged or divorced [\(^6\)or, where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death], which derives from a payment made under [\(^7\)or by] any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of -

(a) the person who is suffering from haemophilia or who is a qualifying person;

(b) any child or young person who is a member of that person’s family or who was such a member and who is a member of the claimant’s family.

(4) Any payment by a person who is suffering from haemophilia or who is a qualifying person, which derives from a payment under [\(^8\)or by] any of the Trusts to which sub-paragraph (1) refers, where -

(a) that person has no partner or former partner from whom he is not estranged or divorced [\(^9\)or with whom he has formed a civil partnership that has not been dissolved], nor any child or young person who is or had been a member of that person’s family; and

(b) the payment is made either -

(i) to that person’s parent or step-parent, or

(ii) where that person at the date of the payment is a child, a young person or a full-time student who has not completed his full-time education and has no parent or step-parent, to his guardian,

but only for a period from the date of the payment until the end of two years from that person’s death.

(5) Any payment out of the estate of a person who suffered from haemophilia or who was a qualifying person, which derives from a payment under [\(^10\)or by] any of the Trusts to which sub-paragraph (1) refers, where -

(a) that person at the date of his death (the relevant date) had no partner or former partner from whom he was not estranged or divorced [\(^11\)or with whom he had formed a civil partnership that had not been dissolved], nor any child or young person who was or had been a member of his family; and

(b) the payment is made either -

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\(^1\) Words inserted by regulation 4(8)(e) of S.I. 2010/641 from 1 March 2011 (SD1073/10).
\(^2\) Words inserted by regulation 4(3)(f) of S.I. 2010/641 from 1 March 2011 (SD1073/10).
\(^3\) Words inserted by regulation 10(9) of S.I. 2011/2425 from 1 November 2012 (SD0607/12).
\(^4\) Words inserted by regulation 4(8)(e) of S.I. 2010/641 from 1 March 2011 (SD1073/10).
\(^5\) Words inserted by paragraph 26(12)(a)(i) of Schedule 3 to S.I. 2005/2877 from 5 December 2005 (SD866/05).
\(^6\) Words inserted by paragraph 26(12)(a)(ii) of Schedule 3 to S.I. 2005/2877 from 5 December 2005 (SD866/05).
\(^7\) Words inserted by regulation 4(8)(e) of S.I. 2010/641 from 1 March 2011 (SD1073/10).
\(^8\) Words inserted by regulation 4(8)(e) of S.I. 2010/641 from 1 March 2011 (SD1073/10).
\(^9\) Words inserted by paragraph 26(12)(a)(iii) of Schedule 3 to S.I. 2005/2877 from 5 December 2005 (SD866/05).
\(^10\) Words inserted by regulation 4(8)(e) of S.I. 2010/641 from 1 March 2011 (SD1073/10).
\(^11\) Words inserted by paragraph 26(12)(a)(iv) of Schedule 3 to S.I. 2005/2877 from 5 December 2005 (SD866/05).
(i) to that person’s parent or step-parent, or
(ii) where that person at the relevant date was a child, a young person or a full-time student who had not completed his full-time education and had no parent or step-parent, to his guardian, but only for a period of two years from the relevant date.

(6) In the case of a person to whom or for whose benefit a payment referred to in this paragraph is made, any income which derives from any payment of income or capital made under or deriving from any of the Trusts.

[12(7) For the purposes of paragraphs (2) to (6), any reference to the Trusts shall be construed as including a reference to the Skipton Fund[13, the Caxton Foundation][14, or MFET Limited].]

[15Isle of Man Homes for Ukraine host payments

50A. Any host payment made under the Isle of Man Homes for Ukraine (Host Payment) Scheme 2022.[16]

Payments from the same source and of the same kind paid in the same benefit week

51. Notwithstanding paragraph 19, where two or more payments of the same kind and from the same source are to be taken into account in the same benefit week there shall be disregarded from each payment the sum which would otherwise fall to be disregarded under this Schedule; but this paragraph shall only apply in the case of a payment which it has not been practicable to treat under regulation 96(1)(b) (date on which income is treated as paid) as paid on the first day of the benefit week in which it is due to be paid.

52. Any payment which is due to be paid before the date of claim which would otherwise fall to be taken into account in the same benefit week as a payment of the same kind and from the same source.]

[17Student income

Grant income

53. Up to [16£30.00] of a student’s apportioned weekly grant income.

Contribution assessed

54. Where -

(a) a student is in receipt of income by way of a grant during a period of study; and

(b) a contribution has been assessed,

the amount of the contribution.

Covenant income where no grant income is received

55. Where a student is not in receipt of income by way of a grant, up to [19£30.00] of his apportioned weekly covenant income.

Expenditure necessary for a student’s attendance on his course

56. For the purpose of ascertaining weekly income other than grant income and covenant income, any amount or amounts (as apportioned equally between the weeks of the student’s period of study) which an adjudication officer is satisfied are intended for any expenditure necessary as a result of the student’s attendance on his course.

12 Subparagraph (7) added by regulation 3(5) of S.I. 2004/2308 from 4 October 2004 (SD839/04).
13 Words inserted by regulation 10(10) of S.I. 2011/2425 from 1 November 2012 (SD0607/12).
14 Words inserted by regulation 4(12)(b) of S.I. 2010/641 from 1 March 2011 (SD1073/10).
15 Paragraph 50A inserted by article 3(2) of SD2022/0218 from immediately after the Isle of Man Homes for Ukraine (Host Payment) Scheme 2022 (SD2022/0215) came into operation (22 July 2022).
16 SD 2022/0215.
17 Heading and paragraphs 53 to 60 added by article 2(9)(c) of SD135/04 from 12 April 2004.
18 Sums substituted by article 8(15)(a) of SD75/05 from 11 April 2005.
19 Sums substituted by article 8(15)(a) of SD75/05 from 11 April 2005.
This paragraph has effect only if, and to the extent that, the necessary expenditure exceeds (or is likely to exceed) £30.00.

Income payable under a Deed of Covenant which commences or takes effect after the first day of the summer vacation

57. Where -

(a) a claim is made in respect of any period in the normal summer vacation and

(b) any income is payable under a Deed of Covenant which commences or takes effect after the first day of that vacation,

that income.

Partner’s contribution

58. Where -

(a) the claimant or his partner is a student; and

(b) for the purposes of assessing a contribution to the student’s grant, the other partner’s income has been taken into account,

an amount equal to that contribution for the purposes of assessing that other partner’s income.

Student’s income already taken into account in assessing entitlement to a grant

59. Any part of a student’s income already taken into account for the purposes of assessing his entitlement to a grant.

Changes in the standard maintenance grant occurring during the summer vacation

60. Any change in the standard maintenance grant occurring in the recognised summer vacation appropriate to the student’s course (unless the vacation forms part of his period of study).

This paragraph shall apply from the date on which the change occurred until the end of the vacation.

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1 Sums substituted by article 8(15)(a) of SD75/05 from 11 April 2005.
Schedule 8 - Capital to be disregarded

Regulation 108(2)

The claimant’s current home, former home and future home, etc.

The claimant’s home

1. The dwelling occupied as the home but, notwithstanding regulation 88 (calculation of income and capital of members of claimant’s family), only one dwelling shall be disregarded under this paragraph.

The former home of the claimant following divorce, estrangement or dissolution of civil partnership

2. If the claimant (C) has ceased to occupy what was formerly the dwelling occupied as the home following C’s estrangement or divorce from, or dissolution of C’s civil partnership with, C’s former partner and which C does not intend to resume so occupying, that dwelling -

(a) for -
   (i) a period of 26 weeks from the date on which C ceased to occupy it; and
   (ii) if C is taking reasonable steps to dispose of or let it, a period of 26 weeks from the expiry of the 26-week period referred to head (i); or

(b) where it is occupied as the home by C’s former partner who is a lone parent, for as long as it is so occupied.

Example:

A person would be regarded as taking reasonable steps to dispose of or let a dwelling if, in the case of jointly-owned property, the person was taking legal action to -

(a) force its sale if the other owner or owners of the dwelling do not want to sell it; or

(b) obtain possession of the dwelling with a view to disposing of or letting it.

Premises which the claimant is taking steps to dispose of or let

3. Subject to sub-paragraph (2) [and paragraph 2], any premises which the claimant is taking reasonable steps to dispose of, or let, for such period or periods of entitlement to jobseeker’s allowance as it is reasonable in the circumstances to enable him to dispose of, or let, those premises, that period or those periods not exceeding 13 weeks in total.

(2) Where any premises have been disregarded as capital of the claimant for the purpose of entitlement to -

(a) income support, by virtue of paragraph 3 of Schedule 8 to the Income Support (General) (Isle of Man) Regulations 2000; or

(b) family income supplement or disability working allowance, by virtue of paragraph 6 of Schedule 3 to the Family Income Supplement (General) Regulations 1998[6]; or

(ba) employed person’s allowance by virtue of paragraph 3 of Schedule 7 to the Employed Person’s Allowance (General) Regulations 2011.]

this paragraph shall apply -

(c) only if the period or periods for which the premises were so disregarded is less than 13 weeks in total; and, if so,

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1 Schedule 8 substituted by article 3(30) of SD119/03 from 7 April 2003.
2 Paragraph 2 substituted by article 3(3)(a) of SD2019/0259 from 18 July 2019.
3 Paragraph 3 substituted by article 2(4) of SD226/04 from 1 May 2004.
4 Heading and subparagraph (1) substituted by article 3(10)(a) of SD988/11 from 31 January 2012.
5 Words inserted by article 3(10)(a) of SD2019/0259 from 18 July 2019.
6 Word and head (ba) inserted by article 3(10)(b) of SD988/11 from 31 January 2012.
(d) only for such period as in aggregate with the period or periods (as the case may be) referred to in sub-
paragraph (1) is not more than 13 weeks.]

The proceeds from the sale of the claimant’s former home to be used to purchase a new home for the claimant

4. Any sum directly attributable to the proceeds of sale of any premises formerly occupied by the claimant as
his home which is to be used for the purchase of other premises intended for such occupation within 26
weeks of the date of sale or such longer period as is reasonable in the circumstances to enable the claimant to
complete the purchase.

Premises occupied by a partner or relative of a single claimant or any member of the family as his home where that
person [’has attained the qualifying age] or is incapacitated or by the former partner of a claimant as his home
(other than where the former partner is a person from whom the claimant is estranged or divorced)

5. Any premises occupied in whole or in part by -
   (a) a partner or relative of a single claimant or any member of the family as his home where that person
   [’has attained the qualifying age] or is incapacitated; or
   (b) the former partner of a claimant as his home; but this provision shall not apply where the former
person is a person from whom the claimant is estranged or divorced [’or with whom he formed a civil
partnership that has been dissolved].

The claimant’s future home

6. Any premises acquired for occupation by the claimant which he intends to occupy as his home within 26
weeks of the date of acquisition or such longer period as is reasonable in the circumstances to enable the
claimant to obtain possession and commence occupation of the premises.

The intended future home of the claimant which the claimant is taking steps to obtain possession of

7. Any premises which the claimant intends to occupy as his home, and in respect of which he is taking steps to
obtain possession and has sought legal advice or has commenced legal proceedings, with a view to obtaining
possession, for a period of 26 weeks from the date on which he first sought such advice or first commenced
such proceedings whichever is earlier, or such longer period as is reasonable in the circumstances to enable
him to obtain possession and commence occupation of those premises.

The intended future home of the claimant which requires repair or alteration to be made habitable

8. Any premises which the claimant intends to occupy as his home to which essential repairs or alterations are
required in order to render them fit for such occupation, for a period of 26 weeks from the date on which the
claimant first takes steps to effect those repairs or alterations, or such longer period as is reasonable in the circumstances to enable those repairs or alterations to be carried out and the claimant to commence occupation of the premises.

Other capital

Payments in kind made by certain charities

9. Any payment in kind made by a charity or under the Macfarlane (Special Payments) Trust, the Macfarlane
(Special Payments) (No. 2) Trust, the Fund or the Independent Living (1993) Fund.

Any future interest in property of any kind (other than land or premises in respect of which the claimant has
granted a subsisting lease or tenancy)

10. Any future interest in property of any kind, other than land or premises in respect of which the claimant has
granted a subsisting lease or tenancy, including sub-leases or sub-tenancies.

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7 Words substituted by regulation 4(13)(a)(i) of S.I. 2009/583 from 1 March 2011 (SD1073/10).
8 Words substituted by regulation 4(13)(a)(ii) of S.I. 2009/583 from 1 March 2011 (SD1073/10).
9 Words inserted by paragraph 26(13)(a) of Schedule 3 to S.I. 2005/2877 from 5 December 2005 (SD866/05).
The assets of a claimant’s self-employed business

11.  

(1) The assets of any business owned in whole or in part by the claimant and for the purposes of which he is engaged as a self-employed earner or, if he has ceased to be so engaged, for such periods as may be reasonable in the circumstances to allow for disposal of any such asset.

(2) The assets of any business owned in whole or in part by the claimant where -  

(a) he is not engaged as a self-employed earner in that business by reason of some disease or bodily or mental disablement; but  

(b) he intends to become engaged (or, as the case may be, re-engaged) as a self-employed earner in that business as soon as he recovers or is able to become engaged, or re-engaged, in that business;  

for a period of 26 weeks from the date on which the claim for jobseeker’s allowance is made, or is treated as made, or, if it is unreasonable to expect him to become engaged or re-engaged in that business within that period, for such longer period as is reasonable in the circumstances to enable him to become so engaged or re-engaged.

Payments in respect of maternity and funeral expenses under the Benefits Act

12.  

Any payment made in order to meet maternity or funeral expenses made pursuant to Part VIII of the Benefits Act.

12A. Any exceptional needs grant or budgeting loan under Part VIIIA of the Benefits Act.

12AA. Any bereavement support payment.

12B.  

(1) Any payment made by the Department of Health and Social Care in accordance with paragraph 8(2) of Schedule 2 to the Children and Young Persons Act 2001 (c. 20) (an Act of Tynwald), to a person (“A”), which A passes on to the claimant.

(2) Subparagraph (1) does not apply where the claimant is a person to whom section 14 (trade disputes) of the Contributions and Benefits Act applies.

(3) Subparagraph (1) applies only where A -  

(a) was formerly living with the claimant, and  

(b) is aged 18 or over, and  

(c) continues to live with the claimant.

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1 Paragraph 12A inserted by article 2(12)(a) of SD796/03 from 12 April 2004.
2 Paragraph 12AA inserted by article 14(3)(b) of S.I. 2017/422 (SD2017/0201) from 6 April 2017 subject to articles 5 and 6 of SD2017/0201.
3 Paragraph 12B inserted by article 3(8) of SD915/09 from 5 April 2010.
4 The words “Department of Health and Social Care” substituted for “Department” as a consequence of the Transfer of Functions (Health and Social Care) Order 2014 from 1 April 2014 (SD2014/0008).
5 The words “Department of Health and Social Care” substituted for “Department” as a consequence of the Transfer of Functions (Health and Social Care) Order 2014 from 1 April 2014 (SD2014/0008).
Arrears of certain benefits or concessionary payments made to compensate for the non-payment of one of those benefits

13.

(1) Subject to sub-paragraph (3), any arrears of, or any concessionary payment made to compensate for arrears due to the non-payment of -

(a) any payment specified in paragraph [1, 2 or 3] of Schedule 7 (care or mobility-related benefits or payments);

(b) any income-based jobseeker’s allowance or any other income-related benefit,

(c) bereavement support payment under section 30 of the Pensions Act 2014,

but only for a period of 52 weeks from the date of the receipt of the arrears or of the concessionary payment.

(2) In sub-paragraph (1)(b) “any other income-related benefit” has the same meaning as in regulation 113(1A).

(3) In a case where the total of any arrears and, if appropriate, any concessionary payment referred to in sub-paragraph (1) relating to any one of the specified payments, benefits or allowances amounts to £5,000 or more (referred to in this sub-paragraph and in sub-paragraph (4) as the “relevant sum”) and is -

(a) paid in order to rectify, or to compensate for-

(i) an official error as defined in regulation 1(3) of the Social Security and Child Support (Decisions and Appeals) Regulations 1999,

(ii) an error on a point of law; and]

(b) received by the claimant in full on or after 1st February 2002,

sub-paragraph (1) shall have effect in relation to such arrears or concessionary payment either for a period of 52 weeks from the date of receipt, or, if the relevant sum is received in its entirety during the award of jobseeker’s allowance, for the remainder of that award if that is a longer period.

(4) For the purposes of sub-paragraph (3), “the award of jobseeker’s allowance” means -

(a) the award either of an income-based jobseeker’s allowance or of income support in which the relevant sum (or first part thereof where it is paid in more than one instalment) is received, and

(b) where that award is followed by one or more further awards which in each case may be either of an income-based jobseeker's allowance or of income support and which, or each of which, begins immediately after the end of the previous award, such further awards until the end of the last such award, provided that for any such further awards the claimant -

(i) is the person who received the relevant sum, or

(ii) is the partner of the person who received the relevant sum, or was that person's partner at the date of his death, or

(iii) in the case of a joint-claim jobseeker's allowance, is a member of a joint-claim couple either or both of which received the relevant sum.

TV licence payment

13A. A TV licence payment under the TV Licence Payment Order 2016.

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1 Words substituted by article 3(3)(c) of SD2019/0259 from 18 July 2019.
2 Words substituted by regulation 3(11)(a) of S.I. 2008/3157 from 19 November 2020 (SD2020/0487).
3 Head (c) inserted by article 14(3)(a) of S.I. 2017/422 (SD2017/0201) from 6 April 2017 subject to articles 5 and 6 of SD2017/0201.
4 Head (a) substituted by regulation 3 of S.I. 2018/932 from 18 July 2019 (SD2019/0260).
5 S.I. 1999/991 (SD602/00).
6 The final subparagraph (3) renumbered as subparagraph (4) by regulation 4(13)(b) of S.I. 2009/583 from 1 March 2011 (SD1073/10).
7 Paragraph 13A inserted by article 3(7) of SD2017/0042 from 22 February 2017.
Sums paid to the claimant for the repair, improvement or replacement of his home or for the repair or improvement of any other personal possession of his

14. Any sum -
   (a) paid to the claimant in consequence of damage to, or loss of the home or any personal possession and intended for its repair or replacement; or
   (b) acquired by the claimant (whether as a loan or otherwise) on the express condition that it is to be used for effecting essential repairs or improvements to the home,

and which is to be used for the intended purpose, for a period of 26 weeks from the date on which it was so paid or acquired or such longer period as is reasonable in the circumstances to enable the claimant to effect the repairs, replacement or improvements.

Any personal possessions except those acquired by the claimant in order to reduce his capital in order to secure or increase entitlement to any income-related benefit

15. (1) Any personal possessions except those which had or have been acquired by the claimant with the intention of reducing his capital in order to secure entitlement to a jobseeker’s allowance or any other income-related benefit or to increase his entitlement to the amount of any such benefit.

(2) In sub-paragraph (1) “any other income-related benefit” has the same meaning as in regulation 113(1A).

Annuities

16. The value of the right to receive any income under an annuity and the surrender value (if any) of such an annuity.

The right to receive any income from earnings or other income held in a foreign country, the transfer of which to the Isle of Man is prohibited

17. The value of the right to receive any income which is disregarded under paragraph 14 of Schedule 6 or paragraph 24 of Schedule 7.

Life assurance policies

18. The surrender value of any life policy.

Capital which falls to be made by instalments

19. Where any payment of capital falls to be made by instalments, the value of the right to receive any outstanding instalments.

Persons not treated as in remunerative work during a 4-week benefit run-on period

19A. ......

Capital of children and young persons treated as income

20. Any capital which under regulations 104 or 106(1) (capital treated as income and modifications in respect of children and young persons) is to be treated as income.

Foreign currency conversion charges, etc.

21. Where a payment of capital is made in a currency other than sterling, any banking charge or commission payable in converting that payment into sterling.

Foreign investments which the claimant cannot realise due to a prohibition on its movement

22. The capital value of an investment which a claimant holds in a country outside the Isle of Man where that claimant cannot realise the assets of that investment due to the prohibition of movement of that capital.

8 SD2016/0320.
9 Paragraph 19A revoked by article 10(h) of Part 4 of SD2017/0203 from 19 July 2017 (subject to savings in article 11 of Part 5 of SD2017/0203).
Funeral plan contracts

22A. The value of any funeral plan contract; and for this purpose, “funeral plan contract” means a contract under which -
   (a) the claimant makes one or more payments to another person (“the provider”);
   (b) the provider undertakes to provide, or secure the provision of, a funeral in the Isle of Man for the claimant on his death; and
   (c) the sole purpose of the plan is to provide or secure the provision of a funeral for the claimant on his death.

Hospital attendance expenses

23. Any payment or repayment made under the National Health Service (Isle of Man) (Expenses in Attending Hospitals) Regulations 1989 but only for a period of 52 weeks from the date of receipt of the payment or repayment.

Personal injury compensation payments

23A. (1) Any payment made to the claimant or the claimant's partner in consequence of any personal injury to the claimant or, as the case may be, the claimant's partner.
   (2) But sub-paragraph (1) -
      (a) applies only for the period of 52 weeks beginning with the day on which the claimant first receives any payment in consequence of that personal injury;
      (b) does not apply to any subsequent payment made to him in consequence of that injury (whether it is made by the same person or another);
      (c) ceases to apply to the payment or any part of the payment from the day on which the claimant no longer possesses it;
      (d) does not apply to any payment from a trust where the funds of the trust are derived from a payment made in consequence of any personal injury to the claimant.
   (3) For the purposes of sub-paragraph (2)(c), the circumstances in which a claimant no longer possesses a payment or a part of it include where the claimant has used a payment or part of it to purchase an asset.
   (4) References in sub-paragraphs (2) and (3) to the claimant are to be construed as including references to his partner (where applicable).

Payments made to jurors or witnesses in court

24. Any payment made to a juror or a witness in respect of attendance at a court other than compensation for loss of earnings or for the loss of a benefit payable under the Benefits Act.

Trust funds

Life interests and life rents

25. The value of the right to receive any income under a life interest or from a life rent.

Personal injury trust funds

26. Where the funds of a trust are derived from a payment made in consequence of any personal injury to the claimant [12 or the claimant’s partner], the value of the trust fund and the value of the right to receive any payment under that trust.

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10 Paragraph 22A inserted by article 2(12)(c) of SD796/03 from 12 April 2004.
11 Paragraph 23A inserted by regulation 13(13)(b) of S.I. 2006/2378 from 1 October 2006 (SD497/07).
12 Words inserted by regulation 13(13)(a) of S.I. 2006/2378 from 1 October 2006 (SD497/07).
Miscellaneous trust funds

27. (1) Any payment made under [1] or by the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No. 2) Trust (“the Trusts”), the Fund, the Eileen Trust[2], MFET Limited][3], the Skipton Fund][4], the Caxton Foundation or the Independent Living Funds.

(2) Any payment by or on behalf of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person, which derives from a payment made under [1] or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of -

(a) that person’s partner or former partner from whom he is not, or where that person has died was not, estranged or divorced [2][or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person’s death];

(b) any child or young person who is a member of that person’s family or who was such a member and who is a member of the claimant’s family.

(3) Any payment by or on behalf of the partner or former partner of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person provided that the partner or former partner and that person are not, or if either of them has died were not, estranged or divorced [2][or where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death], which derives from a payment made under [2] or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of -

(a) the person who is suffering from haemophilia or who is a qualifying person;

(b) any child or young person who is a member of that person’s family or who was such a member and who is a member of the claimant’s family.

(4) Any payment by a person who is suffering from haemophilia or who is a qualifying person, which derives from a payment under [1] or by any of the Trusts to which sub-paragraph (1) refers, where -

(a) that person has no partner or former partner from whom he is not estranged or divorced [2][or with whom he has formed a civil partnership that has not been dissolved], nor any child or young person who is or had been a member of that person’s family; and

(b) the payment is made either -

(i) to that person’s parent or step-parent, or

(ii) where that person at the date of the payment is a child, a young person or a full-time student who has not completed his full-time education and has no parent or step-parent, to his guardian,

but only for a period from the date of the payment until the end of two years from that person’s death.

(5) Any payment out of the estate of a person who suffered from haemophilia or who was a qualifying person, which derives from a payment under [2] or by any of the Trusts to which sub-paragraph (1) refers, where -

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1 Words inserted by regulation 4(8)(f) of S.I. 2010/641 from 1 March 2011 (SD1073/10).
2 Words inserted by regulation 3(3)(g) of S.I. 2010/641 from 1 March 2011 (SD1073/10).
3 Words inserted by regulation 3(7) of S.I. 2004/1141 from 1 August 2004 (SD464/04).
4 Words inserted by regulation 10(10) of S.I. 2011/2425 from 1 November 2012 (SD0607/12).
5 Words inserted by regulation 4(8)(f) of S.I. 2010/641 from 1 March 2011 (SD1073/10).
6 Words inserted by regulation 4(8)(f) of S.I. 2010/641 from 1 March 2011 (SD1073/10).
7 Words inserted by paragraph 26(13)(c)(i) of Schedule 3 to S.I. 2005/2877 from 5 December 2005 (SD866/05).
8 Words inserted by paragraph 26(13)(c)(ii) of Schedule 3 to S.I. 2005/2877 from 5 December 2005 (SD866/05).
9 Words inserted by regulation 4(8)(f) of S.I. 2010/641 from 1 March 2011 (SD1073/10).
10 Words inserted by regulation 4(8)(f) of S.I. 2010/641 from 1 March 2011 (SD1073/10).
11 Words inserted by paragraph 26(13)(c)(iii) of Schedule 3 to S.I. 2005/2877 from 5 December 2005 (SD866/05).
12 Words inserted by regulation 4(8)(f) of S.I. 2010/641 from 1 March 2011 (SD1073/10).
(a) that person at the date of his death (the relevant date) had no partner or former partner from whom he was not estranged or divorced [\(^{24}\)or with whom he had formed a civil partnership that had not been dissolved], nor any child or young person who was or had been a member of his family; and

(b) the payment is made either -

(i) to that person’s parent or step-parent, or

(ii) where that person at the relevant date was a child, a young person or a full-time student who had not completed his full-time education and had no parent or step-parent, to his guardian,

but only for a period of two years from the relevant date.

(6) In the case of a person to whom or for whose benefit a payment referred to in this paragraph is made, any income which derives from any payment of income or capital made under or deriving from any of the Trusts.

**Trust funds established to make payments to (or in respect of) the sufferers of variant Creutzfeldt-Jakob disease**

28.

(1) Subject to sub-paragraph (2), the amount of any trust payment made to a claimant or a member of a claimant’s family who is -

(a) a diagnosed person;

(b) the diagnosed person’s partner or the person who was the diagnosed person’s partner at the date of the diagnosed person’s death;

(c) a parent of a diagnosed person, a person acting in the place of the diagnosed person’s parents or a person who was so acting at the date of the diagnosed person’s death; or

(d) a member of the diagnosed person’s family (other than his partner) or a person who was a member of the diagnosed person’s family (other than his partner) at the date of the diagnosed person’s death.

(2) Where a trust payment is made to -

(a) a person referred to in sub-paragraph (1)(a) or (b), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending on the date on which that person dies;

(b) a person referred to in sub-paragraph (1)(c), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending two years after that date;

(c) a person referred to in sub-paragraph (1)(d), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending -

(i) two years after that date; or

(ii) on the day before the day on which that person -

(aa) ceases receiving full-time education; or

(bb) attains the age of [\(^{25}\)20],

whichever is the latest.

(3) Subject to sub-paragraph (4), the amount of any payment by a person to whom a trust payment has been made, or of any payment out of the estate of a person to whom a trust payment has been made, which is made to a claimant or a member of a claimant’s family who is -

(a) the diagnosed person’s partner or the person who was the diagnosed person’s partner at the date of the diagnosed person’s death;

\(^{24}\) Words inserted by paragraph 26(13)(c)(iv) of Schedule 3 to S.I. 2005/2877 from 5 December 2005 (SD866/05).

\(^{25}\) Figure substituted by regulation 3(11)(b) of S.I. 2006/718 from 10 April 2006 (SD31/07).
(b) a parent of a diagnosed person, a person acting in the place of the diagnosed person’s parents or a person who was so acting at the date of the diagnosed person’s death; or

(c) a member of the diagnosed person’s family (other than his partner) or a person who was a member of the diagnosed person’s family (other than his partner) at the date of the diagnosed person’s death, but only to the extent that such payments do not exceed the total amount of any trust payments made to that person.

(4) Where a payment as referred to in sub-paragraph (3) is made to -

(a) a person referred to in sub-paragraph (3)(a), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending on the date on which that person dies;

(b) a person referred to in sub-paragraph (3)(b), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending two years after that date;

(c) a person referred to in sub-paragraph (3)(c), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending -

(i) two years after that date; or

(ii) on the day before the day on which that person -

(aa) ceases receiving full-time education; or

(bb) attains the age of \[26^{20}\],

whichever is the latest.

(5) In this paragraph, a reference to a person -

(a) being the diagnosed person’s partner;

(b) being a member of the diagnosed person’s family; or

(c) acting in the place of the diagnosed person’s parents,

at the date of the diagnosed person’s death shall include a person who would have been such a person or a person who would have been so acting, but for the diagnosed person being in an adult care home on that date.

(6) In this paragraph -

“diagnosed person” means a person who has been diagnosed as suffering from, or who, after his death, has been diagnosed as having suffered from, variant Creutzfeldt-Jakob disease;

“relevant trust” means a trust established out of funds provided by the Secretary of State in respect of persons who suffered, or who are suffering, from variant Creutzfeldt-Jakob disease for the benefit of persons eligible for payments in accordance with its provisions;

“trust payment” means a payment under a relevant trust.

*Occupational and personal pension scheme benefits*

29. The value of the right to receive an occupational or personal pension.

30. The value of any funds held under a personal pension scheme or retirement annuity contract.

\[26\] Figure substituted by regulation 3(1)(b) of S.I. 2006/718 from 10 April 2006 (SD31/07).

\[27\] Words substituted by article 25(2) of SD2015/0392 from 9 February 2016.
31. Any arrears of supplementary pension which is disregarded under paragraph 14 of Schedule 7 (sums to be disregarded in the calculation of income other than earnings) or of any amount which is disregarded under paragraph 15 or 16 of that Schedule, but only for a period of 52 weeks from the date of receipt of the arrears.

Payments made to assist disabled persons obtain or retain employed earner’s employment

32. Any payment (other than a training allowance) made, whether by the [2]Department of Health and Social Care or by any other person under the Disabled Persons (Employment) Act 1946 (an Act of Tynwald) or in accordance with arrangements made under any Scheme to assist disabled persons to obtain or retain employment.

Payments to assist visits to persons in custody

32A. Any payment made by the Department of Home Affairs under a scheme established to assist relatives and other persons to visit persons in custody, but only for a period of 52 weeks from the date of receipt of the payment.

Capital derived from personal injury damages or compensation payments for the death of a minor’s parents administered by the High Court, etc.

33. (1) Any sum of capital to which sub-paragraph (2) applies and -
   (a) which is administered on behalf of a person by the High Court or by a person appointed by the High Court;
   (b) which can only be disposed of by order or direction of any such court; or
   (c) where the person concerned is under the age of 18, which can only be disposed of by order or direction prior to that person attaining age 18.

   (2) This sub-paragraph applies to a sum of capital which is derived from -
   (a) an award of damages for a personal injury to that person; or
   (b) compensation for the death of one or both parents where the person concerned is under the age of 18.

Payments to holders of the Victoria Cross or George Cross

34. Any payment to the claimant as holder of the Victoria Cross or George Cross.

The right to receive rent

35. The value of the right to receive any rent except where the claimant has a reversionary interest in the property in respect of which rent is due.

Sports awards

36. (1) Any payment of a sports award for a period of 26 weeks from the date of receipt of that payment except to the extent that it has been made in respect of any one or more of the items specified in sub-paragraph (2).

   (2) The items specified for the purposes of sub-paragraph (1) are -
   (a) food;
   (b) ordinary clothing or footwear;

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1 Paragraph 31 substituted by regulation 3(11)(e) of S.I. 2008/3157 from 19 November 2020 (SD2020/0487).
2 The words “Department of Health and Social Care” substituted for “Department” as a consequence of the Transfer of Functions (Health and Social Care) Order 2014 from 1 April 2014 (SD2014/0008).
3 Paragraph 32A inserted by article 5(8)(a) of SD0608/12 from 1 November 2012.
4 Paragraph 33 substituted by regulation 13(13)(c) of S.I. 2006/2378 from 1 October 2006 (SD497/07).
(c) household fuel;

(d) any housing costs to the extent that they are met under [5regulation 83(3)(c), 83AA(3)(c), 83AD(3)(c), 84(1)(d), 86A(3)(c), 86AC(3)(c) or 86AE(3)(c)] (housing costs); or

(e) any accommodation charges to the extent that they are met under regulation 86 ([6claimants in an adult care home]), of the claimant or, where the claimant is a member of a family, any other member of his family.

(3) For the purposes of sub-paragraph (2) -

“food” does not include vitamins, minerals or other special dietary supplements intended to enhance the performance of the person in the sport in respect of which the award is made;

“ordinary clothing and footwear” means clothing or footwear for normal daily use but does not include school uniforms or clothing or footwear used solely for sporting activities.

Ex-gratia payments to former prisoners-of-war held by the Japanese in the Second World War

37. Where an ex-gratia payment of £10,000 has been made, pursuant to the Tynwald resolution dated 20th June 2000 for that purpose, in consequence of the imprisonment or internment of -

(a) the claimant;

(b) the claimant’s partner;

(c) the claimant’s deceased spouse [7or deceased civil partner]; or

(d) the claimant’s partner’s deceased spouse [8or deceased civil partner],

by the Japanese during the Second World War, £10,000.

38. Where an ex-gratia payment of £10,000 has been made by the Secretary of State on or after 1st February 2001 in consequence of the imprisonment or internment of -

(a) the claimant;

(b) the claimant’s partner;

(c) the claimant’s deceased spouse [9or deceased civil partner]; or

(d) the claimant’s partner’s deceased spouse [10or deceased civil partner],

by the Japanese during the Second World War, £10,000.

Payments to victims for suffering during the Second World War

39. The amount of a payment, other than a war pension [11], to compensate for the fact that the claimant, the claimant’s partner, the claimant’s deceased spouse or the claimant’s partner’s deceased spouse -

(a) was a slave labourer or a forced labourer;

(b) had suffered property loss or had suffered personal injury; or

(c) was a parent of a child who had died,

during the Second World War.]

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5 Words substituted by article 25(2) of Part 3 of SD2016/0196 from 24 July 2016.
6 Words substituted by article 25(3) of SD2015/0392 from 9 February 2016.
7 Words inserted by paragraph 26(13)(d) of Schedule 3 to S.I. 2005/2877 from 5 December 2005 (SD866/05).
8 Words inserted by paragraph 26(13)(d) of Schedule 3 to S.I. 2005/2877 from 5 December 2005 (SD866/05).
9 Words inserted by paragraph 26(13)(e) of Schedule 3 to S.I. 2005/2877 from 5 December 2005 (SD866/05).
10 Words inserted by paragraph 26(13)(e) of Schedule 3 to S.I. 2005/2877 from 5 December 2005 (SD866/05).
11 Words omitted by regulation 3(11)(g) of S.I. 2008/3157 from 19 November 2020 (SD2020/0487).
[12] Payments in respect of adoption arrangements

40. Any payment made to the claimant pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002 (of Parliament)\(^\text{13}\) or in accordance with a scheme for an analogous purpose or under any analogous arrangements in the Isle of Man or elsewhere.

[14] Payments in respect of special guardianship support services

41. Any payment made to the claimant in respect of a child or young person who is a member of his family in accordance with arrangements made pursuant to section 17F(1)(b) of the Children and Young Persons Act 2001 (special guardianship support services).

Payments in respect of residence orders

42. Any payment made by the Department of Health and Social Care to the claimant towards the cost of the accommodation and maintenance of a child or young person who is a member of the claimant’s family and with respect to whom the court has made a residence order under section 11 of the Children and Young Persons Act 2001 (orders with respect to children).

Schedule 9 - Domestic assistance grants (Revoked)

Schedule 10 - Applicable amounts for domestic assistance grants payable under Schedule 9 (Revoked)

Schedule 11 - Urgent cases (Revoked)

Schedule 12 - Applicable amounts for urgent cases (Revoked)\(^\text{15}\)

\(^{12}\) Paragraph 40 added by article 5(8)(b) of SD0608/12 from 1 November 2012.

\(^{13}\) 2002 c. 38.

\(^{14}\) Paragraphs 41 and 42 inserted by article 8(2) of SD2015/0045 from 6 April 2015.

\(^{15}\) Schedules 9 to 12 revoked by regulation 25(f) of SD791/03 from 12 April 2004.