

# Social Security News

Issue 202 January 2023

This News Bulletin is intended to brief those with a special interest in social security matters of the changes in the law following each sitting of Tynwald at which the changes are approved.

Copies of the Orders referred to in this bulletin may be obtained from:

Tynwald Library, Legislative Buildings, Douglas, IM1 3PW.

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Social Security legislation is available [online](#).

The relevant document number is shown against the item.

For more details on the Orders described in this newsletter.

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## In this issue:

**SD2022/0298** amends regulation 10 of the Social Security (Disability Living Allowance) Regulations 1991 to provide that any continuous period spent in certain accommodation not exceeding 14 days is to be ignored for disability living allowance purposes.

**SD2022/0340** provides for a second round of the long-term benefits support payment, extends the eligibility criteria for that second round of those payments and makes provision for the claiming of the payment where a claim is required.



**Isle of Man**  
Government

*Reilys Ellan Vannin*

The Treasury

## Social Security Legislation (Benefits) (Application) (Amendment) (No. 8) Order 2022 SD2022/0298

This Order amends the Social Security (Disability Living Allowance) Regulations 1991, as they are applied to the Island – “the DLA regulations”.

Regulation 10 of the DLA regulations is amended such that any continuous period spent in “certain accommodation” not exceeding 14 days is to be ignored for DLA purposes. As a result, it will now be much less likely that the payment of the DLA care component will be suspended (suspension would only occur if a person has at least 2 linked periods in certain accommodation each exceeding 14 days, or has one continuous period exceeding 28 days).

“Certain accommodation” relates to accommodation which is provided to a person in pursuance of Part 2 (social care services) of the Social Services Act 2011 (of Tynwald).

A minor amendment is also made to regulation 8 of the DLA regulations to remove a reference relating to the Mental Health Act 1998 (of Tynwald), which is redundant following the transfer of certain functions to the DHSC. This measure will have no impact on individuals.

## Social Security Legislation (Benefits) (Application) (Amendment) (No. 9) Order 2022 SD2022/0340

This Order amends the Social Security Contributions and Benefits Act 1992, the Social Security Administration Act 1992, the Social Security Act 1998 and the Social Security (Claims and Payments) Regulations 1987 as those Acts and regulations apply to the Island.

The amendments made –

- make provision for a second round of the long-term benefits support payment (“LTBSP2”) to be paid to pensioners and recipients of other “qualifying benefits” (see below) on substantially the same basis as the first round paid in June 2022, but with payments of £300 per person rather than £150;
- extend eligibility for LTBSP2 to persons of state pension age who are resident in the IOM, but who are not getting a qualifying benefit, subject to a claim being made to Treasury within the prescribed time limit; and
- make new provision relating to claims in those cases where a claim for an LTBSP2 is required.

To be eligible for an LTBSP2 a person must either –

- be getting a qualifying benefit from IOM Treasury or a mobility supplement payable to war pensioners in respect of a period which includes a day in the relevant week (the relevant week for LTBSP2 is the week beginning 2 January 2023); or
- where they don’t meet the above criteria, they have attained state pension age on or before 8 January 2023 and make a claim for an LTBSP2 on or before 1 April 2023.

But a person shall not be eligible for an LTBSP2 if they were entitled to an energy support payment in December 2022 (“ESP3”), or if on the last day of the relevant week (i.e., 8 January 2023) they are –

- not ordinarily resident in the IOM;
- living in a care home other than on a temporary basis; or
- under age 16.

The “qualifying benefits” are:

- attendance allowance,
- bereavement support payment,
- carer’s allowance,
- disability living allowance,
- employed person’s allowance,
- income support,
- industrial death benefit,
- an industrial disablement unemployability supplement,
- long-term incapacity benefit,
- Manx state pension,
- mobility supplement payable to war pensioners\*;
- retirement pension,
- severe disablement allowance,
- widowed mother’s allowance,
- widowed parent’s allowance,
- widow’s pension.

(\*added to the list of qualifying benefits by this Order).

Other amendments made by this Order provide that –

- certain decisions made by an adjudication officer in relation to a claim for an income-related benefit or child benefit shall be conclusive for the purposes of energy support payments, family support payments and long-term benefits support payments;
- decisions relating to family support payment and long-term benefits support payment are to be made by an adjudication officer (note that similar provision for decisions relating to energy support payments already exists); and
- energy support payments, family support payments and long-term benefits support payments are outside the scope of reciprocal arrangements with countries outside the IOM.