

# Social Security News

Issue 163 April 2018

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 and Regulations referred to in this bulletin may be obtained from:

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

Tel: 01624 685520

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Website: [www.tyrwald.org.im/links/tls](http://www.tyrwald.org.im/links/tls)

The relevant document number is shown against the item.

For more details on the Orders and Regulations described in this newsletter

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## In this issue:

**S.D. 2018/0098** replaces the current requirements in the Social Security Contributions and Benefits Act for a person to be an "Isle of Man worker" under control of employment legislation (subject to certain modifications and exceptions) in order to qualify for income support or employed person's allowance with a new "Isle of Man residential condition".

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**S.D. 2018/0099** replaces the current requirements in the Jobseekers Act for a person to be an "Isle of Man worker" under control of employment legislation (subject to certain modifications and exceptions) in order to qualify for an income-based jobseeker's allowance with a new "Isle of Man residential condition".

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**S.D. 2018/0100** set out new requirements for persons claiming certain social security benefits, and in some cases their partners, to take part in work-focused interviews as a condition for retaining the full rate of their benefit.

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**Isle of Man**  
Government  
*Reilrys Ellan Vannin*

The Treasury

*Yn Tashtey*

## Social Security Contributions and Benefits Act 1992 (Application) (Amendment) Order 2018

S.D. 2018/0098

This Order amends the Social Security Contributions and Benefits Act 1992 as it has effect in the Island ("the Contributions and Benefits Act").

The changes made replace the current requirements in the Contributions and Benefits Act for a person to be an "Isle of Man worker" under control of employment legislation (subject to certain modifications and exceptions) to qualify for income support or employed person's allowance.

That requirement is replaced with a new IOM residential condition, which is satisfied by a person who was –

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

The IOM residential condition is also met by a person who (subject to other conditions) is –

- the spouse or civil partner of a person mentioned above;
- the surviving spouse or civil partner of such a person;
- the former spouse or civil partner of such a person; or
- the child of a person mentioned above who was (or whose spouse or civil partner was) serving in HM Forces when they were born.

The categories of persons who will satisfy the new IOM residential condition are largely the same as the ones who satisfy the current Isle of Man worker test for income support and employed person's allowance. However, people who have at least 10 years' residence in the Isle of Man, made up of 3 or more periods each of less than 5 years' continuous Isle of Man residence, will be able to meet the IOM residential condition for income support and employed person's allowance, whereas they would not satisfy the Isle of Man worker test now. But people will not be able satisfy the IOM residential condition solely because they are the child of an Isle of Man worker who lived in the Isle of Man for the first 5 years of their life, whereas they would under the current Isle of Man worker test.

Provision in the Contributions and Benefits Act for the removal of persons from the Island who are not entitled to income support because they do not satisfy the current "Isle of Man worker" condition is also omitted by the Order. However, provision for the payment of travelling expenses and maintenance, etc. of persons leaving the Island voluntarily who are not entitled to income support because they do not satisfy the IOM residential condition for that benefit is retained.

## Jobseekers Act 1995 (Application) (Amendment) Order 2018

S.D. 2018/0099

This Order amends the Jobseekers Act 1995 as it has effect in the Island ("the Jobseekers Act").

The changes made replace the current requirements in the Jobseekers Act for a person to be an "Isle of Man worker" under control of employment legislation (subject to certain modifications and exceptions) to qualify for an income-based jobseeker's allowance.

That requirement is replaced with a new IOM residential condition, which is satisfied by a person who was –

- born in the Island;

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

The IOM residential condition is also met by a person who (subject to other conditions) is –

- the spouse or civil partner of a person mentioned above;
- the surviving spouse or civil partner of such a person;
- the former spouse or civil partner of such a person; or
- the child of a person mentioned above who was (or whose spouse or civil partner was) serving in HM Forces when they were born.

The categories of persons who will satisfy the new IOM residential condition are largely the same as the ones who satisfy the current Isle of Man worker test for income-based jobseeker's allowance. However, people who have at least 10 years' residence in the Isle of Man, made up of 3 or more periods each of less than 5 years' continuous Isle of Man residence, will be able to meet the IOM residential condition for income-based jobseeker's allowance whereas they would not satisfy the Isle of Man worker test now. But people will not be able satisfy the IOM residential condition solely because they are the child of an Isle of Man worker who lived in the Isle of Man for the first 5 years of their life whereas they would under the current Isle of Man worker test.

New provision is inserted into the Jobseekers Act allowing Treasury to pay the travelling expenses and maintenance of a person leaving the Island voluntarily (and any dependant they have) who is not entitled to income-based jobseeker's allowance because they do not satisfy the IOM residential condition for that benefit. Treasury may also pay (in such circumstances and for such period as it determines is appropriate) a sum equivalent to the amount of income-based jobseeker's allowance to which the person would be entitled if they satisfied the IOM residential condition.

## Work-focused Interviews Regulations 2018

S.D. 2018/0100

These Regulations set out new requirements for persons claiming certain social security benefits, and in some cases their partners, to take part in work-focused interviews as a condition for retaining the full rate of their benefit. They are made following changes to provisions in the Social Security Administration Act 1992 (as that Act of the UK Parliament has effect in the Island) relating to work-focused interviews, which were approved by Tynwald in October last year.

They also revoke the preceding Work-focused Interviews for Lone Parents Regulations 2013 (as they are no longer required) and make consequential amendment to the Social Security (Claims and Payments) Regulations 1987 (as they have effect in the Island).

The Regulations –

- define what a work-focused interview (WFI) is and what a WFI is for;
- set out the requirements for taking part in a WFI;
- specify when and where a WFI is to take place;
- make provision for determining whether a person has taken part in a WFI;
- specify when a person is not required to take part in a WFI;
- specify the consequences of a person failing to take part in a WFI without good cause, give examples of what good cause is and specify how long a person has to show they had good cause; and
- provide for a right of appeal to the independent social security appeal tribunal against a decision about a WFI.

A WFI is an interview conducted for specified purposes connected with employment or training.

Only people getting certain benefits (income support, incapacity benefit or employed person's allowance) must take part in a WFI. The partners of people getting any of those benefits or income-based jobseeker's allowance must also take part in a WFI if the person getting benefit is paid a higher rate of benefit because they have a partner.

A person must take part in a WFI interview if it would be of assistance to them and appropriate in the circumstances. But a person does not have to take part in a WFI if they or their partner are under age 18, or have reached state pension age, or they are a lone parent whose youngest or only child is under age 5.

A WFI may take place in the person's home if doing so elsewhere would cause them undue inconvenience or endanger their health.

A person who does not take part in a WFI – or whose partner does not do so – without showing good cause will have their benefit reduced by £20 per week (but not so as to reduce it to less than 10 pence).

A person normally has 5 working days to show they had good cause for failing to take part in a WFI after it was due to take place.