

Social Security News

Issue 170 July 2019

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

Email: library@tyrwald.org.im

Website: 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:

SD2019/0257 amends the Income Support (General) (Isle of Man) Regulations 2000. Those amendments make changes to the following provisions:

- Regulation 48 (capital treated as income);
- Schedule 7 (sums to be disregarded in the calculation of income other than earnings); and
- Schedule 8 (capital to be disregarded).

SD2019/0258 amends the Employed Person's Allowance (General) Regulations 2011. Those amendments make changes to the following provisions:

- Regulation 3 (interpretation);
- Regulation 12 (disabled worker's additional qualifying conditions);
- Regulation 46 (claimants providing services for less than full earnings);
- Regulation 87 (determination of appropriate applicable amount);
- Regulation 93 (child care charges: cessation of award); and
- Schedule 4 (capital disregarded).



Isle of Man
Government
Reilys Eilan Vannin

The Treasury

Yn Tashtey

SD2019/0259 amends the Jobseeker's Allowance Regulations 1996. Those amendments make changes to the following provisions:

- Schedule 7 (sums to be disregarded in the calculation of income other than earnings);
- Schedule 8 (capital to be disregarded)

SD2019/0260 applies to the Island one statutory instrument of the United Kingdom Parliament. That statutory instrument as applied amends Schedule 8 (capital to be disregarded) to the Jobseeker's Allowance Regulations 1996.

Income Support (General) (Isle of Man) (Amendment) (No. 2) Regulations 2019 SD2019/0257

These Regulations amend the Income Support (General) (Isle of Man) Regulations 2000 ("the Income Support Regulations"), to provide for the following.

1. Civil partners who are living in a care home and paying at least half of their private pension income to maintain their civil partner who is living elsewhere are to have half of that pension income disregarded for income support purposes.
2. Where a claimant owns (solely or jointly with another person(s)) their former home and they have left that property following the breakdown of their marriage, civil partnership or other relationship, that property will now be disregarded as capital for a **further** 26 weeks immediately following the existing 26 weeks disregard. This is provided the person is taking reasonable steps to sell or let it. Reasonable steps include taking legal action to force its sale if the other owner(s) of the property don't want to sell it or to obtain possession of the property.
3. The former home of a person who has gone into a care home is to be disregarded for up to 26 weeks (as opposed to the current 13 weeks) - ignoring any hospital stays - while they are taking steps to sell or let it.
4. Arrears of certain benefits of more than £5,000 payable as a result of an error of law are disregarded for the rest of the benefit award if that would be longer than 52 weeks, in the same way that arrears arising from official error are already ignored.

Other changes are made to the Income Support Regulations in consequence of the changes referred to in paragraphs 2 and 4 above and to omit a redundant cross-reference.

Employed Person's Allowance (General) (Amendment) (No. 2) Regulations 2019 SD2019/0258

These Regulations amend the Employed Person's Allowance (General) Regulations 2011 ("the EPA Regulations"), to provide for the following.

1. Where a claimant owns (solely or jointly with another person(s)) their former home and they have left that property following the breakdown of their marriage, civil partnership or other relationship, that property will now be disregarded as capital for a **further** 26 weeks immediately following the existing 26 weeks disregard. This is provided the person is taking reasonable steps to sell or let it. Reasonable steps include taking legal action to force its sale if the other owner(s) of the property don't want to sell it or to obtain possession of the property.
2. Arrears of certain benefits of more than £5,000 payable as a result of an error of law are disregarded for the rest of the benefit award if that would be longer than 52 weeks, in the same way that arrears arising from official error are ignored.
3. A new definition of "dwelling occupied as the home" to be inserted into the EPA Regulations.

Other changes are made to the EPA Regulations following changes to short-term incapacity benefit, the discontinuation of disability working allowance and the transfer of certain functions from the former Department of Economic Development to the Treasury and to update cross-references and to make other minor corrections.

Social Security Legislation (Benefits) (Application) (Amendment) Order 2019

SD2019/0259

This Order amends the Jobseeker's Allowance Regulations 1996 ("the JSA Regulations") to provide for the following.

1. Civil partners who are living in a care home and paying at least half of their private pension income to maintain their civil partner who is living elsewhere are to have half of that pension income disregarded for benefit purposes.
2. Where a claimant owns (solely or jointly with another person(s)) their former home and they have left that property following the breakdown of their marriage, civil partnership or other relationship, that property will now be disregarded as capital for a **further** 26 weeks immediately following the existing 26 weeks disregard. This is provided the person is taking reasonable steps to sell or let it. Reasonable steps include taking legal action to force its sale if the other owner(s) of the property don't want to sell it or to obtain possession of the property.

The Order also amends the JSA Regulations in consequence of the measure referred to in paragraph 2 above and to correct cross-references appearing in those Regulations.

Social Security Legislation (Benefits) (Application) (No. 5) Order 2019.

SD2019/0260

This Order applies the Social Security (Treatment of Arrears of Benefit) Regulations 2018 to the Island. The instrument as applied amends the Jobseeker's Allowance Regulations 1996 ("the JSA Regulations").

The JSA Regulations are amended to provide that arrears of certain benefits of more than £5,000 payable as a result of an error of law are disregarded for the rest of the benefit award if that would be longer than 52 weeks, in the same way that arrears arising from official error are ignored.