

# Social Security News

Issue 178 May 2020

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.

Tel: 01624 685520

Email: [library@tynewald.org.im](mailto:library@tynewald.org.im)

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

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.

Tel: 01624 685025

Email: [darrin.oldam@gov.im](mailto:darrin.oldam@gov.im)

## In this issue:

**SD2020/0089** replaces reference to age 65 with that of pensionable age appearing in provisions in the Jobseeker's Allowance Regulations 1996 relating to the mobility premium to reflect the fact that a person's state pension age may now be above age 65.

**SD2020/0207** temporarily removes provision in the Social Security Contributions and Benefits Act 1992 under which, subject to regulations, a person is not entitled to certain social security benefits if they are "a person subject to immigration control". Those benefits include: income support, employed person's allowance and child benefit.

**SD2020/0208** temporarily removes provision in the Jobseekers Act 1995 in relation to persons subject to immigration control and "waiting days".

**SD2020/0209** temporarily removes provision in the Jobseeker's Allowance Regulations 1996 in relation to the number of waiting days at the start of a jobseeking period and the cases in which waiting days don't apply. It also removes provision relating to persons subject to immigration control consequentially on changes made by other legislation.



Isle of Man  
Government  
*Reillys Ellan Vannin*

The Treasury  
*Yn Tashtey*

**SD2020/0287** amends the Social Security Contributions and Benefits Act 1992. The amendments relate to Manx earnings replacement allowance ("MERA"). In particular, it provides for MERA to continue to be paid to a person who has returned to remunerative employment for 2 weeks from the date they start work and makes additional provision for people who have been on maternity leave or adoption leave to help them meet the "Normally working" condition.

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**SD2020/0292** further amends the Social Security Contributions and Benefits Act 1992. The amendments also relate to Manx earnings replacement allowance ("MERA"). In particular, it extends the lifespan of MERA by 12 weeks (i.e., to 20 September 2020) and allows individuals who have received a Coronavirus Business Support Grant, who are currently ineligible for MERA, to become eligible to claim from 1 June.

### **Social Security Legislation (Benefits) (Application) (Amendment) (No. 2) Order 2020** SD2020/0089

This Order amends the Jobseeker's Allowance Regulations 1996 as they have effect in the Island.

Section 75 of the Social Security Contributions and Benefits Act 1992 (as it has effect in the Island) used to provide that, unless regulations provided otherwise, disability living allowance (care or mobility component) was not payable to a person after they had reached age 65 unless it was awarded to them before then. But changes were made to that Act to reflect the fact that since December 2018 a person's state pension age can be more than age 65.

This Order replaces reference to age 65 with that of pensionable age appearing in provisions in the Jobseeker's Allowance Regulations 1996 relating to the mobility premium to reflect the fact that a person's state pension age may be above age 65.

### **Social Security Contributions and Benefits Act 1992 (Application) (Amendment) (No. 5) Order 2020** SD2020/0207

This Order amends the Social Security Contributions and Benefits Act 1992 as it has effect in the Island. It came into operation on 9 April and ceases to have effect 26 weeks from that date.

It removes provision in that Act under which, subject to regulations, a person is not entitled to certain social security benefits if they are "a person subject to immigration control". Those benefits include: income support, employed person's allowance and child benefit.

The operation of related Regulations is also suspended by the Order.

### **Jobseekers Act 1995 (Application) (Amendment) Order 2020** SD2020/0208

This Order amends the Jobseekers Act 1995 as it has effect in the Island. It came into operation on 9 April and ceases to have effect 26 weeks from that date

It removes provision in that Act under which, subject to regulations –

- a person is not entitled to income-based jobseeker's allowance if they are "a person subject to immigration control"; and
- a person is not entitled to jobseeker's allowance for a number of days specified in regulations at the beginning of any jobseeking period ("waiting days").

## Social Security Legislation (Benefits) (Application) (Amendment) (No. 5) Order 2020 SD2020/0209

This Order amends the Jobseeker's Allowance Regulations 1996 as they have effect in the Island. It came into operation on 9 April and ceases to have effect 26 weeks from that date.

It removes provision in those Regulations specifying –

- that the number of waiting days is 3; and
- the cases in which waiting days don't apply.

It also removes provision relating to persons subject to immigration control consequentially on changes made by other legislation.

## Social Security Contributions and Benefits Act 1992 (Application) (Amendment) (No. 6) Order 2020 SD2020/0287

This Order amends the Social Security Contributions and Benefits Act 1992 as it has effect in the Island. The amendments made relate to Manx earnings replacement allowance ("MERA"). It came into operation on 6 May.

The amendments made -

- (i) enable a person to qualify for MERA for 2 additional weeks ("MERA run-on") after their return to remunerative work following a period of entitlement to MERA ("ordinary MERA");
- (ii) provide for MERA to be payable at a rate of £28.57 for each day comprising part of a benefit week at the end of an award of ordinary MERA and for the purposes of calculating the amount to be paid in a particular benefit week for the MERA run-on;
- (iii) modify the "normally working condition" to be satisfied by a person who is on (or was recently on) maternity or adoption leave when they claim MERA. In such cases the person must have had enough earnings or paid enough National Insurance contributions in the period of 26 weeks falling immediately before either the start of their maternity or adoption leave period or (as is currently the case) the date on which they claim MERA.

The Order also omits redundant provisions.

## Social Security Contributions and Benefits Act 1992 (Application) (Amendment) (No.7) Order 2020 SD2020/0292

This Order further amends the Social Security Contributions and Benefits Act 1992 as it has effect in the Island. The amendments made relate to Manx earnings replacement allowance ("MERA"). It comes into operation on 1 June 2020.

All residual entitlements to MERA will now end on 20 September 2020, rather than 28 June 2020 as was previously the case.

To qualify for MERA a person must now be **present** in the Island at the time they make their claim (as well as having been ordinarily resident in the Island for at least 13 of the 26 weeks immediately before they make their claim, as is already provided for).

Individuals who have been provided with financial assistance under the Coronavirus Business Support Scheme 2020 will **from 1 June 2020** no longer be excluded from entitlement to MERA.

The 26-week period during which a person must have had enough earnings (employed earners) or paid enough National Insurance contributions (self-employed earners) to qualify for MERA now runs up to 6 April 2020, rather than to the claim date as currently provided for.

The meaning of "claim date" is omitted consequentially.