

Social Security News

Issue 197 June 2022

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@tyrwald.org.im

Website: www.tyrwald.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.

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In this issue:

SD2022/0120 reinstates Part 10B (section 150E) into the Social Security Contributions and Benefits Act 1992. Section 150E provides that, subject to regulations, a person is not entitled to certain social security benefits if they are a "person subject to immigration control".

SD2022/0121 reinstates section 20C into the Jobseekers Act 1995. Section 20C provides that, subject to regulations, a person is not entitled to income-based jobseeker's allowance if they are a "person subject to immigration control".

SD2022/0122 provides that a person may provide evidence of their incapacity for work by way of a "self-certificate" for a spell of incapacity for work lasting less than 15 days and for the first 14 days of a longer spell of incapacity for work.

SD2022/0160 provides for the payment of energy support payments and variable rate energy support payments.



Isle of Man
Government
Reilrys Eilan Vannin

The Treasury

Social Security Contributions and Benefits Act 1992 (Application) (Amendment) (No. 2) Order 2022

SD2022/0120

This Order amends the Order which applied the Social Security Contributions and Benefits Act 1992 (of Parliament) to the Island ("the Contributions and Benefits Act"), subject to the exceptions, adaptations and modifications specified in that Order.

It reinstates Part 10B (section 150E) into the Contributions and Benefits Act. Section 150E provides that, subject to regulations, a person is not entitled to certain social security benefits if they are a "person subject to immigration control".

Jobseekers Act 1995 (Application) (Amendment) Order 2022

SD2022/0121

This Order amends the Order which applied the Jobseekers Act 1995 (of Parliament) to the Island ("the Jobseekers Act"), subject to the exceptions, adaptations and modifications specified in that Order.

It reinstates section 20C into the Jobseekers Act. Section 20C provides that, subject to regulations, a person is not entitled to income-based jobseeker's allowance if they are a "person subject to immigration control".

Social Security Legislation (Benefits) (Application) (Amendment) (No. 3) Order 2022

SD2022/0122

This Order amends the Social Security (Medical Evidence) Regulations 1976 as they are applied to the Island. The amendments relate to the form of evidence of a person's incapacity for work which a person who has claimed a benefit – entitlement to which depends on the person being incapable of work – must provide.

The amendments provide that the person may provide such evidence by way of a "self-certificate" for a spell of incapacity for work lasting less than 15 days (rather than 22 days currently) and for the first 14 days of a longer spell of incapacity for work (rather than the first 21 days currently).

The amendments have had effect since 1 April 2022.

Social Security Legislation (Benefits) (Application) (Amendment) (No. 4) Order 2022

SD2022/0160

This Order amends the Order which applied the Social Security Contributions and Benefits Act 1992 (of Parliament) to the Island, and other legislation consequentially.

New Part XC is inserted into that Act as it is applied to the Island. Part XC provides for the payment of energy support payments and variable rate energy support payments.

Part XC includes provision specifying the qualifying conditions for each payment, the circumstances in which those conditions are met and the amount of each payment.

Energy support payments

To be eligible for an energy support payment a person must be entitled to an income-related benefit in respect of a period which includes 4 April 2022 and have been continuously entitled to an income-related benefit for the period from 7 March 2022 to 3 April 2022. Also, they or their partner must in respect of 4 April 2022 be responsible for housing costs, or can be treated as such. The income related benefits are: income support, employed person's allowance and income-based jobseeker's allowance.

A person may be treated as responsible for housing costs if they are severely disabled, caring for a severely disabled person who lives with them or responsible for paying the heating bills for their home.

The amount of an energy support payment is normally £300, however this amount will be pro-rated where a person shares responsibility for housing costs with another person who is not their partner.

Payments will be made to qualifying persons automatically; claims aren't required.

Variable rate energy support payments

A variable rate energy support payment is payable to –

- A. persons who were awarded a variable rate winter bonus earlier this year; and
- B. persons who were not awarded a variable rate winter bonus earlier this year but whose income during the week commencing 11 April 2022 is not more than £75.00 above their applicable amount for income support

who don't qualify for an energy support payment, provided they or their partner are responsible for the payment of housing costs, or can be treated as such, in respect of the week commencing 11 April 2022.

In respect of cohort A above payments will be made to them automatically; claims aren't required. The amount of the variable rate energy support payment is 3 times the amount of the variable rate winter bonus they got earlier this year and is worth either £75, £150 or £225

In respect of cohort B above a person must make a claim for a variable rate energy support payment before 11 July 2022. The amount they may get depends on by how much their income in the week commencing 11 April 2022 exceeds their applicable amount for income support. Their income will be assessed under the provisions of the income support regulations. A variable rate energy support payment is worth either £75, £150 or £225 according to a claimant's income and circumstances, though the amount which would otherwise be payable will be pro-rated if the claimant shares responsibility for housing costs with another person who is not their partner.

Administration, etc.

This Order also amends other social security legislation to insert provision relating to the administration, etc. of the energy support payments and to provide that they are to be paid out of general revenue.

Provision is also made to treat a claim for a variable rate energy support payment as a claim for income support (and *vice versa*) and to disregard energy support payments for income-related benefits purposes.