



SOCIAL SECURITY LEGISLATION (BENEFITS) (APPLICATION) ORDER 2023

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Statutory Document No. 2023/0032



Social Security Act 2000

SOCIAL SECURITY LEGISLATION (BENEFITS) (APPLICATION) ORDER 2023¹

*Approved by Tynwald: 25 April 2023
Coming into operation in accordance with article 2*

The Treasury makes the following Order under section 1 of the Social Security Act 2000.

1 Title

This Order is the Social Security Legislation (Benefits) (Application) Order 2023.

2 Commencement

This Order comes into operation on the day after it is made¹.

3 Interpretation

- (1) In this Order “**the applied legislation**” means —
- (a) the Social Security (Industrial Injuries) (Prescribed Diseases) Amendment Regulations 2022²;
 - (b) the Social Security Revaluation of Earnings Factors Order 2022³; and
 - (c) the Social Security (Habitual Residence and Past Presence) (Amendment) (No. 2) Regulations 2022⁴.
- (2) Unless the context otherwise requires —
- (a) a reference in the applied legislation to any provision in an instrument of a legislative character which is not itself a provision of any of the applied legislation shall be construed as if the provision so referred to had been in force in the Island from the

¹ Under section 2(1) of the Social Security Act 2000 an order under section 1(1) or (6) of that Act shall be laid before Tynwald as soon as may be after it is made and unless it is approved by Tynwald at the sitting at which it is laid or the next following sitting, it shall cease to have effect, but without prejudice to anything done under it or to the making of a new order.

² SI 2022/214.

³ SI 2022/216.

⁴ SI 2022/990.

date on which that instrument of a legislative character had effect in Great Britain; and

- (b) a reference in any legislation applied by this Order to any provision of any such legislation or of any other legislation applied to the Island by an order under section 1 of the Social Security Act 2000 or section 1 of the Pension Schemes Act 1995, shall be construed as a reference to that legislation as it has effect in the Island.

4 Effect

Each provision of the applied legislation, incorporating the exceptions, adaptations and modifications subject to which it applies to the Island, is deemed to have had effect from the date from which that provision had effect in Great Britain⁵.

5 Application to the Island of the applied legislation

- (1) The applied legislation, incorporating the exceptions, adaptations and modifications subject to which it applies to the Island, is set out in the Schedules and applies to the Island as part of the law of the Island.
- (2) The applied legislation mentioned in —
 - (a) article 3(1)(a) is set out in Schedule 1;
 - (b) article 3(1)(b) is set out in Schedule 2; and
 - (c) article 3(1)(c) is set out in Schedule 3.

MADE 25TH JANUARY 2023

⁵ Under section 1(3) of the Social Security Act 2000 any provision of an order under section 1(1) of that Act may be made retrospective and be deemed to have had effect from such day or days specified in the order, not being earlier than the date from which the corresponding legislation had effect in the United Kingdom.

SCHEDULE 1

[Article 5(2)(a)]

This Schedule sets out the text of the Social Security (Industrial Injuries) (Prescribed Diseases) Amendment Regulations 2022 (SI 2022/214) as applied by this Order, with such exceptions, adaptations and modifications made where necessary, which appear in ***bold italic*** type.

STATUTORY INSTRUMENTS

2022 No. 214**SOCIAL SECURITY****The Social Security (Industrial Injuries) (Prescribed Diseases) Amendment Regulations 2022**

Made - - - - *3rd March 2022*

Laid before Parliament *7th March 2022*

Coming into force *28th March 2022*

The Secretary of State for Work and Pensions, after reference to the Industrial Injuries Advisory Council, makes the following Regulations in exercise of the powers conferred by sections 108(1) and (2), 109(2) and (3)(a), 122 and 175(1) and (3) to (5) of the Social Security Contributions and Benefits Act 1992.

The Secretary of State is satisfied of the matters to which section 108(2)(a) and (b) of that Act refer.

1. Citation [...]

(1) These regulations may be cited as the Social Security (Industrial Injuries) (Prescribed Diseases) Amendment Regulations 2022 [...].

(2) *Omitted.*

2. Amendment of the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations 1985

(1) The Social Security (Industrial Injuries) (Prescribed Diseases) Regulations 1985⁶ are amended as follows.

⁶ S.I. 1985/967 (see GC361/86), amended by S.I. 2019/1241 (see SD2020/0091); there are other amending instruments, but none is relevant.

(2) In Part 1 of Schedule 1 (list of prescribed diseases and the occupations for which they are prescribed), in the column headed “prescribed disease or injury” at entry A15 —

- (a) omit “resulting in fixed flexion deformity of one or more inter-phalangeal joints of one or more of the digits”; and
- (b) after “hand” insert —
 - “involving —
 - (i) fixed flexion deformity of one or more metacarpophalangeal joints greater than 45 degrees that developed during the period or periods set out in the second column in relation to this paragraph; or
 - (ii) fixed flexion deformity of one or more interphalangeal joints that developed during the period or periods set out in the second column in relation to this paragraph; or
 - (iii) fixed flexion deformity of one or more metacarpophalangeal joints greater than 45 degrees that developed after the period or periods in the second column in relation to this paragraph if there is evidence of the onset of metacarpophalangeal joint involvement or palmar changes (nodules or thickening) during that period or periods; or
 - (iv) fixed flexion deformity of one or more interphalangeal joints that developed after the period or periods set out in the second column in relation to this paragraph if there is evidence of the onset of metacarpophalangeal joint involvement or palmar changes (nodules or thickening) during that period or periods.”.

(3) In Part 1 of Schedule 1 (list of prescribed diseases and the occupations for which they are prescribed), in the column headed “occupation” at entry A15 —

- (a) after “years;” insert “and”;
- (b) after “week” for “; and” substitute “.”; and
- (c) omit paragraph (c).

Signed by authority of the Secretary of State for Work and Pensions

Chloe Smith
Minister of State

3rd March 2022

Department of Work and Pensions

SCHEDULE 2

[Article 5(2)(b)]

This Schedule sets out the text of the Social Security Revaluation of Earnings Factors Order 2022 (SI 2022/216) as applied by this Order, with such exceptions, adaptations and modifications made where necessary, which appear in *bold italic* type.

STATUTORY INSTRUMENTS

2022 No. 216**SOCIAL SECURITY****The Social Security Revaluation of Earnings Factors Order 2022***Made* - - - - *3rd March 2022**Laid before Parliament* - - *7th March 2022**Coming into force* *6th April 2022*

In accordance with section 148(2) of the Social Security Administration Act 1992, the Secretary of State for Work and Pensions has reviewed the general level of earnings obtaining in Great Britain.

The Secretary of State has concluded, having regard to earlier orders made under section 148 of that Act, that earnings factors for the relevant tax years have not, during the period taken into account for that review, maintained their value in relation to the general level of earnings.

Accordingly, the Secretary of State makes this Order in exercise of the powers conferred by sections 148(3) and (4) and 189(4) and (5) of the Social Security Administration Act 1992.

1. Citation [...]

(1) This Order may be cited as the Social Security Revaluation of Earnings Factors Order 2022 [...].

(2) *Omitted.*

2. Revaluation of earnings factors

Earnings factors for the tax years specified in the Schedule to this Order in so far as they are relevant —

(a) to the calculation of —

(i) the additional pension in the rate of any long-term benefit; or

- (ii) any guaranteed minimum pension⁷; or
- (b) to any other calculation required under Part 3 of the Pension Schemes Act 1993⁸ (including that Part as modified by or under any other enactment),

are directed to be increased by the percentage of their amount shown opposite those tax years in that Schedule.

3. Rounding of fractional amounts

Where any earnings factor relevant to the calculation specified in article 2(a)(i), as increased in accordance with this Order, would not but for this article be expressed as a whole number of pounds, it is to be so expressed by rounding down any fraction of a pound less than one half and rounding up any other fraction of a pound.

Signed by authority of the Secretary of State for Work and Pensions

David Rutley
Parliamentary Under Secretary of State

3rd March 2022

Department for Work and Pensions

⁷ Earnings factors for any year after 1996-1997 are not relevant to the calculation of any guaranteed minimum pension: section 14(8) of the Pension Schemes Act 1993 (see SD531/95) as amended by paragraph 27(b) of Schedule 5 to the Pensions Act 1995 (see SD501/97).

⁸ 1993 c. 48. (see SD531/95).

Schedule - Percentage increase of earnings factors for specified tax years

Article 2

<i>Tax year</i>	<i>Percentage increase</i>
1978-1979	955.7
1979-1980	831.7
1980-1981	678.4
1981-1982	551.9
1982-1983	492.1
1983-1984	449.8
1984-1985	409.1
1985-1986	377.5
1986-1987	338.5
1987-1988	308.3
1988-1989	275.6
1989-1990	239.0
1990-1991	215.9
1991-1992	187.0
1992-1993	169.4
1993-1994	156.6
1994-1995	148.9
1995-1996	138.4
1996-1997	131.9
1997-1998	120.9
1998-1999	111.2
1999-2000	102.6
2000-2001	90.6
2001-2002	83.3
2002-2003	75.7
2003-2004	69.6
2004-2005	63.4
2005-2006	57.0
2006-2007	51.8
2007-2008	45.9
2008-2009	40.0

2009-2010	35.8
2010-2011	34.2
2011-2012	31.1
2012-2013	28.8
2013-2014	26.5
2014-2015	25.4
2015-2016	23.6
2016-2017	21.1
2017-2018	18.1
2018-2019	14.6
2019-2020	11.5
2020-2021	7.2
2021-2022	4.5

SCHEDULE 3

[Article 5(2)(c)]

This Schedule sets out the text of the Social Security (Habitual Residence and Past Presence) (Amendment) (No. 2) Regulations 2022 (SI 2022/990) as applied by this Order, with such exceptions, adaptations and modifications made where necessary, which appear in ***bold italic*** type.

STATUTORY INSTRUMENTS

2022 No. 990**SOCIAL SECURITY****The Social Security (Habitual Residence and Past Presence) (Amendment)
(No. 2) Regulations 2022**

Made - - - - - 23rd September 2022

Laid before Parliament 27th September 2022

Coming into force 18th October 2022

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 64(1), 70(4), 71(6), 123(1)(a) and (d), 137(2)(a) and 175(3) and (4) of the Social Security Contributions and Benefits Act 1992, sections 36(2) and (4)(a) of, and paragraph 11(2) of Schedule 1 to, the Jobseekers Act 1995, section 1(5)(a) of the State Pension Credit Act 2002, section 25(2), (3) and (5)(a) of, and paragraph 5 of Schedule 2 to, the Welfare Reform Act 2007 and sections 4(5)(a), 42(2) and (3)(a), 77(3), 92(1) and 94(2) and (3)(a) of the Welfare Reform Act 2012.

In accordance with section 173(1)(b) of the Social Security Administration Act 1992 (“the Administration Act”), the Social Security Advisory Committee has agreed that the proposals in respect of these Regulations should not be referred to it.

In so far as Part 2 of these Regulations relates to housing benefit, the Secretary of State has consulted, in accordance with section 176(1)(a) of the Administration Act, with organisations appearing to the Secretary of State to be representative of the authorities concerned.

Part 1 - Preliminary**1. Citation [...]**

(1) These Regulations may be cited as the Social Security (Habitual Residence and Past Presence) (Amendment) (No. 2) Regulations 2022 [...].

(2) to (4) *Omitted.*

Part 2 - Amendments to benefit legislation extending to England and Wales and Scotland

2. Amendment of income-related benefit legislation (*Omitted*)

Part 3 - Amendments to benefit legislation [...]

3. Amendments to disability and carers benefit legislation

(1) In the provisions specified in paragraph (2)—

- (a) *omitted*.
- (b) in paragraph (*IZA*)—
 - (i) for “or a right” substitute “, a right”;
 - (ii) after “*Act*” insert “or does not require leave to enter or remain in the *Isle of Man* in accordance with section 3ZA of that Act,”.

(2) Those provisions are—

- (a) regulation 9C of the Social Security (Invalid Care Allowance) Regulations 1976⁹;
- (b) regulation 2C of the Social Security (Attendance Allowance) Regulations 1991¹⁰;
and
- (c) regulation 2C of the Social Security (Disability Living Allowance) Regulations 1991¹¹. [...]
- (d) *omitted*.

Part 4 - Amendments to the Social Security (Habitual Residence and Past Presence) (Amendment) Regulations 2022

4. (*Omitted*).

Signed by authority of the Secretary of State for Work and Pensions

Victoria Prentis
Minister of State

23rd September 2022

Department for Work and Pensions

⁹ S.I. 1976/409 (see GC187/77). Regulation 9C was inserted by S.I. 2017/1015 (see SD2020/0487) and amended by SI 2022/344 (see SD2022/0203).

¹⁰ S.I. 1991/2740 (see SD363/93). Regulation 2C was inserted by S.I. 2017/1015 (see SD2020/0487) and amended by SI 2022/344 (see SD2022/0203).

¹¹ S.I. 1991/2890 (see GC129/92). Regulation 2C was inserted by S.I. 2017/1015 (see SD2020/0487) and amended by SI 2022/344 (see SD2022/0203).

ENDNOTES

Table of Endnote References

¹ The format of this legislation has been changed as provided for under section 75 of, and paragraph 2 of Schedule 1 to, the Legislation Act 2015. The changes have been approved by the Attorney General after consultation with the Clerk of Tynwald as required by section 76 of the Legislation Act 2015.