ST HELENA

REVISED EDITION OF THE LAWS, 2017

FAMILY, EDUCATION AND WELFARE

SOCIAL SECURITY ORDINANCE, 2010[1]

Ordinance 10 of 2010
In force 1 April 2011

Amended by Ordinance 3 of 2011, 10 of 2015, 13 of 2021[2]

Subsidiary legislation:
SOCIAL SECURITY REGULATIONS, 2011 *Page 10*
Legal Notice 3 of 2011
Amended by L.N. 12/2012, L.N. 37/2012, L.N. 39/2012, L.N. 30 /2013, L.N. 43/2013, L.N. 5/2015, L.N. 23/2015, L.N. 25/2015, L.N. 3/2016, L.N. 9/2017, L.N.19/2017, L.N. 21/2017, L.N. 17/2018, L.N. 21/2018 L.N. 13/2019, L.N. 23/2019, L.N. 14/2020, L.N. 25/2020, L.N. 13/2021, L.N. 5/2022, L.N. 19/2022, L.N. 13/2025, L.N. 19/2026

SOCIAL SECURITY ORDINANCE, 2010

ARRANGEMENT OF SECTIONS

PART I
PRELIMINARY

1. Short title and commencement
2. Interpretation
3. Appointment of adjudication officer

PART II
BASIC ISLAND PENSION

4. Entitlement to Basic Island Pension
5. Determination of qualifying years
6. Application and determination of benefit
7. Withdrawal or adjustment of entitlement to benefit

PART III
INCOME RELATED BENEFITS

8. Income Related Benefit
9. Application and determination of benefit
9A. Job readiness
10. Withdrawal or adjustment of entitlement to benefit

PART IV

[1] *Under section 10 of the Revised Edition of the Laws Ordinance, 1999 this text is authoritative and is the sole authentic edition in respect of the law contained in it as at 1 September 2022.*
[2] *In force 1 October 2021 (See L.N. 12 of 2021). Includes transitional measure.*

INFORMATION AND RECOVERY

11. Duty to provide information
12. Confidentiality provisions
13. Recovery of amounts incorrectly paid
14. Review and appeal

PART V
MISCELLANEOUS

15. Offences and penalties
16. Payment of benefits from Consolidated Fund
17. Regulations
Schedule: Categories of Job Readiness

AN ORDINANCE to provide for a Basic Island Pension and for Income Related Benefits and for connected and incidental matters.

PART I
PRELIMINARY

Short title and commencement

1. This Ordinance may be cited as the Social Security Ordinance, 2010, and comes into force on 1st April 2011.

Interpretation

2. In this Ordinance, unless the context otherwise requires—

"adjudication officer" means a person appointed as such under section 3;

"adult" means a person over the age of 18 years, but includes a person over the age of 16 years who is no longer in full time education;

"better life allowance"[3] means the allowance paid by the Government of St Helena to a person who is assessed as disabled in the manner provided by the department of the Government of St Helena charged with responsibility for the assessment of a disability in respect of a person;

"carer's allowance"[4] means the allowance paid by the Government of St Helena to a person who cares for a person—

(a) who is assessed in the manner provided by the department of the Government of St Helena charged with responsibility for the assessment of physical or mental impairment or a long-term health condition; or

(b) who, in the manner specified by the department of the Government of St Helena charged with responsibility for the assessment of a physical or mental impairment or a long-term health condition in a person, satisfies the abovementioned department that the person has a physical or mental impairment or a long-term health condition;

"child"[5] means a person who is not an adult;

"claimant"[6] in the Schedule means a person in receipt of an income related benefit;

"family"[7] includes—

(a) an adult who has no spouse, cohabiting partner or life partner or child;

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[3] *Definition of "better life allowance" inserted by Ord. 13 of 2021*
[4] *Definition of "carer's allowance" inserted by Ord. 13 of 2021*
[5] *Definition of "child" inserted by Ord. 13 of 2021*
[6] *Definition of "claimant" inserted by Ord. 13 of 2021*
[7] *Definition of "family" inserted by Ord. 13 of 2021*

(b) an adult and the spouse, cohabiting partner or life partner of the adult;

(c) an adult and the spouse, cohabiting partner or life partner of the adult and a dependent child of the adult and the spouse, cohabiting partner or life partner of the adult who is under 16 or 18 years of age and who is enrolled in full time education and who as a family unit, reside together in a single dwelling in St Helena; or

(d) an adult who does not have a spouse, cohabiting partner or life partner and a dependent child of the adult who is under 16 or 18 years of age and who is enrolled in full time education who as a family unit, reside together in a single dwelling in St Helena,

and the meaning of the word "member" in relation to family is to be construed accordingly;

"family rate"[8] means the income related benefit rate prescribed in Regulations;

"financial year" means any year commencing on 1st April and ending on 31st March of the following year;

"household"[9] …

"income level"[10] means the income of a family calculated as prescribed in Regulations;

"income related benefit"[11] means the benefit to which a family is entitled which is paid to the family by the Government of St Helena and which is calculated as prescribed in Regulations;

"job readiness"[12] is the description of the circumstances attributable to capability of a person's ability to be employed specified in the Schedule;

"occupational therapy allowance"[13] means an allowance paid by the Government of St Helena to a person who is in supported employment organised by the Government of St Helena;

"physically present in St Helena"[14] applies only to a person in receipt of a Basic Island Pension and in relation to such person, means being present on the island with the right to live and work in St Helena, and in determining such presence, there is not be taken into account any period during which the person is off the island—

(a) for less than 90 days at any one time; or

(b) for purposes of undergoing overseas medical referral, authorised and arranged by the Government of St Helena;

"pension"[15] includes a pension paid by the Government of St Helena or any other Government or employer or private pension scheme;

"qualifying years" has the meaning assigned to it in section 5.

Appointment of adjudication officer

3.[16] **(1)** An adjudication officer is required to perform the functions necessary or desirable for the administration of this Ordinance and must be appointed by the Governor in writing.

(2) An appointment made under subsection (1) must be published by Notice in the Gazette.

PART II
BASIC ISLAND PENSION

[8] *Definition of "family rate" inserted by Ord. 13 of 2021*
[9] *Definition of "household" deleted by Ord. 13 of 2021*
[10] *Definition of "income level" inserted by Ord. 13 of 2021*
[11] *Definition of "income related benefit" inserted by Ord. 13 of 2021*
[12] *Definition of "job readiness" inserted by Ord. 13 of 2021*
[13] *Definition of "occupational therapy allowance" inserted by Ord. 13 of 2021*
[14] *Definition of "physically present in St Helena" amended by Ord. 13 of 2021*
[15] *Definition of "pension" inserted by Ord. 13 of 2021*
[16] *Section 3 substituted by Ord. 13 of 2021*

Entitlement to Basic Island Pension

4. **(1)** Every individual to whom this subsection applies is, subject to section 7, entitled to a benefit, to be known as a Basic Island Pension, in an amount determined in accordance with regulations made under section 17.

(2) Subsection (1) applies to any individual who—
(a) is aged 65 years or older;
(b) is physically present in St Helena; and
(c) has completed at least 20 qualifying years in St Helena, as described in section 5.

Determination of qualifying years

5. **(1)** For purposes of section 4, a qualifying year in relation to an individual means any financial year during which the individual—
(a) was over the age of 15 years;
(b) was physically present in St Helena for a period exceeding (or 2 or more periods exceeding, in aggregate) 6 months in such year; and
(c) for the whole year—
(i) was engaged in employment (including self-employment) in St Helena and (in the case of self-employment) filed a tax return in respect of that year;
(ii) worked on a family farm or in a family business, regardless of whether or not the person was paid for such work;
(iii) had a child under the age of 5 years or was caring for his or her disabled child; or
(iv) was in receipt of a disability pension or carer's allowance paid by the Government of St Helena, or, had the current rules for payment of such disability pension or carer's allowance applied at the time, would have been entitled to such a pension or allowance.

(2) For the purposes of subsection (1), a person is to be treated as physically present in St Helena, and engaged in employment in St Helena, at any time when the person was ordinarily resident in St Helena and was employed as a member of the crew of the ***RMS St Helena***.

Application and determination of benefit

6. **(1)** A person who believes he or she is or may become entitled to a Basic Island Pension under this Part may apply in the prescribed form to an adjudication officer for payment of such benefit.

(2) The adjudication officer must consider any such application and may for this purpose conduct an investigation and request additional information.

(3) If the adjudication officer is satisfied that section 4(1) applies to the applicant, the adjudication officer must provide the applicant with a written notification of award setting out the amount of the Basic Island Pension to which the applicant is entitled.

(4) If the adjudication officer determines that—
(a) an applicant is not entitled to the Basic Island Pension; or
(b) the applicant has failed or refuses to give written authority to the adjudication officer to obtain any information under section 11(1),
the adjudication officer must inform the applicant in writing, set out the reasons for the determination and notify the applicant of the right of appeal under section 14.

Withdrawal or adjustment of entitlement to benefit

7. (1) An adjudication officer may withdraw or adjust the payment of any Basic Island Pension if the officer becomes aware (whether by notice under section 11 or otherwise) that the circumstances on which the individual's entitlement to such pension, or the amount of it, is based is incorrect or has changed.

(2) An adjudication officer may suspend payment of any Basic Island Pension to an individual if the individual fails to provide any information requested by the adjudication officer.

(3) If an individual who is entitled to the Basic Island Pension ceases to be physically present on St Helena as required by section 4(2)*(b)*, the entitlement ceases with effect from the date that the person has been absent from St Helena for a continuous period of 90 days or more.

(4) An individual's entitlement to the Basic Island Pension ceases with immediate effect if the individual is convicted of an offence and is sentenced to immediate imprisonment for a period exceeding 30 days.

PART III
INCOME RELATED BENEFITS

Income Related Benefit

8.[17] **(1)** Every family on St Helena to which this subsection applies is entitled to a benefit, to be known as an Income Related Benefit, in an amount determined in accordance with regulations made under section 17.

(2) A family is entitled to the payment of an income related benefit and an application may be made for such benefit in the manner prescribed if—

(a) the income level of the family at the time that the application for an income related benefit is made is less than the family rate for that period;

(b) an adult member of the family is—

(i) registered in the prescribed manner as unemployed;

(ii) receiving a better life allowance, occupational therapy allowance, or carer's allowance;

(iii) the carer of—

(aa) a child who is under 5 years of age;

(bb) more than 1 child under 5 years of age; or

(cc) a disabled child who is the child of a member of the family;

(iv) 65 years of age or older; or

(v) employed in St Helena.

(3) For the purpose of subsection (1)*(b)*(iii)—

(a) only 1 person may at any time is considered to be the carer of a child of a family; and

(b) if the children of the same parents reside with the parents in the same family then only 1 of the parents is considered to be the carer of the children of the family.

Application and determination of benefit

[17] *Section 8 amended by Ord. 13 of 2021*

9.[18] **(1)** Subsect to subsection (2) an application may be made in the prescribed form to an adjudication officer for receipt of an income related benefit by a person who is a member of a family which is entitled to receive the income related benefit.

(2) A person making an application pursuant to subsection (1)—

(a) must be an adult;

(b) at the time that the application is made, must be residing with the family on whose behalf the application is made; and

(c) must in writing in the manner specified by an adjudication officer authorise an adjudication officer to be provided with any information required by the adjudication officer in respect of an application for an income related benefit which is necessary for the determination of such application regarding the entitlement of a family to an income related benefit and to the amount to be paid to the family in respect thereof.

(3) The receipt of an income related benefit must not be approved by an adjudication officer if at the time an application is made pursuant to subsection (1) the receipt of the income related benefit for the family in respect of which the application is made is already approved for the same period for which the application is made.

(4) An adjudication officer may cause an investigation to be conducted in respect of any application made pursuant to this section and may request additional information that is relevant to an application and necessary for the consideration of the application.

(5) Where an application for an income related benefit is approved, an adjudication officer—

(a) must cause the person who made the application for the income related benefit to be notified of the approval for the payment of the income related benefit in writing and the notification must specify the details of the disbursement of the funds to be paid in respect of the approval; and

(b) may, in the discretion of the adjudication officer, decide that the funds to be advanced to the family in respect of which the application for the income related benefit was made, be paid to a person who is a member of the family but who is not the person who submitted the application for the income related benefit and may require the person to whom the benefit is to be paid on behalf of the family to submit any administrative paperwork necessary to facilitate the processing for the benefit approved.

(6) Where an application for an income related benefit is refused, the adjudication officer who considered the application for the income related benefit must, in writing, cause the person who made the application for the income related benefit to be notified of the reasons why the application was refused and that an appeal may be made in respect of the refusal.

(7) An income related benefit may be paid to a person absent from the person's employment only in the following circumstances—

(a) self-certified absence due to the ill-health of the person for a maximum of 3 days at a time and a maximum of 6 days over the course of 1 year; or

(b) a period of absence longer than that specified in paragraph (a) due to the ill-health of the person where the person has the written instruction of a medical practitioner to take sick leave from employment; or

(c) for a maximum of ten days compassionate leave.

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[18] *Section 9 substituted by Ord. 13 of 2021*

(8) The number of days for which an income benefit will be paid in accordance with subsection (7) will be determined by the adjudication officer in the discretion of the adjudication officer who must exercise reasonable judgement after considering the circumstances of the person to whom the income related benefit is to be paid.

(9) A person to whom a benefit is paid on behalf of a family is the person referred to in section 10*(a)*, 11(2), 13, 14 and 15 as the person entitled to the benefit or entitled to the payment of a benefit.

Job readiness

9A.[19] **(1)** An adult member of a family will be categorized for job readiness pursuant to the Schedule as follows—

(a) a person in category 1 must actively be seeking employment;

(b) a person in category 2 must provide evidence of a medical assessment that the person's temporary situation prevents the person from actively participating in employment and the medical assessment must include a date from which the person may be expected to commence seeking active participation in employment and at such time the person may be re-categorised pursuant to paragraph *(a)*;

(c) a person in category 3 is not considered to be actively seeking employment; and

(d) a person in category 4 is employed but falls below the family rate.

(2) A person specified in subsection (1)(b)—

(a) who is undertaking a course of unpaid training for employment or unpaid employment experience is entitled to the payment of an income related benefit; and

(b) who is in paid training for employment or paid employment experience is entitled to the payment of an income related benefit for such period as is prescribed in Regulations.

Withdrawal or adjustment of entitlement to benefit

10. An adjudication officer may—

(a) withdraw or adjust the payment of any Income Related Benefit if the officer becomes aware (whether by notice under section 11 or otherwise) that the circumstances on which the applicant's entitlement to such benefit, or the amount of it, is based is incorrect or has changed; or

(b) withdraw the payment of any Income Related Benefit to an applicant if a separate application for the Income Related Benefit has been approved in respect of the same household as provided for in section 9(6).

PART IV
INFORMATION AND RECOVERY

Duty to provide information

11. (1) A person who applies for any benefit under this Ordinance must provide written authority to the adjudication officer to obtain any information required to determine the entitlement to such benefit or the amount of it.

(2) A person who is or becomes entitled to the payment of any benefit must notify the adjudication officer of any change in circumstance which might affect the entitlement to such benefit or the amount of it.

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[19] *Section 9A inserted by Ord. 13 of 2021*

Confidentiality provisions

12. No person may divulge any personal information of an applicant or any information relating to a household which was provided in respect of an application under this Ordinance, except—

(a) to a person who requires it in order to perform a function under this Ordinance;
(b) when required to do so by law or by an order of court;
(c) with the consent of the applicant concerned; or
(d) in any other prescribed circumstances.

Recovery of amounts incorrectly paid

13. (1) Any amount overpaid to a person under this Ordinance as a result of incomplete or inaccurate information provided by the person in an application, or due to failure by the person to provide details of any change in circumstances under section 11, is recoverable from the person.

(2) The amount of any payment recoverable under subsection (1) from a person may, without affecting any right of recovery by civil action, be recovered from any future payment of any benefits under this Ordinance to that person, but the amount so deducted from any such future payment for any period must not exceed 5% of the gross amount of benefits payable to the person for that period, before taking into account such deduction.

Review and appeal

14.[20] **(1)** A person who is aggrieved by a decision of an adjudication officer—

(a) to refuse an application for payment of any benefit;
(b) with respect to the rate or amount of entitlement to such benefit; or
(c) to withdraw, adjust or suspend the payment of such benefit,

may, within 14 days of being informed of the adjudication officer's decision, request that the decision be reviewed by the Head of the Department of the St Helena Public Service in which the adjudication officer is employed.

(2) A person who is aggrieved by the decision of the Head of Department under subsection (1), may, within 14 days of being informed of that decision, appeal to the Magistrates' Court against the decision.

PART V
MISCELLANEOUS

Offences and penalties

15. It is an offence for a person to—

(a) make any false representation or provide any false information, knowing it to be false, for the purpose of obtaining any benefit under this Ordinance,
(b) fail to notify an adjudication officer of any change in circumstance which may affect the entitlement to a benefit;
(c) fail to truthfully answer all questions put to the person during an investigation or to provide additional information as requested by an adjudication officer;
(d) accept payment of any benefit while knowing that it is not due to the person.

Penalty: A fine of £5,000 or imprisonment for 2 years, or both.

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[20] *Section 14 corrected by Gazette Notice No. 93 of 31 May 2018*

Payment of benefits from Consolidated Fund

16. The benefits provided for in this Ordinance are to be charged on the Consolidated Fund.

Regulations

17. The Governor in Council may make regulations for the further and better execution of this Ordinance, and without limiting this power, such regulations may provide for—

(a) the calculation of rates of the benefits under this Ordinance;
(b) the dates on which or intervals at which benefits are to be paid;
(c) any forms to be used and procedures to be followed for purposes of this Ordinance;
(d) special transitional benefits to ensure that a person's benefits under this Ordinance are not less than such benefit payable to the person before commencement of this Ordinance;
(e) defining the expressions 'family farm', 'family business', 'disabled child', 'disability pension', 'carer's allowance', and 'registered as unemployed'.

SCHEDULE[21]

Categories of Job Readiness

Category	Job Readiness	Conditions
1	Job ready. No significant barriers to employment exist. Claimant is capable of taking a job immediately.	Claimant must actively seek employment and attend fortnightly meetings with the Benefits Office
2	Not job ready. Some barriers to employment exist (e.g., health issues) that need addressing before a claimant is 100% job ready.	Claimant must be undertaking appropriate activity in order to become job ready.
3	Claimant is permanently unable to be employed; over 65 years of age in receipt of Better Life Allowance or	No conditions attached.

[21] *Schedule inserted by Ord. 13 of 2021*

	Occupational Therapy Allowance or is the carer of one or more children aged under 5 or his or her disabled child.	
4	Claimant is employed but family income is below the IRB family rate.	Claimant must provide evidence of all earnings for the previous 90 days and thereafter every 90 days for re-assessment.

SOCIAL SECURITY ORDINANCE, 2010

SOCIAL SECURITY REGULATIONS, 2011

(Section 17)

TABLE OF CONTENTS

PART I
PRELIMINARY

1. Citation and commencement
2. Interpretation

PART II
BASIC ISLAND PENSION

3. Application for Basic Island Pension
4. Determination of benefit

PART III
INCOME RELATED BENEFIT

5. Application for Income Related Benefit
6. Determination of benefit
7. Household poverty line
8. Household income level

PART IV
PAYMENT OF BENEFITS

9. Payment of benefits

PART V
TRANSITIONAL BENEFITS

10. Special transitional benefits

Schedule: Forms

PART I
PRELIMINARY

Citation and commencement

1. These Regulations may be cited as the Social Security Regulations, 2011, and come into force on 1st April 2011.

Interpretation

2. (1) In these Regulations, unless the context otherwise—

"Benefits Office"[22] means the office within the Treasury, Infrastructure and Sustainable Development Portfolio that is responsible for administering the benefits under the Ordinance;

"child"[23] …

"disabled person"[24] …

"old age pension" means any pension, whether paid by the Government of St Helena or any other government or any employer or private pension provision, which is paid by virtue of old age;

"overseas medical referral"[25] means medical or dental treatment outside of St Helena which has been authorised and arranged by the Government.

(2) The following expressions are defined for purposes of the Ordinance:

"carer's allowance"[26] …

"disabled child"[27] means any child in respect of whom a better life allowance is paid;

"disability pension" means any allowance paid by the Government of St Helena to any person who has a physical or mental impairment or a long-term health condition to provide for the additional needs brought on by such impairment or condition.

PART II
BASIC ISLAND PENSION

Application for Basic Island Pension

3. An individual who wishes to apply for a Basic Island Pension under section 6 of the Ordinance must submit an application, in the form set out in Form A in the Schedule, to an adjudication officer.

Determination of benefit

4.[28] **(1)** The rate of the Basic Island Pension for purposes of determining the entitlement to any benefit under Part II of the Ordinance is £85.00 per week.

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[22] *Definition of "Benefits Office" inserted by L.N. 5 of 2022*
[23] *Definition of "child" repealed by L.N. 13 of 2021*
[24] *Definition of "disabled person" revoked by L.N. 5 of 2022*
[25] *Definition of "overseas medical referral" inserted by L.N. 13 of 2025*
[26] *Definition of "carer's allowance" revoked by L.N. 5 of 2022*
[27] *Definition of "disabled child" inserted by L.N. 5 of 2022*
[28] *Regulation 4(1) amended by L.N. 17 of 2018, L.N. 21 of 2018, L.N. 13 of 2019, L.N. 23 of 2019, L.N. 14 of 2020, L.N. 25 of 2020, L.N. 19 of 2022*

(2) The amount of an individual's entitlement to the Basic Island Pension under section 4 of the Ordinance is, if the total number of the qualifying years recorded by the individual equals or exceeds—

(a) 30 years - 100% of the Basic Island Pension amount as fixed under paragraph (1);

(b) 25 years but ~~is~~ less than 30 years - 75% of such amount;

(c) 20 years but ~~is~~ less than 25 years - 50% of such amount,

reduced by so much of the total amount of any other old age pensions payable to the individual as exceeds £20.

(3)[29] If an individual who is entitled to a Basic Island Pension is, at any time, for a period of more than 42 days admitted to and remains in residential care, where all living costs are met by the care provider, payment to the individual under paragraph (2) will, after that 42 day period, be reduced to £10 per week for so long as that individual remains in residential care, and the balance of their entitlement under paragraph (2) will be payable to the care provider.

(4)[30] If an individual who is entitled to a Basic Island Pension is, at any time, admitted to hospital for medical treatment, the payment to the individual under paragraph (2) will remain unchanged for the duration of their stay in hospital.

PART III
INCOME RELATED BENEFIT

Application for Income Related Benefit

5.[31] **(1)** An applicant who wishes to apply on behalf of a family for an Income Related Benefit under section 9 of the Ordinance must submit an application, in the form set out in Form B in the Schedule, to an adjudication officer.

(2) All income and assets for every adult and child member of the family must be declared (and where possible verified) for the purpose of the application.

(3) All bank statements and statements of stocks and shares from St Helena and overseas, for three months preceding the application must be submitted with the Application Form as evidence of income and cash assets.

Determination of benefit

6.[32] **(1)** The amount of a family's entitlement to an income related benefit must be calculated as the amount (if any) by which the family rate determined under regulation 7(3) exceeds the family income level as determined under regulation 8.

(2) If a person who is a member of a family is at any time in residential care where all living costs are met by the care provider, for a continuous period of more than 42[33] days, the benefit must—

(a) be stopped for the member in residential care; and

(b) a new application be submitted by a member of the family.

(3)[34] If a person who is a member of a family is at any time in hospital in St Helena for a continuous period of more than 42 days, the benefit must be reduced to 30% of the amount

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[29] *Regulation 4(3) substituted by L.N. 13 of 2025*
[30] *Regulation 4(4) inserted by L.N. 13 of 2025*
[31] *Regulation 5 amended by L.N. 13 of 2021*
[32] *Regulation 6 amended by L.N. 13 of 2021 and L.N. 5 of 2022*
[33] *Substituted by L.N. 13 of 2025*
[34] *Regulations 6(3)-6(7) inserted by L.N. 13 of 2025*

payable for that member, such a reduction to continue while the person remains in hospital.

(4) If a person who is a member of a family is at any time on an overseas medical referral, for a continuous period of more than 42 days, the benefit must be reduced to 30% of the amount payable for that member, such a reduction to continue while the person remains on a medical referral overseas.

(5) If a person who is a member of a family, and is in Category 3 of job readiness, is at any time overseas, for any reason other than an overseas medical referral, for a period of more than 30 days the benefit must—

(a) be stopped for the member who is overseas from the 31st day that they are overseas, and

(b) a new application be submitted by a member of the family.

(6) If a person who is a member of a family, and is in Category 1, 2 or 4 of job readiness, is at any time overseas for reasons other than an overseas medical referral, the benefit must—

(a) be stopped for the member who is overseas, and

(b) a new application be submitted by a member of the family.

(7) A person who lives with their parents is to be treated as family separate from their parents if that person—

(a) is aged under 19,

(b) has a dependent child, and

(c) is in full time education provided by SHG.

Family rate

7.[35] **(1)** The rate in respect of every family is to be determined with reference to—

(a) the number of adults in the family;

(b) the number of children in the family; and

(c) the value of the rent or the interest on the loan repayment payable by a member of the family in respect of the dwelling where the family resides.

(d) …

(2) The basic adult rate for purposes of determining the family rate is £75.00 per week.

(3) The rate of a family is to be calculated as the total of the following amounts—

(a) for each adult in the family, the basic adult rate in sub-regulation (2);

(b) for each child in the family—

(i) 40% of the basic adult rate per child for each of the first three children; and

(ii) 30% of the basic adult rate per child for each additional child;

(c) if the dwelling where the family resides constitutes Government Landlord Housing, the full amount of the rental amounts for the relevant week;

(d) if the dwelling where the family resides is rented but does not constitute Government Landlord Housing, so much of such rental amounts for the relevant week as does not exceed £33.36; and

(e) if a loan has been incurred for purposes of purchasing the dwelling where the family resides, the total amount of the interest on the loan which is payable during such week.

(4) A person must not be included in the calculation of the family rate under paragraph (3) if—

(a) the person is aged 18 or under;

[35] *Regulation 7 substituted by L.N. 13 of 2021 and amended by L.N. 5 of 2022 and L.N. 19 of 2022*

(b) the person's total income from sources other than apprenticeship stipend, education grants, carer's allowances, better living allowances and occupational therapy payments from the St Helena Government is equal to or exceeds the basic adult rate referred to in sub-regulation (2); and

(c) that income is disregarded under Item 1 of regulation 8 in calculating the income level of the family.

Shared household deduction

7A.[36] **…**

Family income level

8.[37] The income level of a family is to be calculated as the total of the following amounts as reflected in the second column—

Income	**Taken into account in the calculation**
1. Any income, including earnings, self-employment earnings, apprenticeship stipends, and education grants received by a person aged 18 or under who lives in a family where at least one other member is over the age of 18 years.	Disregarded in full.
2. Carer's allowances, better life allowances and occupational therapy allowances..	Disregarded in full.
2A. Child maintenance payments received in respect of a dependant child in the family.	Disregarded in full
2B.[38] Overseas medical stipend, paid where a person is on an overseas medical referral.	Disregarded in full
2C.[39] Child Benefit payments received by a person from the St Helena Government in accordance with the Child Benefit Policy and Operational Guidelines	
3. Earnings (full or part time, casual, regular or self- employed),	The first £30[40] for each person with earnings shall be disregarded and the remainder taken into account.
4. Pension, any type of pension benefit, including basic island pension, United Kingdom state pension, St Helena Government pension, other employer pension or any personal pension.	Taken into account in full – no disregard
5. Any other income, however received, including *rental income*[41] regular payments from children, children paying for services including electricity, telephone or other	Taken into account in full - no disregard

[36] *Regulation 7A inserted by L.N. 13 of 2021 and revoked by L.N. 5 of 2022*

[37] *Regulation 8 corrected by Gazette Notice No. 93 of 31 May 2018, substituted by L.N. 13 of 2021 and amended by L.N. 5 of 2022*

[38] *Item 2B inserted by L.N. 13 of 2025*

[39] *Item 2C inserted by L.N. 19 of 2026 – in force 1 November 2026*

[40] *Substituted by L.N. 13 of 2025*

[41] *Inserted by L.N. 13 of 2025*

services.	
Assets	
6. All assets including bank accounts, stocks and shares, cash, held either on St Helena or abroad.	Family assets up to a value of £4,000 will be disregarded. Family assets exceeding £4,000 and up to twice the annual minimum wage (based on a 37.5 hour work week) will be treated as if it gives a family a weekly income of £1 for each £250, or part of £250, regardless of whether it does or not. A family with assets exceeding twice the annual minimum wage (based on a 37.5 hour work week) is not eligible for the income related benefit. This will be reviewed annually and adjustments to payments made accordingly. *Compensation received in relation to a personal injury is to be disregarded, provided the compensation is held separately from all other assets.*[42]
7. Money held in a Child's Savings Bond at the Bank of St Helena.	Disregarded until the earlier of when the funds are withdrawn or the owner of the Bond reaches the age of 19 and thereafter taken into account in the total assets under Item 6[43].
8.[44] Immovable property on St Helena or abroad	The dwelling in which the family resides is disregarded. A dwelling owned by a person, in part or in full, will also be disregarded if that person previously resided in that dwelling with his or her spouse or partner, but the person no longer resides in that property due to the breakdown of the relationship and the property being subject of a dispute. The property will be so disregarded until such time as the arrangements with respect to the property have been resolved between the parties, but limited to a period of six months. A dwelling owned by a person, in part or in full, will be disregarded if that person previously resided in that dwelling but he or she has been moved to Government provided

[42] *Inserted by L.N. 13 of 2025*
[43] *Correction made by L.N. 13 of 2025*
[44] *Item 8 substituted by L.N. 13 of 2025*

	supported or sheltered accommodation. The property will be so disregarded until such time as a determination has been made by the Benefits Office as to whether or not the person will return to the property, but limited to a period of six months. A dwelling, owned by a person, in part or in full, will be disregarded if that person previously resided in that dwelling but, due to their ill health or social circumstances, is being cared for in a private residence other than their own home. The property will be so disregarded until such time as determination has been made by the Benefits Office as to whether or not the person will return to the property, but limited to a period of six months. Immovable property, not otherwise disregarded under this regulation will disregarded for a period of six months, starting from the date on which the person's application for Income Related Benefit is approved by the adjudication officer. After six months, the current market value of the property is to be taken into account in the assets under item 6.

Reporting to the Benefits Office and Careers Access St Helena

8A.[45] **(1)** A category 1 claimant is required to report to the Benefits Office every two weeks to report on progress in seeking work with respect to sub-regulation (4) which states under which conditions income related benefit may be withdrawn from a claimant in category 1 of job readiness.

(2) A category 2 claimant who is being supported into work will be placed in appropriate training or work to become job ready and the category 2 claimant is required to report on progress to the Benefits Office every two weeks.

(3) The Benefits Office and Careers Access St Helena will review the progress of each category 1 claimant in seeking work and category 2 claimant undertaking appropriate training or a work placement on a fortnightly basis.

(4) Income related benefit will be withdrawn from a claimant in category 1 of job readiness in the event of:

(a) failing to demonstrate availability for, and actively seeking work;
(b) failing to carry out a direction from Careers Access St Helena;
(c) failing to attend a two weekly progress meeting with the Benefits Office, compulsory training or employment scheme;
(d) failing to accept work that is offered;
(e) leaving work voluntarily (except in the case of voluntary redundancy); or
(f) loosing work due to misconduct.

[45] *Regulation 8A inserted by L.N. 13 of 2021*

(5) Sub-regulation (4) also applies to persons in category 2 of Job Readiness when they have been medically assessed as job ready and move into Category 1.

PART IV
PAYMENT OF BENEFITS

Payment of benefits

9.[46] **(1)** The benefits under these Regulations must be paid weekly and are payable to an applicant with effect from the first week following the later of—

(a) the date on which the application is received by an adjudication officer under regulation 3 or 5; or

(b) the date on which the applicant qualifies for such benefit under section 4 or 9 of the Ordinance, as the case may be.

(2) …

(3) Any change in the entitlement to the benefits or the amount of them takes effect—

(a) in the case of an increase in the amount of such benefit - from the date of the change;

(b) in any other case - from the week following the date of the change.

Payment of transport allowance

9A.[47] A person claiming an income related benefit is entitled to be reimbursed upon arrival to, and receipt of a bus journey to, an arranged appointment with the Health Directorate or the Benefits Office.

PART V[48]
TRANSITIONAL BENEFITS

Special transitional benefits

10. …

SCHEDULE
(Regulations 3 & 5)

FORM A
(Regulation 3)

APPLICATION FOR BASIC ISLAND PENSION
(Section 6 of the Social Security Ordinance, 2010)

For office use only
Social security no:
Date received at:
Initials:

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[46] *Regulation 9 amended by L.N. 13 of 2021*

[47] *Regulation 9A inserted by L.N. 13 of 2021*

[48] *Part V revoked by L.N. 5 of 2022*

Form to be completed in blue or black ink and in block letters

APPLICANT:

Name
Date of birth
Address:
Telephone number:
Fax:
E-mail:

Details of work record for years spent working on the Island from age 15:

From
To
Employer/self employed

Details of years spent on the Island looking after your own child under 5 years of age:
From
To
Name of child
Date of birth

Details of years spent off the Island:
From
To
Place
Reason

Did you at any stage receive a disability pension? Yes/No
If yes, please supply details:
From
To

Would you at any stage have qualified for a disability pension had the current rules for such disability pension applied at the time? Yes/No
If yes, please supply details:
From
To

Did you at any stage receive a carer's allowance? Yes/No
If yes please provide details:
From
To
Name of person receiving care

Would you at any stage have qualified for a carer's allowance had the current rules for such carer's allowance applied at the time? Yes/No
If yes please provide details:
From
To
Name of person receiving care

Please state details of any pension (private or public) received from St Helena or any other country:
Type of pension
Amount
How often
Method of payment

PAYMENT:
Please pay my basic pension into my bank account no :
OR
I would like to be paid by cash:

APPLICATION:

I _____
of _____
hereby apply for a basic pension.

DECLARATION:
(Please read this declaration carefully before you sign and date it)

- I hereby certify the foregoing information given by me is full and correct to the best of my knowledge and belief.
- I agree to report all changes of circumstances as and when they happen.
- I understand that failing to report a change of circumstances could result in an overpayment which i may have to pay back.
- I understand that it is a criminal offence to give incomplete or inaccurate information for the purpose of obtaining a basic pension and is liable to prosecution.

Signature:

Date:

Signed:

Adjudication Officer

Date:

FORM B[49]
APPLICATION FOR INCOME RELATED BENEFIT
(Regulation 5(1))

For office use only	
Social Security no:	
Date received at:	
Initials:	
DETAILS OF APPLICANT *Form to be completed in blue or black ink and in block letters	

[49] *Form B substituted by L.N. 13 of 2021*

Name of applicant:	
Date of birth:	
Address:	
Telephone number:	
Fax:	
E-mail:	
DETAILS OF HOUSING LOAN/ RENTED ACCOMMODATION	
Are you or anyone else in the family repaying a housing loan for the house in which you live?	Yes/No
If yes, please state name of the person repaying the loan and the weekly repayments	Name_____ Weekly repayments _____ Capital £_____Interest £_____
Details of rented accommodation:	Is the family living in rented accommodation? Yes/No If yes, who in the family is paying the rent? Name: What is the total rent paid weekly for the accommodation? £_____ Is the accommodation: Private/Government
DETAILS OF CURRENT MEMBERS OF THE FAMIILY	

<table>
<tr><td colspan="2">Please give details of current members of the family:</td></tr>
<tr><td>Applicant Member 1</td><td>Full name

Date of birth

Employment status

Weekly income

Child maintenance

Pensions
(include source and weekly amounts)

Bank details (accompanied by bank statements for all accounts, St Helena and overseas, for three months preceding the application)
Address and amount

Assets
(properties, shares, land and trust funds)

Other income

Category of Job Readiness. Please tick as appropriate
<table>
<tr><td></td><td>Description</td><td>Tick</td><td>Conditions</td></tr>
<tr><td>Category 1</td><td>Job ready. No significant barriers to work exist. Claimant is capable of taking a job immediately.</td><td></td><td>Claimant must actively seek work</td></tr>
<tr><td>Category 2</td><td>Not job ready. Some barriers to work exist (e.g. health issues) that need addressing before a claimant is 100% job ready.</td><td></td><td>Claimant must be undertaking appropriate activity in order to become job ready.</td></tr>
<tr><td rowspan="6">Category 3</td><td>Claimant is permanently unable to work:</td><td></td><td rowspan="5">No conditions attached.</td></tr>
<tr><td>• In receipt of BLA</td><td></td></tr>
<tr><td>• In receipt of OT</td><td></td></tr>
<tr><td>• In receipt of CA.</td><td></td></tr>
<tr><td>• Carer of one or more children under 5 years or a disabled child</td><td></td></tr>
<tr><td>• Aged 65+</td><td></td><td></td></tr>
<tr><td rowspan="2">Category 4</td><td>Full-time employment</td><td></td><td rowspan="2">Claimant must provide evidence of all earnings for the previous 90 days every 90 days for re-assessment</td></tr>
<tr><td>Part-time employment</td><td></td></tr>
</table>
</td></tr>
</table>

Member 2

Full name

Date of birth

Employment status

Weekly income

Child maintenance

Pensions
(include source and weekly amounts)

Bank details (accompanied by bank statements for all accounts, St Helena and overseas, for three months preceding the application)
Address and amount

Assets
(properties, shares, land and trust funds)

Other income

Category of Job Readiness. Please tick as appropriate

	Description	Tick	Conditions
Category 1	Job ready. No significant barriers to work exist. Claimant is capable of taking a job immediately.		Claimant must actively seek work
Category 2	Not job ready. Some barriers to work exist (e.g. health issues) that need addressing before a claimant is 100% job ready.		Claimant must be undertaking appropriate activity in order to become job ready.
Category 3	Claimant is permanently unable to work:		No conditions attached.
	• In receipt of BLA		
	• In receipt of OT		
	• In receipt of CA.		
	• Carer of one or more children under 5 years or a disabled child		
	• Aged 65+		
Category 4	Full-time employment		Claimant must provide evidence of all earnings for the previous 90 days every 90 days for re-assessment
	Part-time employment		

Please tick this box if you are submitting extra sheets for additional members of the family.

☐
PAYMENT AND DECLARATION
Please pay my income related benefit into my bank account no. _____ OR I would like to be paid by cash
APPLICATION: I _____ of_____ hereby apply for income related benefit.
DECLARATION: *(please read this declaration carefully before you sign and date it)* • I hereby certify the foregoing information given by me to be full and correct. • I agree to report all changes of circumstances as and when they happen. • I understand that failing to report a change of circumstances could result in an over payment which I may have to pay back. • I understand that it is a criminal offence to give incomplete or inaccurate information for the purpose of obtaining an income related benefit and is liable to prosecution

Signature: Date:	Signed: Adjudication Officer

_____