HB 8

Legal Notice No. 5 of 2022

L.S.

ST HELENA

SOCIAL SECURITY ORDINANCE, 2010

SOCIAL SECURITY (AMENDMENT) REGULATIONS, 2022

In exercise of the powers conferred by section 17 of the Social Security Ordinance, 2010, the Governor in Council makes the following Regulations:

Citation, commencement and interpretation

1. **(1)** These Regulations may be cited as the Social Security (Amendment) Regulations, 2022.

(2) These Regulations come into force on 7 April 2022 and apply in respect of any benefit cycle ending on or after that date.

(3) In these Regulations, the "principal Regulations" means the Social Security Regulations, 2011.

Amendment of regulation 2 – Interpretation

2. Regulation 2 of the principal Regulations is amended—

(a) by inserting the following definitions in sub-regulation (1) in the correct alphabetical order:

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

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

(b) by deleting the definitions of "disabled person" and "carer's allowance".

Amendment of regulation 6 - Determination of benefit

3. Regulation 6(1) of the principal Regulations is amended—

(a) by deleting the reference to "regulation 7(1)" and substituting "regulation 7(3);

(b) by deleting the reference to "regulation 7(2)" and substituting "regulation 8".

Amendment of regulation 7 – Family rate

4. Regulation 7 of the principal Regulations is amended—

(a) by adding the word "and" at the end of paragraph *(b)* in sub-regulation (1);

(b) by deleting paragraph *(c)* of sub-regulation (1) and substituting the following:

"*(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."

(c) by deleting paragraph *(d)* of sub-regulation (1);

(d) by deleting the word "payments" in sub-regulation (2) and substituting the word "rate";

(e) by deleting sub-paragraph (3) and substituting the following:

"**(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.";

(f) by deleting the expressions "better live allowances" and "minimum income level" and substituting "better living allowances" and "basic adult rate" respectively.

Revocation of regulation 7A – Shared household deduction

5. Regulation 7A of the principal Regulations is revoked.

Amendment of regulation 8 - Family income level

6. Regulation 8 of the principal Regulations is amended—

(a) by inserting the following item in the table after item 2:

"2A. Child maintenance payments received in respect of a dependant child in the family.	Disregarded in full"

(b) by deleting item 6 in the table and substituting the following:

"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."

(c) by deleting item 8 in the table and substituting the following:

"8. Immovable property on St Helena or abroad	The dwelling in which the family resides is disregarded. The current market value of all other immovable property is taken into account in the total assets under Item 1. 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 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."

Revocation of Part V – Transitional Benefits

7. Part V of the principal Regulations is revoked.

Made by the Governor in Council this 8th day of April 2022.

Philip Rushbrook
Governor

EXPLANATORY NOTE
(*This note is not part of the Regulations*)

These Regulations amend the Social Security Regulations, 2011, to remove the shared household deduction for multi-family households. The regulations insert and amend certain definitions, correct a few cross-references and also clarify the calculation of the family rate.

The provisions relating to the family income level are also amended to disregard child maintenance payments and also increase the family assets that are to be disregarded in the calculation from £3,000 to £4,000. So if a family has £5,300 in assets, £4,000 of it will be disregarded and the other £1,300 will be treated as giving weekly income of £1 for each £250, or part of £250, thus giving £6.00 of deemed income.

A new provision is also inserted to temporarily disregard a dwelling from the calculation of assets if the person previously resided in the dwelling with their spouse or partner but no longer lives there due to the breakdown of the relationship and the property is in dispute, or where a person has been moved to Government provided supported or sheltered accommodation.

These Regulations also revoke the transitional measure which no longer apply.

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