



Jersey

SOCIAL SECURITY (CLAIMS AND PAYMENTS) (JERSEY) ORDER 1974

Official Consolidated Version

This is an official version of consolidated legislation compiled and issued under the authority of the Legislation (Jersey) Law 2021.

26.900.06

Showing the law from 24 November 2020 to Current



Jersey

SOCIAL SECURITY (CLAIMS AND PAYMENTS) (JERSEY) ORDER 1974

Contents

Article

PART 1		5
<hr/>		
GENERAL		5
1	Interpretation	5
2	Obligations of beneficiaries in receipt of benefit to notify change of circumstances	6
3	Claims and notices sent by post.....	6
PART 2		6
<hr/>		
CLAIMS		6
4	Claims to be made in writing to the Minister	6
5	Supply of claim forms	6
6	Claims not on appropriate forms.....	6
7	Information to be given when making a claim for benefit	6
8	Amendment of claim forms	7
9	Withdrawal of claims for long term incapacity allowance	7
10	Interchange with claims for other benefits under the law.....	8
PART 3		8
<hr/>		
PAYMENTS		8
11	Time and manner of payment of benefit	8
12	Time and manner of payment of lump sum benefit	9
13	Time for claiming benefit.....	10
14	Extinguishment of right to sums payable by way of benefit which are not obtained within the prescribed time	11
15	Information to be given when obtaining payment of benefit.....	12
PART 4		12
<hr/>		
MISCELLANEOUS PROVISIONS		12
16	Persons unable to act	12

17	Payments on death.....	13
18	Payment of benefit to third party.....	14
19	Offences.....	14
20	Citation.....	14
SCHEDULE 1		15
BENEFIT CLAIMED AND BENEFIT FOR WHICH THE CLAIM MAY BE TREATED AS A CLAIM IN THE ALTERNATIVE		15
SCHEDULE 2		16
PART 1		16
TABLE OF (A) PRESCRIBED TIMES FOR MAKING A CLAIM FOR BENEFIT AND (B) DISQUALIFICATIONS FOR LATE CLAIM		16
PART 2		19
INCAPACITY BENEFIT		19
1	Hospital in-patients.....	19
2	Claims in advance	19
3	20	
4	Old age pensions.....	20
ENDNOTES		21
Table of Legislation History		21
Table of Renumbered Provisions		22
Table of Endnote References		22



Jersey

SOCIAL SECURITY (CLAIMS AND PAYMENTS) (JERSEY) ORDER 1974¹

THE EMPLOYMENT AND SOCIAL SECURITY COMMITTEE, in pursuance of Articles 29, 36 and 51 of the [Social Security \(Jersey\) Law 1974](#), orders as follows –

Commencement [[see endnotes](#)]

PART 1

GENERAL

1 Interpretation

- (1) In this Order, unless the context otherwise requires –
 - “benefit” means any benefit under the Law;
 - “determining authority” means, as the case may require, the determining officer or the Social Security Tribunal;
 - “instrument of payment” means a serial order or any other instrument which is intended to enable a person to obtain payment of benefit;
 - “Law” means the [Social Security \(Jersey\) Law 1974](#);
 - “serial order” means one of a series of orders, including pension orders, for the payment through the Post Office of a sum on account of benefit which is or has been contained in a book of such orders.²
- (2) For the purposes of the provisions of this Order relating to the making of claims, an increase of benefit in respect of an adult dependant shall be treated as a separate benefit.
- (3) The provision of Parts 2 and 3 shall have effect in relation to any particular benefit subject to any further provision affecting that benefit contained in Schedule 2.

2 Obligations of beneficiaries in receipt of benefit to notify change of circumstances

Every beneficiary in receipt of benefit shall, as soon as may be practicable, notify the Minister in writing of any change of circumstances which he or she might reasonably be expected to know might affect the continuance of his or her right to benefit awarded to him or her or to the receipt thereof.

3 Claims and notices sent by post

Any claim made or notice given in pursuance of any provision of the Law or any Order made thereunder shall, if sent by post, be deemed to have been made or given on the day on which it was posted.

PART 2

CLAIMS

4 Claims to be made in writing to the Minister

Every claim for benefit shall be made in writing to the Minister on the form approved by the Minister for the purpose of the benefit for which the claim is made, or in such other manner, being in writing, as the Minister may accept as sufficient in the circumstances of any particular case or class of case.

5 Supply of claim forms

Forms of claim shall be supplied without charge by such persons as the Minister may appoint or authorize for that purpose.

6 Claims not on appropriate forms

Where a claim for benefit has been made on an approved form other than the form appropriate to the benefit claimed, the Minister may treat the claim as if it had been made on the appropriate form:

Provided that the Minister may in any such case require the claimant to complete the appropriate form.

7 Information to be given when making a claim for benefit

(1) Every person who makes a claim for benefit shall furnish to the Minister such certificates, documents, information and evidence for the purpose of determining the claim as may be required by the Minister and, if reasonably so required, shall for that purpose attend at such office or place as the Minister may direct.

(2) ³

- (3) Every person who makes a claim for an increase of benefit in respect of a dependant shall, in particular, furnish the following information if required to do so, namely –
- (a) the dependant's identity, date of birth, usual place of residence, occupation and relationship to the claimant;
 - (b) the dependant's position in regard to benefit under the Law, available sources of income and the amounts contributed by any person towards his or her maintenance; and
 - (c) in the case of an increase in respect of a wife or a husband, a certificate of the marriage,
- together with a declaration signed by the dependant confirming the information given.⁴
- (4) Every person who makes a claim for a death grant shall, in particular, furnish the following information –
- (a) if required by the Minister, a death certificate relating to the deceased; and, where the claim is in respect of the death of a child, such certificate relating to the birth of the child, and such other information, as the Minister may reasonably require, in support of any contention that immediately before the death of the child or relevant person, as the case may be, the child was a child of the family of the relevant person;
 - (b) if required by the Minister, the estimate or account of the undertaker.

8 Amendment of claim forms

- (1) If a claim is defective at the date of its receipt by the Minister, the Minister may, in his or her discretion, refer the claim to the claimant, and if the form is returned properly completed within one month from the date on which it is so referred, the Minister may treat the claim as if it had been duly made in the first instance.
- (2) Any person who has made a claim for benefit in accordance with the provisions of this Order may amend his or her claim, at any time before a decision has been given thereon, by notice in writing delivered or sent to the Minister, and any claim so amended may be treated as if it had been made as so amended in the first instance.

9 Withdrawal of claims for long term incapacity allowance⁵

If a person who has made a claim for long term incapacity allowance wishes, with a view to withdrawing his or her election to treat a short term incapacity allowance period as having come to an end, to withdraw the claim, he or she may send to or deliver at the Social Security Department written notice signed by him or her withdrawing the claim, and such a notice so given shall, if it is received at that office before the claim has been finally determined, operate to withdraw the claim on the date of its receipt at that office.⁶

10 Interchange with claims for other benefits under the law

- (1) Where it appears that a person who has made a claim for a benefit specified in the first column of Schedule 1 may be entitled to the benefit specified opposite thereto in the second column of the said Schedule 1, any such claim may be treated as a claim in the alternative for that other benefit.
- (2) Where it appears that a person who had made a claim for benefit is not entitled thereto, but that some other person may be entitled to an increase of benefit in respect of him or her, the claim may be treated as if it were a claim by such other person for an increase of benefit in respect of the claimant.
- (3) Where it appears that a person who has made a claim for an increase of benefit in respect of a dependant is not entitled thereto but that some other person may be entitled to an increase of benefit in respect of that dependant, the claim may be treated as if it were a claim by that other person for such increase.⁷

PART 3**PAYMENTS****11 Time and manner of payment of benefit**

- (1) Subject to the provisions of this Order, benefit shall be paid in accordance with an award thereof, as soon as is reasonably practicable after such an award has been made by the determining authority, by means of an instrument of payment or by such other means as may appear to the Minister to be appropriate in the circumstances of any particular case.
- (1A) Insolvency benefit may be paid to a person who is entitled to it once, in several payments or periodically, according to the information that is available to the determining authority, or according to any other factor that appears to the Minister to be appropriate in the circumstances of the particular case.⁸
- (2) Short term incapacity allowance and parental allowance shall be paid weekly in arrears.⁹
- (3) Long term incapacity allowance, incapacity pensions, survivor's benefit and old age pensions shall be paid in advance, every 4 weeks, on a Thursday.¹⁰
- (3A) Home carer's allowance shall be paid in advance, every 4 weeks.¹¹
- (3B) Notwithstanding paragraph (3A) and Article 4(3) of the [Social Security \(General Benefit\) \(Jersey\) Order 1975](#), for the period 1st January 2013 to 31st July 2013 –
 - (a) home carer's allowance shall be paid monthly in advance, on the first day of each month; and
 - (b) for the purpose of computing the amount of home carer's allowance payable for part of a month in that period, the daily rate of home carer's allowance shall be one thirtieth of the monthly rate.¹²

- (4) In every case in which there is an award by the determining authority under which benefit is to be paid by means of serial orders, the Minister shall cause arrangements to be made whereby, on furnishing such evidence as to identify and such other particulars as may be required, the beneficiary may obtain a book of serial orders, and the Minister shall notify the beneficiary of the place at which the benefit will be payable and of the arrangements so far as they affect him or her.
- (5) The Minister shall arrange for the issue to every beneficiary of a fresh book of serial orders on the expiration of the previous book.
- (6) Where by reason of any provision of the Law or of any Order made thereunder the date as from which old age pension, survivor's benefit, long term incapacity allowance or incapacity pension would commence, or as from which a change in the rate of any such benefit would take effect, is a day of the week other than the appropriate day of the week for the payment of any such benefit, the benefit shall commence only, or the change in the rate of benefit shall take effect only, as from the next such appropriate day.¹³
- (7) Where the date on which old age pension, survivor's benefit, long term incapacity allowance or incapacity pension would cease to be payable is a day of the week other than that immediately preceding the appropriate day of the week for the payment of any such benefit, the benefit shall continue to be payable in respect of the days of the week up to but not including the next such appropriate day.¹⁴
- (8) A book of serial orders issued to any person shall remain the property of the Minister.
- (9) Any person having a book of serial orders or any unpaid serial order shall, on the termination of the benefit to which such book or order relates or when requested by the Minister, deliver such book or order to the Minister or to such person as the Minister may direct.
- (10) Notwithstanding anything contained in the foregoing provisions of this Article, the Minister may in any particular case or class of case arrange for the payment of benefit otherwise than weekly in advance or otherwise than by means of serial orders payable to the beneficiary.
- (11) Without prejudice to the generality of paragraph (10), the Minister may arrange for the payment of benefit to the beneficiary to be made by electronic transfer.¹⁵

12 Time and manner of payment of lump sum benefit¹⁶

- (1) Subject to the provisions of this Article, where there is an award by the determining authority of long term incapacity allowance in respect of a person whose degree of incapacitation is assessed at not less than 5% and not more than 15%, the amount of benefit awarded shall be payable in one sum.
- (2) The lump sum shall be paid by such means as may appear to the Minister to be appropriate in the circumstances of any particular case.
- (3) The lump sum shall not be payable until after the expiration of the time limited for an appeal from the award of the lump sum or from a decision

on which the award was based, and where any such appeal is brought, until after the decision on that appeal.

- (4) However, payment of benefit shall not be suspended under the provisions of paragraph (3) if in any case or class of cases the Minister so directs.
- (5) For the purposes of paragraph (3), the expression “appeal” shall be construed as including a reference of the decision of a medical board to a medical appeal tribunal.

13 Time for claiming benefit

- (1) Subject to the provisions of this Article and the provisions of Part 2 of Schedule 2 –
 - (a) the prescribed time for claiming any benefit specified in column (1) of Part 1 of that Schedule shall be the appropriate time specified opposite to that benefit in column (2) of that Part; and
 - (b) if a person fails to make his or her claim for any such benefit within the prescribed time, the person shall be disqualified for the receipt of benefit to the extent specified opposite thereto in column (3) of Part 1.
- (2) Subject to paragraph (4), if in any case the claimant proves that there was good cause for the failure to make the claim before the date on which it was made, the prescribed time for making that claim shall be extended to the date on which the claim is made.¹⁷
- (3) Subject to paragraph (4), if in any case the claimant proves that –
 - (a) on a date earlier than the date on which the claim was made, apart from satisfying the condition of making a claim, he or she was entitled to the benefit; and
 - (b) throughout the period between the earlier date and the date on which the claim was made there was good cause for delay in making such claim,the claimant shall not be disqualified under Part 1 of Schedule 2 for receiving any benefit to which he or she would have been entitled if the claim had been made on the earlier date.¹⁸
- (4) Notwithstanding anything contained in this Order, no sum shall be paid to any person on account of –
 - (a) parental grant and parental allowance in respect of a birth or adoption occurring more than 6 months before the date on which the claim for the grant or allowance is made;
 - (b) death grant in any case where the prescribed time for making a claim falls to be extended under paragraphs (2) and (3) by more than 6 months;
 - (c) any other benefit (not being an old age pension payable to a widow by virtue of the insurance of her husband in respect of whose death she was immediately before attaining pensionable age entitled to survivor’s benefit and not being insolvency benefit) in respect of any

period more than 6 months before the date on which the claim for benefit is made.¹⁹

14 Extinguishment of right to sums payable by way of benefit which are not obtained within the prescribed time

- (1) The right to payment of any sum by way of benefit shall, subject to paragraph (2), be extinguished where payment thereof is not obtained within the period of 2 years from the date on which the right is to be treated as having arisen; and for the purpose of this Article the right shall be treated as having arisen –
- (a) in relation to any such sum contained in an instrument of payment which has been given or sent, for the purposes of making payment thereof, to the beneficiary or to an approved place for collection by the beneficiary (whether or not received or collected as the case may be), notwithstanding that that sum is greater or less than the sum to which the beneficiary has the right to payment –
 - (i) on the date on the said instrument of payment, or
 - (ii) if a further instrument of payment has been so given or sent as a replacement for an instrument of payment previously given or sent, on the date on the last such instrument of payment;
 - (b) in relation to any such sum to which sub-paragraph (a) does not apply, but where notice is given (whether orally or in writing) or is sent that the sum contained in the notice is available for collection, notwithstanding that that sum is greater or less than the sum to which the beneficiary has the right to payment –
 - (i) if written notice is sent through the post, on the date on which it would be delivered in the ordinary course of post, and
 - (ii) in any other case, on the date of the notice,and if more than one such notice is given or sent, on the date determined by reference to the first such notice;
 - (c) in relation to any such sum to which neither sub-paragraph (a) nor (b) applies, on such date as the Minister determines.²⁰
- (2) Where a question arises whether the right to payment of any sum by way of benefit has been extinguished by the operation of this Article and the determining authority is satisfied that –
- (a) after the expiration of the said period of 2 years the Minister has received notice requesting payment of that sum; and
 - (b) throughout a period commencing within the said period of 2 years and continuing up to the day on which the said notice was given there was good cause for not giving that notice,

the said period of 2 years shall be extended to the date on which the determining authority decides that question, and for the purposes of the operation of this Article thereafter the right to payment of that sum shall,

notwithstanding the provisions of paragraph (1), be treated as having arisen on that date.²¹

- (3) This Article shall apply to a person authorized or appointed to act on behalf of a beneficiary as it applies to a beneficiary.

15 Information to be given when obtaining payment of benefit

- (1) Every beneficiary and every person by whom or on whose behalf sums payable by way of benefit are receivable shall furnish in such manner and at such times as the Minister may determine such certificates and other documents and such information of facts affecting the right to benefit or to the receipt thereof as the Minister may require (either as a condition on which any such sum or sums shall be receivable or otherwise), and in particular shall notify the Minister in writing of any change of circumstances which he or she might reasonably be expected to know might affect the right to benefit, or to the receipt thereof, as soon as reasonably practicable after the occurrence thereof.
- (2) Where any sum is receivable on account of an increase of benefit in respect of a dependant, the beneficiary shall, in such cases or classes of case as the Minister may direct, furnish a declaration signed by such dependant confirming the particulars respecting his or hers furnished by the claimant.²²

PART 4

MISCELLANEOUS PROVISIONS

16 Persons unable to act²³

- (1) In the case of any person to whom benefit is payable or who is alleged to be entitled to benefit or by whom or on whose behalf a claim for benefit has been made, if that person is unable to act and –
- (a) has not been received into guardianship in pursuance of a guardianship application under Article 29 of the [Mental Health \(Jersey\) Law 2016](#);
- (b) does not have, acting on his or her behalf –
- (i) a delegate appointed under Part 4 of the [Capacity and Self-Determination \(Jersey\) Law 2016](#), or
- (ii) a person acting under the authority of a lasting power of attorney conferred under Part 2 of that Law; and
- (c) does not have a *tuteur*,
- the Minister may, on receipt of a written application, appoint a person to act on the person's behalf.²⁴
- (2) However, such appointment shall terminate –

- (a) if the person is received into guardianship, or has appointed, in relation to him or her, such a person as mentioned in paragraph (1)(b) or a *tuteur*
- (b) at the request of the person seeking appointment;
- (c) if revoked by the Minister; or
- (d) if the claimant becomes able to act.²⁵

17 Payments on death

- (1) On the death of a person who has made a claim for benefit or who is alleged to have been entitled to benefit, or in respect of whose death a death grant is alleged to be payable, the Minister may appoint such person as he or she may think fit to proceed with or to make a claim for the benefit, and the provisions of this Order shall apply, subject to the necessary modifications, to any such claim:

Provided that, in the case of a death grant, a claim may be made by any person specified in paragraph (2).

- (2) Subject to the provisions of paragraph (6), any sum payable by way of benefit or which is payable under an award on a claim proceeded with or made under paragraph (1) may be paid or distributed by or on behalf of the Minister to or amongst persons claiming as the personal representatives, legatees, heirs or creditors, of the deceased (or, where the deceased was illegitimate, to or amongst other persons) and the provisions of Article 14 shall apply to any such payment or distribution:

Provided that –

- (a) the receipt of any such person who has attained the age of 16 years shall be a good discharge to the Minister and the Social Security Fund for any sum so paid; and
 - (b) where the Minister is satisfied that any such sum or part thereof is needed for the benefit of any person under the age of 16 years the Minister may obtain a good discharge therefor by paying the sum or part thereof to a person over that age (who need not be a person specified in this paragraph) who satisfies the Minister that he or she will apply the sum so paid for the benefit of the person under the age of 16 years.
- (3) Subject as aforesaid, any sum payable by way of benefit to the deceased, payment of which the deceased had not obtained at the date of this death, may, unless the right thereto was already extinguished at that date, be paid or distributed to or amongst such persons as are mentioned in paragraph (2), and the provisions of Article 14 and of the proviso to the said paragraph (2) shall apply to any such payment or distribution:

Provided that, for the purpose of Article 14, the period of 2 years shall be calculated from the date on which the right to payment of any sum is treated as having arisen in relation to any such person and not from the date on which that right is treated as having arisen in relation to the deceased.²⁶

- (4) In relation to a death grant, the reference in paragraph (2) to creditors shall include a reference to any person who gives an undertaking in writing to

pay the whole or part of the deceased's funeral expenses, so, however, that any payment of death grant to a person by virtue of this paragraph shall be subject to the condition that if the person fails to carry out any such undertaking he or she shall repay to the Social Security Fund any death grant so paid to the person.

- (5) Where any person has received an amount by way of death grant by virtue of the provisions of this Article and is entitled to reimbursement of the deceased's funeral expenses out of the deceased's estate, the person's right to such reimbursement shall be reduced by the amount of the death grant received by him or her.
- (6) Paragraph (2) and (3) shall not apply in any case unless written application for the payment of any such sum is made to the Minister within 6 months from the date of the deceased's death or within such longer period as the Minister may allow in any particular case.
- (7) The Minister may dispense with strict proof of the title of any person claiming in accordance with the provisions of this Article.

18 Payment of benefit to third party

For any period during which benefit is payable to a beneficiary in respect of another person only if the beneficiary is contributing at not less than a certain weekly rate to the maintenance of, or to the cost of providing for, that other person, then if it appears to the Minister to be necessary for protecting the interests of the beneficiary or of the other person, or if the beneficiary so requests the Minister, the Minister may direct that the whole or part of the benefit payable to the beneficiary (whether or not benefit payable in respect of the other person) shall be paid to another person on behalf of the beneficiary.

19 Offences

If any person contravenes or fails to comply with any requirement of this Order (not being a requirement to give notice of any accident or illness or a requirement to submit himself or herself to medical treatment or examination) in respect of which no special penalty is provided, he or she shall for such offence be liable to a penalty of level 2 on the standard scale, or where the offence consists of continuing any such contravention or failure after conviction thereof, a penalty of level 2 on the standard scale, together with a further penalty of level 1 on the standard scale for each day on which it is continued.²⁷

20 Citation

This Order may be cited as the Social Security (Claims and Payments) (Jersey) Order 1974.

SCHEDULE 1²⁸

(Article 10)

**BENEFIT CLAIMED AND BENEFIT FOR WHICH THE CLAIM MAY BE TREATED
AS A CLAIM IN THE ALTERNATIVE**

<i>Benefit claimed.</i>	<i>Alternative benefit.</i>
Old age pension for a woman by virtue of her husband's insurance.	Survivor's benefit.
Parental allowance.	Incapacity benefit.
Incapacity benefit.	Parental allowance.

SCHEDULE 2²⁹

(Articles 1(3) and 13)

Showing in Part 1 the prescribed times for claiming benefit and the disqualifications for benefit arising by reason of late claims, and in Part 2 the provisions (and related provisions) which affect the benefit which would otherwise be payable, or not payable, by virtue of Part 1.

PART 1

**TABLE OF (A) PRESCRIBED TIMES FOR MAKING A CLAIM FOR BENEFIT AND
(B) DISQUALIFICATIONS FOR LATE CLAIM**

<i>Description of benefit</i>	<i>Prescribed time for claiming benefit</i>	<i>Benefit which a person is disqualified for receiving by failure to claim within the prescribed time</i>
(1)	(2)	(3)
1. Short term incapacity allowance (including any increase in respect of a dependant).	The period of 30 days from the earliest day in respect of which the claim is made.	The benefit claimed.
2. Parental grant and parental allowance –		
(a) Parental grant.	The period beginning with the 13th week before the expected date of birth or adoption and ending 6 months after the date of birth.	The benefit claimed.
(b) Parental allowance.	The period beginning with the 13th week before the expected date of birth or adoption and ending 6 months after the date of birth.	The benefit claimed.
(c) Increase of parental allowances in	The period beginning with the 13th week before the expected date of birth or	The benefit claimed.

<i>Description of benefit</i>	<i>Prescribed time for claiming benefit</i>	<i>Benefit which a person is disqualified for receiving by failure to claim within the prescribed time</i>
(1)	(2)	(3)
respect of a dependant.	adoption and ending 6 months after the date of birth.	
3. Death grant.	The period of 6 months (or such longer period as the Minister may determine in the circumstances of any particular case) from the date of the death of the deceased.	The benefit claimed.
4.		
5. Long term incapacity allowance (including any increase in respect of a dependant).	The period of 3 months from the first day on which the conditions for the receipt of that benefit are satisfied.	The benefit claimed.
5A. Incapacity pension or increase of incapacity pension in respect of a dependant.	The period of 3 months from the date on which, apart from satisfying the condition of making a claim, the claimant becomes entitled thereto.	Benefit in respect of any period more than 3 months before the date on which the claim is made.
6. Old age pension (not being a reduced old age pension under Article 25(1A) of the Law or an old age pension for a widow by virtue of the insurance of her husband in respect of whose death she was immediately before attaining pensionable age entitled to survivor's pension) or increase of such an old age pension in	The period of 3 months from the date on which, apart from satisfying the condition of making a claim, the claimant becomes entitled thereto	Benefit in respect of any period more than 3 months before the date on which the claim is made

<i>Description of benefit</i>	<i>Prescribed time for claiming benefit</i>	<i>Benefit which a person is disqualified for receiving by failure to claim within the prescribed time</i>
(1)	(2)	(3)
respect of an adult dependant.		
7. Reduced old age pension under Article 25(1A) of the Law or increase of such an old age pension in respect of an adult dependant.	The period of one month from the date on which, apart from satisfying the condition of making a claim, the claimant becomes entitled thereto.	Benefit in respect of any period more than one month before the date on which the claim is made
8. Survivor's benefit	The period of 3 months from the date on which, apart from satisfying the condition of making a claim, the claimant becomes entitled thereto.	Benefit in respect of any period more than 3 months before the date on which the claim is made.
8A. Home carer's allowance.	The period of 3 months from the first day on which the conditions for the receipt of that benefit are satisfied.	Benefit in respect of any period more than 3 months before the date on which the claim is made.
9.		
10. Insolvency benefit	30 days (or such longer period not exceeding 6 months as the Minister may determine in the circumstances of any particular case) after the cessation of the employee's service in employment by the relevant employer (as referred to in Article 26C of the Law)	The benefit claimed

PART 2

Containing special miscellaneous provisions relating to Incapacity Benefit, Parental Allowance, and Old Age Pension, including provisions which vary the prescribed times under Part 1.

INCAPACITY BENEFIT

1 Hospital in-patients

- (1) In determining whether the provisions of Article 13(2) or (3)(b) have been satisfied by a person who is, or has been, an in-patient in a hospital, and who makes a claim for incapacity benefit, any such provision shall, in relation only to that claim, be deemed to have been satisfied by the person in respect of that one of the following periods which is appropriate, in so far as it is relevant for the purpose of any such provision –
 - (a) where the person concerned has been discharged from the hospital, the period commencing on the date of the person's admission thereto as an in-patient and ending 90 days thereafter or 30 days after the date of the person's discharge, whichever period is the shorter; or
 - (b) where the person concerned has not been so discharged, the period of 90 days from the date of the person's admission to the hospital as an in-patient.
- (2) For the purposes of sub-paragraph (1) –
 - (a) in ascertaining the date of admission to hospital of the person concerned, where that person has previously been an in-patient in one or more hospitals for one or more periods, any such period shall be taken into account, provided that the interval, or (if there was more than one previous period as an in-patient) each interval, between the end of such period and the beginning of the appropriate period specified in that sub-paragraph does not exceed 3 weeks;
 - (b) the expression "hospital" means any institution for the reception and treatment of persons suffering from illness and any maternity home (and, for this purpose, "illness" includes mental disorder and incapacity requiring medical treatment or nursing); and
 - (c) the expression "in-patient" means a person admitted as an in-patient to a hospital for the purpose of receiving their treatment by or under the direction of a medical practitioner.

2 Claims in advance

- (1) Where, for the purposes of the provisions of the [Social Security \(Medical Certification\) \(Jersey\) Order 1974](#), it has been certified –
 - (a) that a person is incapable of work and will continue to be incapable of work for the period specified in the certificate; or

- (b) that a person (being a person who, throughout the period of 6 months immediately preceding the date of the certificate, has been in receipt of incapacity benefit) is incapable of work,

a claim for incapacity benefit may, unless the Minister otherwise directs, be made by that person in respect of the period of 13 weeks, or such shorter period as the Minister may in the circumstances determine, in either case commencing immediately after the date of the certificate.

- (2) Any claim for incapacity benefit made by any such person may, if it is made on the form containing the certificate, be treated by the Minister as a claim made also in respect of any days in the said period of 13 weeks or in any such shorter period, as the case may be.
- (3) Where for the said purposes it has been certified that it is to be expected that that a child will be born or adopted, and either –
- (a) a claim for incapacity benefit is made by that woman on or after the date of that certificate, or
- (b) a claim for parental allowance so made by that woman is treated under the provisions of Article 10(1) as a claim in the alternative for incapacity benefit,

any such claim may, unless the Minister otherwise directs, be treated as a claim for incapacity benefit made in respect of any days in the period beginning with the second week before the expected week of birth or adoption or with the date of birth or adoption, whichever is the earlier, and ending 2 weeks after the date of the birth or adoption.

3

4 Old age pensions

- (1) A claim for old age pension may be made at any time not more than 4 months before the date on which the claimant will, subject to the fulfilment of the necessary conditions, become entitled to such a pension.
- (2) For the purpose of facilitating the determination of a subsequent claim for an old age pension, a person may, at any time not more than 4 months before the date on which he or she will become entitled to an old age pension, submit particulars in writing to the Minister in a form approved by the Minister for that purpose with a view to the determination (in advance of a claim) of any questions under the Law relating to the person's title to an old age pension, and, subject to the necessary modifications, the provisions of Part 2 of this Order shall apply to any such particulars.

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement
Social Security (Claims and Payments) (Jersey) Order 1974	R&O.6077	1 January 1975
Social Security (Claims and Payments) (Amendment) (Jersey) Order 1976	R&O.6261	1 June 1976
Social Security (Claims and Payments) (Amendment No. 2) (Jersey) Order 1982	R&O.7067	12 July 1982
Social Security (Widowed Father's Allowance) (Jersey) Order 1987	R&O.7666	1 October 1987
Social Security (Claims and Payments) (Amendment No. 3) (Jersey) Order 2001	R&O.66/2001	1 April 2001
Social Security (Claims and Payments) (Amendment No. 4) (Jersey) Order 2004	R&O.84/2004	1 October 2004
States of Jersey (Amendments and Construction Provisions No. 8) (Jersey) Regulations 2005	R&O.48/2005	9 December 2005
Social Security (Consequential Amendments) (Jersey) Order 2008	R&O.18/2008	28 January 2008
Social Security (Insolvency Benefit) (Jersey) Order 2012	R&O.123/2012	1 December 2012
Social Security (Miscellaneous Provisions No. 2) (Jersey) Order 2012	R&O.162/2012	1 January 2013
Social Security (Miscellaneous Provisions No. 4) (Jersey) Order 2014	R&O.213/2014	1 January 2015
Criminal Justice (Miscellaneous Provisions) (Jersey) Law 2016	L.1/2016	20 September 2016 (R&O.98/2016)
Mental Health and Capacity (Consequential Amendment and Transitional Provision) (Jersey) Regulations 2018	R&O.49/2018	1 October 2018 (R&O.51/2018)
Social Security (Amendment of Law No. 14) (Jersey) Regulations 2020	R&O.137/2020	24 November 2020
Social Security (Parental Benefit) (Jersey) Order 2020	R&O.147/2020	24 November 2020

Table of Renumbered Provisions

Original	Current
PART I	PART 1
1(2)	spent, omitted from this revised edition
1(3), (4)	1(2), (3)
PART II	PART 2
PART III	PART 3
11(4)	repealed by R&O.6261
(5)	11 (4)
(6)	(5)
(7)	(6)
(8)	(7)
(9)	repealed by R&O.6261
(10)	(8)
(11)	(9)
(12)	(10)
PART IV	PART 4
FIRST SCHEDULE	SCHEDULE 1
SECOND SCHEDULE	SCHEDULE 2
PART I	PART 1
6A	7
6B	8
7	9
PART II	PART 2

Table of Endnote References

-
- ¹ *This Order has been amended by the States of Jersey (Amendments and Construction Provisions No. 8) (Jersey) Regulations 2005. The amendments replace all references to a Committee of the States of Jersey with a reference to a Minister of the States of Jersey, and remove and add defined terms appropriately, consequentially upon the move from a committee system of government to a ministerial system of government*
- ² *Article 1(1) amended by R&O.18/2008*
- ³ *Article 7(2) revoked by R&O.84/2004*
- ⁴ *Article 7(3) substituted by R&O.84/2004*
- ⁵ *Article 9 heading amended by R&O.84/2004*
- ⁶ *Article 9 amended by R&O.84/2004*
- ⁷ *Article 10(3) amended by R&O.84/2004*
- ⁸ *Article 11(1A) inserted by R&O.123/2012*
- ⁹ *Article 11(2) substituted by R&O.84/2004, amended by R&O.137/2020*
- ¹⁰ *Article 11(3) substituted by R&O.84/2004*
- ¹¹ *Article 11(3A) inserted by R&O.162/2012*
- ¹² *Article 11(3B) inserted by R&O.162/2012*
- ¹³ *Article 11(6) amended by R&O.7666, R&O.66/2001, R&O.84/2004*
- ¹⁴ *Article 11(7) amended by R&O.7666, R&O.84/2004*

-
- ¹⁵ Article 11(11) *added by R&O.84/2004*
- ¹⁶ Article 12 *substituted by R&O.84/2004*
- ¹⁷ Article 13(2) *substituted by R&O.213/2014*
- ¹⁸ Article 13(3) *substituted by R&O.213/2014*
- ¹⁹ Article 13(4) *amended by R&O.66/2001, R&O.123/2012, R&O.213/2014, R&O.137/2020, R&O.147/2020*
- ²⁰ Article 14(1) *amended by R&O.84/2004*
- ²¹ Article 14(2) *amended by R&O.84/2004*
- ²² Article 15(2) *amended by R&O.84/2004*
- ²³ Article 16 *substituted by R&O.18/2008*
- ²⁴ Article 16(1) *amended by R&O.49/2018*
- ²⁵ Article 16(2) *amended by R&O.49/2018*
- ²⁶ Article 17(3) *amended by R&O.84/2004*
- ²⁷ Article 19 *amended by R&O.84/2004, L.1/2016*
- ²⁸ Schedule 1 *amended by R&O.66/2001, R&O.84/2004, R&O.137/2020*
- ²⁹ Schedule 2 *amended by R&O.7067, R&O.66/2001, R&O.84/2004, R&O.123/2012, R&O.162/2012, R&O.213/2014, R&O.137/2020, R&O.147/2020*