



Jersey

SOCIAL SECURITY (INSOLVENCY BENEFIT) (JERSEY) ORDER 2012

Official Consolidated Version

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THE MINISTER FOR SOCIAL SECURITY, in pursuance of Articles 3, 13, 26C, 26F, 28, 29, 46 and 51 of the [Social Security \(Jersey\) Law 1974](#), orders as follows –

Commencement [[see endnotes](#)]

1 Article 26C of the Law: period of notice of termination

- (1) For the purposes of Article 26C(4) of the Law, the component specified in paragraph (2)(a) of that Article shall not be counted towards the sum referred to in Article 26B of the Law in respect of a person to the extent of any portion of the relevant period of notice of termination that corresponds to the number of days during which the person is absent from Jersey, except if –
 - (a) the absence was reasonably necessary for the specific purpose of the person's actively seeking remunerative work as referred to in Article 26E; or
 - (b) the absence was necessary for the purposes of treating (otherwise than by way of rehabilitation) any incapacity of the person which commenced before that absence began.
- (2) For the purposes of Article 26C(4) of the Law, the component specified in paragraph (2)(a) of that Article shall not be counted towards the sum referred to in Article 26B of the Law in respect of a person to the extent of any portion of the relevant period of notice of termination that corresponds to the number of days during which the person is undergoing imprisonment, or detention in custody, whether in Jersey or elsewhere.

2 Article 26F of the Law: certain amounts to be deducted from notice component

- (1) For the purposes of Article 26F(1)(f) of the Law, an amount to be deducted from the component referred to in Article 26C(2)(a) of the Law and relating to a person is the amount of any incapacity pension to the extent that it is payable to the person in respect of any period of notice to which the person is or has been entitled in respect of the termination of the person's employment.

- (2) For the purposes of Article 26F(1)(f) of the Law, an amount to be deducted from the component referred to in Article 26C(2)(a) of the Law and relating to a person is the following amount to the extent that it is taken into account under the [Social Security \(Contributions\) \(Jersey\) Order 1975](#) in respect of any period of notice to which the person is or has been entitled in respect of the termination of the person's employment –
- (a) except in the case where an amount referred to in paragraph (b) applies, the amount of any income from self-employment of the person (where “income from self-employment” has the same meaning as in the [Social Security \(Contributions\) \(Jersey\) Order 1975](#)); or
 - (b) in a case where the person has been granted a concession under Article 13D(6) of that Order –
 - (i) in the case where the Minister accepts an estimate under Article 13D(5) of that Order, the amount that is such proportion of 33 $\frac{1}{3}$ % of the annual equivalent of the earnings so estimated as corresponds to the period of notice divided by 1 year,
 - (ii) in the case where Article 13D(5) and (7) of that Order do not apply, the amount that is such proportion of 33 $\frac{1}{3}$ % of the annual equivalent of the standard monthly earnings limit as corresponds to the period of notice divided by 1 year, or
 - (iii) in the case where Article 13D(7) applies, the amount that is such proportion of 33 $\frac{1}{3}$ % of the annual equivalent of the lower monthly earnings limit as corresponds to the period of notice divided by 1 year.
- (3) However, if, before the relevant insolvency benefit is paid to the person, the person provides evidence to the Minister's satisfaction that the actual amount of the person's income from self-employment, during any period of notice to which the person is or has been entitled in respect of the termination of the person's employment, is less than the amount that would apply in respect of the person under paragraph (2), the Minister may accept that amount for the purposes of that paragraph instead of the amount that would otherwise apply under that paragraph.

3 Citation

This Order may be cited as the Social Security (Insolvency Benefit) (Jersey) Order 2012.

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement
Social Security (Insolvency Benefit) (Jersey) Order 2012	R&O.123/2012	1 December 2012

Table of Renumbered Provisions

Original	Current
3 to 6	Spent, omitted
7	3

Table of Endnote References

There are currently no endnote references