



Jersey

**SOCIAL SECURITY (RESIDENCE AND
PERSONS ABROAD) (JERSEY)
ORDER 1974**

Official Consolidated Version

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SOCIAL SECURITY (RESIDENCE AND PERSONS ABROAD) (JERSEY) ORDER 1974

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Jersey

SOCIAL SECURITY (RESIDENCE AND PERSONS ABROAD) (JERSEY) ORDER 1974¹

THE EMPLOYMENT AND SOCIAL SECURITY COMMITTEE, in pursuance of Articles 3, 29 and 46 of the [Social Security \(Jersey\) Law 1974](#), orders as follows –

Commencement [[see endnotes](#)]

1 Interpretation

In this Order, “Law” means the [Social Security \(Jersey\) Law 1974](#).

2 Condition as to residence in Jersey

For the purposes of Article 3(1) of the Law, the condition as to residence in Jersey (in this Article referred to as the “residence condition”) shall be that a person must have been resident in Jersey for a continuous period of 6 months beginning with the month which follows that in which the person entered Jersey and terminating on or after 10th September 1951 and on or after attaining school leaving age –

Provided that –

- (a) the residence condition shall not apply to the following persons as from the respective dates mentioned below –
 - (i) (subject to the provisions of paragraph (b) of this proviso) in the case of a person who, but for the foregoing provision, would be a Class 1 insured person – as from the date on which he or she becomes an employed person,
 - (ii) in the case of a person who, but for the said foregoing provision, would be a Class 2 insured person and who notifies the Minister that this condition shall not apply to him or her – as from such date as the Minister may allow,
 - (iii) in the case of a person over school leaving age and under the age of 18 who came to Jersey for the purpose of receiving full time

education or training – as from the date of the commencement of such education or training;

- (b) where a Class 1 insured person to whom the provisions of paragraph (a)(i) of this proviso would otherwise apply is not ordinarily resident in Jersey and either the employer of that person is not so ordinarily resident or the employer's principal place of business is not in Jersey, the residence condition shall apply with the substitution of 12 months for 6 months if, in the country in which the Class 1 insured person is ordinarily resident, payments by the employer or the Class 1 insured person in respect of the period of the employment are being made for the purpose of enabling the insured person to qualify for benefits substantially similar to benefits provided under the Law.

2A Persons deemed to be resident in Jersey for the purposes of the liability to pay LTC contributions²

- (1) Where –
- (a) spouse B is an insured person;
 - (b) his or her spouse A is not an insured person, by reason only that he or she does not fulfil the residence condition in Article 2; and
 - (c) under the 1961 Law, they are assessed jointly, whether by virtue of Article 121 or the operation of the proviso to Article 122,

spouse A shall be deemed to be resident in Jersey and insured under the Law for the purpose of the liability to pay spouse B's LTC contributions, to the extent that spouse B's income is deemed to be spouse A's income and not his or her own.³

- (1A) The references to spouse A and spouse B in paragraph (1) have the meaning given to those expressions in Article 3(1) of the 1961 Law.⁴

- (2) Where –
- (a) civil partner B is an insured person;
 - (b) his or her civil partner A is not an insured person, by reason only that he or she does not fulfil the residence condition in Article 2; and
 - (c) under the 1961 Law, they are assessed jointly, whether by virtue of Article 122B or the operation of the proviso to Article 122E(2),

civil partner A shall be deemed to be resident in Jersey and insured under the Law for the purpose of the liability to pay civil partner B's LTC contributions, to the extent that civil partner B's income is deemed to be civil partner A's income and not his or her own.

- (3) The references to civil partner A and civil partner B in paragraph (2) shall be construed in accordance with Article 122A(1) to (4) of the 1961 Law.

3 Contributions in respect of employment outside Jersey in continuance of Class 1 employment

- (1) Where a person employed in an employed person's employment ceases to be so employed in Jersey but is employed (whether by the same or a different employer) outside Jersey in continuation of an employed person's employment, that employment outside Jersey shall be treated as an employed person's employment for the period for which contributions are payable in respect of it under paragraph (2)(a) if the employer has a place of business in Jersey and the person concerned is ordinarily resident therein.
- (2) Where under paragraph (1) employment outside Jersey is treated as employed person's employment, the following provisions shall apply with respect to the payment of contributions under the Law –
 - (a) monthly contributions at the appropriate rates specified in Article 5(4) of the Law shall be payable in respect of such employment during the period of 12 months from the commencement thereof;
 - (b) after the completion of the period for which contributions are payable under sub-paragraph (a), the insured person shall, for any month thereafter during the whole of which the insured person is outside Jersey, be entitled to pay Class 2 contributions.

4 Class 2 contributions in respect of periods outside Jersey

- (1) Where a Class 2 insured person is throughout any month outside Jersey, he or she shall not be liable to pay a contribution as an insured person for that month.
- (2)
 - (a) Subject to the conditions specified in sub-paragraph (b), an insured person shall, for any month during the whole of which he or she is outside Jersey, and for which, by virtue of paragraph (1), the insured person is not liable to pay a contribution as an insured person, be entitled to pay a full rate Class 2 contribution if he or she so desires.
 - (b) The conditions referred to in the preceding sub-paragraph are either that the annual contribution factor derived from contributions paid by the insured person prior to the end of the previous quarter but one before the quarter which includes the month in question is not less than 3.00, or, alternatively, that the insured person had been resident in Jersey for a continuous period of not less than 3 years at any time before the said month.⁵
- (3) This Article shall not apply to a person to whom the provisions of Article 3(2)(b) are applicable.

5 Disqualification for receiving benefit during absence from Jersey⁶

Subject to the provisions of this Order, a person shall be disqualified for receiving any benefit and an increase of benefit shall not be payable in respect of any person

as the beneficiary's spouse, civil partner or adult dependant, for any period during which that person is absent from Jersey.

6 Exceptions from disqualification during absence⁷

- (1) Article 5 shall not operate to disqualify a person for receiving short term incapacity allowance, or long term incapacity allowance by reason of being temporarily absent from Jersey, during such period as the Minister may allow having regard to the circumstances of the case, for the specific purpose of treating (otherwise than by way of rehabilitation) incapacity which commenced before the person left Jersey on that occasion.⁸
- (2) However, unless –
 - (a) the person has nominated a person in Jersey to receive payment of the person's benefit on his or her behalf; and
 - (b) the Minister has approved the nominee,the payment of the benefit shall not be made until the beneficiary returns to Jersey.
- (2A) Article 5 shall not operate to disqualify a person for receiving insolvency benefit and paragraph (2) shall not apply in respect of the payment of insolvency benefit.⁹
- (3) Article 5 shall not operate to disqualify a person, by reason of being absent from Jersey for any period not exceeding 13 weeks, for receiving long term incapacity allowance.
- (4) Article 5 shall not operate to disqualify a person, by reason of being absent from Jersey, for receiving an incapacity pension, survivor's benefit or an old age pension.
- (5) Where a person is by virtue of any of paragraphs (1), (3) and (4) not disqualified for receiving a benefit while absent from Jersey, Article 5 shall not operate to disqualify that person, by reason of the absence of the person's spouse from Jersey, for receiving any increase of that benefit in respect of that spouse, as long as they are residing together outside Jersey.
- (6) Where a person is by virtue of any of paragraphs (1), (3) and (4) not disqualified for receiving a benefit although absent from Jersey, Article 5 shall not operate to disqualify that person, by reason of the absence of any other person from Jersey, for receiving any increase of that benefit in respect of that other person, as long as –
 - (a) that other person is being cared for as a person of a prescribed category for the purposes of Article 27(1) of the Law; and
 - (b) they are residing together outside Jersey.

7 Suspension of payment of benefit

- (1) The payment of benefit to or in respect of any person which is payable otherwise than in respect of a period of absence from Jersey shall be suspended while the beneficiary is absent from Jersey, unless the benefit is one (and only so long as it is one) which, by reason of the foregoing

provisions of this Order, the person is not disqualified for receiving or not disentitled to when so absent.

- (2) Where by virtue of the foregoing provisions of this Order payment of benefit is suspended for any period, then the period of suspension shall not be taken into account in calculating any period under the provisions of Article 14 of the [Social Security \(Claims and Payments\) \(Jersey\) Order 1974](#).

8 Administrative arrangements as to contributions and benefit

Contributions and benefit which become payable by virtue of this Order shall be paid and collected, or, as the case may be, paid, at such times and in such manner and subject to the furnishing of such information and evidence as the Minister may determine or require from time to time.

9 Citation

This Order may be cited as the Social Security (Residence and Persons Abroad) (Jersey) Order 1974.

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement
Social Security (Residence and Persons Abroad) (Jersey) Order 1974	R&O.6081	1 January 1975
Social Security (Residence and Persons Abroad) (Amendment) (Jersey) Order 1982	R&O.7083	1 September 1982
Social Security (Residence and Persons Abroad) (Amendment No. 2) (Jersey) Order 2004	R&O.80/2004	1 October 2004
States of Jersey (Amendments and Construction Provisions No. 8) (Jersey) Regulations 2005	R&O.48/2005	9 December 2005
Social Security (Miscellaneous Provisions) (Jersey) Order 2011	R&O.123/2011	1 October 2011
Social Security (Insolvency Benefit) (Jersey) Order 2012	R&O.123/2012	1 December 2012
Social Security (Long-Term Care Contributions) (Jersey) Order 2014	R&O.212/2014	1 January 2015
Marriage and Civil Status (Amendment No. 4) (Jersey) Law 2018	L.19/2018	1 July 2018 (R&O.68/2018)
Social Security (Parental Benefit) (Jersey) Order 2020	R&O.147/2020	24 November 2020

Table of Renumbered Provisions

Original	Current
1(1)	1
1(2)	spent, omitted from this revised edition
5A	6
6	7
7	8
8	9

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 2A

inserted by R&O.212/2014

³ Article 2A(1)

substituted by L.19/2018

⁴ Article 2A(1A)

inserted by L.19/2018

⁵ Article 4(2)

amended by R&O.123/2011

⁶ Article 5

substituted by R&O.7083, amended by L.19/2018

⁷ Article 6

substituted by R&O.80/2004

⁸ Article 6(1)

amended by R&O.147/2020

⁹ Article 6(2A)

inserted by R&O.123/2012