



Jersey

## **INCOME SUPPORT (GENERAL PROVISIONS) (AMENDMENT No. 23) (JERSEY) ORDER 2019**

*Made*

*16th May 2019*

*Coming into force*

*23rd May 2019*

**THE MINISTER FOR SOCIAL SECURITY**, in pursuance of Articles 2 and 18 of the Income Support (Jersey) Law 2007<sup>1</sup>, orders as follows –

### **1 Income Support (General Provisions) (Jersey) Order 2008 amended**

- (1) The Income Support (General Provisions) (Jersey) Order 2008<sup>2</sup> is amended in accordance with paragraphs (2) and (3), and in those paragraphs a reference to an Article by number is to the Article of the same number in that Order.
- (2) In Article 3 (persons treated as ordinarily resident in Jersey) and Article 4(1) and (3) (persons not treated as ordinarily resident in Jersey) for “Article 2(2)” in each place there is substituted “Article 2”.
- (3) In Article 5 (persons treated as being members of the same household) –
  - (a) for paragraphs (1) and (1A) there is substituted –

“(1) For the purposes of Article 2 of the Law, a person is to be treated as being a member of the same household as another person if –

    - (a) the 2 persons are in an interdependent relationship with each other;
    - (b) the 2 persons live as part of a family unit and the circumstances set out in paragraph (2) apply; or
    - (c) one of the 2 persons is a child and the other person has the main responsibility for the physical care of that child as part of a family unit.
  - (1A) A person who, before receiving long-term care in an approved care home, was treated under paragraph (1) as being a member of the same household as another person, is to continue to be treated as a member of that household while in receipt of such care.”;
  - (b) for paragraph (3) there is substituted –

- “(3) In the case of a person having the main responsibility for a child, where –
- (a) the physical care of the child is undertaken in more than one family unit; and
  - (b) within each unit there is a person eligible for income support by reason of the exemption in Article 3(1)(b) or (c) of the Law,
- the child is to be treated as a member of the same household as that of whichever of those persons would result in the highest total amount of award being payable.
- (4) For the purposes of paragraph (1), “interdependent relationship” means a relationship, including (but not limited to) marriage or civil partnership, in which 2 persons are emotionally committed to one another and lead their lives as an economic and domestic unit.
- (5) In determining whether 2 persons are in an interdependent relationship, all relevant circumstances of the relationship between those persons must be taken into account, including (but not limited to) such matters as –
- (a) whether the persons are married to, or in a civil partnership with, each other;
  - (b) whether or not the relationship is conjugal;
  - (c) the degree of exclusivity of the relationship;
  - (d) the degree to which the persons share household activities and living arrangements;
  - (e) the degree of financial interdependence and any arrangements for mutual financial support;
  - (f) the care and support of any children;
  - (g) the ownership, or joint use, of any property or properties for the purposes of the relationship; and
  - (h) the degree to which the persons hold themselves out to others as an economic and domestic unit.”.

## 2 Schedule 2 amended

In Schedule 2 to the Income Support (General Provisions) (Jersey) Order 2008<sup>3</sup> –

- (a) in paragraph 2(2)(d) for “occupied by the household and” there is substituted “occupied by the household as its principal residence, and”;
- (b) in paragraph 5(i) –
  - (i) in sub-paragraph (ii) for “for the purpose of” there is substituted “under”, and
  - (ii) in sub-paragraph (iii), “is so treated because he or she occupies the same dwelling as his or her principal residence as that other person and” is deleted.

**3 Citation and commencement**

This Order may be cited as the Income Support (General Provisions) (Amendment No. 23) (Jersey) Order 2019 and comes into force 7 days after the day on which it is made.

**DEPUTY J.A. MARTIN OF ST. HELIER**

*Minister for Social Security*

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- <sup>1</sup> *chapter 26.550*  
<sup>2</sup> *chapter 26.550.20*  
<sup>3</sup> *chapter 26.550.20*