



Jersey

**INCOME SUPPORT (SPECIAL PAYMENTS)
(LONG-TERM CARE) (JERSEY)
REGULATIONS 2014**

Arrangement

Regulation

| | | |
|---|--|---|
| 1 | Interpretation..... | 3 |
| 2 | Special payment to meet costs of long-term care | 3 |
| 3 | Amount of special payments..... | 4 |
| 4 | Transitional provision in respect of payments made under the Income Support (Transitional Provisions) (Jersey) Order 2008 | 5 |
| 5 | Citation and commencement..... | 6 |



Jersey

INCOME SUPPORT (SPECIAL PAYMENTS) (LONG-TERM CARE) (JERSEY) REGULATIONS 2014

Made

17th June 2014

Coming into force

in accordance with Regulation 5

THE STATES, in pursuance of Articles 8 and 18 of the Income Support (Jersey) Law 2007¹, have made the following Regulations –

1 Interpretation

- (1) In these Regulations –
 - “Income Support Law” means the Income Support (Jersey) Law 2007²;
 - “Long-Term Care Law” means the Long-Term Care (Jersey) Law 2012³;
 - “Long-Term Care Order” means the Long-Term Care (Benefits) (Jersey) Order 2014⁴.
- (2) Any word or expression that is not defined in these Regulations that is defined in the Long-Term Care Order shall have the meaning in that Order.

2 Special payment to meet costs of long-term care

- (1) The Minister may make special payments to any person to defray the expenses of long-term care being provided to that person if –
 - (a) the person has attained the age of 18 years;
 - (b) the person meets the condition in Article 2(1)(b) of the Income Support Law;
 - (c) the person meets the condition in Article 3(2)(a) of the Long-Term Care Law;
 - (d) the person is –
 - (i) a resident of an approved care home, or
 - (ii) in receipt of an approved care package, for which a charge is payable;

-
- (e) the person meets the condition with respect to the person's assets as set out in paragraph (2); and
 - (f) the person is not an eligible person under the Long-Term Care Order.
- (2) The condition for the purposes of paragraph (1)(e) is that the value of the person's assets, excluding the value of any owned principal residence, is less than –
- (a) £13,706, in the case of a single person; or
 - (b) £22,719, in the case of a partnership.
- (3) For the purposes of determining the value of a person's assets under paragraph (2) –
- (a) there shall be deducted –
 - (i) the amount secured by any existing charge, hypothec or similar on the asset, and
 - (ii) where an asset is owned in part by a third party, an amount that is equivalent to the proportion owned by the third party; and
 - (b) if the person ("first person") is in a partnership, the assets of the partner shall be taken into account to the extent that such assets are not jointly owned and included as part of the first person's assets.

3 Amount of special payments

- (1) Where a person's assets, as determined in accordance with Regulation 2(3), do not include an owned principal residence, the person shall, subject to paragraph (2), receive weekly special payments in the form of grants of whichever is the lower of the following amounts –
- (a) the weekly costs shown in the table in Article 8 of the Long-Term Care Order for the person's appropriate level of standard of care as shown in column 3, 4 or 5 of that table, as the case may be and, if applicable, where a person receives long-term care in an approved home, the amounts shown in Article 9(c) of that Order; or
 - (b) the actual weekly costs to the person in place of the amounts referred to in sub-paragraph (a).
- (2) From the amount of a special payment to which a person is entitled under paragraph (1), there shall be deducted the maximum amount possible from the person's weekly income as is sufficient to meet in whole or in part the person's weekly costs referred to in that paragraph.
- (3) For the purposes of paragraph (2) –
- (a) if the person is in a partnership, the income of the partner shall be included; and
 - (b) the amount of a person's weekly income shall be assessed after making such deductions as are described in Article 6(2) of the Long-Term Care Order.
- (4) Where a person's assets, as determined in accordance with Regulation 2(3), include an owned principal residence, the amount of a

special payment shall be determined in accordance with paragraphs (1) and (2) and, to the extent that there is sufficient value in the owned principal residence, take the form of a loan which shall be repayable in the same way that a loan is repayable under the Long-Term Care Order.

- (5) For the purpose of paragraph (4), there is sufficient value in the owned principal residence where, at the time each special payment is loaned, the aggregate value of the special payments loaned under these Regulations is equal to or less than the value of the principal residence after deducting from that value –
- (a) the amount secured by any other existing charge, hypothec or similar on residence; and
 - (b) where the residence is owned in part by a third party, an amount that is equivalent to the proportion owned by the third party.

4 Transitional provision in respect of payments made under the Income Support (Transitional Provisions) (Jersey) Order 2008

- (1) In this Regulation –
- “Order” means the Income Support (Transitional Provisions) (Jersey) Order 2008⁵;
- “payment” means a payment made under –
- (a) Article 9 of the Order, or
 - (b) Article 4 of the Order in circumstances where Article 6 does not apply by virtue of Article 7.
- (2) Any payment shall be treated as having been made as a special payment in the form of a loan under these Regulations if –
- (a) it was made in such circumstances that the person receiving the payment understood it was to be repaid;
 - (b) the person or the person’s partner has an owned principal residence; and
 - (c) there is sufficient value in the owned principal residence.
- (3) For the purposes of paragraph (2)(c) there is sufficient value in the owned principal residence where the value of the owned principal residence is, at the time of a valuation done for the purposes of this Regulation, equal to or greater than the aggregate amount of payments made after deducting from the value of the residence –
- (a) the amount secured by any existing charge, hypothec or similar on residence; and
 - (b) where the residence is owned in part by a third party, an amount that is equivalent to the proportion owned by the third party.
- (4) A payment treated as a loan under paragraph (2) shall be repayable in the same way that a loan is repayable under the Long-Term Care Order except to the extent that interest on the loan is not chargeable on payments made before 1st July 2014.

- (5) This Regulation does not apply to any payment made to a person under the Order who died before the date these Regulations come into force.

5 Citation and commencement

These Regulations may be cited as the Income Support (Special Payments) (Long-Term Care) (Jersey) Regulations 2014 and shall come into force on the same day that Parts 3 and 4 of the Long-Term Care (Jersey) Law 2012⁶ come into force.

M.N. DE LA HAYE, O.B.E.

Greffier of the States

-
- 1 *chapter 26.550*
 - 2 *chapter 26.550*
 - 3 *chapter 26.600*
 - 4 *R&O.43/2014*
 - 5 *chapter 26.550.80*
 - 6 *chapter 26.600*