



Jersey

INCOME SUPPORT (AMENDMENT No. 13) (JERSEY) REGULATIONS 2015

Arrangement

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Made

23rd June 2015

Coming into force

in accordance with Regulation 9

THE STATES, in pursuance of Articles 3(3)(b), 5 and 18 of the Income Support (Jersey) Law 2007¹, have made the following Regulations –

1 Interpretation

In these Regulations, a reference to a Regulation or Schedule by number only is to the Regulation or Schedule of that number in the Income Support (Jersey) Regulations 2007².

2 Regulation 5B amended

For Regulation 5B(4) there shall be substituted the following paragraph –

“(4) A person who is in breach of a warning for a third or subsequent time shall be treated as being in breach until whichever is the earlier of –

- (a) the person proving, to the satisfaction of a determining officer, that he or she has satisfied the requirements of Regulation 4 for a continuous period of 42 days commencing on or after the day the person is given notice of the breach; and
- (b) the expiry of the warning.”.

3 Schedule 1 Part 2, paragraph 4 amended

In paragraph 4(2)(a) of Part 2 of Schedule 1, for the amount “£80.64” there shall be substituted the amount “£95.13”.

4 Schedule 1 Part 2, paragraph 7 amended

After paragraph 7(3) of Part 2 of Schedule 1, there shall be added the following sub-paragraph –

“(4) Whether or not a statement set out in Part 2 of Schedule 2 applies to a member of a household shall be assessed in accordance with the directions set out in that Part.”.

5 Schedule 1 Part 2, paragraph 10 amended

For paragraph 10(3) of Part 2 of Schedule 1 there shall be substituted the following sub-paragraph –

“(3) The rates payable under this sub-paragraph are –

(a)	for a child under the age of 3 years	£6.48
(b)	for a child aged 3 years or over	£5.06.”.

6 Schedule 1 Part 2, paragraph 11 amended

For paragraph 11(1)(b) and (c) of Part 2 of Schedule 1 there shall be substituted the following clauses –

“(b) the carer –

- (i) is not in receipt of a personal care element of the impairment component at the rate mentioned in paragraph 6(3)(c), and
- (ii) has not been assessed, under Article 5 of the Long-Term Care (Jersey) Law 2012³, as being in need of long-term care; and

(c) at least one of the persons cared for –

- (i) meets the criteria for the rate payable in respect of the personal care element of the impairment component under paragraph 6(3)(c), or
- (ii) has been assessed, under Article 5 of the Long-Term Care (Jersey) Law 2012, as being in need of long-term care.”.

7 Schedule 2 Part 1 amended

(1) In paragraph (1) of the Directions at the beginning of Part 1 of Schedule 2, for the number “11” there shall be substituted the number “12B”.

(2) After paragraph (1) of the Directions at the beginning of Part 1 of Schedule 2 there shall be inserted the following paragraphs –

“(1A) Where a member of a household is normally fitted with or normally wears a prosthesis, he or she shall be assessed as if he or she was fitted with or wearing that prosthesis.

(1B) Where a member of a household normally wears or normally uses any aid or appliance, or could reasonably be expected to normally wear or normally use any aid or appliance, he or she shall be assessed as if he or she was wearing or using that aid or appliance.”.

- (3) In the heading to activity 4 in Part 1 of Schedule 2, the words “(with a stick or other aid if normally used)” shall be deleted.
- (4) In the heading to activity 9 in Part 1 of Schedule 2, the words “(with visual aids if normally worn)” shall be deleted.
- (5) In the heading to activity 10 in Part 1 of Schedule 2, the words “(with a hearing aid if normally worn)” shall be deleted.
- (6) In Part 1 of Schedule 2, for activities 12A and 12B there shall be substituted the following activities –

“12A Seizures causing loss of consciousness or altered consciousness: persons aged 12 and over			
a) in the past 6 months has had 6 or more seizures with loss of consciousness or altered consciousness and either – (i) was awake when the seizure commenced but had no useful warning of the seizure, or (ii) had dangerous post-ictal behaviour	15	12 years	None
b) in the past 6 months has had 3 or more seizures with loss of consciousness or altered consciousness and either – (i) was awake when the seizure commenced but had no useful warning of the seizure, or (ii) had dangerous post-ictal behaviour	9	12 years	None
c) in the past 6 months has had 1 or more seizures with loss of consciousness or altered consciousness and either – (i) was awake when the seizure commenced but had no useful warning of the seizure, or (ii) had dangerous post-ictal behaviour	6	12 years	None
d) none of the above	0	12 years	None
12B Seizures causing loss of consciousness or altered consciousness: persons aged under 12			
a) at least once a week in the past 6 months has had a seizure with loss of consciousness or altered consciousness and was awake at any time during the seizure	15	1 year	12 years
b) at least once a month in the past 6 months has had a seizure with loss of consciousness or altered consciousness and was awake at any time during the seizure	9	1 year	12 years
c) at least once every 2 months in the past 6 months has had a seizure with loss of consciousness or altered consciousness and was awake at any time during the seizure	6	1 year	12 years
d) none of the above	0	1 year	12 years”.

8 Schedule 2 Part 2 amended

- (1) At the beginning of Part 2 of Schedule 2 there shall be inserted the following words –

“Directions

- (1) A statement in respect of any of the activities numbered 1 to 3 shall be selected having regard only to the member of the household’s physical and sensory abilities.
- (2) Where a member of a household is normally fitted with or normally wears a prosthesis, he or she shall be assessed as if he or she was fitted with or wearing that prosthesis.
- (3) Where a member of a household normally wears or normally uses any aid or appliance, or could reasonably be expected to normally wear or normally use any aid or appliance, he or she shall be assessed as if he or she was wearing or using that aid or appliance.
- (4) A statement in respect of any of the activities numbered 4 to 6 shall be selected having regard only to the member of the household’s mental and cognitive abilities.
- (2) For paragraphs 1 to 3 of Part 2 of Schedule 2, there shall be substituted the following paragraphs –

“1 Walking

- (a) Cannot walk at all.
- (b) Cannot walk more than a few steps on level ground and/or up and down one stair without having to stop or feeling severe discomfort, even with the support of a handrail.
- (c) Cannot walk more than 50 metres on level ground and/or walk up and down a flight of 12 stairs without having to stop or feeling severe discomfort.

Note: Statement is not relevant in the case of child under the age of 3 years.”.

2 Vision, including visual acuity and visual fields, in normal daylight or bright electric light

- (a) Cannot see the shape of furniture in the room.
- (b) Cannot see well enough to read 16 point print at a distance of 20 cm.
- (c) Cannot see well enough to recognise a friend at a distance of 5 metres.

Note: Statement is not relevant in the case of child under the age of 3 years.”.

3 Seizures causing loss of consciousness or altered consciousness

In the past 6 months has had one or more seizures with loss of consciousness or altered consciousness and either –

- (a) was awake when the seizure commenced but had no useful warning of the seizure; or
- (b) had dangerous post-ictal behaviour.

Note: Statement is not relevant in the case of child under the age of 12 years.”.

- (3) In paragraph 5(b) of Part 2 of Schedule 2, for the word “warned” there shall be substituted the word “instructed”.

9 Citation and commencement

- (1) These Regulations may be cited as the Income Support (Amendment No. 13) (Jersey) Regulations 2015 and, subject to paragraph (2), shall come into force 7 days after they are made.
- (2) Regulations 3 and 5 shall come into force on 3rd August 2015.

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

Greffier of the States

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- ¹ *chapter 26.550*
² *chapter 26.550.30*
³ *chapter 26.600*