



Jersey

R&O – 80/2004

SOCIAL SECURITY (RESIDENCE AND PERSONS ABROAD) (AMENDMENT No. 2) (JERSEY) ORDER 2004

Made

21st July 2004

Coming into force

1st October 2004

THE EMPLOYMENT AND SOCIAL SECURITY COMMITTEE, in pursuance of Articles 3, 29, 44, 46 and 51 of the Social Security (Jersey) Law 1974,¹ orders as follows –

1 Interpretation

In this Order, “principal Order” means the Social Security (Residence and Persons Abroad) (Jersey) Order 1974.²

2 Substitution of Article 5A

For Article 5A of the principal Order there shall be substituted the following Article –

“5A Exceptions from disqualification during absence

- (1) Article 5 of this Order shall not operate to disqualify a person for receiving short term incapacity allowance, long term incapacity allowance or maternity allowance by reason of being temporarily absent from the Bailiwick, during such period as the Committee 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 he left the Bailiwick on that occasion.
- (2) However, unless –
 - (a) the person has nominated a person in the Bailiwick to receive payment of his benefit on his behalf; and

(b) the Committee has approved the nominee,
the payment of the benefit shall not be made until the beneficiary returns to the Bailiwick.

- (3) Article 5 shall not operate to disqualify a person, by reason of being absent from the Bailiwick 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 the Bailiwick, 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) of this Article not disqualified for receiving a benefit while absent from the Bailiwick, Article 5 shall not operate to disqualify that person, by reason of the absence of the person's spouse from the Bailiwick, for receiving any increase of that benefit in respect of that spouse, as long as they are residing together outside the Bailiwick.
- (6) Where a person is by virtue of any of paragraphs (1), (3) and (4) of this Article not disqualified for receiving a benefit although absent from the Bailiwick, Article 5 shall not operate to disqualify that person, by reason of the absence of any other person from the Bailiwick, 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;³ and
- (b) they are residing together outside the Bailiwick.”.

3 Citation and commencement

This Order may be cited as the Social Security (Residence and Persons Abroad) (Amendment No. 2) (Jersey) Order 2004 and shall come into force on 1st October 2004.

M.N. DE LA HAYE
Greffier of the States.

¹ *Recueil des Lois, Volume 1973-1974, pages 322, 340, 353, 354 and 356 and Volume 2000, page 886.*

² *Nos. 6081 and 7083.*

³ *Recueil des Lois, Volume 1973-1974, page 338 and Volume 2000, page 886.*