



Jersey

R&O – 83/2004

## **SOCIAL SECURITY (CONTRIBUTIONS) (AMENDMENT No. 8) (JERSEY) ORDER 2004**

### **Arrangement**

---

#### **Article**

- 1 Interpretation
- 2 Article 2 amended
- 3 Article 3 amended
- 4 Article 4 amended
- 5 New Articles 5A and 5B substituted
- 6 Article 7 amended
- 7 Article 12 amended
- 8 Article 13 amended
- 9 New Article 21 substituted
- 10 Article 21A amended
- 11 Article 22 amended
- 12 Schedule added
- 13 Revocation
- 14 Citation and commencement

### **SCHEDULE**

---

NEW SCHEDULE TO PRINCIPAL ORDER





Jersey

## **SOCIAL SECURITY (CONTRIBUTIONS) (AMENDMENT No. 8) (JERSEY) ORDER 2004**

*Made*

*21st July 2004*

*Coming into force*

*1st October 2004*

**THE EMPLOYMENT AND SOCIAL SECURITY COMMITTEE**, in pursuance of Articles 10, 11, 46, 47 and 51 of the Social Security (Jersey) Law 1974,<sup>1</sup> orders as follows –

### **1 Interpretation**

In this Order, “principal Order” means the Social Security (Contributions) (Jersey) Order 1975.<sup>2</sup>

### **2 Article 2 amended**

In Article 2(1) of the principal Order, for sub-paragraphs (f) and (g) there shall be substituted the following sub-paragraphs –

- “(f) any period in respect of which the person concerned –
  - (i) is disqualified for receiving incapacity benefit or maternity allowance by any Order made under Article 18 or Article 22 respectively of the Law,<sup>3</sup> or
  - (ii) is unable to satisfy any additional conditions with respect to the receipt of incapacity benefit imposed in his case by any Order made under Article 18 of the Law,<sup>4</sup>shall not be a period of unemployment;
- (g) any period in respect of which the person concerned is disqualified for receiving incapacity benefit or maternity allowance by any Order made under sub-paragraph (c) of paragraph (1) of Article 29 of the Law<sup>5</sup> shall not be a period of unemployment.”.

**3 Article 3 amended**

In Article 3(2) of the principal Order, in the proviso, the words “, except when he is claiming accident benefit,” shall be deleted.

**4 Article 4 amended**

In Article 4(2) of the principal Order –

- (a) in sub-paragraph (a), for the words “Article 16” there shall be substituted the words “Article 18”;
- (b) for sub-paragraph (b) there shall be substituted the following sub-paragraph –
  - “(b) any period in respect of which the person concerned is disqualified for receiving incapacity benefit by reason of the provisions of any Order made under Article 18 of the Law<sup>6</sup> shall not be a period of incapacity for work;”;
- (c) in sub-paragraph (c), the words “or accident benefit” shall be deleted.

**5 New Articles 5A and 5B substituted**

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

**“5A Persons in receipt of long term incapacity allowance**

- (1) An insured person who is in receipt of long term incapacity allowance shall, if the percentage of his degree of incapacitation is specified in Column 1 of the Schedule to this Order, be excepted from liability to pay a contribution under the Law for the period of months specified in respect of that percentage in Column 2 of that Schedule.
  - (2) An insured person who has been excepted from liability to pay a contribution for any period by virtue of paragraph (1) of this Article shall be credited, for that period, with contributions of the appropriate class in accordance with and subject to the provisions of Article 14 of this Order.
  - (3) If an insured person is in receipt of long term incapacity allowance in respect of incapacitation arising independently from each of two or more relevant diseases or injuries, his exception under this Article from liability to pay a contribution and the contributions with which he is entitled under this Article to be credited shall be calculated on the aggregate of the percentages of his degrees of incapacitation.
  - (4) However, to the extent that the aggregate of those percentages exceeds 100 per cent, it shall be disregarded.
-

**5B Persons in receipt of incapacity pensions**

- (1) An insured person who is in receipt of an incapacity pension shall be excepted from liability to pay a contribution under the Law for the period from the date on which he becomes entitled to that pension until the end of the month before the one in which he attains pensionable age.
- (2) An insured person who has been excepted from liability to pay a contribution for any period by virtue of paragraph (1) of this Article shall be credited, for that period, with contributions of the appropriate class in accordance with and subject to the provisions of Article 14 of this Order.”.

**6 Article 7 amended**

In Article 7(1) of the principal Order, the words “or accident benefit” shall be deleted.

**7 Article 12 amended**

For Article 12(e)(v) of the principal Order there shall be substituted the following sub-paragraph –

“(v) any payment by way of long term incapacity allowance under Article 16 of the Law;”.

**8 Article 13 amended**

(1) In Article 13(1) of the principal Order, after the words “An insured person” there shall be inserted the words “who is not entitled to incapacity benefit”.

(2) After Article 13(9) of the principal Order there shall be added the following paragraph –

“(10) Any contribution credited to a person by virtue of this Article shall be taken into account only for the purposes of survivor’s benefit, incapacity pension, old age pension and death grant.”.

**9 New Article 21 substituted**

For Article 21 of the principal Order there shall be substituted the following Article –

**“21 Treatment for purposes of survivor’s benefit and pensions of contributions paid late**

- (1) For the purpose of any right to survivor’s benefit or to an incapacity pension or old age pension, a contribution under the Law paid after the due date shall be treated as paid on the due date if it is paid –

- (a) not later than 12 months after the relevant time; and
  - (b) at the rate applicable at the time of payment,
- and any other contribution paid after the due date shall be treated as not paid.

- (2) In this Article, the expression ‘relevant time’ –
- (a) when used in reference to survivor’s benefit or an old age pension, has the same meaning as in paragraph 6(2)(b) of the Second Schedule to the Law;<sup>8</sup> and
  - (b) when used in reference to an incapacity pension, means the end of the relevant quarter as defined in paragraph 3(2) of that Schedule.<sup>9</sup>”

**10 Article 21A amended**

In Article 21A of the principal Order, for the words “sub-paragraphs 1(1)(b) (sickness benefit), 2(1)(b) (invalidity benefit), 3(1)(b)(ii) (accident benefit),” there shall be substituted the words “any of sub-paragraphs 1(1)(b) (short term incapacity allowance), 2(1)(b) (long term incapacity allowance)”.

**11 Article 22 amended**

In Article 22(2) of the principal Order, for the words “survivor’s benefit to an old age pension” there shall be substituted the words “to survivor’s benefit or to an incapacity pension or old age pension”.

**12 Schedule added**

The principal Order shall be amended by adding the Schedule set out in the Schedule to this Order.

**13 Revocation**

The Social Security (Contributions) (Amendment No. 3) (Jersey) Order 1993<sup>10</sup> shall be revoked.

**14 Citation and commencement**

This Order may be cited as the Social Security (Contributions) (Amendment No. 8) (Jersey) Order 2004 and shall come into force on 1st October 2004.

**M.N. DE LA HAYE**

*Greffier of the States.*

---

**SCHEDULE**

(Article 12)

**NEW SCHEDULE TO PRINCIPAL ORDER**

**“SCHEDULE**

(Article 5A)

**EXCEPTIONS AND CREDITS FOR LONG TERM INCAPACITY  
ALLOWANCE**

<i>Column 1</i>	<i>Column 2</i>
Percentage of degree of incapacitation	Number of months of exception and credits
100	540
95	540
90	540
85	540
80	540
75	540
70	360
65	240
60	120
55	96
50	60
45	36
40	24
35	18
30	12
25	6
20	3 ”

---

<sup>1</sup> *Recueil des Lois, Volume 1973-1974, pages 326, 354, 355 and 356 and Volume 2000, page 875.*

<sup>2</sup> *Nos. 6108, 6804, 7584, 8546, 8605, 9169, 63/2001 and 150/2001.*

<sup>3</sup> *Recueil des Lois, Volume 1973-1974, pages 331 and 334 and Volume 2000, page 877.*

<sup>4</sup> *Recueil des Lois, Volume 1973-1974, page 331 and Volume 2000, page 877.*

<sup>5</sup> *Recueil des Lois, Volume 1973-1974, page 340 and Volume 2000, page 886.*

<sup>6</sup> *Recueil des Lois, Volume 1973-1974, page 331 and Volume 2000, page 877.*

<sup>7</sup> *Recueil des Lois, Volume 1973-1974, page 330 and Volume 2000, page 877.*

<sup>8</sup> *Recueil des Lois, Volume 1973-1974, page 364 and Volume 2000, page 895.*

<sup>9</sup> *Recueil des Lois, Volume 1973-1974, page 363, Volume 2000, page 894 and Volume 2002, page 643.*

<sup>10</sup> *No. 8546.*