



Jersey

R&O – 84/2004

SOCIAL SECURITY (CLAIMS AND PAYMENTS) (AMENDMENT No. 4) (JERSEY) ORDER 2004

Arrangement

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SOCIAL SECURITY (CLAIMS AND PAYMENTS) (AMENDMENT No. 4) (JERSEY) ORDER 2004

Made

21st July 2004

Coming into force

1st October 2004

THE EMPLOYMENT AND SOCIAL SECURITY COMMITTEE, in pursuance of Articles 29, 36 and 51 of the Social Security (Jersey) Law 1974,¹ orders as follows –

1 Interpretation

In this Order, “principal Order” means the Social Security (Claims and Payments) (Jersey) Order 1974.²

2 Article 7 amended

- (1) Article 7(2) of the principal Order shall be revoked.
- (2) For Article 7(3) of the principal Order there shall be substituted the following paragraph –
 - “(3) Every person who makes a claim for an increase of benefit in respect of a dependant shall, in particular, furnish the following information if required to do so, namely –
 - (a) the dependant’s identity, date of birth, usual place of residence, occupation and relationship to the claimant;
 - (b) the dependant’s position in regard to benefit under the Law, available sources of income and the amounts contributed by any person towards his maintenance; and
 - (c) in the case of an increase in respect of a wife or a husband, a certificate of the marriage,together with a declaration signed by the dependant confirming the information given.”.

3 Article 9 amended

- (1) In the heading to Article 9 of the principal Order, for the words “DISABLEMENT BENEFIT” there shall be substituted the words “LONG TERM INCAPACITY ALLOWANCE”.
- (2) In Article 9 of the principal Order –
 - (a) for the words “disablement benefit” there shall be substituted the words “long term incapacity allowance”;
 - (b) for the words “injury benefit” there shall be substituted the words “short term incapacity allowance”.

4 Article 10 amended

In Article 10(3) of the principal Order –

- (a) for the words “an adult dependant” there shall be substituted the words “a dependant”;
- (b) for the words “that adult dependant” there shall be substituted the words “that dependant”.

5 Article 11 amended

- (1) In Article 11 of the principal Order, for paragraphs (2) and (3) there shall be substituted the following paragraphs –
 - “(2) Short term incapacity allowance and maternity allowance shall be paid weekly in arrears.
 - (3) Long term incapacity allowance, incapacity pensions, survivor’s benefit and old age pensions shall be paid in advance, every four weeks, on a Thursday.”.
- (2) In Article 11(7) of the principal Order, for the words “or disablement benefit” there shall be substituted the words “, long term incapacity allowance or incapacity pension”.
- (3) In Article 11(8) of the principal Order, for the words “or disablement benefit” there shall be substituted the words “, long term incapacity allowance or incapacity pension”.
- (4) After Article 11(12) of the principal Order, there shall be added the following paragraph –
 - “(13) Without prejudice to the generality of paragraph (12) of this Article, the Committee may arrange for the payment of benefit to the beneficiary to be made by electronic transfer.”.

6 Article 12 replaced

For Article 12 of the principal Order there shall be substituted the following Article –

“12 Time and manner of payment of lump sum benefit

- (1) Subject to the provisions of this Article, where there is an award by the determining authority of long term incapacity allowance in respect of a person whose degree of incapacitation is assessed at not less than five per cent and not more than fifteen per cent, the amount of benefit awarded shall be payable in one sum.
- (2) The lump sum shall be paid by such means as may appear to the Committee to be appropriate in the circumstances of any particular case.
- (3) The lump sum shall not be payable until after the expiration of the time limited for an appeal from the award of the lump sum or from a decision on which the award was based, and where any such appeal is brought, until after the decision on that appeal.
- (4) However, payment of benefit shall not be suspended under the provisions of paragraph (3) if in any case or class of cases the Committee so direct.
- (5) For the purposes of paragraph (3) of this Article, the expression ‘appeal’ shall be construed as including a reference of the decision of a medical board to a medical appeal tribunal.”.

7 Article 14 amended

- (1) In Article 14(1) of the principal Order, for the words “six months” there shall be substituted the words “two years”.
- (2) In Article 14(2) of the principal Order, for the words “six months” in each place where they occur there shall be substituted the words “two years”.

8 Article 15 amended

In Article 15(2) of the principal Order, for the words “an adult dependant” there shall be substituted the words “a dependant”.

9 Article 17 amended

In Article 17(3) of the principal Order, for the words “six months” there shall be substituted the words “two years”.

10 Article 19 amended

In Article 19 of the principal Order, after the words “any accident” there shall be inserted the words “or illness”.

11 First Schedule amended

In the First Schedule to the principal Order –

- (a) in the first column, the item “Injury benefit.” and in the second column the corresponding item “Incapacity benefit.” shall be deleted;
- (b) in the first column the item “An increase of injury benefit.” and in the second column the corresponding item “An increase of incapacity benefit.” shall be deleted;
- (c) in the first column the item “Incapacity benefit.” and in the second column the corresponding item “Injury benefit.” shall be deleted;
- (d) in the first column the item “An increase of incapacity benefit.” and in the second column the corresponding item “An increase of injury benefit.” shall be deleted.

12 Second Schedule amended

- (1) In Part I of the Second Schedule to the principal Order –
 - (a) in item 1, for the entry in the first column there shall be substituted the following entry –

“Short term incapacity allowance (not being an increase of benefit in respect of a dependant).”;
 - (b) in item 2, in the first column, for the words “an adult dependant” in each place where they occur in sub-paragraphs (c), (d) and (e) respectively, there shall be substituted the words “a dependant”;
 - (c) item 4 shall be deleted;
 - (d) in item 5, for the entry in the first column there shall be substituted the following entry –

“Long term incapacity allowance (not being an increase in respect of a dependant).”;
 - (e) after item 5 there shall be inserted in the first, second and third columns respectively the following item –

“5A. Incapacity pension or increase of incapacity pension in respect of a dependant.	The period of three months from the date on which, apart from satisfying the condition of making a claim, the claimant becomes entitled thereto.	Benefit in respect of any period more than three months before the date on which the claim is made.”;
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- (f) in item 7, for the entry in the first column there shall be substituted the following entry –

“Increase, in respect of a dependant, of short term incapacity allowance or long term incapacity allowance.”;
- (g) in item 7, in the entry in the second column, for the words “incapacity benefit or accident benefit” there shall be substituted the words “the benefit”.

- (2) In Part II of the Second Schedule to the principal Order –
- (a) in the heading, the words “Accident Benefit,” and “AND ACCIDENT BENEFIT” shall be deleted;
 - (b) in paragraph 1, the words “or accident benefit” shall be deleted;
 - (c) in paragraph 2, the words “or injury benefit” in each place where they appear shall be deleted;
 - (d) in paragraph 3, for the words “an adult dependant” there shall be substituted the words “a dependant”;
 - (e) in paragraph 3(b), for the words “the adult dependant” there shall be substituted the words “the dependant”.

13 Citation and commencement

This Order may be cited as the Social Security (Claims and Payments) (Amendment No. 4) (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 340, 349 and 356, Volume 1992-1993, page 437, Volume 1994-1995, page 424 and Volume 2000, page 886.*

² *Nos. 6077, 7067 and 66/2001.*