



Jersey

INCOME SUPPORT (GENERAL PROVISIONS) (AMENDMENT No. 17) (JERSEY) ORDER 2015

Arrangement

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Made

17th July 2015

Coming into force

20th July 2015

THE MINISTER FOR SOCIAL SECURITY, in pursuance of Articles 4(3), 8(6), 9 and 18 of the Income Support (Jersey) Law 2007¹, orders as follows –

1 Interpretation

In this Order, a reference to an Article or Schedule by number only is a reference to the Article or Schedule of that number in the Income Support (General Provisions) (Jersey) Order 2008².

2 Article 5 and other provisions amended

(1) In Article 5 –

- (a) in paragraph (1)(b) for the words “paragraph (2)(a) or (b)” there shall be substituted the words “paragraph (2)”;
- (b) for paragraph (2) there shall be substituted the following paragraph –

“(2) The circumstances mentioned in paragraph (1)(b) are that one of the persons –

- (a) is under 25 years;
- (b) is excepted from the requirement to be engaged in full time remunerative work by virtue of Article 3(1)(e) or (g) of the Law; and
- (c) does not meet the criteria for the rate payable in respect of the personal care element of the impairment component under paragraph 6(3)(b) or (c) of Schedule 1 to the Regulations.”.

(2) In the following provisions, for the words “Article 5(2)(a) or (b)” there shall be substituted the words “Article 5(2)” –

- (a) Article 13A(3)(a);
- (b) Article 14(1A);

- (c) Article 17(2);
- (d) paragraph 2(1A) of Schedule 2.

3 Article 6 amended

For Article 6(3) there shall be substituted the following paragraph –

- “(3) Subject to paragraphs (4) and (5), a claim is not treated as having been made until the Minister has received, at an office approved by the Minister for the receiving of claims –
 - (a) the claim, made in the manner required by paragraph (1); and
 - (b) all of the information required by paragraph (2).”.

4 Article 7 amended

For Article 7(2) and (3) there shall be substituted the following paragraph –

- “(2) Where the claim may entitle the household to an impairment component in respect of a member of the household (the ‘relevant person’), the determining officer may further require all or any of the following –
 - (a) the furnishing of certificates and other documents and information by the relevant person that provide evidence of the nature and degree of impairment of the relevant person;
 - (b) an assessment by a healthcare professional, arranged by the relevant person, and submitted to the determining officer, of the nature and degree of impairment of the relevant person; and
 - (c) an assessment by a healthcare professional, arranged by the determining officer, of the nature and degree of impairment of the relevant person.”.

5 Article 8 amended

In Article 8(1), for the words “as soon as practicable,” there shall be substituted the words “within 14 days of the change occurring,”.

6 Article 9 amended

After Article 9(2) there shall be added the following paragraph –

- “(3) In this Article ‘claimant’ includes any member of a claimant’s household who is required, under Article 7, to furnish information and evidence in support of a claim.”.

7 Article 11 substituted

For Article 11 there shall be substituted the following Article –

“11 Application of Part 3 to special payments

- (1) Subject to paragraphs (2) to (5), Article 6 applies to claims for special payments as it applies to claims for income support.
- (2) A claim for child personal care that is made after 1st January 2015 but before 1st July 2015 shall be treated as having been made on 1st January 2015.
- (3) Subject to paragraph (5), if a claimant for a special payment is a member of a household currently in receipt of income support, the information to be included in the claim is that set out in Part 2 of Schedule 1.
- (4) Subject to paragraph (5), if a claimant for a special payment is a member of a household currently not in receipt of income support, the information to be included in the claim is that set out in Parts 1 and 2 of Schedule 1.
- (5) In the case of a claim for child personal care, the information to be included in the claim is such information as the Minister requires to be satisfied that the requirements and criteria for that payment are met.
- (6) Article 7(1) applies to claims for special payments as it applies to claims for income support.
- (7) Article 7(2) to (4) apply to a claim for child personal care as they apply to a claim to an impairment component.
- (8) Article 9 applies to claims for special payments as it applies to claims for income support.
- (9) In this Article, ‘child personal care’ means a special payment under Regulation 2 or 3 of the Income Support (Special Payments) (Child Personal Care) (Jersey) Regulations 2014³.”.

8 Article 12 amended

After Article 12(1A)(c) there shall be added the following sub-paragraph –

- “(d) a person has, as described in Regulation 5B(4)(a) of the 2007 Regulations, proved that he or she has satisfied the requirements of Regulation 4 of those Regulations for a continuous period of 42 days.”.

9 Article 13 amended

For Article 13(2) there shall be substituted the following paragraphs –

- “(2) The reference in paragraph (1) to an adult member of the claimant’s household only includes an adult described in Article 5(2) if the circumstances in paragraph (2A) apply.
- (2A) The circumstances are that –

- (a) in making the determination, the first determining officer had regard to any capital or income, or any impairment, of the adult described in Article 5(2); or
- (b) the determination was one described in Article 12(1A), made in respect of the adult described in Article 5(2).”.

10 Part 6A inserted

After Part 6 there shall be inserted the following Part –

“PART 6A **PAYMENTS OF INCOME SUPPORT**

13B Payments of income support

- (1) Subject to paragraph (2), where a claim for income support has been made on behalf of a household and it is been determined that the household is entitled to an award, the entitlement shall have effect from the day on which the claim is treated as having been made, in accordance with Article 6(3) to (5).
- (2) Where, on the day the claim is treated as having been made, the household does not satisfy one or more of the conditions for entitlement to the award, the claim shall be treated as having been made on day on which the last of those conditions is satisfied.

13C Changes in circumstances affecting payments of income support

- (1) Where, by virtue of a change in circumstances, a household’s entitlement to income support ceases, or the level of payments to which the household is entitled decreases, the cessation of, or decrease in, payments has effect from the date of the change in circumstances.
- (2) Where, by virtue of a change in circumstances, a household is entitled to an increase in the level of payments of income support to which it is entitled, the increase has effect in accordance with paragraph (3) or (4).
- (3) Where notice of the change in circumstances is given to the Minister within the time required by Article 8(1) –
 - (a) if the Minister does not require any further information under Article 8(2) as a consequence of the change – the increase has effect from the date of the change in circumstances;
 - (b) if further information required under Article 8(2) as a consequence of the change is furnished to the Minister within the time specified by the Minister under Article 8(2) – the increase has effect from the date of the change in circumstances;

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- (c) if further information required under Article 8(2) as a consequence of the change is not furnished to the Minister within the time specified by the Minister under Article 8(2) – the increase has effect from the date the further information is furnished to the Minister.
 - (4) Where notice of the change in circumstances is not given to the Minister within the time required by Article 8(1) –
 - (a) if the Minister does not require any further information under Article 8(2) as a consequence of the change – the increase has effect from the date the notice of the change in circumstances is given to the Minister;
 - (b) if further information required under Article 8(2) as a consequence of the change is furnished to the Minister within the time specified by the Minister under Article 8(2) – the increase has effect from the date the notice of the change in circumstances is given to the Minister;
 - (c) if further information required under Article 8(2) as a consequence of the change is not furnished to the Minister within the time specified by the Minister under Article 8(2) – the increase has effect from the date the further information is furnished to the Minister.”

11 Article 17 amended

In Article 17(2) –

- (a) the word “or” following sub-paragraph (a) shall be deleted;
- (b) after sub-paragraph (a) there shall be inserted the following sub-paragraph –
 - “(aa) if the redetermination was of a determination described in Article 12(1A), made in respect of that adult: or”.

12 Schedule 1 amended

In paragraph 5 of Schedule 1, after the words “or day care accommodation” there shall be added the words “or of accredited nanny”.

13 Citation and commencement

This Order may be cited as the Income Support (General Provisions) (Amendment No. 17) (Jersey) Order 2015 and shall come into force on 20th July 2015.

DEPUTY S.J. PINEL OF ST. CLEMENT

Minister for Social Security

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- ¹ *chapter 26.550*
² *chapter 26.550.20*
³ *chapter 26.550.60*