



Jersey

## **INCOME SUPPORT (GENERAL PROVISIONS) (AMENDMENT No. 9) (JERSEY) ORDER 2012**

### **Arrangement**

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## **INCOME SUPPORT (GENERAL PROVISIONS) (AMENDMENT No. 9) (JERSEY) ORDER 2012**

*Made*

*28th September 2012*

*Coming into force*

*1st October 2012*

**THE MINISTER FOR SOCIAL SECURITY**, in pursuance of Articles 2, 4, 7, 8, 9 and 18 of the Income Support (Jersey) Law 2007<sup>1</sup>, orders as follows –

### **1 Interpretation**

In this Order “principal Order” means the Income Support (General Provisions) (Jersey) Order 2008<sup>2</sup>.

### **2 Article 1 amended**

In Article 1 of the principal Order –

- (a) at the beginning of the Article there shall be inserted the paragraph number “(1)”;
- (b) after paragraph (1) there shall be added the following paragraph –  
“**(2)** In this Order, a reference to a first determining officer or second determining officer shall be construed in accordance with Article 12(2).”.

### **3 Part 6 substituted**

For Part 6 of the principal Order there shall be substituted the following Part –

## **“PART 6**

### **DETERMINATIONS AND DECISIONS**

#### **12 Functions of determining officers**

- (1) A claim for an award shall be determined by a determining officer.
- (2) Where required under Article 13 –

(a) a determination under paragraph (1) or Article 12 of the Law; or

(b) a decision under Article 11 of the Law,

shall be redetermined by a determining officer (the ‘second determining officer’) other than the determining officer whose determination or decision is to be redetermined (the ‘first determining officer’).

(3) Where a determining officer has determined that a household is entitled to an award, and the amount of the award, he or she shall allow payment to be made.

### **13 Right to redetermination by second determining officer**

(1) If a claimant or an adult member of the claimant’s household is dissatisfied with any determination that is made in respect of the household under Article 12(1) of this Order or Article 12 of the Law, he or she may require that the matter is redetermined.

(2) The reference in paragraph (1) to an adult member of the claimant’s household only includes an adult described in Article 5(2)(a) or (b) if, in making the determination, the first determining officer had regard to any capital or income, or any impairment, of that adult.

(3) If a claimant or an adult member of the claimant’s household is dissatisfied with any decision that is made in respect of the household under Article 11 of the Law, he or she may require that the matter is redetermined.

(4) The reference in paragraph (3) to an adult member of the claimant’s household only includes an adult described in Article 5(2)(a) or (b) if, in making the decision, the first determining officer had particular regard to the circumstances of that adult.

(5) A requirement under paragraph (1) or (3) must be made within 21 days of receiving notice of the first determining officer’s determination or decision.

### **13A Notice of determination or decision**

(1) A determining officer who has made a determination under Article 12(1) of this Order or Article 12 of the Law or a decision under Article 11 of the Law shall notify, in writing, every person who, under Article 13, has a right to require that the matter is redetermined –

(a) of the determination or decision and the reasons for it;

(b) of the right conferred by Article 13 and the time within which it must be exercised; and

(c) that if the right conferred by Article 13 is not exercised, there is no right of further appeal.

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- (2) A determining officer who has, in accordance with Article 12(2) redetermined any matter shall notify, in writing, the person who required the redetermination and every person who, under Article 14, has a right of review of or, under Article 17, has a right of appeal against, the redetermination of –
- (a) the redetermination and the reasons for it; and
  - (b) the right conferred by Article 14 or 17, as the case requires, and the time within which it must be exercised.
- (3) Where –
- (a) a determining officer is required by paragraph (1) or (2) to notify an adult described in Article 5(2)(a) or (b) of a determination, decision or redetermination; and
  - (b) in making the determination, decision or redetermination, the officer had regard to any impairment of that adult, but not to any capital or income of that adult,
- the determining officer shall not, in notifying that adult, provide that adult with information regarding any capital or income of the claimant or another member of the household.
- (4) In the case of an award being granted, a notice under this Article must also specify –
- (a) the manner and method of payment of the award; and
  - (b) such other particulars as may be determined by the Minister.
- (5) Any notice under this Article is treated as duly sent to a person if sent to the person’s usual or last known address.”.

#### **4 Article 14 amended**

In Article 14 of the principal Order –

- (a) in paragraph (1) for the words “a determination of a second determining officer under Article 12” there shall be substituted the words “a redetermination under Article 12(2)”;
- (b) in paragraphs (1) and (2) for the words “the determination” there shall be substituted the “the redetermination”;
- (c) after paragraph (1) there shall be inserted the following paragraph –  
“(1A) The reference in paragraph (1) to an adult member of the claimant’s household only includes an adult described in Article 5(2)(a) or (b) if, in making the redetermination, the second determining officer had regard to any impairment of that adult.”;
- (d) in paragraph (3) for the words “a decision” there shall be substituted the words “a redetermination”.

#### **5 Article 17 amended**

In Article 17 of the principal Order –

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- (a) at the beginning of the Article there shall be inserted the paragraph number “(1)”;
  - (b) in paragraph (1) for the words “a decision of a second determining officer” there shall be substituted the words “a redetermination under Article 12(2)”;
  - (c) after paragraph (1) there shall be added the following paragraph –
    - “(2) The reference in paragraph (1) to an adult member of the claimant’s household only includes an adult described in Article 5(2)(a) or (b) if, in making the redetermination, the second determining officer –
      - (a) if the redetermination was of a determination under Article 12(1) of this Order or Article 12 of the Law, had regard to any income or capital of that adult; or
      - (b) if the redetermination was of a decision under Article 11 of the Law, had particular regard to the circumstances of that adult.”.

#### **6 Article 18 amended**

For Article 18(1) of the principal Order there shall be substituted the following paragraph –

- “(1) A party to a review by the Medical Appeal Tribunal or the hearing of an appeal by the Social Security Tribunal under this Part who is aggrieved by the decision of the Tribunal may appeal to the Royal Court on a point of Law.”.

#### **7 Schedule 1 amended**

In Part 1 of Schedule 1 to the principal Order –

- (a) in paragraph 1 after the words “Rent frequency and amount (if applicable)” there shall be inserted the words “Service charge frequency and amount (if applicable)”;
- (b) in paragraph 2 the words “Confirmation of period of ordinary residence in Jersey” shall be deleted;
- (c) at the end of paragraph 3 there shall be added the words –
  - “Evidence of period or periods of ordinary residence in Jersey  
Marital/civil partnership status.”;
- (d) in paragraph 6 after the words “Name of doctor” there shall be inserted the words “or other health care professional”;
- (e) at the end of paragraph 8 there shall be added the words –
  - “Any other capital assets having a current value or, if marketable, a current market value, in excess of £1,000 (excluding assets to be disregarded under the foregoing provisions of this paragraph and normal household possessions): name of owner, type and details of asset, current value or, if marketable, current market value.”;

- (f) in paragraph 9 for the words beginning “Other income:” to the end of the paragraph there shall be substituted the words –

“Income from lodger: frequency and amount of income received, nature of services provided.

Rental income (where value of property has been disregarded for capital purposes): frequency and amount of income received, nature of rental agreement.

Maintenance received in respect of a member of the household: name of person providing maintenance, frequency and amount of income received, details of maintenance agreement.

Any other income: frequency and amount of income received, source of income.”.

## 8 Schedule 2 amended

In Schedule 2 to the principal Order –

- (a) after paragraph 2(1) there shall be inserted the following sub-paragraph –
- “(1A) In determining, for the purposes of sub-paragraph (1), the number of adults contained in a household there shall be disregarded any adult described in Article 5(2)(a) or (b).”;
- (b) for paragraph 3(1) there shall be substituted the following sub-paragraph –
- “(1) If a person has directly or indirectly deprived himself or herself or any other person of any income or capital –
- (a) in order to qualify for income support or a special payment; or
- (b) in order that he or she does not, by virtue of such income or capital, cease to qualify for income support or a special payment, or receive a lesser amount of income support or a reduced special payment,
- the amount of that income or capital shall be included in his or her total income or capital as the case may be.”;
- (c) in paragraph 5(f) for the amount “£42.28” there shall be substituted the amount “£45.08”;
- (d) in paragraph 5(g) for the amount “£27.23” there shall be substituted the amount “£29.05”.

**9 Citation and commencement**

This Order may be cited as the Income Support (General Provisions) (Amendment No. 9) (Jersey) Order 2012 and shall come into force on 1st October 2012.

**SENATOR F. DU H. LE GRESLEY**

*Minister for Social Security*



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- <sup>1</sup> *chapter 26.550*  
<sup>2</sup> *chapter 26.550.20*