



Jersey

INCOME SUPPORT (MISCELLANEOUS PROVISIONS) (JERSEY) REGULATIONS 2013

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Made

8th October 2013

Coming into force

15th October 2013

THE STATES, in pursuance of Articles 3(3), 5(4) and (5), 8 and 18 of the Income Support (Jersey) Law 2007¹, have made the following Regulations –

PART 1

INTERPRETATION

1 Interpretation

In these Regulations –

“2007 Regulations” means the Income Support (Jersey) Regulations 2007²;

“Special Payment Regulations” means the Income Support (Special Payments) (Jersey) Regulations 2007³.

PART 2

ELIGIBILITY FOR INCOME SUPPORT – WORK REQUIREMENTS

2 2007 Regulations amended

(1) In Regulation 1(1) of the 2007 Regulations –

(a) after the definition “bedsit” there shall be inserted the following definition –

“ ‘breach period’ means the period for which a person is treated as being in breach following a breach, in accordance with Regulation 5B;”;

(b) after the definition “foster child” there shall be inserted the following definition –

- “ ‘full time’ , in relation to work, shall be construed in accordance with Regulation 2;”;
- (c) after the definition “owner” there shall be inserted the following definitions –
- “ ‘person required to seek full time work’ means an adult member of a household who –
- (a) is not engaged in full time remunerative work; and
- (b) is not exempt from the requirement in Article 2(1)(c) of the Law to be in such work by virtue of any sub-paragraphs (a) to (f) and (h) of Article 3(1) of the Law;
- ‘person required to seek part time work’ means an adult member of a household who –
- (a) is not exempt from the requirement in Article 2(1)(c) of the Law to be in full time remunerative work by virtue of any of sub-paragraphs (a), (b) and (h) of Article 3(1) of the Law;
- (b) is a person to whom any of sub-paragraphs (c) to (f) of Article 3(1) of the Law applies and in whose case a number of hours has been determined in accordance with Article 3(2)(b) of the Law; and
- (c) is not engaged in remunerative work for the number of hours so determined;
- ‘person required to seek work’ means a person required to seek full time work or part time work;
- ‘remunerative’ , in relation to work, shall be construed in accordance with Regulation 3;”;
- (d) after the definition “suitable work” there shall be inserted the following definition –
- “ ‘warning’ means a warning that is in force under Regulation 5A.”.
- (2) In Regulations 2(1) and 3(1) of the 2007 Regulations, after the words “Article (2)(1)(c) of the Law” there shall be inserted the words “and these Regulations”.
- (3) For Regulations 4 and 5 of the 2007 Regulations there shall be substituted the following Regulations –

“4 Person treated as available for and actively seeking work

- (1) For the purposes of Article 3 of the Law, a person is to be treated as available for, and actively seeking, remunerative work if he or she –
- (a) is –
- (i) in Jersey, or
- (ii) temporarily absent from Jersey and has a reasonable excuse for the absence;

- (b) is willing and able to take up, as soon as reasonably practicable, any remunerative work that is suitable work;
- (c) is taking all reasonable steps to obtain remunerative work that is suitable work;
- (d) does not unreasonably turn down any offer of remunerative work that is suitable work; and
- (e) attends every interview arranged by the Minister, unless the person has a reasonable excuse for not attending.

(2) For the purposes of paragraph (1)(c), the steps include –

- (a) attending any training that may assist the person in obtaining remunerative work that is suitable work, unless the person has a reasonable excuse for not so doing and, when attending the training, participating in it to the best of the person's ability; and
- (b) attending any work experience placement that may assist the person in obtaining remunerative work that is suitable work, unless the person has a reasonable excuse for not so doing and, when attending the work experience placement, undertaking it to the best of the person's ability.

(3) For the purposes of Article 3(1)(g) of the Law, the remunerative work referred to in paragraph (1) must be full time.

(4) For the purposes of Article 3(2)(b) of the Law, the remunerative work referred to in paragraph (1) must be for such number of hours as a determining officer considers appropriate in the person's particular circumstances.

5 Consequence of ceasing remunerative work without good cause

(1) This Regulation applies to a person who ceases remunerative work without good cause.

(2) During the sanction period, the household of which he or she is a member is not entitled to a basic component under Article 5(2)(a) or (b) of the Law in respect of the person.

(3) Subject to Regulation 5C, the sanction period is 91 days.

(4) The sanction period commences –

- (a) in a case where the household was, at the time the person ceased work without good cause, in receipt of income support – on the day the person ceased work;
- (b) subject to paragraph (5), in any other case – on the first day that income support is paid to the household after the person ceased work without good cause or would have been paid had a basic component been payable to the household in respect of the person.

(5) In a case where –

- (a) the household was not, at the time the person ceased work without good cause, in receipt of income support; and
 - (b) the person proves, to the satisfaction of the officer determining his or her claim for income support, that he or she has, before the day described in paragraph (4)(b), complied with the requirements of Regulation 4,
- the sanction period commences with the day the person commenced such compliance.

- (6) For the purposes of paragraph (4)(a), the day a person ceases work is the day following the last day on which that person is in that work.

5A Warning

- (1) A person required to seek work may be warned if –
 - (a) he or she does not comply with the requirements of Regulation 4; and
 - (b) there is not a warning currently in force in respect of him or her.
- (2) Subject to paragraph (3) and Regulation 5C, a warning remains in force for the period of 365 days beginning with the day the person is given notice of it.
- (3) If, whilst a warning is in force in respect of a person, he or she commits a first, second, third or subsequent breach of the warning, the warning shall remain in force until the expiry of the period of 365 days following the date he or she was given notice of the breach or, if he or she has committed more than one breach, the date he or she was given notice of the most recent breach.

5B Breach of warning

- (1) A person in relation to whom a warning is in force is in breach of the warning if he or she –
 - (a) is a person required to seek work; and
 - (b) does not comply with the requirements of Regulation 4.
- (2) A person who is in breach of a warning for a first time shall be treated as being in breach for 14 days.
- (3) A person who is in breach of a warning for a second time shall be treated as being in breach for 28 days.
- (4) A person who is in breach of a warning for a third or subsequent time shall be treated as being in breach for 42 days.
- (5) A period of time in paragraph (2), (3) or (4) –
 - (a) begins with the day the person is given notice of the breach; and
 - (b) is subject to Regulation 5C.

- (6) A person cannot be given notice of a breach less than 7 days after he or she has been given notice of a warning or of a previous breach whilst the warning is in force.
- (7) Paragraph (6) does not prevent any act or omission of the person during the 7 days referred to in that paragraph being taken into account in determining whether the person has complied with the requirements of Regulation 4.

5C Extension or termination of periods under Regulations 5, 5A and 5B

- (1) A sanction period applicable in a person's case under Regulation 5 shall be extended by 7 days if the person is warned.
- (2) A sanction period applicable in a person's case under Regulation 5 shall be extended by the number of days for which the person is in breach of a warning, as described in Regulation 5B.
- (3) Any period applicable in a person's case under Regulation 5, 5A or 5B shall be extended, subject to paragraph (4)(b), by the number of days for which the person is remanded in custody or detained as described in Article 3(1)(h) of the Law.
- (4) Any period applicable in a person's case under Regulation 5, 5A or 5B shall be terminated upon –
 - (a) the person being exempt from the requirement to be in full time remunerative work by virtue of Article 3(1)(a) of the Law; or
 - (b) the person having been remanded in custody or detained as described in Article 3(1)(h) of the Law for a continuous period of 365 days.

5D Consequence of first or second breach

- (1) This Regulation applies where a person is in breach of a warning for a first or second time.
- (2) During the breach period, the household of which the person in breach is a member is not entitled to a basic component under Article 5(2)(a) or (b) of the Law in respect of the person in breach.

5E Consequence of third or subsequent breach

- (1) This Regulation applies where a person is in breach of a warning for a third or subsequent time.
- (2) During the breach period, the person in breach shall not be eligible for any payment under Article 8(1) of the Law.
- (3) Any claim for income support by the original household of the person in breach shall be taken to be withdrawn upon the commencement of the breach period.

- (4) During the breach period, whilst the person in breach is a member of his or her original household –
 - (a) no income support shall be paid to the household;
 - (b) no member of the household shall be eligible for any payment under Article 8(1) of the Law; and
 - (c) the household cannot make a fresh claim for income support.
- (5) The fact that, under paragraph (4), no income support is paid to the original household does not affect –
 - (a) whether any member of the household is a person required to seek work and the consequences of the person not complying with the requirements of Regulation 4; or
 - (b) any determination that a member of the household has ceased remunerative work without good cause and the consequences of such a determination under Regulation 5.
- (6) If, during the breach period, the original household makes a fresh claim for income support after the person in breach has ceased to be a member of it, but the person in breach subsequently rejoins the household, the fresh claim for income support shall be taken to be withdrawn upon the person in breach becoming a member of the original household again.
- (7) Whilst the person in breach is a member of another household, that other household is not entitled to a basic component under Article 5(2)(a) or (b) of the Law in respect of the person in breach.
- (8) In this Regulation, ‘original household’ means the household of which the person in breach was a member at the time he or she received notice of the breach.
- (9) For the purposes of this Regulation the person in breach is a member of another household if, after he or she receives notice of the breach, another person who was not a member of the original household becomes a member of the same household as the person in breach, by virtue of Article 5(1) of the Income Support (General Provisions) (Jersey) Order 2008, in the circumstances described in sub-paragraph (a) or (aa) of that provision.

5F Consequences and periods of successive breaches may run concurrently

A breach of a warning by a person for a second or subsequent time does not affect the operation of Regulations 5B to 5E in relation to the previous breach or breaches of the warning by the person.”.

3 Special Payments Regulations amended

Regulation 5 of the Special Payments Regulations is deleted.

PART 3

MISCELLANEOUS AND CLOSING

4 2007 Regulations amended: housing component

After paragraph 3(2) of Schedule 1 to the 2007 Regulations there shall be added the following sub-paragraph –

- “(3) A household is not entitled to a housing component during any week for which –
- (a) the household is not entitled to a basic component under Article 5(2)(a) or (b) of the Law in respect of any of the adult members of the household; and
 - (b) each of those adult members is –
 - (i) a person in whose case paragraph 1(1)(b) applies for a fifth or subsequent week of a continuous period, or
 - (ii) a person in whose case paragraph 1(1)(c) or (d) applies.”.

5 2007 Regulations amended: impairment component

- (1) At the beginning of paragraph 6(2)(a) of Schedule 1 to the 2007 Regulations there shall be inserted the words “in accordance with the directions set out in Part 1 of Schedule 2,”.
- (2) Before the table in Part 1 of Schedule 2 to the 2007 Regulations there shall be inserted the following words –

“Directions

- (1) A statement in respect of any of the activities numbered 1 to 11 in the table shall be selected having regard only to the member of the household’s physical and sensory abilities.
- (2) A statement in respect of any of the activities numbered 13 to 18 in the table shall be selected having regard only to the member of the household’s mental and cognitive abilities.”.
- (3) In the table in Part 1 of Schedule 2 to the 2007 Regulations, for the statements numbered 12A and 12B there shall be substituted the following statements –

“12A Epileptic seizures causing loss of consciousness: persons aged 12 and over			
a) in the past 6 months has had 6 or more epileptic seizures with loss of consciousness and either – <ul style="list-style-type: none">(i) was awake when the seizure commenced but had no useful warning	15	12 years	None

of seizure, or (ii) had dangerous post-ictal behaviour			
b) in the past 6 months has had 3 or more epileptic seizures with loss of consciousness and either – (i) was awake when the seizure commenced but had no useful warning of seizure, or (ii) had dangerous post-ictal behaviour	9	12 years	None
c) in the past 6 months has had 1 or more epileptic seizures with loss of consciousness and either – (i) was awake when the seizure commenced but had no useful warning of seizure, or (ii) had dangerous post-ictal behaviour	6	12 years	None
d) none of the above	0	12 years	None
12B Epileptic seizures causing loss of consciousness: persons aged under 12			
a) at least once a week in the past 6 months has had an epileptic seizure with loss of consciousness and was awake at any time during the seizure	15	1 year	12 years
b) at least once a month in the past 6 months has had an epileptic seizure with loss of consciousness and was awake at any time during the seizure	9	1 year	12 years
c) at least once every 2 months in the past 6 months has had an epileptic seizure with loss of consciousness and was awake at any time during the seizure	6	1 year	12 years
d) none of the above	0	1 year	12 years”.

- (4) The note following the table in Part 1 of Schedule 2 to the 2007 Regulations shall be deleted.
- (5) In Part 2 of Schedule 2 to the 2007 Regulations for paragraph 3 there shall be substituted the following paragraph –

“3 Epileptic seizures causing loss of consciousness

In the past 6 months has had one or more epileptic seizures with loss of consciousness and either –

- (a) was awake when the seizure commenced but had no useful warning of seizure; or
- (b) had dangerous post-ictal behaviour.

Note: Statement is not relevant in the case of child under the age of 12 years.”.

6 Citation and commencement

These Regulations may be cited as the Income Support (Miscellaneous Provisions) (Jersey) Regulations 2013 and shall come into force 7 days after they are made.

M.N. DE LA HAYE

Greffier of the States

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- ¹ *chapter 26.550*
² *chapter 26.550.30*
³ *chapter 26.550.70*