



Jersey

SOCIAL SECURITY (MISCELLANEOUS PROVISIONS No. 2) (JERSEY) ORDER 2012

Arrangement

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Made

21st December 2012

Coming into force

1st January 2013

THE MINISTER FOR SOCIAL SECURITY, in pursuance of Articles 13, 14, 28, 29 and 51 of the Social Security (Jersey) Law 1974¹, orders as follows –

1 Social Security (Claims and Payments) (Jersey) Order 1974 amended

In the Social Security (Claims and Payments) (Jersey) Order 1974² –

- (a) in Article 11, after paragraph (3) there shall be inserted the following paragraphs –

“(3A) Home carer’s allowance shall be paid in advance, every 4 weeks.

(3B) Notwithstanding paragraph (3A) and Article 4(3) of the Social Security (General Benefit) (Jersey) Order 1975³, for the period 1st January 2013 to 31st July 2013 –

- (a) home carer’s allowance shall be paid monthly in advance, on the first day of each month; and
- (b) for the purpose of computing the amount of home carer’s allowance payable for part of a month in that period, the daily rate of home carer’s allowance shall be one thirtieth of the monthly rate.”;
- (b) after paragraph 8 in the table in Part 1 of Schedule 2 there shall be inserted the following paragraph –

“8A. Home carer’s allowance.	The period of 3 months from the first day on which the conditions for the receipt of that benefit are satisfied.	Benefit in respect of any period more than 3 months before the date on which the claim is made.”.
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2 Social Security (Contributions) (Jersey) Order 1975 amended

In the Social Security (Contributions) (Jersey) Order 1975⁴ –

(a) after Article 9 there shall be inserted the following Article –

“9A Persons in receipt of home carer’s allowance

- (1) An insured person who is in receipt of home carer’s allowance shall be excepted from liability to pay a contribution under the Law in respect of any month for which the person has applied to the Minister for, and been granted by the Minister, such exception.
- (2) An insured person who has been excepted from liability to pay a contribution for any month by virtue of paragraph (1) shall be credited, for that month, with contributions of the appropriate class in accordance with and subject to the provisions of Article 15.
- (3) A person shall not be excepted from liability and contributions shall not be credited in respect of any period before the commencement of the period for which the person receives home carer’s allowance.”;

(b) in Article 14(10) after the words “old age pension” there shall be inserted the words “, home carer’s allowance”.

3 Social Security (Determination of Claims and Questions) (Jersey) Order 1974 amended

In Article 20(1) of the Social Security (Determination of Claims and Questions) (Jersey) Order 1974⁵ for the definition “Tribunal” there shall be substituted the following definition –

“ ‘Tribunal’ has the same meaning as in Article 33(9) of the Law.”.

4 Social Security (General Benefit) (Jersey) Order 1975 amended

In Article 10 of the Social Security (General Benefit) (Jersey) Order 1975⁶ –

(a) in paragraph (1), for the words “paragraphs (2) and (3)” there shall be substituted the words “paragraphs (2) to (4)”;

(b) after paragraph (3) there shall be added the following paragraph –

“(4) The said provisions shall not operate to disqualify a person for receiving home carer’s allowance whilst that person is undergoing

a period of imprisonment or detention in legal custody that does not exceed 7 days.”.

5 Social Security (Overlapping Benefits) (Jersey) Order 1975 amended

In Article 1 of the Social Security (Overlapping Benefits) (Jersey) Order 1975⁷, for paragraph (4) there shall be substituted the following paragraph –

“(4) The personal benefits referred to in this Article and Article 2 as the ‘specified benefits’ are –

(a) in every case –

(i) any personal benefit under the Accident Insurance Laws as continued in force by the Insular Insurance (Jersey) Law 1950⁸, and

(ii) a pension under the Non-Contributory Pensions (Jersey) Law 1954⁹, except where the beneficiary is a blind person within the meaning of that Law; and

(b) in the case of home carer’s allowance, any pension paid out of the public funds of a country or territory outside Jersey.”.

6 Citation and commencement

This Order may be cited as the Social Security (Miscellaneous Provisions No. 2) (Jersey) Order 2012 and shall come into force on 1st January 2013.

SENATOR F. DU H. LE GRESLEY

Minister for Social Security

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- 1 *chapter 26.900*
 - 2 *chapter 26.900.06*
 - 3 *chapter 26.900.36*
 - 4 *chapter 26.900.24*
 - 5 *chapter 26.900.28*
 - 6 *chapter 26.900.36*
 - 7 *chapter 26.900.54*
 - 8 *L.18/1950*
 - 9 *L.7/1954*