



Jersey

SOCIAL SECURITY (PARENTAL BENEFIT) (JERSEY) ORDER 2020

Official Consolidated Version

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Jersey

SOCIAL SECURITY (PARENTAL BENEFIT) (JERSEY) ORDER 2020

THE MINISTER FOR SOCIAL SECURITY makes this Order under Articles 14, 21, 22, 29 and 51 of the [Social Security \(Jersey\) Law 1974](#) –

Commencement [[see endnotes](#)]

PART 1

PRELIMINARY

1 Interpretation

In this Order –

“Law” means the [Social Security \(Jersey\) Law 1974](#);

“nominated week” means a period of 7 consecutive days nominated by a parent under Article 8(1) and (2) in which to receive parental allowance.

PART 2

PARENTAL GRANT

2 Application for parental grant

- (1) The requirements in this Article are prescribed for the purposes of Article 21(2)(b) of the Law (entitlement to parental grant).
- (2) A person who is entitled to apply for a parental grant must apply to the Minister within a period which begins on the day which is 13 weeks before the week in which the child is expected to be born or adopted, and ends on the day which is 6 months after that child’s birth or date of adoption.

3 Birth occurring outside Jersey

- (1) Where a child is born outside Jersey, and the birth mother has been advised by a medical practitioner registered under the [Medical Practitioners \(Registration\) \(Jersey\) Law 1960](#) that delivery of that child outside Jersey is necessary for medical

reasons, any parent who would be entitled to a parental grant in respect of that child remains so entitled.

- (2) Where a child is born outside Jersey, and the birth mother has not been so advised, the contribution conditions set out in paragraph 5(1) of Schedule 2 to the Law apply as if, for that paragraph, there were substituted –

“(1) The contribution conditions for a parental grant are that –

- (a) the relevant person had paid contributions prior to the end of the relevant quarter and the annual contribution factor derived from those contributions is not less than 0.25; and
- (b) the relevant person has paid or been credited with contributions in respect of the relevant quarter and the quarterly contribution factor derived from those contributions is not less than 1.00.”.

4 Death of parent before payment of parental grant

If a parent entitled to a parental grant in respect of a child applies for that grant but dies before payment of the grant is made, the payment must instead be made to a surviving parent of that child.

5 Payment of parental grant where persons entitled have died

If all persons entitled to the grant die before payment of the grant, the determining officer may, on application by a person, pay the parental grant to that person if –

- (a) the person has day-to-day care of the child;
- (b) the person satisfies the contribution conditions; and
- (c) it is in the best interests of the child to make payment of the grant.

6 Resolution of dispute

- (1) In the event that more than one person is entitled to a parental grant, and a dispute arises between those persons as to which of them is the person to whom the payment should be made, the decision is to be made by the determining officer.
- (2) The decision of the determining officer must be made with due consideration of the best interests of the child.

PART 3

PARENTAL ALLOWANCE

7 Application for parental allowance

- (1) For the purposes of Article 22(b) of the Law (entitlement to parental allowance), a person who applies for parental allowance must make the application to the Minister in the form approved by the Minister.¹
- (2) A person who is entitled to apply for parental allowance must apply to the Minister within a period which begins on the day which is 13 weeks before the week in which

the child is expected to be born or adopted, and ends on the day which is 6 months after that child's birth or adoption date as defined in Article 22A of the Law.²

7A Payment of parental allowance under Article 22B of the Law³

- (1) This Article applies if Article 22B (additional period for which parental allowance is payable – child requiring urgent medical care) of the Law applies in respect of a child.
- (2) If the determining officer is notified by a hospital that the child required urgent medical care there, for a relevant period, paragraph (3) applies.
- (3) The determining officer must notify a parent entitled to payment of the parental allowance, in writing, of the additional number of weeks for which the parental allowance is payable, calculated in accordance with Article 22B of the Law.
- (4) In this Article, “relevant period” means the total days of urgent medical care specified in the tables in Article 22B of the Law required by a child –
 - (a) born in or after the 38th week of pregnancy; or
 - (b) born in or before the 37th week of pregnancy.

8 Nomination of parents and period specified for payment of parental allowance⁴

- (1) If 2 parents are entitled to the payment of the parental allowance in respect of a child they must –
 - (a) nominate 1 or both of them to be paid the parental allowance;
 - (b) specify the period of weeks for which the parental allowance is to be paid to a nominated parent.⁵
- (2) The period of weeks specified must be made for blocks of no less than 2 consecutive weeks.⁶
- (3) If only one parent is named, or expected to be named, on the birth certificate or the adoption certificate, that parent is entitled to 32 weeks, unless the parental allowance is payable for a further number of weeks because Article 22B of the Law applies in respect of the child.⁷
- (4) If 2 parents are named, or expected to be named, on the birth certificate or the adoption certificate, each parent is entitled to up to 26 specified weeks, provided that the total number of specified weeks for both parents does not exceed 32.⁸
- (4A) But if Article 22B of the Law applies in respect of the child, an additional number of specified weeks may be added to the previously specified period of 26 or 32 weeks.⁹
- (5) A payment of parental allowance will not be made to a parent for a specified week unless, during that specified week, that parent is responsible for the upbringing of the child.¹⁰
- (6) Despite the requirement in paragraph (5), the parental allowance is still payable –
 - (a) if the child is in the care of the Minister for Health and Social Services under Article 24(1)(a) of the [Children \(Jersey\) Law 2002](#), and has been so for less than 12 weeks; or
 - (b) if the child has died.¹¹
- (7) A parent may change the dates of their own specified weeks by giving 28 days' notice to the determining officer.¹²

- (8) The determining officer may shorten or waive the requirement for notice under paragraph (7) if the determining officer considers it reasonable to do so.

9 Partial satisfaction of contribution conditions and reduced rates of benefit

- (1) A person is entitled to a parental allowance at a reduced rate calculated as set out in paragraph (2) if –
- (a) that person would be entitled to a parental allowance but for the fact that the contribution condition set out in paragraph 4(1)(b) of Schedule 2 to the Law is not satisfied; and
 - (b) the quarterly contribution factor derived from contributions paid by or credited to that person in respect of the relevant quarter is not less than 0.33.
- (2) The amount of allowance to be paid is the full rate of allowance multiplied by the quarterly contribution factor in respect of the relevant quarter.

10 Disqualification from receipt of parental allowance

- (1) For the purposes of Article 22D(f) of the Law, parental allowance is not payable, for a period to be decided by the determining officer, if –
- (a) during a period in respect of which the allowance is payable, a person does any work as an employed or self-employed person (including any work which under any Order made under the Law is to be disregarded for the purpose of the classification of insured persons); or
 - (b) during the period of payment of the allowance, a parent fails to answer any reasonable queries by the determining officer.¹³
- (2) In paragraph (1), “work” –
- (a) means any work undertaken –
 - (i) in excess of 14 hours in any one week,
 - (ii) in excess of 70 hours in total, or
 - (iii) by a birth mother or host mother in the post-natal period; but
 - (b) excludes reasonable contact from time to time between the person and that person’s employer during the period in which parental allowance is paid.

11 Determination of disputes

- (1) If more than one parent is entitled to parental allowance, and the parents dispute the allocation of weeks in which payment to each parent should be made, the decision is to be made by the determining officer.
- (2) The decision of the determining officer must be made with due consideration of the best interests of the child.

12 Payment of allowance where parents entitled have died

If all parents entitled to the allowance die before receiving payment of all or any part of the allowance, the determining officer may, on application by no more than 2 persons, pay parental allowance to each of those persons if –

- (a) the applicants specify nominated weeks, the total of which do not exceed the number of weeks of parental allowance which remain unpaid;
- (b) the applicants have day-to-day care of the child;
- (c) each applicant satisfies the contribution conditions; and
- (d) it is in the best interests of the child to make payment of the allowance.

PART 4

FINAL

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15 Citation and commencement

This Order may be cited as the Social Security (Parental Benefit) (Jersey) Order 2020 and comes into force on 24th November 2020.

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement	°Projet No (where applicable)
Social Security (Parental Benefit) (Jersey) Order 2020	R&O.147/2020	24 November 2020	
Social Security (Parental Benefit) (Jersey) Amendment Order 2024	R&O.84/2024	16 December 2024	

°Projets available at statesassembly.gov.je

Table of Endnote References

¹ Article 7(1)	<i>amended by R&O.84/2024</i>
² Article 7(2)	<i>amended by R&O.84/2024</i>
³ Article 7A	<i>inserted by R&O.84/2024</i>
⁴ Article 8	<i>heading amended by R&O.84/2024</i>
⁵ Article 8(1)	<i>substituted by R&O.84/2024</i>
⁶ Article 8(2)	<i>substituted by R&O.84/2024</i>
⁷ Article 8(3)	<i>amended by R&O.84/2024</i>
⁸ Article 8(4)	<i>amended by R&O.84/2024</i>
⁹ Article 8(4A)	<i>inserted by R&O.84/2024</i>
¹⁰ Article 8(5)	<i>amended by R&O.84/2024</i>
¹¹ Article 8(6)	<i>amended by R&O.84/2024</i>
¹² Article 8(7)	<i>amended by R&O.84/2024</i>
¹³ Article 10(1)	<i>amended by R&O.84/2024</i>
¹⁴ Article 13	<i>spent, omitted</i>
¹⁵ Article 14	<i>deleted by R&O.84/2024</i>