



Jersey

SOCIAL SECURITY (AIRMEN) (JERSEY) ORDER 1974

Official Consolidated Version

This is an official version of consolidated legislation compiled and issued under the authority of the Legislation (Jersey) Law 2021.

Showing the law from 1 January 2019 to Current



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SOCIAL SECURITY (AIRMEN) (JERSEY) ORDER 1974

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THE EMPLOYMENT AND SOCIAL SECURITY COMMITTEE, in pursuance of Articles 11, 29, 36 and 44 of the [Social Security \(Jersey\) Law 1974](#), orders as follows –

Commencement [[see endnotes](#)]

1 Interpretation

In this Order, unless the context otherwise requires –

“airman” means a person who is or has been employed under a contract of service either as pilot, commander, navigator or member of the crew of any aircraft, or in any other capacity on board any aircraft where –

- (a) the employment in that other capacity is for the purposes of the aircraft or its crew or of any passengers or cargo or mails carried thereby; and
- (b) the contract is entered into in Jersey with a view to its performance (in whole or in part) while the aircraft is in flight;

“determining authority” means, as the case may require, the determining officer or the Social Security Tribunal;

“employed as aircrew” means employed as pilot, commander navigator or member of the crew of any aircraft;

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

“local aircraft” means any aircraft registered in the United Kingdom of which the owner (or managing owner if there is more than one owner) resides or has the owner’s principal place of business in Jersey, and references to the owner of an aircraft, shall, in relation to an aircraft that has been hired, be taken as referring to the person for the time being entitled as hirer to possession and control of the aircraft by virtue of the hiring or any subordinate hiring.

2 Insurance of airmen

- (1) Subject to the provisions of paragraph (2), where an airman –
 - (a) is employed as an airman on board any local aircraft; or

- (b) is employed as aircrew on board any other aircraft and the remuneration in respect of that employment is paid by an employer whose principal place of business is in Jersey,

then, notwithstanding that the airman does not fulfil the conditions of Article 3 of the Law, the airman shall be insured under the Law, and the airman's employment shall be treated as an employed person's employment.

- (2) Notwithstanding the provisions of paragraph (1), an airman employed as aircrew who neither is domiciled nor has a place of residence in Jersey, the United Kingdom, the Bailiwick of Guernsey or the Isle of Man shall be excepted from insurance in respect of that employment.

3 Accidents happening outside Jersey

- (1) Incapacity benefit shall be payable, subject to and in accordance with the provisions of the Law, in respect of an accident arising out of and in the course of the employment of any person as an airman notwithstanding that the accident happens to the person outside Jersey.²
- (2) ³
- (3) Paragraph (1) shall be extended to any person who, in the course of the person's employment, is on board an aircraft on a test flight starting in Jersey, whether or not the person is an airman within the meaning of this Order.⁴
- (4) For the purposes of this Article, an accident shall be deemed to arise out of and in the course of the employment of a person as an airman –
 - (a) where, having been left outside Jersey on account of illness, injury, risk of infection or loss of or damage to the aircraft in which the person was employed, the accident happens to the person while subsequently returning to Jersey at the expense of the employer in whose service the person was up to the time of being so left, notwithstanding that during that time the person renders no services and receives no wages, but only if the accident would have been deemed so to have arisen had the return journey been undertaken in pursuance of an obligation under the person's contract of service with the employer aforesaid; or
 - (b) where the accident happens while the airman is taking steps on an actual or supposed emergency on or in connection with any aircraft to rescue, succour or protect persons who are, or are thought to be or possibly to be, injured or imperilled, or to avert or minimise serious damage to property.

4 Removal of disqualification in the case of airmen for receiving benefit whilst absent from Jersey

- (1) Subject to the provisions of Articles 7(1) and 8(1) of the [Social Security \(Incapacity Benefits\) \(Jersey\) Order 2004](#), an airman who is or has been employed as aircrew or who is or has been under contract to travel at his or her employer's expense for the purpose of commencing such employment shall not, by reason of the airman being absent from Jersey, be disqualified on any day for receiving incapacity benefit if, on such day or days, the airman has been left outside Jersey –

- (a) on account of any hurt or injury received or any illness suffered, by the airman whilst so employed or under contract so to travel; or
 - (b) in consequence of any action taken while the airman is or was so employed or under contract so to travel, for the purpose of preventing infection.⁵
- (2) Where by virtue of this Article an airman is not disqualified for receiving benefit although absent from Jersey, he or she shall not be disqualified for receiving any increase (where payable) of any such benefit in respect of his or her spouse by reason of the spouse being absent from Jersey, provided that the spouse is residing with the airman.

5 Suspension of payment of benefit to airmen whilst absent from Jersey

The payment to an airman of benefit to which the provisions of Article 3 or Article 4 apply shall, unless the Minister in any particular case otherwise determines, be suspended while the airman is absent from Jersey, unless the airman has nominated a person in Jersey (who is approved by the Minister) to receive payment of the benefit on the airman's behalf.

6 Extinguishment of right of airmen to receive payment of benefit

Where an airman has failed to obtain payment of benefit within the period of 2 years specified in Article 14(1) of the [Social Security \(Claims and Payments\) \(Jersey\) Order 1974](#), and the airman's failure is due to the fact that the airman was absent from Jersey by reason of the airman's employment as an airman, that paragraph shall apply to the airman with the substitution for the said period of 2 years of such a period as the Minister may, in any particular case, determine.⁶

7 Evidence

- (1) For the purpose of any claim for incapacity benefit by or in respect of an airman, evidence may be taken –
- (a) in any part of the Commonwealth or the Republic of Ireland before a judge or magistrate or by a superintendant within the meaning of the Merchant Shipping Act 1894 of the United Kingdom;
 - (b) in a foreign country, by a British Consular Officer.⁷
- (2) For the purpose of any claim for incapacity benefit by an airman employed as aircrew, evidence of incapacity may be furnished by such means as the determining authority may accept as sufficient in the circumstances of any particular case.⁸

8 Offences

If any person contravenes or fails to comply with any requirement of this Order in respect of which no special penalty is provided, the person shall, for each offence, be liable to a penalty of level 2 on the standard scale, or where the offence consists of continuing any such contravention or failure after conviction thereof, a penalty of level 2 on the standard scale, together with a further penalty of level 1 on the standard scale for each day on which it is continued.⁹

9 Application of the Law and Orders

The provisions of the Law and of the Orders made thereunder shall, so far as they are not inconsistent with the provisions of this Order, apply to an airman with the modification, that, where an airman is, on account of the airman being outside Jersey by reason of the airman's employment as an airman, unable to perform an act required to be done either forthwith or on the happening of a certain event or within a specified time, the airman shall be deemed to have complied therewith if the airman performs the act as soon as is reasonably practicable, although after the happening of the event or the expiration of the specified time.

10 Citation

This Order may be cited as the Social Security (Airmen) (Jersey) Order 1974.

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement
Social Security (Airmen) (Jersey) Order 1974	R&O.6088	1 January 1975
Social Security (Airmen) (Amendment) (Jersey) Order 2004	R&O.77/2004	1 October 2004
States of Jersey (Amendments and Construction Provisions No. 8) (Jersey) Regulations 2005	R&O.48/2005	9 December 2005
Criminal Justice (Miscellaneous Provisions) (Jersey) Law 2016	L.1/2016	20 September 2016 (R&O.98/2016)

Table of Renumbered Provisions

Original	Current
1(1)	1
1(2)	spent, omitted from this revised edition

Table of Endnote References

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- ¹ *This Order has been amended by the States of Jersey (Amendments and Construction Provisions No. 8) (Jersey) Regulations 2005. The amendments replace all references to a Committee of the States of Jersey with a reference to a Minister of the States of Jersey, and remove and add defined terms appropriately, consequentially upon the move from a committee system of government to a ministerial system of government*
- ² *Article 3(1) amended by R&O.77/2004*
- ³ *Article 3(2) revoked by R&O.77/2004*
- ⁴ *Article 3(3) amended by R&O.77/2004*
- ⁵ *Article 4(1) substituted by R&O.77/2004*
- ⁶ *Article 6 amended by R&O.77/2004*
- ⁷ *Article 7(1) amended by R&O.77/2004*
- ⁸ *Article 7(2) amended by R&O.77/2004*
- ⁹ *Article 8 amended by L.1/2016*