



Jersey

SOCIAL SECURITY (HEALTH BONUS SCHEME) (JERSEY) REGULATIONS 2016

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THE STATES, in pursuance of Article 2 of the [Social Security \(Bonus\) \(Jersey\) Law 2014](#), have made the following Regulations –

Commencement [[see endnotes](#)]

1 Interpretation

(1) In these Regulations, unless the context otherwise requires –

“2014 Law” means the [Social Security \(Bonus\) \(Jersey\) Law 2014](#);

“asset” has the meaning given in Regulation 2;

“chiroprapist” means a person registered as a chiroprapist under Article 7 of the [Health Care \(Registration\) \(Jersey\) Law 1995](#);

“dentist” means a person registered as a dentist under Part 2 of the [Dentistry \(Jersey\) Law 2015](#);

“determining officer” means a determining officer as defined in the [Income Support \(Jersey\) Law 2007](#) or as appointed in accordance with an Order under Article 33 of the [Social Security \(Jersey\) Law 1974](#);

“health bonus” means a bonus, up to the limit specified in an Order made under Article 3 of the 2014 Law, payable in respect of a person admitted to the health bonus scheme for –

- (a) an examination of, or treatment carried out on, that person by a chiroprapist or a podiatrist;
- (b) an examination of, or treatment carried out on, that person by a dentist;
- (c) an examination of that person carried out by an optician; or
- (d) the prescription of glasses or contact lenses by an optician for wearing by that person;

“health bonus scheme” means the scheme established under Regulation 3 for the provision of a health bonus;

“health care service” means an examination, treatment or prescription provided by a chiroprapist, dentist, optician or podiatrist;

“Jersey 65+ health plan” means the plan referred to in the States’ proposition P.153/2003 and approved by the States on 25th November 2003;

“Jersey old-age pension” means a pension to which a person is entitled under Article 25 of the [Social Security \(Jersey\) Law 1974](#);

“Minister” means the Minister for Social Security;

“optician” means a registered optician within the meaning of the [Opticians \(Registration\) \(Jersey\) Law 1962](#);

“participating practitioner” means a practitioner approved under Regulation 4;

“pensionable age” has the same meaning as in Article 1A of the [Social Security \(Jersey\) Law 1974](#);

“podiatrist” means a person registered as a podiatrist under Article 7 of the [Health Care \(Registration\) \(Jersey\) Law 1995](#);

“practitioner” means a chiroprapist, dentist, optician or podiatrist;

“Royal Court” means the Inferior Number of the Royal Court.¹

2 Meaning of “asset”

- (1) In this Law, “asset” means a person’s immovable or movable (whether tangible or intangible) property excluding any of the following –
 - (a) personal possessions;
 - (b) any sums held on trust in a Jersey retirement trust scheme approved under Article 131CA of the [Income Tax \(Jersey\) Law 1961](#) or a trust approved under Article 131E of that Law;
 - (c) income;
 - (d) assets that are integral to a business owned by the person that is being run actively as a going concern by the person.
- (2) Paragraph (1)(a) does not include any personal possession held wholly or mainly for investment purposes.
- (3) An asset may be situated in or outside Jersey.

3 Establishment and object of health bonus scheme

- (1) There is established a scheme, the object of which is to provide a health bonus to support the health and well-being of individuals, who have reached their pensionable age, by contributing to the cost of certain health care services.
- (2) The Minister, having regard to the object of the health bonus scheme, shall publish the principles of the scheme that must be observed by a participating practitioner.

4 Approval of practitioner as a participating practitioner

- (1) A practitioner may apply to the Minister to be a participating practitioner in the health bonus scheme.
- (2) On receiving an application under paragraph (1), the Minister may –
 - (a) grant the application; or
 - (b) refuse the application.
- (3) The Minister shall not grant an application under paragraph (2)(a) unless he or she is satisfied that the applicant, when admitted as a participating practitioner, will conduct himself or herself in accordance with the principles published under Regulation 3.

- (4) The Minister shall, subject to paragraph (6), notify the applicant in writing of any decision under paragraph (2) and shall give reasons for any decision to refuse the application under paragraph (2)(b).
- (5) If the Minister is satisfied that a participating practitioner is not conducting himself or herself in accordance with the principles published under Regulation 3, the Minister may, subject to paragraph (6), notify the participating practitioner that the Minister has determined that, from a date specified in the notification, the participating practitioner shall cease to be a participating practitioner.
- (6) Before giving a notification of a decision under paragraph (4) to refuse an application, or of a determination under paragraph (5), the Minister must serve written notice on the practitioner –
 - (a) giving the reasons for the Minister’s proposed refusal or determination; and
 - (b) stating that within such period as may be specified in the notice (not being less than 21 days beginning with the date of service of the notice) the person on whom it is served may make objections or representations in writing to the Minister concerning the proposal.
- (7) A notification of a decision to refuse an application under paragraph (4), or of a determination under paragraph (5), may only be made after the Minister has considered any objections or representations in accordance with paragraph (6)(b).
- (8) If a person is aggrieved by –
 - (a) a decision of the Minister under paragraph (2); or
 - (b) a determination under paragraph (5),the person may appeal to the Royal Court no later than 28 days after the date of receipt of the notification of the decision or determination, as the case may be, on the ground that the decision or determination of the Minister was unreasonable, having regard to all the circumstances of the case.
- (9) Unless the Royal Court so orders, the lodging of an appeal shall not operate to stay the effect of a decision under paragraph (2) or a determination under paragraph (5) pending determination of the appeal.
- (10) On hearing the appeal, the Court may confirm, reverse or vary the Minister’s decision or determination.

5 Eligibility for admission to health bonus scheme or payment under scheme

A person is eligible to be admitted to the health bonus scheme if the person –

- (a) is ordinarily resident in Jersey;
- (b) has attained his or her pensionable age;
- (c) is receiving a Jersey old age pension or has Entitled status within the meaning of Part 2 the [Control of Housing and Work \(Jersey\) Law 2012](#); and
- (d) does not have more than the relevant total income or assets specified in an Order made under Article 3 of the 2014 Law for the purposes of these Regulations.

6 Application and admission to health bonus scheme and entitlement to health bonus

- (1) A person may apply to be admitted to the health bonus scheme, in accordance with procedures specified in an Order made under Article 3 of the 2014 Law, and his or her application shall be determined in accordance with those procedures.
- (2) A person must, when applying to be admitted to the scheme, specify the participating practitioners from whom he or she wishes to receive a health care service.
- (3) A person –
 - (a) shall be admitted to the health bonus scheme on the first day of the month following the date on which his or her application for admission to the scheme is approved under the procedures referred to in paragraph (1);
 - (b) shall be entitled to a health bonus for a health care service received, in the amount specified in an Order made under Article 3 of the 2014 Law, from the date he or she is admitted to the health bonus scheme; and
 - (c) may be entitled to the health bonus for a health care service received from a participating practitioner undertaken before the date on which he or she was admitted to the health bonus scheme if the determining officer considers that, in all the circumstances, it is reasonable for the health bonus to be paid in respect of that health care service.
- (4) A person who, immediately before the coming into force of these Regulations, was entitled to receive payments under the Jersey 65+ Health Plan shall be admitted to the health bonus scheme upon the coming into force of these Regulations without needing to make an application.
- (5) A person who is admitted to the health bonus scheme under paragraph (4) shall, as soon as reasonably practicable after the coming into force of this Regulation, specify to the Minister the participating practitioners from whom he or she wishes to receive a health care service.
- (6) A person who is admitted to the health bonus scheme shall be entitled to a health bonus under the scheme if –
 - (a) he or she has had a health care service provided to him or her by a participating practitioner; and
 - (b) the determining officer is satisfied that the health care service was provided in accordance with the principles published under Regulation 3(2).
- (7) A person's admission to the health bonus scheme and entitlement to a health bonus shall cease immediately upon his or her circumstances changing such that he or she no longer satisfies the conditions for eligibility under Regulation 5.
- (8) A person whose entitlement to the health bonus ceases under paragraph (7) may re-apply for admission to the health bonus scheme if he or she becomes eligible for admission again.
- (9) The right to a health bonus is not transferable.
- (10) If the person's application under paragraph (1) is refused in accordance with procedures referred to in that paragraph, or he or she ceases to be admitted to the health bonus scheme, he or she may seek a redetermination or appeal in accordance with the procedures contained in an Order made under Article 3 of the 2014 Law.

7 Access to health care services under health bonus scheme

- (1) The Minister shall notify a person who applies to be admitted to the health bonus scheme under Regulation 6(1), or who is admitted under Regulation 6(4), and the participating practitioners specified in the person's application, of the date that the person is admitted to the scheme and the date from which the person shall be entitled to a health bonus under Regulation 6(3).
- (2) Where a person intends to receive a health care service from a participating practitioner who was not specified in the person's application made under Regulation 6(1), the person, the participating practitioner who was specified in the application, or the participating practitioner who intends to provide the health care service, must notify the Minister of the intention of the person who wishes to receive the health care service.
- (3) Where a person admitted to the health bonus scheme under Regulation 6(4) intends to receive a health care service from a participating practitioner whom he or she has not specified to the Minister under Regulation 6(5), the person, the participating practitioner specified to the Minister under Regulation 6(5), or the participating practitioner who intends to provide the health care service, must notify the Minister of the intention of the person receiving the health care service.
- (4) The requirement to notify the Minister under paragraph (2) or (3) shall not apply if the participating practitioner referred to in that paragraph carries out the health care service in the normal course of a business that is operated within the same chiropody, dental, opticians' or podiatry practice (as the case may be) as the participating practitioner named in the person's application, or specified to the Minister under Regulation 6(5).
- (5) If the Minister is not notified, as required under paragraph (2) or (3), the determining officer may refuse to pay a health bonus in respect of a health care service provided by the participating practitioner who had not been specified in the person's application (or specified under Regulation 6(5)).

8 Payment of health bonus

The determining officer shall pay any health bonus in respect of a person admitted to the health bonus scheme to the participating practitioner specified in the person's application made under Regulation 6(1), specified to the Minister under Regulation 6(5) or notified to the Minister under Regulation 7(2) or (3) who carried out the health care service on the person unless, in all the circumstances, the Minister considers that it is appropriate to pay it to another person.

9 Verifying entitlement to health bonus and recovery of health bonus wrongly paid

- (1) The Minister may at any time request further information or documentation from a person admitted to the health bonus scheme for the purpose of satisfying himself or herself whether a person is, or remains, eligible for admission to the health bonus scheme, or entitled to a health bonus.
- (2) If it is found at any time that any health bonus has been paid that was not properly payable, the Minister may require it to be repaid –
 - (a) if it was paid to a person in his or her own right, by that person; or
 - (b) if it was paid to a person on behalf of another person, by that other person.

- (3) If it is found at any time that any health bonus properly payable has been paid to a person not being a person by whom it was properly receivable, the Minister may require it to be repaid by the person to whom it was paid.
- (4) In case of the death of a person who could be required to repay a health bonus under this Regulation, the Minister may require it to be repaid by the person charged with the administration of the deceased person's personal estate.
- (5) Proceedings for the recovery of any health bonus which a person is required under this Regulation to repay to the Minister may be instituted by the Treasurer of the States and, despite any enactment or rule of law to the contrary, any such proceedings may be brought at any time within 10 years from the time when that health bonus was paid, or, where the proceedings are for the recovery of a consecutive series of health bonuses, within 10 years from the date on which the last health bonus of the series was paid.
- (6) Any health bonus which a person is required under this Regulation to repay to the Minister may, without prejudice to any other remedy, be recovered by means of deduction from any other payment due under the health bonus scheme to the person to whom the health bonus was paid, unless it was paid to that person on behalf of another, in which case it may, without prejudice to any other remedy, be recovered by means of deduction from any payment of health bonus due under these Regulations to that other person.

10 Persons acting on behalf of an applicant

- (1) In this Regulation, "applicant" includes a person who is unable to make an application to be admitted to the health bonus scheme or to apply for or receive a health bonus under that scheme.
- (2) In the case of an applicant in respect of whom none of the circumstances in paragraph (3) apply, and who is unable to act in relation to an application or health bonus, the Minister may appoint a person (which may include the Minister or a determining officer) to act on the applicant's behalf in relation to any matter relating to an application or health bonus, including making an application, specifying a participating practitioner and receiving a health bonus on the applicant's behalf.
- (3) Those circumstances are that the applicant –
 - (a) has been received into guardianship in pursuance of a guardianship application under Article 29 of the [Mental Health \(Jersey\) Law 2016](#);
 - (b) is a person in respect of whom –
 - (i) a delegate has been appointed under Part 4 of the [Capacity and Self-Determination \(Jersey\) Law 2016](#), or
 - (ii) a person is acting under the authority of a lasting power of attorney conferred under Part 2 of that Law; or
 - (c) has a *tuteur*.²
- (4) An appointment under paragraph (2) shall terminate –
 - (a) if the applicant is received into guardianship, or has appointed, in relation to him or her, such a person as mentioned in paragraph (3)(b) or a *tuteur*;
 - (b) at the request of the person who has been appointed;
 - (c) if revoked by the Minister; or

- (d) if the applicant becomes able to act in relation to the application or health bonus.
- (5) Where –
 - (a) an applicant does not have another person acting for him or her under paragraph (2); and
 - (b) none of the circumstances in paragraph (3) apply,
the applicant may appoint a person (which may include the Minister or a determining officer) to act on the applicant's behalf in relation to any matter relating to an application or health bonus, including making an application, specifying a participating practitioner and receiving a health bonus on the applicant's behalf.
- (6) An appointment under paragraph (5) shall be in writing and copied to the Minister.
- (7) A person appointed under paragraph (5) may act on the applicant's behalf until whichever of the following happens first –
 - (a) the applicant revokes the appointment;
 - (b) the Minister makes an appointment under paragraph (2); or
 - (c) one of the circumstances described in paragraph (3) apply to the applicant.

11 Cessation of Jersey 65+ health plan

No person may be admitted to the Jersey 65+ health plan after the coming into force of these Regulations.

12 Citation

These Regulations may be cited as the Social Security (Health Bonus Scheme) (Jersey) Regulations 2016.

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement	*Projet No (where applicable)
Social Security (Health Bonus Scheme) (Jersey) Regulations 2016	R&O.78/2016	1 January 2017	P.61/2016
Opticians (Registration) (Amendment No.2) (Jersey) Law 2017	L.13/2017	19 May 2017	P.120/2016
Mental Health and Capacity (Consequential Amendment and Transitional Provision) (Jersey) Regulations 2018	R&O.49/2018	1 October 2018 (R&O.51/2018)	P.48/2018

*Projets available at www.statesassembly.gov.je

Table of Endnote References

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- ¹ Regulation 1(1) amended by L.13/2017
² Regulation 10(3) amended by R&O.49/2018