



Jersey

INCOME SUPPORT (JERSEY) LAW 2007

Official Consolidated Version

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Jersey

INCOME SUPPORT (JERSEY) LAW 2007

A **LAW** to establish a benefits scheme for households with low income, to make minor amendments to related legislation and for connected purposes

Commencement [[see endnotes](#)]

PART 1

INTRODUCTORY PROVISIONS

1 Interpretation

- (1) In this Law, unless the context otherwise provides –
- “adult” means a person over compulsory school age;
 - “award” means the amount of income support or a special payment that it has been determined a household or a person, as the case may be, should be awarded;
 - “calculated income” shall be construed in accordance with Article 7;
 - “care package” means an arrangement for providing care for a person;
 - “child” means a person below the upper limit of compulsory school age;
 - “claimant” means a person claiming income support or a special payment;
 - “compulsory school age” shall be construed in accordance with Article 2 of the [Education \(Jersey\) Law 1999](#);
 - “day care” means the looking after a child by a day carer, or in day care accommodation, in circumstances regulated by the [Day Care of Children \(Jersey\) Law 2002](#);
 - “determining officer” has the meaning assigned by Article 9(1)(a);
 - “eligible household” means a household comprising one or more persons eligible for income support;
 - “income support” shall be construed in accordance with Article 5;
 - “Medical Appeal Tribunal” means the Medical Appeal Tribunal constituted under Article 9(2)(a);

“Minister” means the Minister for Social Security;

“prescribed” means specified or determined in accordance with an Order made by the Minister;

“special payment” means a payment under Article 8.¹

- (2) The Minister may, by Order, amend the definition “day care” in paragraph (1).²
- (3) An Order made under paragraph (2) may, for the purposes of the definition, establish or approve a scheme for the accreditation, whether by the Minister or by a person designated by the Minister, of either or both of –
 - (a) a person as a provider of day care;
 - (b) premises as a place at which day care is provided.³

PART 2

INCOME SUPPORT

2 Eligibility for income support

- (1) A person is eligible for income support if the person –
 - (a) is an adult;
 - (b) has been ordinarily resident in Jersey for such period as may be prescribed;
 - (c) is a member of a household of which all the adult members are engaged in full time remunerative work or exempted under Article 3; and
 - (d) is a member of a household whose calculated income entitles the household to receive income support under Article 6.
- (2) Orders may prescribe particular circumstances in which a person is to be treated or not treated for the purposes of this Article as –
 - (a) ordinarily resident in Jersey; or
 - (b) a member of the same household as another person.

3 Persons eligible despite not being engaged in full time remunerative work

- (1) The following persons are exempted from the requirement to be engaged in full time remunerative work under Article 2(1)(c) –
 - (a) persons who have attained their pensionable age, determined in accordance with Article 1A of and Schedule 1AA to the [Social Security \(Jersey\) Law 1974](#);
 - (b) persons with the main responsibility for the physical care of any child who is a member of the same household – until the 1st September that is or precedes the child’s 4th birthday;
 - (c) persons with the main responsibility for the physical care of any child who is a member of the same household – from the 1st September described in sub-paragraph (b);

- (d) persons incapable of full time work due to any physical, sensory or mental impairment;
 - (e) persons undergoing education or training on any course approved by the Minister for the purposes of this Article;
 - (f) persons with the main responsibility for the physical care of any person with such degree of physical, sensory or mental impairment as would make the carer eligible to claim a special component under Article 5(3)(d);
 - (g) persons available for, and actively seeking, full time remunerative work;
 - (h) persons remanded in custody or detained by virtue of a sentence of imprisonment, youth detention or similar punishment (whether in Jersey or elsewhere).⁴
- (2) However –
- (a) not more than one person may be treated as having the main responsibility for the physical care of a person mentioned in paragraph (1)(f);
 - (aa) where more than one person is treated as having the main responsibility for the physical care of a child mentioned in paragraph (1)(b) or (c), those persons are only eligible for income support if they both comply with paragraph (2A);
 - (b) persons mentioned in paragraph (1)(c) to (f) are only eligible for income support if they comply with paragraph (2A).⁵
- (2A) The persons must be engaged in, or available for and actively seeking, remunerative work for such hours (if any) as the determining officer considers appropriate to their particular circumstances.⁶
- (3) The States may by Regulations –
- (a) amend this Article (apart from this paragraph); and
 - (b) provide for the purposes of this Article –
 - (i) what is or is not to be treated as remunerative work and what amount of work is to be considered as full time, generally or in any particular circumstances, and
 - (ii) the circumstances in which a person is or is not to be treated as being available for, and actively seeking, remunerative work.⁷

4 Claims for income support

- (1) A person who is eligible for income support may make a claim to the Minister and such claim shall be treated as being made on behalf of the household of which the person is a member.
- (2) Only one claim for income support may be made at any one time on behalf of any one eligible household.
- (3) Orders may prescribe –
 - (a) the manner in which a claim for income support is to be made;
 - (b) the circumstances in which a claim for income support may be backdated;
 - (c) the information and evidence that must be provided in support of a claim;

- (d) the method, timing and notification of payments;
- (e) when, by whom and in what circumstances notice must be given of any change of circumstances affecting the continuance of entitlement to income support;
- (ea) the circumstances in which payments may be suspended or withheld;
- (f) provisions relating to payments in the event of a death; and
- (g) procedures for handling claims on behalf of persons who cannot act for themselves.⁸

5 Components and rate of income support

- (1) Income support is a weekly allowance made up of basic and special components payable to each eligible household.
- (2) The basic components are –
 - (a) a rate for each adult in the household not included in sub-paragraph (b);
 - (b) a rate for an adult who is (but for any adult specified in paragraph (2A)) the sole adult in a household –
 - (i) in respect of which there is an entitlement to the component referred to in sub-paragraph (c), or
 - (ii) in which, even though there is no such entitlement, there are one or more other adults in the household each of whom is an adult specified in paragraph (2A);
 - (c) a rate for the first child in the household;
 - (ca) a rate for each child in the household except the child in respect of which the rate referred to in sub-paragraph (c) is applied;
 - (d) a rate in respect of each household.⁹
- (2A) An adult specified in this paragraph is an adult who is –
 - (a) any of the following –
 - (i) a son of the adult referred to in paragraph (2)(b) as the sole adult,
 - (ii) a daughter of the adult referred to in paragraph (2)(b) as the sole adult,
 - (iii) a person whom the adult referred to in paragraph (2)(b) as the sole adult has parental responsibility for, or otherwise cares for, as part of a family unit;
 - (b) less than 19 years old; and
 - (c) in full-time education in Jersey.¹⁰
- (3) The special components are –
 - (a) a rate in respect of the reasonable housing costs of the household;
 - (b) a rate in respect of any person in the household who has a physical, sensory or mental impairment;
 - (c) a rate in respect of the reasonable costs of the day care of any child in the household or employing a nanny accredited by the Jersey Child Care Trust to look after that child;

- (d) a rate in respect of any person in the household who has the main responsibility for caring for a person with such degree of physical, sensory or mental impairment as is specified by Regulations made by the States;
- (e) a rate in respect of the ancillary home care costs of a person in the household who has long-term care needs.¹¹

(3A) Subject to paragraph (3B), the Minister may require –

- (a) an assessment to be made for the purpose of ascertaining the nature and degree of a person's physical, sensory or mental impairment;
- (b) approval of a care package in respect of a person's physical, sensory or mental impairment; or
- (c) both an assessment to be made in accordance with sub-paragraph (a) and an approval to be given in accordance with sub-paragraph (b),

in support of a claim under Article 4 to entitlement of the person's household to the special component referred to in paragraph (3)(b).¹²

(3B) The Minister –

- (a) shall, by Order, make provision –
 - (i) specifying the descriptions of persons who may make assessments or give approvals required pursuant to paragraph (3A),
 - (ii) for the approval of persons referred to in clause (i),
 - (iii) for appeals against decisions regarding approval of persons referred to in clause (i) to be made to the Royal Court,
 - (iv) specifying procedures for making assessments or giving approvals required pursuant to sub-paragraph (3A),
 - (v) for reassessments of assessments or decisions regarding approvals required pursuant to sub-paragraph (3A),
 - (vi) for reviews, on medical grounds, of reassessments referred to in clause (v) to be made by the Medical Appeal Tribunal, and
 - (vii) for appeals against decisions of the Medical Appeal Tribunal on questions of law to be made to the Royal Court; and
- (b) may, by Order, make such other provision as he or she thinks fit in relation to assessments or approvals required pursuant to paragraph (3A).¹³

(4) The States shall make Regulations setting out the criteria to be used when determining to which components an eligible household is entitled.

(5) Rates for each of the components (which, in the case of special components, may vary according to specified circumstances) shall be specified in Regulations and the amounts there specified shall be reviewed by the Minister at intervals not exceeding one year and the Minister shall make such recommendations to the States with respect to the Regulations as the Minister considers appropriate.

(6) In reviewing the rates the Minister shall have regard to any changes in the cost of living and in the general standards of living of the community, together with any other factors that the Minister considers relevant.

(7) The States may by Regulations amend paragraph (2), (3) or (3A).¹⁴

6 Calculation of award of income support

- (1) If the calculated income of a household is less than the total of the rates for each component of income support to which the household is entitled, the household is entitled to an award of income support from the Minister.
- (2) The amount of income support that an eligible household is entitled to receive is the total of the rates for each such component minus the calculated income of the household.
- (3) However, no income support shall be payable if the amount that would otherwise be payable is less than £1 a week or such greater amount as may be prescribed.

7 Calculated income

- (1) The calculated income of an eligible household is the total weekly income of the household calculated or estimated in such manner as may be prescribed and Orders may provide for the calculation to be made by reference to an average over a given period of time (which need not include the week concerned).
- (2) Orders made under this Article may prescribe the extent to which –
 - (a) capital is to be treated as providing an income;
 - (b) income is to be treated as capital;
 - (c) any percentage of income is to be disregarded;
 - (d) any capital is to be disregarded for the purposes of assessing income; and
 - (e) income or capital that would otherwise not be treated as income or capital is nevertheless to be treated as income or capital.
- (3) A determining officer may, in exceptional circumstances, disregard any capital or income that an Order under this Article would otherwise require to be taken into account.

PART 3**SPECIAL PAYMENTS****8 Special payments**

- (1) The States may, by Regulations, provide for the Minister to make special payments of such amounts and in such circumstances as the Regulations may specify to any person ordinarily resident in Jersey, whether or not the person is part of an eligible household, to defray such expenses or categories of expenses payable by that person as the Regulations may specify.
- (2) Without prejudice to paragraph (1), the Minister may, in exceptional circumstances, make special payments of such amount as the Minister considers appropriate to any person ordinarily resident in Jersey, whether or not that person is part of an eligible household.
- (3) Subject to paragraph (4), the Minister may, in exceptional circumstances, make special payments of such amount as the Minister considers appropriate to a person

who (though not ordinarily resident in Jersey) is temporarily in Jersey, whether or not that person is part of an eligible household.

- (4) The States may by Regulations prescribe a maximum limit of the amount of any special payment that may be made under paragraph (3).
- (5) A special payment may be in the form of a loan, and if so, the loan shall be subject to such conditions (if any), including as to the payment of interest, as the Minister considers appropriate.
- (6) Orders may prescribe –
 - (a) the manner in which a claim for a special payment is to be made;
 - (b) the information and evidence that must be provided in support of a claim;
 - (ba) circumstances in which special payments may be suspended or withheld;
 - (c) the method, timing and notification of special payments;
 - (d) provisions relating to special payments in the event of a death; and
 - (e) procedures for handling claims on behalf of persons who cannot act for themselves.¹⁵

PART 4

ADMINISTRATION AND ENFORCEMENT

9 Determination of claims

- (1) Subject to the provisions of this Law, Orders shall provide –
 - (a) for the determination of any claim under Part 2 or Article 8(1) by one or more officers appointed by the Minister, to be known as determining officers; and
 - (b) if the claimant or an adult member of the claimant's household is dissatisfied with any determination under paragraph (1)(a), any decision of the determining officer under Article 11 or any review under Article 12, for the matter to be reconsidered by a second determining officer.
- (2) Orders under paragraph (1) shall further provide –
 - (a) for reviews on medical grounds to be made by a Medical Appeal Tribunal constituted as prescribed;
 - (b) for appeals on non-medical grounds to be made to the Social Security Tribunal constituted under Schedule 4 to the [Social Security \(Jersey\) Law 1974](#); and
 - (c) for appeals from any such Tribunal on questions of law to be made to the Royal Court.
- (3) However, a Tribunal mentioned in paragraph (2) shall not have jurisdiction unless a second determining officer has first reconsidered the matter in accordance with an Order made under paragraph (1)(b).
- (4) Orders under paragraph (1) may further provide for any question of law arising in connection with the determination of a claim by a determining officer or a review or appeal before a Tribunal to be referred to the Royal Court for a ruling on the question.¹⁶

10 Power to refer questions to experts

- (1) Where any question of special difficulty falls to be determined under this Law, the determining officer may refer that question to one or more experts for examination and report.
- (2) An expert to whom a question is referred under paragraph (1) shall not disclose any information coming to his or her knowledge as a result of such referral to any person except –
 - (a) a person acting in execution of this Law;
 - (b) as may be required for any purpose approved by the Minister; or
 - (c) for the purposes or in the course of any legal proceedings.
- (3) In this Article “expert” means a person appearing to the determining officer to have knowledge or experience which would be relevant in determining the question of special difficulty.

11 Payments to persons in an eligible household and to third parties

- (1) Where a household is entitled to income support, the determining officer shall decide which of the adult members of the household are to receive payment and whether payment should be assigned to the benefit of or paid to any third party under paragraph (2), and payment of the amount awarded shall be made in accordance with that decision.
- (2) Subject to the provisions of this Law, any award or part of an award may, if the determining officer decides that it is in the best interests of the person or household entitled to receive it, be assigned to the benefit of, or paid to, any third party.
- (3) Payment of an amount in accordance with this Article shall constitute a discharge of the obligation to pay that amount to any person or household as the case may be.

12 Review of awards

- (1) A determining officer may at any time review an award, and if the determining officer considers that the determination may no longer be correct, he or she may make a fresh determination.
- (2) A determining officer reviewing an award under paragraph (1) may require any information or evidence that must be provided in support of a claim in accordance with an Order made under Article 4(3) or Article 8(6).

13 Recovery of awards wrongly made

- (1) If it is found at any time that any award 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 or on behalf of an eligible household, by that person; or
 - (b) if it was paid to a person on behalf of another person or an eligible household, by that person, by that other person or by a member of that household.

- (2) If it is found at any time that any award 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.
- (3) In case of the death of a person who could be required to repay a sum under this Article, the Minister may require it to be repaid by the person charged with the administration of the deceased person's personal estate.
- (4) Proceedings for the recovery of any sum which a person is required under this Article to repay to the Minister may be instituted by the Treasurer of the States, either in term or in vacation, and notwithstanding 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 sum was paid, or, where the proceedings are for the recovery of a consecutive series of sums, within 10 years from the date on which the last sum of the series was paid.
- (5) Any sum which a person is required under this Article to repay to the Minister may, without prejudice to any other remedy, be recovered by means of deduction from any other payment due under this Law to the person to whom the sum 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 due under this Law to that other person.

14 Charges over property

- (1) In any case where –
 - (a) a special payment has been made in the form of a loan;
 - (b) the Minister seeks to recover an award under Article 13; or
 - (c) the determining officer has exercised his or her discretion under Article 7(3),the amount in question may be secured by means of a hypothec charged on any immovable property owned by the claimant or a member of the claimant's household, or a security interest in shares that confer on the claimant or a member of the claimant's household entitlement to occupy any immovable property, as the case may be.
- (2) The Minister may require –
 - (a) the payment of such interest, if any, on the amount in question, as the Minister may specify; or
 - (b) the repayment of the amount in question, plus any interest to be charged, by means of such instalments as the Minister may specify.
- (3) In this Article "amount in question" means the amount of the loan, award to be recovered or the amount of income support payable as a result of the disregard of capital or income, as the case may be.

15 Administrative expenses

The Minister may pay to any member of a Tribunal mentioned in Article 9(2) who exercises any functions under this Law, and any other person whose advice or assistance may be required for the purposes of this Law by either of those Tribunals or by a determining officer, such remuneration and expenses as the Minister may determine.

16 Offences

A person who –

- (a) with intent to obtain an award, whether on behalf of himself or herself or any household or person, furnishes any information that he or she knows to be false in a material particular, or recklessly furnishes any information that is false in a material particular, or withholds any material information;
 - (b) obtains or receives an award, whether on behalf of himself, herself or any household or person, knowing that it was not properly payable to, or not properly receivable by, him or her; or
 - (c) fails to notify a change of circumstances as required by an Order under this Law,
- is guilty of an offence and liable to imprisonment for a term of 7 years and to a fine.

17 Parties to offences

- (1) Where an offence under this Law committed by a limited liability partnership or body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of –
 - (a) a person who is a partner of the partnership, or director, manager, secretary or other similar officer of the body corporate; or
 - (b) any person purporting to act in any such capacity,the person is also guilty of the offence and liable in the same manner as the partnership or body corporate to the penalty provided for that offence.
- (2) Where the affairs of a body corporate are managed by its members, paragraph (1) shall apply in relation to acts and defaults of a member in connection with the member's functions of management as if he or she were a director of the body corporate.
- (3) A person who aids, abets, counsels or procures the commission of an offence under this Law is also guilty of an offence and liable in the same manner as a principal offender to the penalty provided for that offence.

18 Regulations and Orders

- (1) The States may make Regulations and the Minister may make Orders specifying or prescribing anything that is to be or may be specified or prescribed under this Law and generally for carrying this Law into effect.
- (2) Without prejudice to any specific provision of this Law, any Regulations or Order under this Law may contain such incidental, supplemental or transitional provisions as appear to the States or the Minister, as the case may be, to be expedient for the purposes of the Regulations or Order.

PART 5

CLOSING PROVISIONS

19 Transitional provisions

Without prejudice to the powers conferred by any other provision of this Law, Orders may make such provision as the Minister considers necessary for facilitating the introduction of this Law, including the modification of this Law, so as to facilitate the transition from the scheme of benefits that applied before the commencement of this Law to income support.

20 Abolition of Parish Welfare

The obligations of a parish to meet the costs of the relief and maintenance of persons chargeable to the parish who are suffering as a result of financial hardship are abolished.

21 Minor or consequential amendments

- (1) ¹⁷
- (2) The States may by Regulations make such other amendments to any enactment (other than this Law) as appear to the States to be expedient for the purposes of this Law.

22 Citation and commencement

This Law may be cited as the Income Support (Jersey) Law 2007 and shall come into force on such day as the States may by Act appoint and different days may be appointed for different purposes.

SCHEDULE 1¹⁸

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement	*Projet No (where applicable)
Income Support (Jersey) Law 2007	L.9/2007	28 January 2008 (R&O.128/2007), except paragraph 3(b) of Schedule 1, not in force	P.102/2006
Income Support (Jersey) Regulations 2007	R&O.125/2007	28 January 2008	P.90/2007
Income Support (Amendment of Law) (Jersey) Regulations 2008	R&O.81/2008	23 July 2008	P.88/2008
Social Security (Amendment of Law No. 7) (Jersey) Regulations 2014	R&O.73/2014	18 July 2014	P.73/2014
Income Support (Amendment of Law No. 2) (Jersey) Regulations 2015	R&O.73/2015	1 September 2015	P.51/2015
Income Support (Amendment) (Jersey) Law 2015	L.14/2015	23 October 2015	P.50/2015
Income Support (Miscellaneous Provisions No. 2) (Jersey) Regulations 2015	R&O.119/2015	1 November 2015	P.103/2015
Income Support (Amendment No. 2) (Jersey) Law 2017	L.12/2017	19 May 2017	P.5/2017
Income Support Law and Regulations (Jersey) Amendment Regulations 2024	R&O.33/2024	1 August 2024 (R&O.41/2024)	P.25/2024

*Projets available at statesassembly.gov.je

Table of Renumbered Provisions

Original	Current
22	Spent, omitted
23	22
Paragraphs 1 to 5 of Schedule 1 (except paragraph 3(b))	Spent, omitted

Table of Endnote References

- | | |
|---------------------------|---|
| ¹ Article 1(1) | numbered by L.14/2015, L.12/2017 |
| ² Article 1(2) | added by L.14/2015 |
| ³ Article 1(3) | added by L.14/2015 |
| ⁴ Article 3(1) | amended by R&O.125/2007, R&O.73/2014, R&O.73/2015 |
| ⁵ Article 3(2) | amended by L.14/2015 |

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- ⁶ Article 3(2A) *inserted by L.14/2015*
- ⁷ Article 3(3) *amended by L.14/2015*
- ⁸ Article 4(3) *amended by L.14/2015*
- ⁹ Article 5(2) *amended by R&O.81/2008, R&O.119/2015*
- ¹⁰ Article 5(2A) *inserted by R&O.81/2008*
- ¹¹ Article 5(3) *amended by R&O.125/2007, R&O.33/2024*
- ¹² Article 5(3A) *inserted by L.12/2017*
- ¹³ Article 5(3B) *inserted by L.12/2017*
- ¹⁴ Article 5(7) *amended by L.12/2017*
- ¹⁵ Article 8(6) *amended by L.14/2015*
- ¹⁶ Article 9(4) *added by L.14/2015*
- ¹⁷ Article 21(1) *spent, omitted following repeal of L.8/1978 by R&O.141/2012*
- ¹⁸ Schedule 1 *spent, omitted following repeal of L.8/1978 by R&O.141/2012*