



Jersey

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

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THE MINISTER FOR SOCIAL SECURITY, in pursuance of Article 3 of the [Social Security \(Bonus\) \(Jersey\) Law 2014](#), orders as follows –

Commencement [[see endnotes](#)]

1 Interpretation

- (1) In this Order, unless the context otherwise requires –
- “admission date” means –
- (a) the date a person is admitted to the health bonus scheme under Regulation 6(3) of the Health Bonus Regulations; or
 - (b) in the case of a person admitted to the health bonus scheme under Regulation 6(4) of the Health Bonus Regulations, the date that person was admitted to the Jersey 65+ health plan;
- “approved care home” shall be construed in accordance with Article 6 of the [Long-Term Care \(Jersey\) Law 2012](#);
- “Comptroller of Revenue” has the meaning given by the [Revenue Administration \(Jersey\) Law 2019](#);
- “Health Bonus Regulations” means the [Social Security \(Health Bonus Scheme\) \(Jersey\) Regulations 2016](#);
- “last period of entitlement” means the last period of entitlement for a payment of a benefit under the Jersey 65+ health plan that began before the coming into force of this Order;
- “long-term care” means such care as a person is assessed as needing under Article 5 of the [Long-Term Care \(Jersey\) Law 2012](#);
- “Registrar” shall be construed in accordance with Article 4 of the [Social Security \(Determination of Claims and Questions\) \(Jersey\) Order 1974](#);
- “Tribunal” means the Social Security Tribunal constituted under Article 8 of the [Social Security \(Determination of Claims and Questions\) \(Jersey\) Order 1974](#).¹
- (2) Expressions used in this Order and in the Health Bonus Regulations shall have the same meaning as in the Health Bonus Regulations.

2 Eligibility for health bonus: income and capital thresholds

- (1) For the purpose of Regulation 5(d) of the Health Bonus Regulations –

- (a) the specified relevant total income is the total income of the person and his or her partner (if any) above which the person or his or her partner (if any) is liable to be charged to income tax; and
 - (b) the specified relevant total assets are assets of the person and his or her partner (if any) with a total aggregated maximum value of £64,000 on the date that the person applies to be admitted (or re-admitted) to the health bonus scheme.²
- (2) For the purpose of paragraph (1)(a), a person or his or her partner is not deemed to be liable to be charged to income tax if –
 - (a) neither the person nor his or her partner has been notified under Article 25 of the [Income Tax \(Jersey\) Law 1961](#) that he or she is liable to be charged to income tax in respect of the year of assessment of the person or his or her partner that immediately precedes the year in which the person applies to be admitted (or re-admitted) to the health bonus scheme, or
 - (b) in the case where no assessment has been made in respect of the year of assessment referred to in sub-paragraph (a), neither the person nor his or her partner has been notified under Article 25 of the [Income Tax \(Jersey\) Law 1961](#) that he or she is liable to be charged to income tax in respect of the year of assessment of the person or his partner that immediately precedes the year of assessment referred to in paragraph (a).
- (3) A person is the partner of another person for the purposes of this Article if the person normally occupies, as his or her principal residence, the same dwelling as that person and –
 - (a) he or she is married to that person (unless they are living separately in the dwelling under a formal agreement) or in a marriage-like relationship with that person; or
 - (b) he or she has formed a civil partnership with that person (unless they are living separately in the dwelling under a formal agreement) or in a civil partnership-like relationship with that person.
- (4) For the purpose of paragraph (3), where a person occupied as his or her principal residence the same dwelling as his or her partner before receiving long term care in an approved care home, he or she shall be treated as occupying as his or her principal residence the same dwelling as his or her partner.
- (5) When calculating the value of the assets under paragraph (1)(b), the person's principal residence shall not be treated as an asset.
- (6) For the purposes of the Minister satisfying himself or herself as to the relevant total income or relevant total assets of a person, the Minister may have regard to any information provided to him or her by the Comptroller of Revenue or such other information as the Minister may require to be provided to him or her by the person.³

3 Value of health bonus payable under the Health Bonus Regulations

- (1) Subject to paragraphs (5) to (10), the maximum value of a health bonus to which a person is entitled is as specified in the table in the Schedule, so that a person shall be entitled to a health bonus, up to the maximum value specified in Column 3 of that Table –
 - (a) for the treatment or assistance described in the same row in column 1 of that Table;

- (b) for the period of entitlement for that treatment or assistance specified in the same row in Column 2 of that Table.⁴
- (2) ⁵
- (3) ⁶
- (4) ⁷
- (5) No health bonus shall be payable to a person during any period when the total aggregated assets of that person and his or her partner exceed £64,000.⁸
- (6) No health bonus shall be payable to a person during any 12 month period, beginning on the anniversary of the person's admission to the health bonus scheme under Regulation 6(3) of the Health Bonus Regulations, after the first 12 months of his or her admission (or in the case of a person admitted to the health bonus scheme under Regulation 6(4) of the Health Bonus Regulations, beginning on the anniversary of the day after the last day of the month that occurs 12 months after the last period of entitlement under the Jersey 65+ scheme commenced) ("subsequent period") where –
- (a) the person or his or her partner has been notified under Article 25 of the [Income Tax \(Jersey\) Law 1961](#) that he or she is liable to be charged to income tax in respect of the year of assessment of the person or his or her partner that immediately precedes the beginning of that subsequent period; or
- (b) in the case where no assessment has been made in respect of the year of assessment referred to in sub-paragraph (a), neither the person nor his or her partner has been notified under Article 25 of the [Income Tax \(Jersey\) Law 1961](#) that he or she is liable to be charged to income tax in respect of the year of assessment of the person or his partner that immediately precedes the year of assessment referred to in paragraph (a).
- (7) A person to whom the health bonus has not been paid in any 12 month period, in consequence of the operation of paragraph (6) shall be entitled to receive payment of the health bonus for any subsequent period where –
- (a) neither the person nor his or her partner has been notified under Article 25 of the [Income Tax \(Jersey\) Law 1961](#) that he or she is liable to be charged to income tax in respect of the year of assessment of the person or his partner that immediately precedes that subsequent year; or
- (b) in the case where no assessment has been made in respect of the year of assessment referred to in sub-paragraph (a), neither the person nor his or her partner has been notified under Article 25 of the [Income Tax \(Jersey\) Law 1961](#) that he or she is liable to be charged to income tax in respect of the year of assessment of the person or his partner that immediately precedes the year of assessment referred to in sub-paragraph (a).
- (8) No health bonus shall be payable to a person in respect of an appointment with a participating practitioner where the person failed to attend the appointment when required to do so.
- (9) The value of a health bonus to which a person is entitled in any one period has no value in respect of another period.
- (10) Where a person is re-admitted to the health bonus scheme within 12 months of the person having withdrawn from participation in that scheme or having become ineligible to remain in that scheme –

- (a) that person shall, for the purpose of calculating the amount of any bonus payable to him or her, be treated as if he or she had remained admitted to the scheme during the period in which he or she had withdrawn, or was not eligible, as the case may be; and
 - (b) where the person has been paid a bonus during that 12 month period, the value specified for an examination or treatment, or prescribed glasses, lenses or contact lenses received, during that period shall be reduced by the amount of benefit (if any) in respect of an examination or treatment, or prescribed glasses, lenses or contact lenses received, by the same type of participating practitioner.
- (11) Despite paragraph (1), if the period mentioned in Column 2 of the table in the Schedule started before 1st September 2023, the value specified for treatment or assistance received during that period is reduced by the amount of any benefit in respect of treatment or assistance of the same type received in that period before 1st September 2023.⁹

4 Application for admission to health bonus scheme

- (1) An application by a person to be admitted to the health bonus scheme must be made in such form, contain such particulars, and be accompanied by such information as the Minister may reasonably require.
- (2) An application is treated as having been made on the day on which it is received by the Minister at an office approved by the Minister.
- (3) If an application is defective at the date when it is received or has been made in a manner otherwise than as required by paragraph (1), the Minister may refer the application to the applicant or, as the case may be, supply him or her with the form, and if the form is received properly completed within 14 days from that date on which the application is so referred, or the form is so supplied to the applicant, the Minister must treat the application as if it had been duly made in the first instance.
- (4) An applicant may, by giving notice to the Minister in such form as the Minister may reasonably require, amend an application at any time before the application is determined and the Minister may treat the application as if it had been made as so amended in the first instance.

5 Determination of claims

- (1) An application for admission to the health bonus scheme, or a decision as to whether a payment is made under the health bonus scheme, must be determined by a determining officer and, where required under Article 6, reconsidered by a second determining officer.
- (2) A determining officer must notify the applicant in writing –
 - (a) of his or her determination of the application for admission to the health bonus scheme and, where the determining officer has determined to refuse that application, the reasons for that determination;
 - (b) of his or her determination of an application for a payment under the health bonus scheme and, where the determining officer has determined to refuse the application in whole or in part, the reasons for that determination; and
 - (c) in either case, of the applicant's right to challenge that determination, as set out in sub-paragraph (3).

- (3) In the case of a refusal to admit a person to the health bonus scheme or to make a payment to a person under the health bonus scheme, on a first determination, the determining officer must notify the applicant in writing –
 - (a) of the right of him or her to have the determination reconsidered by a second determining officer;
 - (b) that this right must be exercised within 21 days of the applicant receiving notice of the determination; and
 - (c) that if the right is not exercised in accordance with sub-paragraph (b), there is no right of further appeal.
- (4) Where a determining officer has determined that the applicant is entitled to be admitted to the health bonus scheme or to the payment of a health bonus he or she must allow the applicant to be admitted or, in the case where he or she has determined that the person is entitled to a payment, the payment must be made.

6 Reconsideration by second determining officer

- (1) If an applicant is dissatisfied with any determination under Article 5 that is made by a first determining officer considering the matter, he or she may require the matter to be reconsidered by a second determining officer at any time within 21 days of receiving notice of the determination.
- (2) The second determining officer must notify the applicant in writing –
 - (a) of his or her re-determination and the reasons for it; and
 - (b) of the applicant's right to challenge the determination, as set out in paragraph (3).
- (3) In the case of a determination to uphold the determination of a first determining officer under Article 5(2), the second determining officer must notify the applicant in writing of the right to appeal to the Tribunal.
- (4) Where the second determining officer, has determined that the applicant is entitled to be admitted to the health bonus scheme he or she must allow the applicant to be admitted, and in the case where he or she has determined that the person is entitled to a payment, the payment must be made.

7 Appeals to Tribunal

- (1) If an applicant is dissatisfied with any redetermination by a second determining officer, he or she may appeal to the Tribunal within 14 days of receiving notification of the redetermination.
- (2) An appeal made outside the 14 day period, but within 28 days of receiving notification of the re-determination, may be allowed with the consent of the chairman of the Tribunal.
- (3) Every application for appeal must be made in writing to the Registrar on a form approved by the Registrar for that purpose, or in such manner as the Registrar may accept as sufficient in the circumstances of the case.

8 Further particulars

- (1) The Tribunal may at any time require the applicant or a determining officer to furnish it with further particulars in writing and within such time as it may direct

with regard to any appeal, and may at any stage of the proceedings allow the amendment of any application for appeal or any statement or particulars and extend the time for furnishing any statement or particulars.

- (2) If, after the expiration of the time, or where the time has been extended, expiration of the extended time, for furnishing any statement or particulars under paragraph (1), the applicant has failed to do so, the appeal is to be treated as having been abandoned.

9 Special procedure in cases of groundless appeals

- (1) Where, in the opinion of a determining officer, an application for appeal is made on grounds that are bound to fail, the determining officer may, within 14 days of receiving the application, request the Registrar to place the papers before the chairman or deputy chairman of the Tribunal.
- (2) If, on considering the papers, the chairman or deputy chairman of the Tribunal is of the opinion that the appeal is bound to fail, he or she must send a notice to the applicant stating that –
 - (a) he or she has considered the application for appeal and is of the opinion that the appeal is bound to fail; and
 - (b) unless the applicant renews his or her application to the Tribunal within 14 days of receiving the notification, the appeal will be treated as having been abandoned.

10 Decision without a hearing

If the applicant and the Minister agree and the Tribunal thinks that a matter before it can properly be determined on the particulars supplied by the parties without a hearing, it may determine the matter without a hearing on the particulars so supplied.

11 Procedure of Tribunal

- (1) The parties to an appeal before the Tribunal are the applicant and the Minister and each party or any person acting on behalf of that party may make representations to the Tribunal.
- (2) The Tribunal must sit in public unless the Tribunal considers it necessary to sit in private.
- (3) However, no person other than the Registrar may be present while the Tribunal is considering its decision.
- (4) The Tribunal may adjourn the hearing from time to time as it thinks fit.
- (5) The Tribunal may, if it thinks fit, admit any duly authenticated written statement or other material as evidence of any fact in any case in which it thinks it just and proper to do so.
- (6) The Tribunal may, if it thinks fit, call for such documents and examine such witnesses as appear to it likely to afford evidence relevant and material to the issue, although not tendered by either the applicant or the Minister.
- (7) If, after notice of the hearing has been duly given, the applicant or the Minister fails to appear at the hearing, the Tribunal may proceed to determine the appeal notwithstanding the absence of both or either of them, or may give such directions

with a view to the determination of the appeal as the Tribunal thinks just and proper.

- (8) The Tribunal may require any party to proceedings before the Tribunal under this Order or any witness in the proceedings to give evidence on oath and, for that purpose, the chairman or deputy chairman presiding over the Tribunal has power to administer an oath.
- (9) Where, in connection with the determination of any appeal, there is before the Tribunal medical advice or medical evidence relating to the applicant that has not been disclosed to the applicant and, in the opinion of the chairman or deputy chairman, the disclosure to the applicant of that advice or evidence would be harmful to the applicant's health, such advice or evidence is not required to be disclosed to the applicant, but the Tribunal is not by reason of such non-disclosure precluded from taking it into account for the purpose of the appeal.
- (10) On the appeal against a re-determination under this Law, the Tribunal may confirm, reverse or vary the decision of the second determining officer and must give its decision in public.
- (11) The decision of the majority of the members of the Tribunal is the decision of the Tribunal and there must be a written record of the decision signed by the chairman or deputy chairman as the case may be which –
 - (a) includes the names of the Tribunal members;
 - (b) includes the reasons for the decision; and
 - (c) records any dissent and the reasons for such dissent,and the Registrar must send a copy of such written record to the parties as soon as practicable after the appeal has taken place.
- (12) Where the Tribunal has made a decision adverse to the applicant, the applicant must be advised that the decision on the facts is final but that he or she may appeal to the Royal Court on a point of law.
- (13) Subject to this Article, the Tribunal may regulate its own procedure.

12 Appeals and references

- (1) A person aggrieved by a decision of the Tribunal may, on a point of law only, appeal to the Royal Court.
- (2) An appeal under sub-paragraph (1) may only be made with leave of the Tribunal or the Royal Court, and must be made before the end of the period of 4 weeks beginning with the date of the Tribunal's written decision.
- (3) An application for leave to appeal under paragraph (2) may include an application to stay a decision of the Tribunal pending the appeal.
- (4) No appeal shall lie from a decision of the Tribunal refusing leave for the institution or continuance of, or for the making of an application in, proceedings by a person who is the subject of an order under Article 1 of the [Civil Proceedings \(Vexatious Litigants\) \(Jersey\) Law 2001](#).
- (5) The Tribunal or a determining officer may refer any point of law to the Royal Court for the Royal Court to give a ruling on the point.
- (6) On hearing an appeal under this Article the Royal Court may –
 - (a) confirm the decision of the Tribunal wholly or in part;
 - (b) vary the decision of the Tribunal;

- (c) quash the decision of the Tribunal wholly or in part; or
- (d) remit the decision, wholly or in part, to the Tribunal to be retaken.

13 Administrative expenses

The Minister may pay to any member of the Tribunal who exercises any functions under this Order, and any other person whose advice or assistance may be required by the Tribunal or by a determining officer for the purposes of this Order, such remuneration and expenses as the Minister may determine.

14 Citation

This Order may be cited as the Social Security (Health Bonus Scheme) (Jersey) Order 2016.

SCHEDULE¹⁰

(Article 3)

HEALTH BONUS VALUES

Maximum value of health bonus payable to a person under the Health Bonus Regulations			
	<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
	Description of treatment or assistance	Period during which health bonus is payable	Maximum amount of health bonus payable during period mentioned in Column 2
(a)	Examination or treatment carried out by a chiropodist or a podiatrist	From the admission date until the last day of the month that occurs 12 months after that date and every subsequent 12 month period	£165
(b)	Examination (without treatment) by a dentist	From the admission date until the last day of the month that occurs 12 months after that date and every subsequent 12 month period	£55
(c)	Treatment by a dentist that includes dentures	From the admission date until the last day of the month that occurs 48 months after that date and every subsequent 48 month period	£1,900 less any amount paid in that period for treatment under entry (d)
(d)	Treatment by a dentist that does not include dentures	From the admission date until the last day of the month that occurs 24 months after that date and every subsequent 24 month period	£950
(e)	Examination carried out by an optician	From the admission date until the last day of the month that occurs 24 months after that date and every subsequent 24 month period	£55
(f)	Purchase of glasses, lenses or contact lenses prescribed by an optician for wearing by that person	From the admission date until the last day of the month that occurs 24 months after that date and every subsequent 24 month period	£165

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement
Social Security (Health Bonus Scheme) (Jersey) Order 2016	R&O.141/2016	1 January 2017
Revenue Administration (Jersey) Law 2019	L.13/2019	1 January 2020 (R&O.136/2019)
Social Security (Health Bonus Scheme) (Amendment) (Jersey) Order 2023	R&O.72/2023	1 September 2023

Table of Endnote References

¹ Article 1(1)	<i>amended by L.13/2019, R&O.72/2023</i>
² Article 2(1)	<i>amended by R&O.72/2023</i>
³ Article 2(6)	<i>amended by L.13/2019</i>
⁴ Article 3(1)	<i>amended by R&O.72/2023</i>
⁵ Article 3(2)	<i>deleted by R&O.72/2023</i>
⁶ Article 3(3)	<i>deleted by R&O.72/2023</i>
⁷ Article 3(4)	<i>deleted by R&O.72/2023</i>
⁸ Article 3(5)	<i>amended by R&O.72/2023</i>
⁹ Article 3(11)	<i>inserted by R&O.72/2023</i>
¹⁰ Schedule	<i>substituted by R&O.72/2023</i>