



Jersey

# **SOCIAL SECURITY (DEATH GRANT) (JERSEY) ORDER 1974**

## **Official Consolidated Version**

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# **SOCIAL SECURITY (DEATH GRANT) (JERSEY) ORDER 1974**

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Jersey

## **SOCIAL SECURITY (DEATH GRANT) (JERSEY) ORDER 1974<sup>1</sup>**

**THE EMPLOYMENT AND SOCIAL SECURITY COMMITTEE**, in pursuance of Articles 26 and 29 of the [Social Security \(Jersey\) Law 1974](#), orders as follows –

Commencement [[see endnotes](#)]

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### **1 Interpretation**

In this Order, unless the context otherwise requires –

“deceased” has the same meaning as in Article 26 of the Law;

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

“relevant person” and “relevant quarter” have the same meanings as in paragraph 7 of Schedule 2 to the Law.

### **2 Deaths occurring outside Jersey<sup>2</sup>**

Subject to the provisions of the Law and this Order, a death grant shall be payable in respect of a death occurring outside Jersey if the relevant contribution conditions are satisfied and immediately before death the deceased –

- (a) made contributions in pursuance of –
  - (i) Articles 3 or 4 of the [Social Security \(Residence and Persons Abroad\) \(Jersey\) Order 1974](#),
  - (ii) Article 2 of the [Social Security \(Mariners\) \(Jersey\) Order 1974](#), or
  - (iii) Article 2 of the [Social Security \(Airmen\) \(Jersey\) Order 1974](#); or
- (b) was entitled to a benefit under the Law (other than a maternity grant or death grant) at the maximum rate for that benefit;
- (c) was the husband, wife, civil partner or child (to whom Article 26(1) of the Law applies) of, and resident with, a person who, had he or she then died, would have satisfied the conditions in paragraph (a) or (b); or

- (d) was resident in Jersey and the death occurs not more than 6 months from the date when the deceased last left Jersey.

### **3 Children and stillbirth<sup>3</sup>**

- (1) Subject to the Law, a death grant is payable in respect of a deceased person who was a stillborn child, or who was at death a child, if a parent of the deceased satisfies the relevant contribution conditions.
- (2) This Article applies even if the deceased was not at death a child of the family (as defined in Article 26 of the Law) of that parent.

### **4 Persons in full time educational training and incapacitated persons**

Where the deceased was at death over the age of 16 years but not yet 21 years of age, and was undergoing full-time education or training or was permanently incapable of work, a death grant shall be payable if the relevant contribution conditions are satisfied by either –

- (a) a parent (including a person who has adopted a child within the meaning of the [Adoption \(Jersey\) Law 1961](#)) of the deceased; or
- (b) a person who, immediately before the deceased's death, was wholly or mainly maintaining the deceased.

### **5 Absence from Jersey**

A person shall not be disqualified for receiving a death grant by reason of being absent from Jersey.

### **6 Imprisonment and detention in legal custody**

A person shall not be disqualified for receiving a death grant by reason of undergoing a period of imprisonment or detention in legal custody, but the payment of the grant shall be suspended during any such period:

Provided that the grant may nevertheless be paid during any such period to any person appointed by the Minister to receive and deal with any sum payable on behalf of the beneficiary on account of the grant, and the receipt of any person so appointed shall be a good discharge to the Minister and the Social Security Fund for any sum so paid.

### **7 Right to death grant not to be extinguished in certain cases of suspension of death grant**

Where, by virtue of Article 6 of this Order, payment of a death grant is suspended for any period, the first 12 months, or such longer part of the period of suspension as the Minister may decide in the circumstances of any particular case, shall not be taken into account in calculating any period under the provisions of Article 14 of the [Social Security \(Claims and Payments\) \(Jersey\) Order 1974](#).

## **8 Priority of 2 or more claimants satisfying the conditions for death grant, and provision for suspension of proceedings**

- (1) Subject to the provisions of the Law and this Order, where 2 or more claimants satisfy the conditions for receipt of a grant in respect of the same death, that claimant shall be entitled to the grant who is the executor or administrator of the deceased's estate or, where such a person has not been appointed, who has incurred the expense of the actual burial or cremation, and who –
  - (a) in the case of the death of the relevant person (being married or in a civil partnership), is the widow or widower, or the surviving civil partner, as the case may be, of that person;
  - (b) in the case of the death of the relevant person (being unmarried and not in a civil partnership), is a parent of that person;
  - (c) in the case of the death of the husband or wife or civil partner of the relevant person, is the relevant person; or
  - (d) in the case of the death of a child of the family of the relevant person, is the relevant person.<sup>4</sup>
- (2) Where in the case of 2 or more such claimants entitlement to death grant cannot be determined under paragraph (1), the Minister shall decide which one of them shall be entitled to the grant, and for that purpose shall pay regard to the written nomination (if any), made by the claimants or a majority of them, of one of their number to be the recipient of the grant, and to all the other circumstances of the case.
- (3) The Minister may in the Minister's discretion suspend any proceedings on a claim for a death grant, other than a claim by any such claimant as is specified in paragraph (1), for a period not exceeding one month from the date on which the claim was made, where it has reason to suppose that another claim may be or may have been made in respect of the same death by a person having a prior right by virtue of this Article.

## **9 Citation**

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

## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement
Social Security (Death Grant) (Jersey) Order 1974	<a href="#">R&amp;O.6082</a>	1 January 1975
Social Security (Death Grant) (Amendment) (Jersey) Order 1982	<a href="#">R&amp;O.7088</a>	7 September 1982
States of Jersey (Amendments and Construction Provisions No. 8) (Jersey) Regulations 2005	<a href="#">R&amp;O.48/2005</a>	9 December 2005
Social Security (Consequential Amendments) (Jersey) Order 2008	<a href="#">R&amp;O.18/2008</a>	28 January 2008
Civil Partnership (Consequential Amendments) (Jersey) Regulations 2012	<a href="#">R&amp;O.47/2012</a>	2 April 2012
Social Security (Death Grant and Claims and Payments) (Jersey) Amendment Order 2024	<a href="#">R&amp;O.83/2024</a>	16 December 2024

### Table of Renumbered Provisions

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

### Table of Endnote References

<sup>1</sup>	<i>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</i>
<sup>2</sup> Article 2	<i>substituted by R&amp;O.7088, amended by R&amp;O.18/2008, R&amp;O.47/2012</i>
<sup>3</sup> Article 3	<i>substituted by R&amp;O.83/2024</i>
<sup>4</sup> Article 8(1)	<i>amended by R&amp;O.47/2012</i>