



Jersey

SOCIAL SECURITY (JERSEY) LAW 1974

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SOCIAL SECURITY (JERSEY) LAW 1974

Arrangement

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Jersey

SOCIAL SECURITY (JERSEY) LAW 1974¹

A **LAW** to establish a scheme of social security and for connected purposes

Commencement [[see endnotes](#)]

PART 1

INTRODUCTORY

1 Interpretation

(1) In this Law, unless the context otherwise requires –

“appointed day” has the meaning assigned thereto by Article 54;

“adoption order” has the same meaning as in the Adoption (Jersey) Law 1961²;

“benefit” means benefit under this Law;

“claimant”, in Articles 34A, 34B and 34D –

(a) means a person claiming long term incapacity allowance; and

(b) also means, in relation to the review of a decision, any beneficiary affected by the decision;

“contract of service” means any contract of service or apprenticeship, whether written or oral, and whether expressed or implied;

“earnings” –

(a) in relation to a Class 1 insured person, has the meaning given in Schedule 1A;

(b) in relation to a Class 2 insured person, has the meaning given in Schedule 1B;

“employed person” and “employed person’s employment” have the meanings assigned thereto by Article 3;

“Health Insurance Fund” means the Fund established and so called by virtue of Article 21 of the Health Insurance (Jersey) Law 1967³;

“Health Insurance Fund allocation” has the meaning assigned thereto by Article 30;

“incapable of work” means incapable of work by reason of some specific disease or bodily or mental disablement or deemed, in accordance with the provisions of any Order, to be so incapable;

“insured person” means a person insured under this Law;

“Jersey Index of Earnings” means the Index of Average Earnings produced by the States of Jersey Statistics Unit;

“Law of 1950” means the Insular Insurance (Jersey) Law 1950⁴;

“medical examination” includes bacteriological and radiographical tests and similar investigations, and references to being medically examined shall be construed accordingly;

“medical practitioner” means –

- (a) a “registered medical practitioner” as defined in Article 1(1) of the Medical Practitioners (Registration) (Jersey) Law 1960⁵; or
- (b) a “fully registered person” as defined in section 55 of the Medical Act 1983 of the United Kingdom;

“Minister” means the Minister for Social Security;

“Order” means an Order made by the Minister under this Law;

“pensionable age” means the age of 65;

“prescribed” means prescribed by Order;

“relevant contribution conditions” means, in relation to benefit of any description, the contribution conditions for benefit of that description as set out in Schedule 2;

“relevant disease or injury” means, in relation to long term incapacity allowance, the disease or injury in respect of which that benefit is claimed or payable;

“relevant loss of faculty” means the loss of faculty resulting from the relevant disease or injury;

“Social Security Fund” has the meaning assigned thereto by Article 30;

“Social Security Tribunal” means the Tribunal constituted by Order under Article 33A;

“standard contribution” –

- (a) in relation to a Class 1 insured person, has the meaning given in Schedule 1A;
- (b) in relation to a Class 2 insured person, has the meaning given in Schedule 1B;

“standard rate of benefit” –

- (a) for the purposes of the old age pension, has the meaning given in Part 1A of Schedule 1;

-
- (b) for the purposes of any other benefit, has the meaning given in Article 13(2).⁶
- (2) For the purposes of this Law –
- (a) “child” means a child below school leaving age and any other child who is in full-time education;
- (b) a person shall be treated as having a family that includes a child if he or she lives with any child as part of his or her household;
- (c) “school leaving age” means the upper limit of compulsory school age by virtue of Article 2 of the Education (Jersey) Law 1999^{7 8}
- (3) For the purposes of this Law –
- (a) a person shall be deemed to be over or under any age therein mentioned if the person has or has not attained that age;
- (b) a person shall be deemed to be between 2 ages therein mentioned if the person has attained the first-mentioned age but has not attained the second-mentioned age.
- (4) For the purposes of this Law, 2 persons shall not be deemed to have ceased to reside together by reason of any temporary absence of either or both of them, and in particular by reason of any such absence at school or while receiving medical treatment as an in-patient in a hospital or similar institution or by reason of any absence of either or both of them in such circumstances as may be prescribed.
- (5) The Minister may by Order prescribe, for any specified purpose or provision of this Law –
- (a) monetary amounts and benefits of any description (whether or not convertible into money) that are, or are not, earnings;
- (b) without prejudice to the generality of sub-paragraph (a), descriptions of income that are to be treated as earnings;
- (c) the manner in which the value attributable to any earnings that are not money is to be determined;
- (d) when any earnings are deemed to be paid;
- (e) circumstances in which notional earnings are to be attributed to a person;
- (f) the manner in which a person’s earnings are to be calculated or estimated;
- (g) the manner in which the amount of a person’s earnings to be treated as comprised in any payment made to or in respect of the person is to be calculated or estimated; and
- (h) earnings of a specified class or description, made or falling to be made to or by a person, that are to be disregarded, wholly or in part, in calculating a person’s earnings, or deducted from such earnings.⁹
- (6) ¹⁰
- (7) ¹¹

2 General administration¹²**PART 2****INSURED PERSONS AND CONTRIBUTIONS****3 Description and classification of insured persons**

- (1) Subject to the provisions of this Law, every person who immediately before the appointed day was an insured person under the Law of 1950, and every person who has attained school leaving age on, or who attains school leaving age after, the appointed day and who fulfils such conditions as to residence in Jersey as may be prescribed, shall become insured under this Law and thereafter continue throughout his or her life to be so insured.
- (2) For the purposes of this Law, insured persons shall be divided into the following 2 classes –
 - (a) Class 1, which shall comprise employed persons, that is to say, persons gainfully occupied in employment in Jersey under a contract of service; and
 - (b) Class 2, which shall comprise persons not in Class 1.Hereafter in this Law any employment by virtue whereof an insured person is an employed person is referred to as an “employed person’s employment”.
- (3) Provision may be made by Order for modifying the said classification in relation to cases where it appears to the Minister desirable by reason of the nature or circumstances of a person’s employment or otherwise.

4 Source of funds

- (1) For the purpose of providing the funds required for paying benefit and for making any other payments which under this Law are to be made out of the Social Security Fund, and for providing the Health Insurance Fund allocation specified in Article 30, contributions shall be payable by insured persons and employers in accordance with the provisions of this Law.
- (2) Contributions shall be of the following 2 classes –
 - (a) Class 1 contributions payable in respect of Class 1 insured persons being made up of –
 - (i) employed persons’ primary Class 1 contributions, and
 - (ii) employers’ secondary Class 1 contributions; and
 - (b) Class 2 full rate or reduced rate contributions payable by Class 2 insured persons.¹³
- (3) There shall also be paid into the Social Security Fund, out of monies provided by the States, such amounts as are determined in accordance

with Article 9A, for the purpose of contributing to the cost of supplementing contributions in accordance with Article 9.¹⁴

5 Class 1 contributions

(1) ¹⁵

(2) ¹⁶

(3) Subject to the provisions of this Law, where in any contribution month earnings are paid to or in respect of an employed person in respect of any one employment of the person being an employed person's employment and –

(a) the person is over school leaving age; and

(b) the person has been employed for more than a prescribed number of hours in a prescribed period,

there shall be payable (except as provided by this Law, without regard to any other payment of earnings to or for the benefit of the employed person in respect of any other employment) a primary and a secondary Class 1 contribution.

(4) Subject to the provisions of any Order made under Article 11(d), the amounts of primary and secondary Class 1 contributions shall be determined in accordance with Schedule 1A.¹⁷

6 Persons to be treated as employers

In relation to persons who work under the general control or management of a person other than their immediate employer, and in relation to any other cases for which it appears to the Minister that special provision is needed, provision may be made by Order that for the purposes of this Law the prescribed person shall be treated as their employer.

7 Methods of paying Class 1 contributions

(1) Except where provision is otherwise made by Order, an employer liable to pay a secondary Class 1 contribution in respect of a person employed by the employer shall be liable to pay also that employed person's primary Class 1 contribution on behalf of that employed person, and, for the purposes of this Law, contributions paid by the employer on behalf of an employed person shall be deemed to be contributions paid by that employed person.

(2) Notwithstanding any contract to the contrary, an employer shall not be entitled to make, from earnings paid by the employer, any deduction in respect of the employer's own or any other person's secondary Class 1 contributions, or otherwise to recover such contributions from any employed person to whom the employer pays earnings; and an employer who contravenes or attempts to contravene the provisions of this paragraph shall be liable to a fine not exceeding level 2 on the standard scale.¹⁸

- (3) An employer shall be entitled, subject to and in accordance with any Order, to recover from an employed person the amount of any primary Class 1 contribution paid or to be paid by the employer on behalf of the employed person; and notwithstanding anything in any enactment, any Order under this paragraph shall provide for recovery to be made by deduction from the employed person's earnings, and for it not to be made in any other way.

8 Class 2 contributions

- (1) Class 2 insured persons, who are not entitled by virtue of paragraph (2), or being so entitled do not apply, to pay reduced rate Class 2 contributions, shall be liable to pay full rate Class 2 contributions.¹⁹
- (2) Reduced rate Class 2 contributions shall be payable monthly or weekly by Class 2 insured persons who apply to do so and who satisfy such conditions as may be prescribed in relation to income and classification.²⁰
- (3) Subject to the provisions of any Order made under Article 11(d), the amounts of full rate Class 2 contributions and reduced rate Class 2 contributions payable in any month shall be determined in accordance with Schedule 1B.²¹

8A Full contribution record and contribution factors²²

- (1) For the purposes of this Law, a contribution factor of 1.00 in relation to any period shall indicate a full contribution record for that period.
- (2) For the purposes of this Law, subject to paragraph (3) and any Order, the monthly contribution factor for a person is the sum of the contributions paid into, credited to and supplemented from the Social Security Fund in respect of the person for the month, divided by the standard contribution for the month that applies in the person's case.
- (3) The monthly contribution factor for a person shall not exceed 1.00.
- (4) For the purposes of this Law, subject to any Order, the quarterly contribution factor for a person is the sum of the monthly contribution factors for the person for each month in the quarter, divided by 3.
- (5) For the purposes of this Law, subject to any Order, the annual contribution factor for a person is the sum of the quarterly contribution factors for the person for each quarter in the year, divided by 4.
- (6) For the purposes of this Law, subject to any Order, the life average contribution factor for a person is the sum of the annual contribution factors for the person for the period described in paragraph (7), divided by 45.
- (7) The period referred to in paragraph (6) is the period or periods in the aggregate, not exceeding 45 years, for which contributions have been paid into, credited to or supplemented from the Social Security Fund in respect of the person and which –
 - (a) begins on or after the first day of the month in which the person attains the age of 18 years; and

- (b) ends on or before the last day of the month before the one in which the person attains pensionable age.
- (8) Where contribution factors are calculated under this Article for the purposes of determining a contribution factor for a person, the following contributions shall be disregarded –
 - (a) contributions which are not paid on their due dates and are not treated in accordance with any Order as so paid for the purposes of survivor's benefit, incapacity pension and old age pension;
 - (b) contributions credited only for purposes other than the purposes of survivor's benefit, incapacity pension and old age pension; and
 - (c) any other prescribed contribution, in the case prescribed.
- (9) The product of the calculation specified in paragraph (2), (4), (5) or (6) shall be rounded up to the third decimal place.

9 Supplementation of contributions

- (1) Subject to the provisions of this Law, monthly contributions in respect of an insured person shall be supplemented out of the Social Security Fund –
 - (a) in the case of a Class 1 insured person, in the circumstances and by the amount provided by paragraph 4 of Schedule 1A; and
 - (b) in the case of a Class 2 insured person, in the circumstances and by the amount provided by paragraph 5 of Schedule 1B.²³
- (2) ²⁴
- (3) ²⁵
- (4) Provision may be made by Order for disqualifying a person for receiving supplementation of the person's contributions in accordance with paragraph (1) where the person has intentionally arranged his or her affairs so as to entitle himself or herself to such supplementation.²⁶

9A Contributions by States to supplementation²⁷

- (1) The amount required by Article 4(3) to be paid into the Social Security Fund shall be determined annually, for 2013 and ensuing years, in accordance with this Article.
- (2) Where the year is the first year of a medium term financial plan, the amount to be paid for the year shall be the product of the following formula –
$$(A - B) \times (1 + C)^2$$
Where –
 - (a) A is the total amount required, for the base year, for the purpose of supplementing contributions in accordance with Article 9, reported in the accounts prepared in accordance with Article 30(4);
 - (b) B is –

- (i) for the purpose of determining the amount payable in 2013, £6,900,000;
 - (ii) for the purpose of determining the amount payable for any subsequent first year of a medium term financial plan, the aggregate of the following amounts –
 - (A) the Class 1 secondary contributions paid for the base year in accordance with paragraph 3(2)(c) of Schedule 1A,
 - (B) the full rate Class 2 contributions paid for the base year in accordance with paragraph 3(c) of Schedule 1B, and
 - (C) the reduced rate Class 2 contributions paid for the base year in accordance with paragraph 4(c) of Schedule 1B,as those amounts are reported in the accounts prepared in accordance with Article 30(4); and
 - (c) C is the percentage rise or fall in the Jersey Index of Earnings in the base year.
- (3) If B is equal to or greater than A, no money is required to be paid for the year.
- (4) Where the year is the second or any subsequent year of a medium term financial plan, the amount to be paid shall be the product of the following formula –
$$D \times (1 + C)$$
Where –
 - (a) D is the amount paid under this Article for the preceding year; and
 - (b) C is the percentage rise or fall in the Jersey Index of Earnings in the base year.
- (5) The amount to be paid under this Article for a year may be paid in a lump sum or in instalments, and at such time or times, as the Minister determines.
- (6) In this Article –
 - “base year” means the year 2 years before the first year of a medium term financial plan;
 - “first year of a medium term financial plan” means the first financial year to which a medium term financial plan relates, and references to the second or any subsequent year of a medium term financial plan shall be construed accordingly;
 - “medium term financial plan” means a plan prepared in accordance with Article 7(1) of the Public Finances (Jersey) Law 2005²⁸ and approved by the States.

10 Exceptions from liability and crediting of contributions

- (1) Provision may be made by Order for excepting insured persons otherwise liable for contributions of any class from such liability for such periods and in such circumstances as may be prescribed.
- (2) An Order made under paragraph (1) shall not except a person from liability to pay contributions otherwise than on his or her own application, but may provide for so excepting a person with effect from the day the person's application is made or a day that is earlier or later than that day.²⁹
- (3) Provision may be made by Order for the crediting of contributions of any class to an insured person for the purpose of safeguarding future entitlement to benefit (whether his or her own or another person's entitlement) but not so as to cause so much of his or her contributions as are payable into the Social Security Fund to exceed the standard contribution.³⁰

11 General contribution provisions

Provision may be made by Order –

- (a) for treating, for the purpose of any right to benefit, contributions paid after the due dates as paid on those dates or on such later dates as may be prescribed or as not having been paid, and for treating, for the purpose aforesaid, contributions payable by an employer, but not paid, as paid where the failure to pay is shown not to have been with the consent or connivance of, or attributable to any negligence on the part of, the relevant employed person, and in the case of contributions so treated, for treating them also as paid at a prescribed time or in respect of a prescribed period;
- (b) for treating earnings not paid at normal intervals as paid at such intervals as may be prescribed;
- (c) for the collection or aggregation of Class 1 contributions where a person is employed in more than one employment;
- (d) for calculating or otherwise adjusting the amount of a contribution payable according to a prescribed scale or figure so as to avoid fractional amounts or otherwise facilitate computation;
- (da) for calculating or otherwise adjusting any amount determined, in accordance with this Law, by reference to any index or scale, so as to avoid fractional amounts or otherwise facilitate computation;
- (e) for securing that liability for the payment of contributions is not avoided or reduced by means of irregular or unequal payments of earnings or by a person following, in the payment of earnings, any practice which is abnormal for the employment in respect of which the earnings are paid;
- (f) that, for the purpose of determining whether a contribution is payable in respect of any person, that person shall be treated as having attained at the beginning of a contribution month, or as not having attained until the

end of the contribution month, any age which the person attains during the course of that month;

- (g) for the return of contributions under this Law paid in error or in such other circumstances as may be prescribed;
- (ga) for the correction of overpayments or underpayments of contribution made in such circumstances as may be prescribed;
- (h) for requiring persons to maintain, in such form and manner as may be prescribed, records –
 - (i) of the earnings paid by them to and in respect of employees, and
 - (ii) of the contributions paid or payable in respect of earnings so paid,for the purpose of enabling the incidence of liability for contributions of any class to be determined, and to retain the records for so long as may be prescribed;
- (ha) for prescribing circumstances in which the earnings of any employed person may be treated as being of such an amount, not exceeding any earnings limit specified in Schedule 1A or 1B, as the Minister considers appropriate;
- (j) for any other matters incidental to the payment, collection or return of contributions.³¹

PART 3

BENEFIT

12 Description of benefits³²

Benefit shall be of the following descriptions –

- (a) incapacity benefit, which shall consist of short term incapacity allowance, long term incapacity allowance and incapacity pension;
- (b) maternity benefit, which shall consist of maternity grant and maternity allowance;
- (c) adoptive parent grant;
- (d) survivor's benefit, which shall consist of survivor's allowance and survivor's pension;
- (e) old age pension;
- (ea) 2013 old age pension adjustment;
- (f) death grant;
- (g) insolvency benefit;
- (h) home carer's allowance.

13 Rates and amounts of benefit

- (1) Subject to the provisions of this Law –

- (a) the weekly rates of benefits and the amounts of any single payment benefits (apart from long term incapacity allowance and insolvency benefit) are the amounts set out in Schedule 1;
 - (b) the weekly rate of long term incapacity allowance shall be the percentage of the standard rate of benefit in which the degree of incapacitation, assessed in accordance with the provisions of Article 16, is expressed; and
 - (c) the amount of insolvency benefit shall be calculated in accordance with Articles 26A to 26H.³³
- (2) The standard rate of benefit for the purposes of this Law (except for the purposes of the old age pension) shall, on the appointed day, be an amount equal to the standard weekly rate of parish welfare payable for a single householder on the appointed day and thereafter shall be increased on the first day of October in every year by the percentage figure equal to the percentage rise in the Jersey Index of Earnings during the 12 months commencing July of the preceding year.³⁴
- (3) Provision may be made by Order for –
- (a) calculating daily, monthly and yearly equivalents of the weekly standard rate of benefit;
 - (b) calculating or otherwise adjusting the amount of any benefit so as to avoid fractional amounts or otherwise facilitate computation.

14 Contribution conditions

- (1) The contribution conditions for the several descriptions of benefit (other than insolvency benefit or the 2013 old age pension adjustment) shall be as set out in Schedule 2.³⁵
- (2) Provision may be made by Order for the entitling to incapacity benefit, home carer's allowance, maternity allowance, survivor's benefit and old age pension of persons who would be so entitled but for the fact that the relevant contribution conditions set out in paragraphs 1(1)(b), 2(1)(b), 3(1)(b), 3A(1)(b), 4(1)(b) and 6(1)(b) of Schedule 2 are not satisfied.³⁶
- (3) Any Order made under paragraph (2) shall provide that benefit payable by virtue of the Order shall be payable at a rate, or shall be of an amount, less than that specified in Schedule 1, and the rate or amount prescribed by the Order may vary with the extent to which contribution conditions are satisfied.
- (4) ³⁷

15 Short term incapacity allowance³⁸

- (1) Subject to the provisions of this Law, a person who –
- (a) is under pensionable age on any day for which benefit is claimed;
 - (b) is not entitled to a reduced old age pension under Article 25(1A); and
 - (c) satisfies the relevant contribution conditions,

shall be entitled to short term incapacity allowance in respect of any day of incapacity for work during a period of incapacity for work.

- (2) Where in respect of any period of incapacity for work a person has been entitled to short term incapacity allowance for 364 days (including, in the case of a woman, any day for which she was entitled to a maternity allowance), he or she shall cease to be entitled to that benefit for any subsequent period of incapacity for work falling within that period.
- (3) A person shall not be entitled to short term incapacity allowance for any period in which he or she works.
- (4) Subject to the provisions of this Law, where a person who is under pensionable age and is not entitled to a reduced old age pension under Article 25(1A) ceases by virtue of paragraph (2) of this Article to be entitled to short term incapacity allowance –
 - (a) if he or she satisfies the requirements of Article 16, he or she shall be entitled to long term incapacity allowance; or
 - (b) if he or she satisfies the requirements of Article 17, he or she shall be entitled to an incapacity pension.

16 Long term incapacity allowance³⁹

- (1) Subject to the provisions of this Law, a person who –
 - (a) is under pensionable age;
 - (b) is not entitled to a reduced old age pension under Article 25(1A);
 - (c) as a result of the relevant disease or injury is suffering from a loss of physical or mental faculty which is likely to be permanent; and
 - (d) satisfies the relevant contribution conditions,shall be entitled to long term incapacity allowance.
- (2) The assessment of a claimant's incapacitation for the purposes of long term incapacity allowance shall take into account the period during which the claimant has suffered and may be expected to continue to suffer from the relevant loss of faculty.
- (3) If the claimant is receiving or has received short term incapacity allowance in respect of the relevant disease or injury, the period to be taken into account under paragraph (2) shall not begin earlier than the end of the last period during which he or she received that allowance.
- (4) If, having regard to the possibility of changes (whether predictable or not) in the condition of a claimant, it does not allow of a final assessment being made up to the end of the period which is to be taken into account under paragraph (2) –
 - (a) a provisional assessment shall be made, taking into account such shorter period as seems reasonable having regard to his or her condition and the possibility of changes; and
 - (b) on the next assessment, the period to be taken into account shall begin with the end of the period taken into account by the provisional assessment.

-
- (5) The assessment –
 - (a) shall specify as a percentage the degree of incapacitation resulting from the loss of faculty;
 - (b) shall specify the period taken into account by the assessment; and
 - (c) shall state whether the assessment is provisional or final.
 - (6) In the assessment of a claimant's incapacitation –
 - (a) the percentage and the period to which paragraph (5) refers shall not be specified more particularly than is necessary for the purpose of determining the claimant's rights in relation to long term incapacity allowance;
 - (b) if the percentage so specified is lower than 5%, the claimant shall not be entitled to long term incapacity allowance in respect of that incapacitation; and
 - (c) a percentage which is higher than 5% but is not a multiple of 5 shall be treated as being the next highest percentage which is a multiple of 5.
 - (7) Subject to the other provisions of this Article, provision may be made by order for the definition of the principles on which incapacitation is to be assessed.
 - (8) Any such order may in particular prescribe that a specified loss of faculty shall be treated as resulting in a specified percentage of incapacitation.

17 Incapacity pension⁴⁰

- (1) Subject to the provisions of this Law, a person who –
 - (a) is under pensionable age;
 - (b) is not entitled to a reduced old age pension under Article 25(1A);
 - (c) as a result of the relevant disease or injury is likely to be permanently incapable of work; and
 - (d) satisfies the relevant contribution conditions,shall be entitled to an incapacity pension.
- (2) An incapacity pension shall be payable until the beneficiary becomes entitled to a reduced old age pension under Article 25(1A) or attains pensionable age, whichever event occurs first.
- (3) The amount of the incapacity pension to which a beneficiary is entitled shall be calculated as if, in addition to any other contributions paid by the beneficiary and on his or her behalf, the contributions which would be payable by or credited to the beneficiary and on his or her behalf had been paid or credited from the date from which the beneficiary became entitled to the incapacity pension until the end of the month before the one in which he or she would attain pensionable age.
- (4) An incapacity pension shall cease to be payable if the beneficiary works but if the beneficiary subsequently ceases to work and satisfies the requirements in paragraph (1) he or she shall again be entitled, from the

date on which he or she so ceases work, to an incapacity pension in accordance with this Article.

18 General provisions concerning incapacity benefit⁴¹

- (1) For the purposes of any provisions of this Law relating to incapacity benefit –
 - (a) any 2 days of incapacity for work (whether consecutive or not) within a period of 7 consecutive days shall be treated as one period of incapacity for work; and
 - (b) any 2 such periods which are not separated by a period of more than 13 weeks shall be treated as one period of incapacity for work.
- (2) Provision may be made by order for all or any of the following matters relating to incapacity benefit –
 - (a) the defining of days which are or are not to be treated as days of incapacity for work;
 - (b) the disqualifying of a person for the receiving of incapacity benefit, for such period not exceeding 13 weeks as may be determined in such manner as may be prescribed, if –
 - (i) the relevant disease or injury is attributable to his or her own wilful act,
 - (ii) he or she behaves in a manner calculated to retard his or her recovery;
 - (iii) he or she fails without good cause to attend for or to submit himself or herself to such medical or other examination or treatment as may be required in accordance with the order, or to observe any prescribed rules of behaviour; or
 - (iv) he or she is guilty of obstruction or misconduct in connection with any relevant medical examination or treatment;
 - (c) the requiring of a claimant for or beneficiary in receipt of incapacity benefit –
 - (i) to submit from time to time to medical examination for the purpose of determining the effect of the relevant disease or injury, or the appropriate treatment for it, and
 - (ii) to submit from time to time to appropriate medical treatment for that disease or injury;
 - (d) the imposing in the case of any class of persons of additional conditions with respect to the receipt of incapacity benefit and restrictions on the rate and duration of the benefit if, having regard to special circumstances, it appears to the Minister necessary to do so for the purpose of preventing inequalities or injustice to the general body of insured persons.
- (3) Any order made under this Article requiring persons to submit to medical examination or treatment may direct that they are to attend for that purpose at such times and places as may be required by persons specified in the order.

- (4) Where it appears to the Minister that a question has arisen whether an assessment of incapacity benefit ought to be revised, the Minister may direct that payment of the benefit shall be suspended in whole or in part until that question has been determined.

18A Home carer's allowance⁴²

- (1) Subject to the provisions of this Law, a person (the "carer") shall be entitled to a home carer's allowance for any day on which –
- (a) he or she is regularly and substantially engaged in caring for another person (the "cared for person"); and
 - (b) the conditions in paragraphs (2) and (3) are satisfied.
- (2) The carer must –
- (a) satisfy such conditions as to residency and presence in Jersey as may be prescribed;
 - (b) satisfy the relevant contribution conditions;
 - (c) not have earnings, for any prescribed period, that exceed such amount as may be prescribed; and
 - (d) not receive earnings for the provision of such care to the cared for person.
- (3) The cared for person must –
- (a) meet the criteria for the rate payable in respect of the personal care element of the impairment component under paragraph 6(3)(c) of Schedule 1 to the Income Support (Jersey) Regulations 2007⁴³; and
 - (b) satisfy such conditions as to residency and presence in Jersey as may be prescribed.
- (4) A carer who has attained pensionable age shall not be entitled to a home carer's allowance in respect of a cared for person unless the carer –
- (a) was entitled to such allowance in respect of the cared for person (or is treated by Order as having been so entitled) immediately before attaining that age; and
 - (b) claimed such allowance before attaining that age.
- (5) A carer shall not be entitled for the same day to more than one home carer's allowance.
- (6) Where, apart from this paragraph, 2 or more carers would be entitled for the same day to home carer's allowance in respect of the same cared for person, one of them only shall be entitled as determined in the prescribed manner.
- (7) The Minister –
- (a) shall prescribe, for the purposes of paragraph (1)(a), the circumstances in which a carer is to be treated as regularly and substantially engaged in caring for a cared for person; and
 - (b) may prescribe earnings that are to be disregarded for the purposes of paragraph (2)(c) or (d).

21 Maternity grant

- (1) Subject to the provisions of this Law, a woman shall be entitled to a maternity grant if –
 - (a) she has been confined; and
 - (b) she or her husband or civil partner satisfies the relevant contribution conditions.⁴⁴
- (2) Except where provision is otherwise made by Order, a woman shall not be entitled to a maternity grant in respect of a confinement, if on the date of the confinement she is outside Jersey.
- (3) Provision may be made by Order that, if a woman is confined of more than one living child, she shall be entitled, subject to her satisfying the other conditions for the receipt of a maternity grant, to a maternity grant in respect of each such child.
- (4) Provision may be made by Order that the provisions of this Article shall apply to a woman in a case where her claim indicates that she so desires, with the substitution, for the condition that she has been confined, of the condition that she is pregnant and has reached a stage in her pregnancy which is not more than the prescribed number of weeks before that in which it is to be expected that she will be confined, and any such Order may modify the contribution conditions for a maternity grant in their application to such a case.
- (5) Subject to the provisions of paragraph (3), a woman shall not be entitled to more than one maternity grant in respect of any one confinement.
- (6) In this Article “husband” includes a widow’s late husband where the benefit is claimed in respect of a posthumous son or daughter of his, and a divorced woman’s former husband where the benefit is claimed in respect of a child of their marriage.
- (6A) In this Article “civil partner” includes –
 - (a) a woman’s late civil partner; or
 - (b) a former civil partner,where the benefit is claimed in respect of a child conceived during the existence of the civil partnership.⁴⁵

22 Maternity allowance

- (1) A woman shall be entitled to a maternity allowance if –
 - (a) she is pregnant and has reached a stage in her pregnancy which is not more than the prescribed number of weeks before that in which it is to be expected that she will be confined (in this Article referred to as the “expected week of confinement”); and
 - (b) she satisfies the relevant contribution conditions.
- (2) Subject to the provisions of this Article, the period for which a maternity allowance is payable shall be the period of 18 weeks beginning not earlier than 11 weeks and not later than 6 weeks before the expected week of confinement.

- (3) A day for which a woman is entitled to a maternity allowance shall be deemed for the purposes of this Law to be for her a day of incapacity for work.
- (4) A woman who has become entitled to a maternity allowance shall cease to be so entitled if she dies before the beginning of the maternity allowance period; and if she dies after the beginning, but before the end, of that period the allowance shall not be payable for any week subsequent to that in which she dies.
- (5) A woman who has become entitled to a maternity allowance shall cease to be so entitled if, and from the time, her pregnancy is terminated otherwise than by confinement.
- (6) Provisions may be made by Order for –
 - (a) extending the maternity allowance period, in cases where the date of confinement occurs after the end of the expected week of confinement, until the end of such week (not being later than the 6th week after that in which the date of confinement occurs) as may be prescribed;
 - (b) allowing claims for maternity allowance where a woman has been confined and either –
 - (i) she has not made a claim for maternity allowance in expectation of that confinement (other than a claim which has been disallowed), or
 - (ii) she has made a claim for maternity allowance in expectation of that confinement (other than a claim which has been disallowed), but the date of that confinement was more than 11 weeks before the expected week of confinement;
 - (c) disqualifying a woman for receiving a maternity allowance if –
 - (i) during the maternity allowance period, she does any work in employment as an employed or self-employed person, or fails without good cause to observe any prescribed rules of behaviour, or
 - (ii) at any time before her confinement occurs she fails, without good cause, to attend for, or submit to, any medical examination required in accordance with the Order.

23 Supplementary provisions as to maternity benefit

For the purposes of the provisions of this Law relating to maternity benefit –

- (a) the expression “confinement” means labour resulting in the issue of a living child, or labour after 24 weeks of pregnancy resulting in the issue of a child, whether alive or dead, and “confined” shall be construed accordingly;
- (b) references to the date of the confinement shall be taken as referring, where labour begun on one day results in the issue of a child on another day, to the date of the issue of the child or, if the woman is confined of more than one child, to the date of the issue of the last of them.⁴⁶

23A Adoptive parent grant⁴⁷

- (1) Subject to the provisions of this Law, a person shall be entitled to an adoptive parent grant if –
 - (a) an adoption order is made authorizing the person to adopt a child;
 - (b) the person or his or her spouse or civil partner (if any) satisfies the relevant contribution conditions; and
 - (c) the person or persons authorized to adopt the child is not, or are not, connected with the child.⁴⁸
- (1A) For the purposes of paragraph (1)(c), a person is connected with the child if –
 - (a) the person is the natural mother or father of the child;
 - (b) at the time of the child's birth, the person was the spouse or civil partner of the child's natural mother; or
 - (c) at the time the adoption order is made, the person is the spouse or civil partner of a person described in sub-paragraph (a) or (b).⁴⁹
- (2) Where the order described in paragraph (1)(a) authorizes 2 spouses to adopt a child, the spouses shall nominate which of them is to be the person entitled under that paragraph.
- (3) Where the order described in paragraph (1)(a) authorizes both partners in a civil partnership to adopt a child, the civil partners shall nominate which of them is to be the person entitled under that paragraph.⁵⁰

24 Survivor's benefit⁵¹

- (1) Subject to the provisions of this Law, where a person who dies (the "deceased") is, at the time of his or her death, married or a civil partner, the spouse or civil partner who survives him or her (the "survivor") shall be entitled to survivor's benefit if the deceased satisfied the relevant contribution conditions, and –
 - (a) in the case of survivor's allowance, at the time of the death of the deceased, either the deceased or the survivor was not entitled to an old age pension, or was under pensionable age; or
 - (b) in the case of survivor's pension, at the expiry of 52 weeks following the death of the deceased, the survivor –
 - (i) has not, since the death of the deceased, married or formed a civil partnership,
 - (ii) is under pensionable age,
 - (iii) is not entitled to a reduced old age pension under Article 25(1A), and
 - (iv) has a dependent child.
- (2) Subject to paragraphs (4) and (6), survivor's allowance shall be payable to a survivor for the 52 weeks following the death of the deceased.
- (3) Subject to paragraphs (4), (5) and (6), survivor's pension shall be payable to a survivor from the expiry of 52 weeks following the death of the

deceased until the survivor becomes entitled to a reduced old age pension under Article 25(1A) or attains pensionable age.

- (4) A survivor shall cease to be entitled to survivor's benefit if he or she marries or forms a civil partnership.
- (5) A survivor shall cease to be entitled to survivor's pension when every child who was a dependent child at the time described in paragraph (1)(b) has ceased to be a dependent child.
- (6) Survivor's benefit shall not be payable to a survivor in respect of any period when the survivor is in a relationship with another person that is like marriage or civil partnership.
- (7) For the purposes of this Article, "dependent child" means a child who is –
 - (a) the natural or adopted child of the deceased or the survivor;
 - (b) under the age of 25; and
 - (c) living with the survivor as part of his or her household.

25 Old age pensions

- (1) Subject to the provisions of this Law a person shall be entitled to an old age pension if –
 - (a) the person is over pensionable age; and
 - (b) the person satisfies the relevant contribution conditions.
- (1A) Subject to the provisions of this Law, a person shall be entitled to a reduced old age pension if –
 - (a) the person is over the age of 63;
 - (b) the person satisfies the relevant contribution conditions; and
 - (c) the person elects, in the prescribed manner, to take a reduced old age pension under this paragraph.⁵²
- (1B) An election under paragraph (1A) shall be irrevocable, and a person who becomes entitled to a reduced old age pension under that paragraph shall not be entitled to any increase in that pension by reason of subsequently attaining pensionable age.⁵³
- (2) Subject to the provisions of this Law, an old age pension (whether or not it is a reduced pension) shall be payable from the date on which the person becomes entitled to it, and shall be payable for life.⁵⁴
- (3) Subject to the provisions of this Law, a woman over pensionable age shall be entitled to an old age pension by virtue of the insurance of her husband, being a husband –
 - (a) to whom she is married at the time when she attains that age;
 - (b) in respect of whose death she was immediately before attaining that age entitled to survivor's benefit; or
 - (c) whom she has married after attaining that age,if the following conditions are satisfied, that is to say –
 - (i) either that he is over pensionable age or that he is dead; and

- (ii) that he satisfies the relevant contribution conditions.⁵⁵
- (4) Subject to the provisions of this Law, an old age pension payable to a woman by virtue of her husband's insurance shall commence from the date on which the provisions of paragraph (3) are satisfied in relation to the pension and shall be payable for life:

Provided that, if a widow entitled to an old age pension by virtue of her late husband's insurance remarries or enters into civil partnership, the pension shall not be payable for any subsequent period.⁵⁶
- (5) A woman shall not be entitled for the same period to more than one old age pension, but if she would be so entitled but for this provision, she may, on such occasions and in such manner as may be prescribed, choose which she shall be entitled to.
- (6) Where immediately before attaining pensionable age a woman is a widow not entitled to survivor's benefit, she may elect that, in calculating for the purpose of her right to an old age pension by virtue of her own insurance the life average of her contribution factors, there shall be treated as paid or credited either –
 - (a) for each contribution year falling wholly or partly before her husband's death; or
 - (b) for each contribution year falling wholly or partly during the period of their marriage,contributions equal to the life average (ascertained as at the date of his attaining pensionable age or dying under that age) of his contribution factors instead of the contributions actually paid or credited to her for that year.⁵⁷
- (7) Notwithstanding the foregoing provisions of this Article, and subject to any prescribed conditions, provision shall be made by Order for entitling a woman who was an insured person under the Law of 1950 to an old age pension by virtue of her own insurance on attaining the age of 60.

25A 2013 old age pension adjustment⁵⁸

- (1) A person shall be entitled to the 2013 old age pension adjustment if –
 - (a) on the prescribed date, the person is eligible for an old age pension or reduced old age pension; and
 - (b) in accordance with the Law and any Order made under it, has applied for and, in the case of a reduced old age pension, elected to take, such pension.
- (2) The Minister shall by Order prescribe –
 - (a) a date for the purposes of paragraph (1)(a); and
 - (b) an amount for the purposes of paragraph 3 of Part 2 of Schedule 1.

26 Death grant

- (1) Subject to the provisions of this Law, a death grant shall be payable in respect of the death of any person (in this Article referred to as the

“deceased”) if the deceased either himself or herself satisfied the relevant contribution conditions, or was at death the husband, wife, civil partner, widower, widow or a child of the family, of a person satisfying the said conditions, or a child who –

- (a) had, immediately before the death of some other person satisfying the said conditions, been a child of the family of that other person; or
 - (b) was a posthumous son or daughter of a man satisfying the said conditions.⁵⁹
- (2) Notwithstanding the provisions of paragraph (1), provision may be made by Order for a death grant to be payable if the relevant contribution conditions were satisfied by such other person as may be prescribed.
- (3) Except where provision is otherwise made by Order, a death grant shall not be payable in respect of a death occurring outside Jersey.

26A Qualifying for insolvency benefit⁶⁰

- (1) A person qualifies under this Article if all of the following conditions are satisfied –
- (a) the person was in employment as, within the meaning of the Employment (Jersey) Law 2003⁶¹, an employee of an employer;
 - (b) the person was so employed wholly or mainly in Jersey;
 - (c) the employer is bankrupt;
 - (d) that bankruptcy is the principal reason for the fact that the person is no longer so employed;
 - (e) the employer was liable to pay Class 1 contributions, in respect of the employee and the employment, in any one or more contribution months that fell within the period of 3 months that ended when the employer became bankrupt;
 - (f) the employer has not paid the employee in full the amounts specified in Article 26C as they relate to that employee and that employment.
- (2) In this Article and Article 26C, “bankruptcy” in relation to an employer includes any form of insolvency that results in an inability on the part of the employer to continue trading or to continue performing the employer’s activities, being insolvency that –
- (a) has occurred in Jersey or elsewhere; and
 - (b) has resulted in the employer’s going into administration (however expressed), liquidation (however expressed) or receivership (however expressed) in Jersey or elsewhere or entering in Jersey or elsewhere into an arrangement (however expressed) with the employer’s creditors.
- (3) For the purposes of this Article, it does not matter whether an employer’s trading or activities took place in Jersey or elsewhere.

26B Insolvency benefit and deductions⁶²

A person who qualifies under Article 26A shall be entitled to an insolvency benefit calculated by firstly adding the components referred to in Article 26C, secondly making the deductions (if any) specified in Articles 26F and 26G and finally applying the discounts (if any) under Article 26D.

26C Components of insolvency benefit⁶³

- (1) A component of the insolvency benefit shall be any unpaid amount of wages (where “wages” has the same meaning as in the Employment (Jersey) Law 2003) that relate to the person’s service in employment by the relevant employer during the 12 months that ended with the cessation of that service.
- (2) The components of the insolvency benefit shall also include any unpaid amounts that relate to the person’s employment by the relevant employer and are payable to the person (or would have been payable to the person except for the fact that the person was dismissed by virtue of the order of a court, being an order relating to the bankruptcy or winding up of the employer) as follows –
 - (a) subject to Article 26E, an amount in lieu of a period of notice of termination of that employment, where the amount is in accordance with Part 6 of the Employment (Jersey) Law 2003;
 - (b) an amount of redundancy payment in respect of that employment, where the amount is in accordance with Part 6A of the Employment (Jersey) Law 2003;
 - (c) any amount (being an amount not already accounted for under paragraph (1)) owing in respect of a holiday actually taken by the person during the 12 months that ended with the cessation of the person’s service in that employment;
 - (d) any amount (being an amount not already accounted for under paragraph (1) or sub-paragraph (c)) that –
 - (i) accrued as holiday pay at any time during the 12 months that ended with the cessation of the person’s service in that employment, and
 - (ii) under the person’s contract of employment –
 - (A) had in those 12 months become payable to the person in respect of the period of a holiday, or
 - (B) would in the ordinary course have become payable to the person in respect of the period of a holiday if the person’s service in that employment had continued until the person had become entitled to a holiday.
- (3) In adding the components relating to a person under this Article, if any one amount (or part of an amount) relates to more than one component it shall not be counted more than once towards the sum referred to in Article 26B.

- (4) Despite anything in this Article, a component shall not be counted towards the sum referred to in Article 26B to the extent (if any) that the Minister may prescribe by Order.
- (5) A reference in this Article to a holiday includes annual leave and leave (if not already included in annual leave) in respect of public holidays (including Christmas) and bank holidays.
- (6) For the purposes of paragraph (2)(a), Part 6 of the Employment (Jersey) Law 2003 shall be read as if any reference to notice in that Part were to the notice that would apply under that Part in the absence of any relevant agreement, as referred to in Article 56(7) of that Law, for a period of notice longer than those specified in paragraphs (1) and (2) of that Article.
- (7) For the purposes of paragraph (2)(b), Part 6A of the Employment (Jersey) Law 2003 shall be read as if Article 60D of that Law had no effect.

26D Cap on insolvency benefit⁶⁴

- (1) An insolvency benefit payable to a person who qualifies under Article 26A cannot in aggregate exceed an amount of £10,000 in respect of any one employment of the person.
- (2) If the insolvency benefit payable to a person would (but for the operation of this paragraph) in aggregate exceed an amount applying under paragraph (1), the aggregate shall be discounted so that it equals that amount.
- (3) The discounting shall be applied in the following order –
 - (a) first to the amount of the component referred to in Article 26C(2)(a);
 - (b) then to the amount of the component referred to in Article 26C(2)(b);
 - (c) then to the total of the amounts of the components referred to in Article 26C(2)(c) and (d);
 - (d) then to the amount of the component referred to in Article 26C(1), but only to such of the components (in that order), and to such extent, as is necessary to bring the aggregate down to the amount that applies under paragraph (1).⁶⁵
- (4) The Minister may by Order prescribe –
 - (a) a different amount (or one or more different amounts in respect of more than one employment) for the purposes of paragraph (1); or
 - (b) another order in which amounts are to be discounted under paragraph (3), or proportions in which those amounts are to be discounted, or both such an order and such proportions.
- (5) Anything so prescribed shall apply instead of what is specified in paragraph (1) or (3), as the case requires.

26E Pay in lieu of notice: requirement to be looking for work⁶⁶

- (1) For an amount referred to in Article 26C(2)(a) in lieu of a period of notice of termination of a person's employment to be treated as a component of insolvency benefit, the person must have been, in that period, available for, and actively seeking, remunerative work.
- (2) In this Article, except to the extent to which the States by Regulations otherwise prescribe for the purposes of this Article –

“actively seeking” in relation to a person and to work means doing all of the following –

- (a) taking all reasonable steps (including any appropriate training or work experience) to obtain suitable work;
- (b) not unreasonably turning down any offer of suitable work; and
- (c) attending every interview with an officer of the Department of Social Security to which the person has been invited unless the person has a reasonable excuse for not so attending;

“available for” in relation to a person and to work has the same meaning as under Article 3 of the Income Support (Jersey) Law 2007⁶⁷;

“remunerative work” has the same meaning as under Article 3 of the Income Support (Jersey) Law 2007.

26F Pay in lieu of notice: deductions of certain amounts⁶⁸

- (1) The following amounts payable to a person in respect of the whole or any part of any period of notice to which the person is or has been entitled in respect of the termination of the person's employment shall be deducted from the component referred to in Article 26C(2)(a) that relates to the person –
 - (a) any wages that the person earns from employment that the person commences during that period (but not any wages that the person earns during that period from the continuation of any employment that –
 - (i) the person started before the beginning of that period, and
 - (ii) is employment that the person intended to engage in in addition to the employment that was terminated);
 - (b) any benefit under this Law in the form of short-term incapacity allowance, as referred to in Article 15;
 - (c) any benefit under this Law in the form of maternity allowance, as referred to in Article 22;
 - (d) such part of any amount of home carer's allowance, as referred to in Article 18A, as would not have been payable but for the termination of the person's employment;
 - (e) such part of any amount of income support under the Income Support (Jersey) Law 2007 as would not have been payable but for the termination of the person's employment;
 - (f) such other amounts as the Minister may prescribe by Order.⁶⁹

-
- (2) The reference in paragraph (1)(a) to wages that the person earns from employment that the person commences during a period includes –
 - (a) wages to which the person is entitled in respect of that employment during the period even if payment (in part or in whole) of those wages occurs after the end of the period; and
 - (b) wages to which the person would have been entitled in respect of that employment during the period but for the fact that the person agreed to waive his or her entitlement to those wages or to postpone his or her entitlement to those wages until after the end of the period.
 - (3) In this Article, “wages” has the same meaning as in the Employment (Jersey) Law 2003^{70, 71}

26G Other deductions⁷²

- (1) If primary Class 1 contributions would have been payable in respect of any component specified in Article 26C if that component had been paid by the employer, their value shall be deducted from the component.
- (2) If income tax payable under the Income Tax (Jersey) Law 1961⁷³ would have been deductible or payable in respect of any component specified in Article 26C if that component had been paid by the employer, its value shall be deducted from the component.
- (3) Any amount owed by the employee to the employer in respect of leave that has been taken in excess of the employee’s entitlement, in respect of any overpayment of wages or in respect of any other matter shall be deducted from the sum of the components under Article 26C.

26H Components cannot be negative⁷⁴

The value (after any deductions referred to in Articles 26F and 26G have been made) of a component referred to in Article 26C, or of the sum of the components referred to in Article 26C, cannot, for the purposes of any of Articles 26A to 26G, be less than zero.

26I Subrogation⁷⁵

- (1) The Minister shall be entitled to be subrogated to the right of a person to recover any amount referred to in Article 26C(1) or (2), being so entitled to the extent to which the amount has counted towards an insolvency benefit paid to the person.
- (1A) In relation to any insolvency benefit paid to a person, the Minister shall also be entitled to recover the amount of any deduction of value made under Article 26G(1) or (2).⁷⁶
- (1B) The Minister may recover that amount from a party from whom the Minister is entitled, pursuant to the subrogation referred to in paragraph (1), to recover part or all of the amount of the component from which the value was so deducted.⁷⁷

- (2) Nothing in paragraph (1) shall prevent the person from recovering any amount referred to in Article 26C(1) or (2) to the extent to which the amount has not counted towards an insolvency benefit paid to the person.
- (2A) Nothing in paragraph (2) shall entitle the person to recover an amount corresponding to any value deducted under Article 26G(1) or (2) or to recover any amount deducted under Article 26G(3).⁷⁸
- (3) The operation of this Article shall not be affected by the death, or any incapacity, of the person.
- (4) In this Article and Article 26J –
 - “count towards” means have a net positive effect on the amount of an insolvency benefit after any requirement under Articles 26A to 26H to make a deduction, discount or other treatment has been complied with;
 - “person” means a person who is paid an insolvency benefit;
 - “recover” means recover from the relevant employer or from another person, and otherwise than as an insolvency benefit or as a component of an insolvency benefit.

26J Repayment where employee recovers some amounts⁷⁹

- (1) A person who recovers any part of an amount referred to in Article 26C(1) or (2) shall repay the part so recovered to the Social Security Fund to the extent to which the part has counted towards an insolvency benefit paid to the person.
- (2) For the purposes of this Article, “part” includes all and none.

27 Increase of benefit for dependants⁸⁰

- (1) The weekly rate of short term incapacity allowance, incapacity pension and maternity allowance shall be increased by the amount set out in the second column of Part 3 of Schedule 1, and the weekly rate of long term incapacity allowance shall be increased by a percentage of that amount, being the percentage in which the degree of incapacitation (assessed in accordance with the provisions of Article 16) is expressed, for any prescribed period during which the beneficiary or any other prescribed person is caring, in prescribed circumstances, for a person of a prescribed category.
- (2) A beneficiary shall not be entitled for the same period to an increase in benefit under paragraph (1) in respect of more than one person.

28 Overlapping benefits, etc.

- (1) Provision may be made by Order –
 - (a) for adjusting benefit payable to or in respect of any person, or the conditions for its receipt, where –
 - (ai) any pension payable out of the public funds of Jersey or the public funds of any other country or territory is payable to or

-
- in respect of that person or that person's wife, husband or civil partner,
- (i) any allowance payable out of public funds (excluding any payment under the Income Support (Jersey) Law 2007, but including any other benefit under this Law whether of the same or a different description) is payable to or in respect of that person or that person's wife, husband or civil partner, or
 - (ii) that person is undergoing medical or other treatment as an in-patient in a hospital or similar institution;
- (b) for suspending payment of benefit to a person during any period during which the person is undergoing such medical or other treatment.⁸¹
- (2) Where by virtue of an Order made under paragraph (1) benefit payable to or in respect of any person is adjusted, or the payment of any benefit is suspended, by reason of the fact that the person is undergoing medical or other treatment as an in-patient in a hospital or similar institution and such treatment is provided free of charge to that person, the Minister, in his or her discretion, may pay out of the Social Security Fund to the authority at whose expense the treatment is provided the amount of the adjustment or the benefit, as the case may be.
- (3) Where but for any Order made by virtue of paragraph (1)(a), 2 persons would both be entitled to an increase of benefit in respect of a third person, provision may be made by Order as to their priority.
- (4) In this Article, the expression "hospital or similar institution" includes any institution in which poor persons are lodged and maintained at the cost of a public or parochial authority.

29 Supplementary provisions as to benefit

- (1) Provision may be made by Order –
- (a) for prescribing the time and manner in which claims to benefit may be made and the evidence and information to be supplied in support thereof;
 - (b) for prescribing the time and the manner of payment of benefit;
 - (c) for disqualifying a person for receiving any benefit or suspending payment thereof during prescribed periods of absence from Jersey or imprisonment or detention in legal custody;
 - (d) for prescribing the circumstances in which a person is or is not to be deemed for the purposes of this Law to be caring for another person;
 - (e) for any other matters incidental to claims for and payment of benefit.⁸²
- (2) Subject to the provisions of this Law, benefit shall not be capable of being assigned, charged or attached, nor shall it pass to any other person by operation of law, nor shall any claim be set off against the same, except in such cases and subject to such conditions as may be prescribed.

PART 4**FINANCE, ADMINISTRATION AND LEGAL PROCEEDINGS****30 Social Security Fund**

- (1) The Insular Insurance Fund established in pursuance of the Law of 1950 shall be renamed the Social Security Fund and shall be maintained under the control and management of the Minister.
- (2) Subject to paragraph (3A), there shall be paid into the Social Security Fund all contributions payable under this Law after deduction therefrom of the appropriate Health Insurance Fund Allocation, together with monies provided by the States, the proceeds of all charges imposed under this Law and any amount recovered by virtue of Article 26I(1); and there shall be paid out of the Fund all claims for benefit, and all expenses, including salaries, equipment and the provision of accommodation, incurred by the Minister in carrying this Law into effect.⁸³
- (3) Subject to paragraph (3A), the appropriate Health Insurance Fund Allocation, which shall be paid into the Health Insurance Fund, shall be the aggregate of the amounts expressed in Schedules 1A and 1B to be allocated to that Fund.⁸⁴
- (3A) Where the contributions paid in respect of a person are less than the contributions due in respect of the person, the amount to be paid into the Health Insurance Fund and the balance to be paid into the Social Security Fund shall be reduced proportionally.⁸⁵
- (4) Accounts of the Social Security Fund shall be prepared in such form, manner and at such times as the Minister may determine, and the Comptroller and Auditor General shall examine and certify every such account, and copies thereof together with the report of the Comptroller and Auditor General thereon shall be laid as soon as may be before the States.
- (5) Any monies forming part of the Social Security Fund may, from time to time, be paid over to –
 - (a) the Treasurer of the States; or
 - (b) an investment manager,and may, by either of them, be invested in accordance with such directions as may be given by the Minister for Treasury and Resources.
- (5A) The Minister for Treasury and Resources may, after consultation with the Minister, appoint one or more investment managers to whom money may be paid over pursuant to paragraph (5) and may by Order make provision in relation to the appointment of such managers.
- (5B) An Order made under paragraph (5A) shall include provisions –
 - (a) to ensure –
 - (i) the appointment of a suitable person or persons, and
 - (ii) that regard is paid to the need for diversification of investment of the assets of the fund;

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- (b) relating to the –
 - (i) suitability of investments which the manager proposes to make,
 - (ii) retention of control by the Minister for Treasury and Resources over the investments and over the application of the assets of the fund, and
 - (iii) terms and conditions of appointment of investment managers including the further delegation by such an investment manager of the powers of management and investment given by such appointment.
 - (5C) The Minister for Treasury and Resources, in giving any directions as to the application and investment or reinvestment of the monies of the Social Security Fund paid over pursuant to paragraph (5), shall have regard to the –
 - (a) need for diversification of investment of fund monies;
 - (b) suitability of investments of any description which are proposed to be made; and
 - (c) obtaining, at reasonable intervals, of proper advice.
 - (5D) In this Article –
 - (a) “investment manager” means a person or persons reasonably believed by the Minister to be suitably qualified by ability in and practical experience of financial matters to make investment decisions on his or her behalf;
 - (b) the reference in paragraph (5C)(c) to “proper advice” is a reference to the advice of a person or persons reasonably believed by the Minister for Treasury and Resources to be qualified by the person’s ability in and practical experience of financial matters to give such advice.
 - (6) The Minister for Treasury and Resources may borrow money under the guarantee of the annual income of the States in order to obtain currency, other than sterling, required for any purpose connected with the investment of the Social Security Fund.
 - (7) The Minister for Treasury and Resources shall, on matters relating to investment, provide full information to, and regularly consult with, the Minister and, where such consultation does not end in agreement, the disagreement shall be referred to the Council of Ministers for resolution.
 - (8) There shall be presented to the States annually by the Minister an account of the securities in which monies forming part of the Social Security Fund are for the time being invested.
 - (9) Regulations made under the Public Finances (Jersey) Law 2005⁸⁶, if and to the extent that they apply to any monies paid over under paragraph (5), are subject to this Article.
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31 Social Security (Reserve) Fund

- (1) The Insular Insurance (Reserve) Fund established in pursuance of the Law of 1950 shall be renamed the Social Security (Reserve) Fund and shall be under the control and management of the Minister, and such assets as the Minister may determine may be transferred from the Social Security Fund into the Social Security (Reserve) Fund which shall be maintained as a reserve for the Social Security Fund.
- (2) Article 30(4), (5), (5A), (5B), (5C), (5D), (6), (7), (8) and (9) shall apply to the Social Security (Reserve) Fund as they apply to the Social Security Fund.
- (3) Any sums determined by the Minister to be income of the Social Security (Reserve) Fund shall be paid into the Social Security Fund.
- (4) Subject to the foregoing provisions of this Article and any other provision of this Law expressly directing payments to be made out of the Social Security (Reserve) Fund, a payment out of that Fund shall not be made otherwise than under the authority of a resolution of the States and shall be made subject to such conditions as to repayment or otherwise as may be specified in the resolution.

32 Actuarial reports

- (1) As from the end of the period of 3 years from the appointed day, or such shorter period as the then Social Security Committee directed, and, after that, as from the end of each period of 3 years, or such shorter period as the Minister may direct, an actuary shall review the operation of this Law.
- (2) The actuary shall be appointed by the Minister.
- (3) After completing the review, the actuary shall report to the Minister on the financial condition of the Social Security Fund and the adequacy or otherwise of the contributions payable under this Law to support the benefits payable thereunder having regard to its liabilities under this Law.
- (4) A copy of every report under this Article shall be laid before the States as soon as may be after it is made.

33 Determination of claims and questions⁸⁷

- (1) Subject to this Law, provision shall be made by Order –
 - (a) for the determination of any question arising under or in connection with this Law, including any claim for benefit, by one or more officers appointed by the Minister, to be known as determining officers; and
 - (b) if the claimant is dissatisfied with any determination of a determining officer under this Law, for the matter to be redetermined by a second determining officer.
- (2) Paragraph (1) shall not apply to the determination of any question for which provision is made by Articles 34A to 34D.

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- (3) Orders under paragraph (1) shall provide for –
- (a) appeals to the Tribunal from any determination of a determining officer;
 - (b) the reference to the Inferior Number of the Royal Court for decision of any question of law arising in connection with the determination of a question by a determining officer or of an appeal by the Tribunal;
 - (c) appeals to the Inferior Number of the Royal Court from a decision of the Tribunal on any question of law.⁸⁸
- (4) However, the Tribunal shall not have jurisdiction unless a second determining officer has first reconsidered the matter in accordance with an Order made under paragraph (1)(b).⁸⁹
- (5) No Order under this Article shall provide for appeals to lie from a decision of a determining officer on questions –
- (a) whether the contribution conditions for any benefit are satisfied, or otherwise relating to an insured person's contributions;
 - (b) as to entitlement to a death grant;
 - (c) which of the 2 or more persons satisfying the conditions for an increase of benefit, whether of the same or of a different description, shall be entitled to the increase where by virtue of some provisions of this Law not more than one of them is entitled to the increase; or
 - (d) as to the class of insured persons in which a person is to be included.
- (6) The decision of the Inferior Number of the Royal Court on any reference or appeal arising in connection with this Law shall be final and without further appeal, but this is without prejudice to the right of the Inferior Number of the Royal Court to refer the question at issue to the Superior Number of the Royal Court.
- (7) Subject to this Article, any Order under this Article may, in relation to any consideration of a matter by a determining officer or the Tribunal in accordance with the Order, include provision –
- (a) as to the procedure which is to be followed, the form which is to be used for any document, the evidence which is to be required and the circumstances in which any official record or certificate is to be sufficient or conclusive evidence;
 - (b) as to the time to be allowed for making any claim or appeal, for raising any question with a view to the review of any decision or for producing any evidence;
 - (c) for summoning persons to attend and give evidence or produce documents and for authorizing the administration of oaths to witnesses; or
 - (d) for the representation of one person, at any hearing of a case, by another person, whether or not that other person has professional qualifications.⁹⁰
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- (8) Where, in any proceedings for an offence under this Law, involving any question as to the payment of contributions under this Law or for the recovery of any sums due to the Social Security Fund, any question arises that is required by an Order under this Article to be determined in accordance with the Order, provision may be made by Order –
- (a) that the decision relating to that question shall be conclusive for the purpose of those proceedings;
 - (b) for obtaining such a decision when it has not been given; and
 - (c) for adjourning the proceedings until such a decision has been given.
- (9) In this Article, “Tribunal” means –
- (a) in the case of any appeal from any determination of a determining officer as to whether, for the purposes of Article 18A(1)(a), a carer is regularly and substantially engaged in caring for a cared for person or whether a cared for person meets the criteria described in Article 18A(3)(a) – the Medical Appeal Tribunal constituted under Article 9(2)(a) of the Income Support (Jersey) Law 2007⁹¹; and
 - (b) in the case of any other appeal from any determination of a determining officer – the Social Security Tribunal constituted under Article 33A.⁹²

33A Social Security Tribunal⁹³

- (1) The Minister shall by Order prescribe the constitution of the Social Security Tribunal.
- (2) The Minister may pay to any member of the Social Security Tribunal who exercises any functions under this Law, such remuneration and expenses as the Minister may determine.

34 Medical Tribunals⁹⁴

- (1) For the purposes of Articles 34, 34A, 34B, 34C and 34D, the Minister shall appoint the following bodies –
 - (a) medical boards, each consisting of one or 2 medical practitioners; and
 - (b) medical appeal tribunals, each consisting of 3 medical practitioners.
- (2) Subject to the provisions of this Law, the Minister may prescribe the procedures to be followed by medical boards and medical appeal tribunals.

34A Determination of questions relating to loss of faculty⁹⁵

- (1) Subject to the provisions of this Law, any question as to –
 - (a) whether a relevant disease or injury has resulted in a loss of faculty;
 - (b) whether a loss of faculty is likely to be permanent;

- (c) the degree at which incapacitation resulting from a loss of faculty is to be assessed; or
- (d) the period to be taken into account in the assessment of the degree of incapacitation resulting from a loss of faculty,

shall be determined in accordance with the following provisions of this Article.

- (2) Where a person claims long term incapacity allowance, the Minister shall refer the case to a medical board for the determination of the questions to which paragraph (1) refers.
- (3) If on that reference, or on any subsequent reference, a medical board provisionally assesses the degree of incapacitation resulting from the claimant's loss of faculty, the Minister shall refer the case again to a medical board before or as soon as reasonably practicable after the end of the period which that provisional assessment takes into account, for determination by the medical board.

34B Appeals from determinations by medical boards⁹⁶

- (1) Subject to paragraph (3), a claimant shall have a right of appeal to a medical appeal tribunal against a decision of a medical board under this Law.
- (2) An appeal shall be made in such manner and brought within such time as may be prescribed.
- (3) An appeal shall not lie in respect of a provisional assessment unless –
 - (a) 2 years has elapsed since the case was first referred to a medical board; and
 - (b) the period taken into account by the assessment does not fall wholly within that period of 2 years.
- (4) On hearing an appeal, a medical appeal tribunal may confirm, reverse or vary the decision against which the appeal is brought.

34C References to medical appeal tribunals by Minister⁹⁷

- (1) Where the Minister considers that a decision of a medical board ought to be considered by a medical appeal tribunal, the Minister may refer the case to such a tribunal for its consideration.
- (2) On considering the case, the medical appeal tribunal may confirm, reverse or vary the decision of the medical board.

34D Further reviews⁹⁸

- (1) A medical board may review a decision of any medical board or medical appeal tribunal if the reviewing board is satisfied by fresh evidence that the decision was given in consequence of the non-disclosure or misrepresentation of a material fact (whether by the claimant or another person, and whether fraudulently or innocently).

- (2) Subject to paragraphs (3), (6) and (7), a medical board may review an assessment by any medical board or medical appeal tribunal of a degree of incapacitation if the reviewing board is satisfied that, since the making of the assessment, there has been a substantial and unforeseen aggravation of the results of the relevant disease or injury.
- (3) A medical board shall not under paragraph (2) review an assessment unless it is of the opinion that, having regard to the period taken into account by the assessment and the probable duration of the aggravation of the results of the relevant disease or injury, substantial injustice will occur if it is not revised.
- (4) Subject to paragraphs (5), (6) and (7), a medical board may review an assessment by any medical board or medical appeal tribunal of a degree of incapacitation if the reviewing board is satisfied that, since the making of the assessment, there has been a substantial and unforeseen amelioration of the results of the relevant disease or injury.
- (5) A medical board shall not under paragraph (4) review an assessment unless it is of the opinion that, having regard to the period taken into account by the assessment and the probable duration of the amelioration of the results of the relevant disease or injury, the assessment under review is not justified.
- (6) A medical board shall not under paragraph (2) or paragraph (4) –
 - (a) review a provisional assessment on any application made within 6 months of that assessment; or
 - (b) review any other assessment on any application made within 5 years of that other assessment,unless a medical appeal tribunal gives leave to the reviewing board to do so.
- (7) Notwithstanding Article 16, if such leave is given under paragraph (6), the period to be taken into account on any revision of the assessment shall not include any period before the date of the application.
- (8) Subject to the other provisions of this Article, a medical board may on a review deal with a case in any manner in which it may deal with a case on an original reference and, in particular, may make a provisional assessment notwithstanding that the assessment under review was final.
- (9) The provisions of this Law shall apply to a decision on a review under this Article as if it were an original decision.

34E Power to refer questions to experts⁹⁹

- (1) Where any question of special difficulty falls to be determined under any of Articles 33, 34A, 34B, 34C or 34D, the person or body responsible for such determination 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,
- but Article 49 shall not apply to the expert.
- (3) In this Article “expert” means a person appearing to the person or body responsible for the determination to have knowledge or experience which would be relevant in determining the question of special difficulty.

35 Powers of inspection

- (1) Any officer in an administration of the States for which the Minister is assigned responsibility who is generally or specially authorized in writing by the Minister in that behalf (in this Article referred to as an “inspector”) shall, for the purposes of the execution of this Law, be entitled, subject to the production by the officer if so required of evidence of the officer’s authority, to do all or any of the following things, namely to –
- (a) enter at all reasonable times any premises or place liable to inspection under this Article;
 - (b) make such examination and inquiry as may be necessary for ascertaining whether the provisions of this Law are being or have been complied with in any such premises or place;
 - (c) examine, either alone or in the presence of any other person, as the officer thinks fit, with respect to any matters under this Law on which the officer may reasonably require information, every person whom the officer finds in any such premises or place, or whom the officer has reasonable cause to believe to be or to have been an insured person, and to require every such person to be so examined;
 - (d) exercise such other powers as may be necessary for carrying this Law into effect.
- (2) The occupier of any premises or place liable to inspection under this Article, and any person who is or has been employing any person (and the servants and agents of any such occupier or other person) and any person carrying on any agency or other business for the introduction or supply to persons requiring them of persons available to do work or perform services (and the servants or agents of any person carrying on any such agency or other business), and any insured person, shall furnish to an inspector all such information and produce for inspection all such documents as the inspector may reasonably require for the purpose of ascertaining whether contributions are or have been payable, or have been duly paid, by or in respect of any person, or whether benefit is or was payable to or in respect of any person.
- (3) If any person –
- (a) wilfully delays or obstructs an inspector in the exercise of any power under this Article; or

- (b) refuses or neglects to answer any question or to furnish any information or to produce any document when required to do so under this Article,

he or she shall be liable to a fine not exceeding level 2 on the standard scale in the case of a first offence under this paragraph and, where a person is convicted of an offence under sub-paragraph (b) and the refusal or neglect is continued by him or her after conviction, he or she shall be guilty of a further offence and be liable on conviction to a fine not exceeding level 1 on the standard scale for each day on which it so continued:

Provided that no person shall be required under this Article to answer any questions or to give any evidence tending to incriminate himself or herself.¹⁰⁰

- (4) The premises and places liable to inspection under this Article are any premises or places where an inspector has reasonable grounds for supposing that –
 - (a) any persons are employed;
 - (b) there is being carried on any agency or other business for the introduction or supply to persons requiring them of persons available to do work or perform services,

except that they do not include any private dwelling house not used by or by permission of the occupier for the purposes of a trade or business.

36 General provisions as to offences and penalties

- (1) Paragraph (1A) applies where an employer is required to furnish prescribed information to the Minister before a prescribed date to enable the Minister to calculate any amount of Class 1 contribution payable by the employer.¹⁰¹
- (1A) If the employer fails to furnish the information before the prescribed date the employer is liable to pay an additional contribution equal to 5% of the amount of the Class 1 contribution unless the employer satisfies the Minister that it was not reasonably possible to furnish the required information before the prescribed date.¹⁰²
- (1B) If the employer fails to pay any amount of Class 1 contribution, including any additional contribution payable under paragraph (1A), before the date prescribed for the payment of the Class 1 contribution the employer shall be liable to pay an additional 1% of the amount unpaid and shall also be liable to pay interest at the rate of 1% of any amount unpaid for each month it remains unpaid.¹⁰³
- (1C) A rate of interest mentioned in paragraph (1A) or (1B) may be amended by the States by Regulations.¹⁰⁴
- (2) An employer or insured person who fails to pay a contribution that he or she is liable to pay under this Law within the time prescribed for payment of the contribution shall be guilty of an offence and liable to a fine not exceeding level 3 on the standard scale.¹⁰⁵

- (3) A person who, for the purpose of obtaining a benefit or other payment under this Law, whether for himself, herself or some other person, or for any other purpose connected with this Law –
- (a) knowingly makes a false statement or false representation; or
 - (b) produces or furnishes, or causes or knowingly allows to be produced or furnished, a document or any information that the person knows to be false in a material particular,
- shall be guilty of an offence and liable to imprisonment for a term not exceeding 7 years or to a fine, or both.¹⁰⁶
- (4) Provision made be made by Order for the recovery of monetary penalties in respect of any offence under this Law, being a contravention of or failure to comply with any provisions of the Order, so, however, that such penalties shall not exceed level 3 on the standard scale for each offence or, where the offence consists of continuing any such contravention or failure after conviction thereof, level 3 on the standard scale together with a further level 1 on the standard scale for each day on which it is so continued.¹⁰⁷
- (5) Where an offence under this Law which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any negligence on the part of, any director, manager, secretary or other officer of the body corporate, or any person who was purporting to act in any such capacity, he or she as well as the body corporate shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

38 Civil proceedings to recover sums due to Social Security Fund

Proceedings for the recovery of sums due to the Social Security Fund 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 the matter complained of arose.¹⁰⁸

39 Recovery of sums due to Social Security Fund by deductions from earnings

- (1) Where judgment has been obtained for the payment of any sum due to the Social Security Fund by any individual (in this Article referred to as the “judgment debtor”) then, notwithstanding any enactment or rule of law to the contrary and without prejudice to any other means of recovery, the sum payable under the judgment together with the recoverable costs (in this Article referred to as the “judgment debt”) may be recovered in accordance with the provisions of this Article.
- (2) Where it is desired to recover any judgment debt under this Article –
- (a) the Minister may serve notice on the employer for the time being of the judgment debtor requiring the employer to furnish the Minister, within such time (not being less than 7 days) as may be specified in the notice with a certificate of the amount earned by

the judgment debtor in the employ of the employer during such past period or periods as may be so specified; and

- (b) whether or not such a certificate as aforesaid has been required to be furnished, the Minister may serve notice on the employer for the time being of the judgment debtor requiring the employer to make such deductions from the earnings of the judgment debtor as may, having regard to all the circumstances of the case, appear to the Minister to be reasonable and to pay the amounts so deducted to the Minister at such times as may be specified in the notice, and the amount so paid shall be applied towards the satisfaction of the judgment debt:

Provided that where the judgement debt has been ordered to be paid by instalments, the Minister shall not require such deductions to be made as would at any date reduce the judgment debt by a greater amount than that by which it would have been reduced had the instalments been paid.

- (3) Any employer who refuses or without lawful excuse fails to furnish a certificate which under paragraph (2)(a) the employer is required to furnish within such time as may be so required, or who furnishes a certificate which is false in a material particular, shall be liable to a fine not exceeding level 2 on the standard scale.¹⁰⁹
- (4) Any notice under paragraph (2)(b) may at any time be varied by a subsequent notice under that sub-paragraph.
- (5) A copy of every notice served under paragraphs (2)(b) or (4) shall be served also on the judgment debtor.
- (6) Where any employer fails to deduct any amount which the employer is required by virtue of paragraph (2)(b) to deduct, or to pay to the Minister any amount so deducted, the amount may be recovered from the employer as a debt due to the Social Security Fund.
- (7) Service of any notice under this Article may be effected by sending it by registered post to the person on whom it is to be served at his or her usual or last known place of abode or his or her principal place of business or, in the case of a company, at its registered office.

40 Benefit and assessment of damages

Where an insured person suffers injury in circumstances creating a legal liability in any person to pay damages to the insured person, the Court shall not, in assessing such damages, take into account any benefit which the insured person is entitled to claim as a result of such injury.

41 Recovery in bankruptcy, etc.

- (1) Where the Royal Court has granted –
- (a) an application by any person to place his or her property under the control of the Court (*de remettre ses biens entre les mains de la Justice*); or
- (b) an application for the holding of a *bénéfice d'inventaire* on the estate of any deceased person,

the *autorisés* or the Viscount, as the case may be, shall pay out of the property of such person or the estate of such deceased person any amount due to the Social Security Fund by such person or such deceased person at the time of the granting of the application.

- (2) In the event of any *dégrèvement, réalisation, désastre*, bankruptcy or composition with creditors, any amount due to the Social Security Fund shall rank for payment *pari passu* with other privileged debts and in priority to all other debts.

42 Advisory Council

- (1) The Minister may establish an Advisory Council to give advice and assistance to the Minister in connection with the discharge of the Minister's functions and to perform such other duties as may be assigned to them under this Article.
- (2) The Minister may, from time to time, refer to the Council for consideration and advice –
 - (a) proposals for new or amended benefits including the amounts and value of benefits in payment;
 - (b) proposals for changes in social security legislation.
- (3) The Council shall consider any proposals referred to them under this Article and submit to the Minister a report containing such recommendations with regard to the subject matter of the proposals as they think appropriate; and if, after receiving the report of the Council, the Minister presents any Proposition to the States which comprises the whole or any part of the subject matter of the proposals referred to the Council, the Minister shall present with the Proposition a copy of the Council's report.
- (4) The constitution of the Council and any other matters relating to its functions, administration or otherwise shall be as prescribed.

PART 5

MISCELLANEOUS AND GENERAL

43 Crown servants and members of Armed Forces

- (1) This Law shall apply to persons employed by or under the Crown, subject to any special provision made by virtue of this Article, in like manner as if the employer were a private person, with such modifications as the Minister may by Order make thereto for the purpose of adapting the provisions thereof to the case of such persons.
- (2) Subject to any prescribed exceptions, any person who is serving as a member of any of Her Majesty's Forces or of any prescribed organisation in which persons serve under the control of the Defence Council shall be

deemed not to be an insured person whilst the person is serving as aforesaid.

44 Mariners and airmen

Without prejudice to the generality of any other power to make Orders, the Minister may make Orders modifying in such manner as the Minister thinks proper the provisions of this Law in their application in relation to persons who are or have been employed on a ship, vessel, hovercraft or aircraft and any Order may in particular provide for –

- (a) this Law to apply to such persons notwithstanding that it would not otherwise apply;
- (b) excepting such persons from the application of this Law where they neither are domiciled nor have a place of residence in Jersey;
- (c) requiring the payment of secondary Class 1 contributions in respect of such persons whether or not they are insured persons;
- (d) the taking of evidence for the purpose of any claim to benefit, in a country or territory outside Jersey by a British Consular Officer or such other person as may be prescribed;
- (e) enabling persons who are or have been so employed to authorize the payment of the whole or any part of any benefit to which they are or may become entitled to such of their dependants as may be prescribed.

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46 Insured persons outside Jersey

- (1) Without prejudice to the generality of any other power to make Orders, the Minister may make Orders modifying in such manner, subject to the provisions of paragraph (2), as the Minister thinks proper, the provisions of this Law in their application in relation to persons who are or have been outside Jersey while insured under this Law.
- (2) Orders under this Article shall provide that, where an insured person is throughout any contribution month outside Jersey and is not in that month an employed person, he or she shall not be liable to pay any contribution as an insured person for that month.
- (3) Without prejudice to the generality of the provisions of paragraph (1), Orders thereunder may make provision for entitling a person to pay a Class 2 contribution for any month for which by virtue of paragraph (2) he or she is not liable to pay a contribution as an insured person.

47 Persons over age 60

- (1) Provision may be made by Order for excepting Class 2 insured persons who so elect, and who have attained the age of 60 years and satisfy such other conditions as may be prescribed, from liability to pay contributions otherwise payable under this Law.

- (2) A person who has been excepted from liability to pay contributions by virtue of paragraph (1) and who subsequently ceases to be so excepted shall not be entitled to pay contributions in respect of any period during which he or she was so excepted.

48 Reciprocal agreements with other countries

- (1) For the purpose of giving effect to any agreement with the government of the United Kingdom or of any part of Her Majesty's dominions, or the government of any other country, (including any agreement between the government of the United Kingdom and the government of any part of Her Majesty's dominions or of any foreign country, which has been extended or applies to Jersey), providing for reciprocity in matters relating to payments in respect of incapacity, accident, confinement of women, widowhood, old age or death, the States may, by Act, provide for this Law to be read as modified or adapted, in its application to cases affected by the agreement, to the extent required by the agreement.¹¹¹
- (2) Where the States have made an Act under paragraph (1), this Law shall be read as modified so as to include provision for –
 - (a) securing that acts, omissions and events having any effect for the purpose of the law of the country in respect of which the agreement is made shall have a corresponding effect for the purposes of this Law;
 - (b) determining in cases where rights accrue both under this Law and under the law of the said country, which of those rights shall be available to the person concerned;
 - (c) making any provisions as to administration and enforcement contained in this Law, or in any enactment thereunder, applicable also for the purposes of the law of the said country;
 - (d) making any necessary financial adjustments by payments into or out of the Social Security Fund.¹¹²

49 Oath of Office

- (1) Every person appointed to administer any part of this Law shall, before he or she begins to act in execution of this Law, take oath before the Royal Court, in the form set out in Schedule 3 appropriate to the office to which he or she has been appointed.
- (2) Notwithstanding anything in the Controller's oath of office, the Controller may disclose such information as may be required for any purpose approved by the Minister.

50 Power to amend Law by Regulations¹¹³

- (1) The States may by Regulations amend in this Law –
 - (a) in respect of insured persons –
 - (i) who is an insured person for the purposes of this Law,

- (ii) the classification of insured persons for the purposes of this Law,
 - (iii) the liability of insured persons to pay contributions,
 - (iv) the amounts of the contributions payable by insured persons,
 - (v) the circumstances in which an insured person is entitled to a contribution credit, rules for calculation of contribution credits and circumstances in which an insured person is or may be entitled to a backdated contribution credit;
 - (b) in respect of employers of insured persons –
 - (i) who is an employer of an insured person for the purposes of this Law,
 - (ii) the liability of employers of insured persons to pay contributions in respect of those persons,
 - (iii) the amounts of the contributions payable by employers of insured persons in respect of those persons;
 - (c) in respect of the collection of contributions, the manner in which, when and by whom contributions are to be paid;
 - (d) in respect of benefits –
 - (i) the descriptions of benefit,
 - (ii) who is entitled to a benefit of any description,
 - (iii) the conditions for a person's entitlement to a benefit of any description,
 - (iv) the period or periods for which a person is entitled to a benefit of any description,
 - (v) the rate or amount of any benefit (including a standard rate of benefit),
 - (vi) the circumstances in which and the extent to which any benefit shall or may be backdated;
 - (e) in respect of the Social Security Fund –
 - (i) the rules for calculation of amounts to be allocated to the Health Insurance Fund before contributions are paid into the Social Security Fund,
 - (ii) the purposes for which money shall be paid out of the Social Security Fund and, where appropriate, how the amount to be paid out is to be determined;
 - (f) any provision for the payment of money into the Social Security Fund by the States –
 - (i) where the States is or is to be required to make payments, as to how the amounts are to be determined, the periods to which they are to relate and when they are to be paid, or
 - (ii) so as to remove any obligation for the States to make payments into the Fund.
- (2) Without prejudice to the generality of paragraph (1)(a)(iii) and (iv) Regulations may –
- (a) amend the definition 'earnings' in Article 1;

- (b) add a definition 'income' in Article 1;
 - (c) amend this Law to provide that an insured person's contributions are calculated by reference to the person's income; and
 - (d) amend this Law to provide for the determination of the amount of an individual's earnings or income for a specified period.
- (3) The States may by Regulations amend this Law so as to provide for the aggregation of contributions of different classes.
- (4) Regulations made under this Article may also, for the purposes of supplementing any amendment made pursuant to paragraphs (1) to (3) –
 - (a) amend in this Law any power to make an Order; and
 - (b) amend this Law to provide that any further matter shall or may be made by Order.
- (5) Regulations made under this Article may amend any other enactment consequentially upon any amendment of this Law made pursuant to paragraphs (1) to (3).
- (6) Regulations made under this Article shall not amend this Article or Article 51.
- (7) Draft Regulations to be made by the States under this Article may only be lodged by the Minister.

51 General provisions as to Acts, Regulations and Orders

- (1) Except in so far as this Law otherwise provides, any power conferred thereby to make any Act or Regulations or Order may be exercised –
 - (a) either in relation to all cases to which the power extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified cases or classes of case; and
 - (b) so as to make, as respects the cases in relation to which it is exercised –
 - (i) the full provision to which the power extends or any less provision (whether by way of exception or otherwise),
 - (ii) the same provision for all cases in relation to which the power is exercised or different provision for different cases or classes of case, or different provision as respects the same case or class of case for different purposes of this Law,
 - (iii) any such provision either unconditionally or subject to any specified condition.
- (2) Without prejudice to any specific provision of this Law, any Act, Regulations or Order under this Law may contain such transitional, incidental or supplementary provisions as appear to the States or, as the case may be, the Minister making the Order, to be expedient for the purposes of the Act, Regulations or Order.¹¹⁴
- (3) The Subordinate Legislation (Jersey) Law 1960¹¹⁵ shall apply to Orders made under this Law.

54 Provisions as to commencement

- (1) In this Law, the expression the “appointed day” means, subject to the following provisions of this Article, such day as the States may by Act appoint and different days may be appointed for different purposes of this Law or for the same purpose in relation to different cases or classes of case.¹¹⁶
- (2) Any Act under paragraph (1) may, if the day thereby appointed is appointed for some only of the purposes of this Law or in relation only to some cases or classes of case, contain such incidental or supplementary provisions as appear to the States to be necessary or expedient as respects the period when this Law is to have a partial operation only or as respects the transition from that period to the period when this Law is in full operation.
- (3) Without prejudice to the generality of the provisions of paragraph (2), the provisions which may be made thereunder include, in particular, provision for modifying and supplementing in relation to the period to which the Act is to apply, the provisions of this Law, and where the repeal of the Law of 1950 has not yet taken effect, the provisions of that Law.

54A Transitional¹¹⁷

- (1) Notwithstanding the amendment of this Law by Articles 2, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16 and 17 of the Social Security (Amendment No. 14) (Jersey) Law 2000 (in this Article called the “2000 Law”) ¹¹⁸, if any person was entitled immediately before the commencement of the 2000 Law to any description of benefit under this Law –
 - (a) the person’s entitlement to that benefit shall from the commencement of the 2000 Law be determined as if that Law had not been passed; and
 - (b) the person shall not be entitled, in respect of the circumstances in which he or she became entitled to that benefit, to receive benefit under this Law as amended by those Articles of the 2000 Law.
- (2) Notwithstanding its repeal by Article 15 of the 2000 Law, Article 45 of this Law¹¹⁹ shall continue to apply to every woman who was married before its repeal.

54B Transitional arrangements: replacement of invalid care allowance by home carer’s allowance¹²⁰

- (1) This paragraph applies where –
 - (a) immediately before commencement, a person (the “first person”) was, under the 1978 Law, entitled to invalid care allowance in respect of the care of a severely disabled person (the “second person”); and
 - (b) the first person had claimed such allowance before commencement.
- (2) In a case to which paragraph (1) applies, upon commencement –

- (a) the first person shall, for the purposes of Article 18A(1)(a), be taken to be regularly and substantially engaged in caring for the second person;
 - (b) the first person shall be taken to satisfy any residency requirement prescribed under Article 18A(2)(a);
 - (c) the first person shall be taken to satisfy the requirement in Article 18A(2)(b);
 - (d) the second person shall be taken to satisfy any residency requirement prescribed under Article 18A(3)(b).
- (3) Paragraph (2)(a) shall cease to have effect upon the completion of the first review carried out, following commencement, in the prescribed circumstances, of the first person's entitlement to home carer's allowance.
- (4) The references in Article 18A(4)(a) and (b) to a person having been entitled to and claimed home carer's allowance include references to a person having been entitled to and claimed invalid care allowance.
- (5) Notwithstanding the provisions of any Order made under Article 28, where a person was, immediately before commencement, in receipt of invalid care allowance and survivor's benefit, an adjustment shall not be made, in the person's case, between home carer's allowance and survivor's benefit.
- (6) In this Article –
- “1978 Law” means the Invalid Care Allowance (Jersey) Law 1978¹²¹;
- “commencement” means the day Part 2 of the Social Security (Amendment of Law No. 4) (Jersey) Regulations 2012¹²² came into force;
- “invalid care allowance” means the allowance that, before commencement, was payable under the 1978 Law.

54C Transitional arrangements: survivor's benefit¹²³

- (1) Article 24(1)(b)(iv) and (5) shall not apply in the case of a person who –
- (a) immediately before commencement, was entitled to survivor's benefit; or
 - (b) before commencement, has attained the age of 55.
- (2) In this Article, “commencement” means the day Part 5 of the Social Security (Amendment of Law No. 4) (Jersey) Regulations 2012¹²⁴ came into force.

55 Citation

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

SCHEDULE 1A¹²⁵

(Articles 5(4), 9 and 30(3))

CLASS 1 FACTORS AND CONTRIBUTION RATES**1 Class 1 – earnings**

For the purposes of this Law, and subject to any Order made under Article 1(5) or 11, the earnings of a Class 1 insured person include any sums payable to the person (whether under a contract of service or any other office, employment or arrangement whereby the person is rewarded for work done or services rendered) by way of wages, salary, fees, bonuses, commission, overtime pay or any other emolument including the value of any loan, perquisite or any other benefit in kind.

2 Class 1 – monthly earnings limits

- (1) For the purposes of this Law, subject to sub-paragraphs (2) and (3) –
 - (a) the lower monthly earnings limit for Class 1 contributions is £776;
 - (b) the standard monthly earnings limit for Class 1 contributions is £3,686;
 - (c) the upper monthly earnings limit for Class 1 contributions is £12,500.
- (2) On the 1st January in 2012 and every subsequent year, the limits in sub-paragraph (1)(a) and (b) shall each be increased or decreased, as the case requires, by the percentage figure equal to the percentage rise or fall in the Jersey Index of Earnings during the 12 months ending on 30th June in the preceding year.
- (3) On the 1st January in 2013 and every subsequent year, the limit in sub-paragraph (1)(c) shall be increased or decreased, as the case requires, by the percentage figure equal to the percentage rise or fall in the Jersey Index of Earnings during the 12 months ending on 30th June in the preceding year.

3 Class 1 – monthly contributions

- (1) The amount of an employed person's primary Class 1 contributions in respect of the monthly earnings of an employment is the aggregate of the following amounts –
 - (a) 0.8% of the person's earnings that do not exceed the standard monthly earnings limit, which amount shall be allocated to the Health Insurance Fund; and
 - (b) 5.2% of the person's earnings that do not exceed the standard monthly earnings limit.

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- (2) The amount of an employer's secondary Class 1 contributions in respect of the monthly earnings of an employee is the aggregate of the following amounts –
- (a) 1.2% of the employee's earnings that do not exceed the standard monthly earnings limit, which amount shall be allocated to the Health Insurance Fund;
 - (b) 5.3% of the employee's earnings that do not exceed the standard monthly earnings limit; and
 - (c) 2% of the employee's earnings that exceed the standard monthly earnings limit but do not exceed the upper monthly earnings limit.

3A Class 1 – standard contribution

The standard contribution for a month is, in the case of a Class 1 insured person, the sum of –

- (a) the maximum amount payable under paragraph 3(1)(b) for the month; and
- (b) the maximum amount payable under paragraph 3(2)(b) for the month.

4 Class 1 – supplementation

- (1) Where –
 - (a) contributions have been paid in respect of a Class 1 insured person for a month; and
 - (b) the sum of the social security contributions paid and credited in respect of the Class 1 insured person for the month exceed the contribution threshold but are less than the standard contribution,the social security contributions shall be supplemented for the month by an amount sufficient to cause those contributions in respect of the person for the month to equal the standard contribution.
- (2) No supplementation shall be awarded in respect of –
 - (a) secondary Class 1 contributions alone; or
 - (b) social security contributions paid and credited in respect of a person which exceed the contribution threshold but are less than the standard contribution but which would not have been less than the standard contribution had contribution liability been discharged in full.
- (3) For the purposes of this paragraph –
 - (a) the contribution threshold is the sum of –
 - (i) 5.2% of the lower monthly earnings limit, and
 - (ii) 5.3% of the lower monthly earnings limit;
 - (b) “social security contributions” means so much of the contributions paid or credited in respect of a Class 1 insured person as are to be paid into the Social Security Fund.

SCHEDULE 1B¹²⁶

(Articles 8(3), 9 and 30(3))

CLASS 2 FACTORS AND CONTRIBUTION RATES**1 Class 2 – earnings**

For the purposes of this Law, and subject to any Order made under Article 1(5) or 11, the earnings of a Class 2 insured person include any sums payable to the person (whether under a contract for services or any office or arrangement whereby the person is rewarded for work done or services rendered) by way of wages, salary, fees, bonuses, commission, overtime pay or any other emolument including the value of any loan, perquisite or any other benefit in kind.

2 Class 2 – monthly earnings limits

- (1) In this Schedule, subject to sub-paragraphs (2) and (3) –
 - (a) the lower monthly earnings limit for Class 2 contributions is £776;
 - (b) the standard monthly earnings limit for Class 2 contributions is £3,686;
 - (c) the upper monthly earnings limit for Class 2 contributions is £12,500.
- (2) On the 1st January in 2012 and every subsequent year, the limits in sub-paragraph (1)(a) and (b) shall each be increased or decreased, as the case requires, by the percentage figure equal to the percentage rise or fall in the Jersey Index of Earnings during the 12 months ending on 30th June in the preceding year.
- (3) On the 1st January in 2013 and every subsequent year, the limit in sub-paragraph (1)(c) shall be increased or decreased, as the case requires, by the percentage figure equal to the percentage rise or fall in the Jersey Index of Earnings during the 12 months ending on 30th June in the preceding year.

3 Class 2 – monthly full rate contributions

The amount of a person's full rate Class 2 contributions payable in any month is the aggregate of the following amounts –

- (a) 2% of the standard monthly earnings limit, which amount shall be allocated to the Health Insurance Fund;
- (b) 10.5% of the standard monthly earnings limit; and
- (c) 2% of the amount that is the difference between the standard monthly earnings limit and the upper monthly earnings limit.

4 Class 2 – monthly reduced rate contributions

- (1) The amount of a person's reduced rate Class 2 contributions payable in any month is the aggregate of the following amounts –
 - (a) 2% of the person's earnings that do not exceed the standard monthly earnings limit, which amount shall be allocated to the Health Insurance Fund;
 - (b) 10.5% of the person's earnings that do not exceed the standard monthly earnings limit; and
 - (c) 2% of the person's earnings that exceed the standard monthly earnings limit but do not exceed the upper monthly earnings limit.
- (2) The references in sub-paragraph (1) to a person's earnings shall be construed in accordance with the provisions of an Order made under Articles 1(5) and 8 by virtue of which the person is permitted to pay reduced rate Class 2 contributions for the period in which the month for which the contributions are payable falls.

4A Class 2 – standard contribution

- (1) The standard contribution for a month is, in the case of a Class 2 insured person liable to pay full rate Class 2 contributions, the sum of –
 - (a) the maximum amount payable under paragraph 3(b) for the month; and
 - (b) the maximum amount payable under paragraph 3(c) for the month.
- (2) The standard contribution for a month is, in the case of a Class 2 insured person liable to pay reduced rate Class 2 contributions whose earnings do not exceed the standard monthly earnings limit, the maximum amount payable under paragraph 4(1)(b) for the month.
- (3) The standard contribution for a month is, in the case of a Class 2 insured person liable to pay reduced rate Class 2 contributions whose earnings exceed the standard monthly earnings limit, the sum of –
 - (a) the maximum amount payable under paragraph 4(1)(b) for the month; and
 - (b) the actual amount payable by the person under paragraph 4(1)(c) for the month.
- (4) The references in sub-paragraphs (2) and (3) to a person's earnings shall be construed as described in paragraph 4(2).

5 Class 2 – supplementation

- (1) No supplementation shall be awarded for a month –
 - (a) in respect of full rate Class 2 contributions; or
 - (b) in respect of reduced rate Class 2 contributions, in a case where the Class 2 insured person's earnings are equal to or exceed the standard monthly earnings limit.
- (2) Where –

- (a) a Class 2 insured person is liable to pay reduced rate contributions for a month;
- (b) the person's earnings are less than the standard monthly earnings limit; and
- (c) the sum of the social security contributions paid and credited in respect of the person for the month is –
 - (i) at least equal to the amount of the social security contributions payable for the month in respect of the person by virtue of paragraph 4(1)(b), but
 - (ii) less than the standard contribution applicable in his or her case, described in paragraph 4A(2),

the social security contributions shall be supplemented for the month by an amount sufficient to cause them to equal that standard contribution.

- (3) In this paragraph –
 - (a) the references in sub-paragraphs (1)(b) and (2)(b) to a person's earnings shall be construed as described in paragraph 4(2);
 - (b) "social security contributions" means so much of the contributions paid or credited in respect of a Class 2 insured person as are to be paid into the Social Security Fund.

SCHEDULE 1

(Articles 13 and 27)

PART 1 – RATES OF BENEFIT¹²⁷

	Description of Benefit.	Weekly Rate.
1.	Short term incapacity allowance	Standard rate of benefit.
2.	Incapacity pension	Standard rate of benefit.
2A.	Home carer's allowance	Standard rate of benefit.
4.	Maternity allowance	Standard rate of benefit.
5.	Survivor's allowance ...	120% of the standard rate of benefit.
6.	Survivor's pension	Standard rate of benefit.

PART 1A – RATES OF OLD AGE PENSION¹²⁸**1 Interpretation of Part 1A**

- (1) For the purposes of this Part of this Schedule –
 - “standard rate” shall be construed in accordance with paragraph 2;
 - “RPI (Pensioners)” means the Jersey Retail Prices Index (Pensioners) produced by the States of Jersey Statistics Unit.
- (2) For the purposes of this Part of this Schedule –
 - (a) a reference to the RPI (Pensioners) for a year or to the Jersey Index of Earnings for a year is a reference to that index after the percentage increase or decrease in the index for the year has been applied; and
 - (b) the percentage increase or decrease in the RPI (Pensioners) or the Jersey Index of Earnings for a year is the percentage increase or decrease in that index during the 12 months commencing July of the preceding year.

2 Standard rate

- (1) The standard rate for the period beginning 7 days after the date prescribed for the purposes of Article 25A(1)(a) and ending with 30th September 2013 shall be £189.84.
- (2) The standard rate shall be recalculated on 1st October 2013 and on each anniversary of that date, in accordance with the following provisions of this paragraph.
- (3) If, for a year, the RPI (Pensioners) increases and the Jersey Index of Earnings either does not increase or increases by a percentage that is less than the percentage increase in the RPI (Pensioners), the standard rate shall be increased by the same percentage as the percentage increase in the RPI (Pensioners) for the year.
- (4) Subject to sub-paragraph (5) if, for a year –
 - (a) the RPI (Pensioners) increases but the increase is by a percentage that is less than the percentage increase in the Jersey Index of Earnings;
 - (b) the RPI (Pensioners) stays the same but the Jersey Index of Earnings increases; or
 - (c) the RPI (Pensioners) decreases and the Jersey Index of Earnings for the year increases or remains the same,the standard rate shall be adjusted by the percentage change that is the arithmetic mean of the percentage change in the RPI (Pensioners) for the year and the percentage change in the Jersey Index of Earnings for the year.
- (5) If, for a year, the application of the rule in sub-paragraph (4) would result in the Pension Index for the year being less than the Jersey Index of Earnings for the year, the standard rate shall instead be increased by the percentage required to increase the Pension Index for the year so as to equal the Jersey Index of Earnings for the year.
- (6) For the purposes of sub-paragraph (5) –
 - (a) the Pension Index for 2012 is 275.1;
 - (b) the Pension Index for each subsequent year is the amount that is the Pension Index for the preceding year increased by the same percentage as the percentage increase (if any) in the standard rate on 1st October in that subsequent year.
- (7) If, for a year, there is no increase in either the RPI (Pensioners) or the Jersey Index of Earnings, the standard rate shall remain unchanged.

3 Rates of old age pension

- (1) The weekly rate for the old age pension is the standard rate.
- (2) The weekly rate for a reduced old age pension taken in accordance with Article 25(1A) is the rate of old age pension payable to the person, reduced by 0.58% for each month from the month in which the person becomes entitled to receive the reduced old age pension until the month in which the person attains pensionable age (both months inclusive).

- (3) The weekly rate payable for an old age pension where the pension is payable to a woman by virtue of her husband's insurance, and the woman's husband is alive, is 66% of the rate of old age pension payable to her husband.

PART 2 – AMOUNTS OF SINGLE PAYMENT BENEFITS¹²⁹

Description of Grant.	Amount.
1. Maternity grant	A lump sum equal to 3 times the standard rate of benefit.
1A. Adoptive parent grant	A lump sum equal to 3 times the standard rate of benefit.
2. Death grant	A lump sum equal to 4 times the standard rate of benefit.
3. 2013 old age pension adjustment	A lump sum that is the relevant percentage of the prescribed amount – where the relevant percentage is the percentage of the old age pension that, on the date prescribed for the purposes of Article 25A(1)(a), the person is, in accordance with this Law and any Order made under it, eligible to receive.

PART 3 – INCREASE FOR DEPENDENT¹³⁰

Increase for dependent	66% of the rate of benefit payable to the beneficiary.
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SCHEDULE 2¹³¹

(Article 14)

CONTRIBUTION CONDITIONS**1 Short term incapacity allowance**

- (1) The contribution conditions for short term incapacity allowance are that –
 - (a) the claimant has paid contributions prior to the end of the relevant quarter and the annual contribution factor derived from those contributions is not less than 0.25; and
 - (b) the claimant has either paid or been credited with contributions in respect of the relevant quarter and the quarterly contribution factor derived from those contributions is 1.00.
- (2) In this paragraph the expression “relevant quarter” means the previous quarter but one before the quarter in which the entitlement to short term incapacity allowance first arises.

2 Long term incapacity allowance

- (1) The contribution conditions for long term incapacity allowance are that –
 - (a) the claimant has paid contributions prior to the end of the relevant quarter and the annual contribution factor derived from those contributions is not less than 0.5; and
 - (b) the claimant has either paid or been credited with contributions in respect of the relevant quarter and the quarterly contribution factor derived from those contributions is 1.00.
- (2) In this paragraph the expression “relevant quarter” means the previous quarter but one before the quarter in which entitlement to long term incapacity allowance first arises.

3 Incapacity pension

- (1) The contribution conditions for incapacity pension are that –
 - (a) the claimant has paid contributions prior to the end of the relevant quarter and the annual contribution factor derived from those contributions is not less than 0.5; and
 - (b) the claimant has either paid or been credited with contributions in respect of the relevant quarter and the quarterly contribution factor derived from those contributions is 1.00.
- (2) In this paragraph the expression “relevant quarter” means the previous quarter but one before the quarter in which entitlement to incapacity pension first arises.

3A Home carer's allowance

- (1) The contribution conditions for home carer's allowance are that –
 - (a) the claimant has paid contributions prior to the end of the relevant quarter and the annual contribution factor derived from those contributions is not less than 0.5; and
 - (b) the claimant has either paid or been credited with contributions in respect of the relevant quarter and the quarterly contribution factor derived from those contributions is 1.00.
- (2) A married woman who has made an election under Article 3 of the Social Security (Married Women) (Jersey) Order 1974¹³² and whose election has not been cancelled shall be taken to satisfy the contribution conditions in sub-paragraph (1).
- (3) In this paragraph the expression “relevant quarter” means the previous quarter but one before the quarter in which entitlement to home carer's allowance first arises.

4 Maternity allowance

- (1) The contribution conditions for maternity allowance are that –
 - (a) the claimant has paid contributions prior to the end of the relevant quarter and the annual contribution factor derived from those contributions is not less than 0.25; and
 - (b) the claimant has paid or been credited with contributions in respect of the relevant quarter and the quarterly contribution factor derived from those contributions is 1.00.
- (2) In this paragraph the expression “relevant quarter” means the previous quarter but 3 before the quarter in which the beginning of the maternity allowance period falls.

5 Maternity grant

- (1) The contribution conditions for maternity grant are that the relevant person has paid contributions prior to the end of the relevant quarter and the annual contribution factor derived from those contributions is not less than 0.25.
- (2) In this paragraph –
 - (a) the expression “relevant person” means the person by whom the conditions are to be satisfied;
 - (b) the expression “relevant quarter” means the previous quarter but one before the quarter in which the confinement takes place or –
 - (i) where the relevant person is the husband and he was dead or over pensionable age on that date, the date of his attaining pensionable age or dying under that age, or

- (ii) where the relevant person is the civil partner and she was dead or over pensionable age on that date, the date of her attaining pensionable age or dying under that age.

5A Adoptive parent grant

- (1) The contribution conditions for adoptive parent grant are that the relevant person has paid contributions prior to the end of the relevant quarter and the annual contribution factor derived from those contributions is not less than 0.25.
- (2) In this paragraph –
 - (a) the expression “relevant person” means the person by whom the conditions are to be satisfied;
 - (b) the expression “relevant quarter” means the previous quarter but one before the quarter in which the adoption order is made.

6 Survivor’s benefit and old age pension

- (1) The contribution conditions for survivor’s benefit or old age pension are that –
 - (a) the relevant person has paid contributions before the relevant time and the annual contribution factor derived from those contributions is not less than 0.5; and
 - (b) the life average contribution factor derived from the contributions paid by or credited to that person (as at the relevant time) is 1.00.
- (2) In this paragraph –
 - (a) the expression “relevant person” means –
 - (i) in the case of a survivor’s benefit, the deceased spouse or deceased civil partner, and
 - (ii) in the case of an old age pension, the person claiming the pension;
 - (b) the expression “relevant time” (except in the case to which clause (c) refers) means the date of the relevant person attaining pensionable age or dying under that age;
 - (c) the expression “relevant time”, in the case of a reduced old age pension under Article 25(1A), means the date at which the relevant person becomes entitled to the reduced pension.

7 Death grant

- (1) The contribution conditions for a death grant are that –
 - (a) a contribution was payable by the relevant person in respect of the contribution month in which the death occurred; or
 - (b) the relevant person has paid contributions prior to the end of the relevant quarter and the annual contribution factor derived from those contributions is not less than 1.00.

- (2) In this paragraph –
- (a) the expression “relevant person” means the person by whom the conditions are to be satisfied;
 - (b) the expression “relevant quarter” means the previous quarter but one before the quarter in which the death occurred or, where immediately before the date of the deceased’s death the relevant person was dead or over pensionable age, the previous quarter but one before the quarter in which that person attained pensionable age or died under that age.

SCHEDULE 3

(Article 49)

OATHS OF OFFICE**Form of oath to be taken by the Controller.**

You swear and promise before God that you will well and faithfully discharge the duties of Controller of Social Security in accordance with the laws relating to social security; that you will conduct yourself without hatred, favour or partiality; that you will exercise the powers entrusted to you by the said laws in such manner only as shall appear to you to be necessary for the due execution of the same; and that you will not disclose any information which may come to your knowledge in the performance of your duties except to such persons only as shall act in execution of the said laws and where it shall be necessary to disclose the same to them for the purposes of the said laws, or in so far as you may be required to disclose the same for the purposes or in the course of a prosecution for an offence against the said laws, or in such cases as you are expressly authorized by the said laws to disclose the same.

Form of oath to be taken by other officers.

You swear and promise before God that you will well and faithfully discharge the duties placed upon you as an officer of the Employment and Social Security Department in accordance with the laws relating to social security; and that you will not disclose any information which may come to your knowledge in the performance of your duties except to such persons only as shall act in execution of the said laws and where it shall be necessary to disclose the same to them for the purposes of the said laws, or in so far as you may be required to disclose the same for the purposes or in the course of a prosecution for an offence against the said laws, or in such cases as you are expressly authorized by the said laws, to disclose the same.

SCHEDULE 4¹³³

ENDNOTES**Table of Legislation History**

Legislation	Year and Number	Commencement
Social Security (Jersey) Law 1974	L.22/1974	1 January 1975 (R&O.6062)
Social Security (Jersey) Regulations 1975	R&O.6132	19 March 1975
Social Security (Amendment) (Jersey) Law 1982	L.13/1982	27 August 1982
Social Security (Amendment No. 2) (Jersey) Law 1982	L.14/1982	27 August 1982
Social Security (Amendment No. 3) (Jersey) Law 1983	L.18/1983	4 November 1983
Social Security (Amendment No. 4) (Jersey) Law 1986	L.17/1986	8 August 1986
Social Security (Amendment No. 5) (Jersey) Law 1986	L.18/1986	1 October 1986 (R&O.7554)
Social Security (Amendment No. 6) (Jersey) Law 1986	L.33/1986	19 December 1986
Social Security (Jersey) Regulations 1987	R&O.7640	10 June 1987
Social Security (Amendment No. 7) (Jersey) Law 1991	L.16/1991	1 September 1991 (R&O.8254)
Social Security (Amendment No. 8) (Jersey) Law 1991	L.32/1991	29 November 1991
Social Security (Amendment No. 9) (Jersey) Law 1992	L.2/1992	1 March 1992 (R&O.8339)
Social Security (No. 2) (Jersey) Regulations 1993	R&O.8602	1 January 1994
Social Security (Amendment No. 10) (Jersey) Law 1993	L.28/1993	19 January 1994 (R&O.8640)
Social Security Committee (Change of Name) (Jersey) Act 1994	R&O.8761	23 November 1994
Social Security (Amendment No. 11) (Jersey) Law 1995	L.28/1995	1 December 1995 (R&O.8876)
Social Security (Amendment No. 12) (Jersey) Law 1996	L.3/1996	1 June 1996 (R&O.8935)
Social Security (Amendment No. 13) (Jersey) Law 1997	L.53/1997	1 April 1998 (R&O.9213)
Loi (1998) (Amendement) au sujet des témoins et informateurs	L.44/1998	18 December 1998
Criminal Procedure (Prescription of Offences) (Jersey) Law 1999	L.23/1999	23 July 1999
Education (Jersey) Law 1999	L.27/1999	1 March 2000 (R&O.9484)

Legislation	Year and Number	Commencement
Social Security (Amendment No. 14) (Jersey) Law 2000	L.42/2000	1 April 2001 (as to Articles 1, 2 (b) and (d), 3, 4; 5 and 7 (except for Articles 5 and 7 in relation to incapacity benefit); 9, 10, 15, 16(2) and (3), 17(4), 18(1) (in relation to the other provisions then in force), 18(2) and (3) and 19) (R&O.61/2001); remainder in force 1 October 2004 (R&O.73/2004)
Social Security (No. 3) (Jersey) Regulations 1997	R&O.9112	Regulations 1, 2, 3 and 16 in force 1 January 1998, Regulations 4, 5 and 6 in force 1 January 1999, Regulations 7, 8 and 9 in force 1 January 2000, Regulations 10, 11 and 12 in force 1 January 2001 and Regulations 13, 14 and 15 in force 1 January 2002
Social Security (Amendment No. 15) (Jersey) Law 2002	L.38/2002	1 January 2003 (R&O.173/2002)
Social Security (Amendment No. 17) (Jersey) Law 2002	L.23/2004	10 September 2004
Social Security (Amendment No. 18) (Jersey) Law 2005	L.32/2005	11 November 2005
States of Jersey (Amendments and Construction Provisions No. 8) (Jersey) Regulations 2005	R&O.48/2005	9 December 2005
Income Support (Jersey) Law 2007	L.9/2007	28 January 2008
Income Support (Consequential Amendments) (Jersey) Regulations 2007	R&O.127/2007	28 January 2008
Social Security (Amendment No. 19) (Jersey) Law 2011	L.10/2011	10 June 2011
Social Security (Amendment of Law No. 1) (Jersey) Regulations 2011	R&O.94/2011	1 October 2011, apart from Regulations 12, 13 and 14, in force 1 January 2012
Social Security (Amendment of Law No. 2) (Jersey) Regulations 2012	R&O.26/2012	28 February 2012
Civil Partnership (Jersey) Law 2012	L.4/2012	2 April 2012 (R&O.48/2012)
Social Security (Amendment No. 20) (Jersey) Law 2012	L.5/2012	1 December 2012 (R&O.116/2012)
Social Security (Amendment of Law No. 3) (Jersey) Regulations 2012	R&O.125/2012	1 January 2013
Social Security (Amendment of Law No. 4) (Jersey) Regulations 2012	R&O.141/2012	13 December 2012, except Parts 2 and 5 in force 1

Legislation	Year and Number	Commencement
		January 2013
Social Security (Amendment of Law No. 5) (Jersey) Regulations 2013	R&O.34/2013	26 March 2013

Table of Renumbered Provisions

Original	Current
This Law has not been renumbered in this Revised Edition	
1(8)	spent, omitted from this revised edition
19	repealed by L.42/2000
20	repealed by L.42/2000
24A	inserted by L.33/1986 and repealed by L.42/2000
37	paragraph (1) substituted by L.32/1991, paragraph (3) repealed by L.44/1998, paragraphs (1) and (2) repealed by L.23/1999
45	repealed by L.42/2000
52	spent, omitted from this revised edition
53	spent, omitted from this revised edition
Schedule 1, Part 1 Items 3, 6A and 7	deleted by L.42/2000

Table of Endnote References

- ¹ This Law 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 chapter 12.050
- ³ chapter 26.500
- ⁴ L.18/1950
- ⁵ chapter 20.600
- ⁶ Article 1(1) amended by L.42/2000, L.38/2002, R&O.127/2007, R&O.94/2011, R&O.34/2013
- ⁷ chapter 10.800
- ⁸ Article 1(2) substituted by L.9/2007
- ⁹ Article 1(5) substituted by R&O.94/2011

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- ¹⁰ Article 1(6) deleted by R&O.94/2011
- ¹¹ Article 1(7) deleted by R&O.26/2012
- ¹² Article 2 repealed by R&O.48/2005
- ¹³ Article 4(2) amended by R&O.94/2011
- ¹⁴ Article 4(3) substituted by R&O.94/2011
- ¹⁵ Article 5(1) deleted by R&O.94/2011
- ¹⁶ Article 5(2) deleted by R&O.94/2011
- ¹⁷ Article 5(4) substituted by R&O.94/2011
- ¹⁸ Article 7(2) amended by L.28/1995
- ¹⁹ Article 8(1) substituted by R&O.94/2011
- ²⁰ Article 8(2) amended by R&O.94/2011
- ²¹ Article 8(3) substituted by R&O.94/2011
- ²² Article 8A inserted by R&O.26/2012
- ²³ Article 9(1) substituted by R&O.94/2011
- ²⁴ Article 9(2) deleted by R&O.94/2011
- ²⁵ Article 9(3) deleted by R&O.94/2011
- ²⁶ Article 9(4) inserted by L.42/2000
- ²⁷ Article 9A substituted by R&O.125/2012
- ²⁸ chapter 24.900
- ²⁹ Article 10(2) amended by R&O.94/2011
- ³⁰ Article 10(3) amended by R&O.94/2011
- ³¹ Article 11 amended by L.42/2000, R&O.94/2011
- ³² Article 12 substituted by L.5/2012, amended by R&O.141/2012, R&O.34/2013
- ³³ Article 13(1) amended by L.42/2000, L.5/2012, R&O.34/2013
- ³⁴ Article 13(2) amended by L.16/1991, L.53/1997, R&O.34/2013
- ³⁵ Article 14(1) substituted by L.5/2012, amended by R&O.34/2013
- ³⁶ Article 14(2) substituted by L.42/2000, amended by R&O.141/2012
- ³⁷ Article 14(4) deleted by R&O.26/2012
- ³⁸ Article 15 substituted by L.42/2000
- ³⁹ Article 16 substituted by L.42/2000
- ⁴⁰ Article 17 substituted by L.42/2000
- ⁴¹ Article 18 substituted by L.42/2000
- ⁴² Article 18A inserted by R&O.141/2012
- ⁴³ chapter 26.550.30
- ⁴⁴ Article 21(1) amended by L.4/2012
- ⁴⁵ Article 21(6A) inserted by L.4/2012
- ⁴⁶ Article 23 sub-paragraph (a) amended by L.28/1993
- ⁴⁷ Article 23A inserted by L.38/2002
- ⁴⁸ Article 23A(1) substituted by R&O.141/2012
- ⁴⁹ Article 23A(1A) inserted by R&O.141/2012
- ⁵⁰ Article 23A(3) added by L.4/2012
- ⁵¹ Article 24 substituted by R&O.141/2012
- ⁵² Article 25(1A) inserted by L.42/2000
- ⁵³ Article 25(1B) inserted by L.42/2000
- ⁵⁴ Article 25(2) substituted by L.42/2000
- ⁵⁵ Article 25(3) amended by L.42/2000
- ⁵⁶ Article 25(4) amended by L.4/2012
- ⁵⁷ Article 25(6) amended by L.42/2000
- ⁵⁸ Article 25A inserted by R&O.34/2013
- ⁵⁹ Article 26(1) amended by L.4/2012
- ⁶⁰ Article 26A inserted by L.5/2012
- ⁶¹ chapter 05.255
- ⁶² Article 26B inserted by L.5/2012
- ⁶³ Article 26C inserted by L.5/2012
- ⁶⁴ Article 26D inserted by L.5/2012
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- ⁶⁵ Article 26D(3) amended by R&O.141/2012
- ⁶⁶ Article 26E inserted by L.5/2012
- ⁶⁷ chapter 26.550
- ⁶⁸ Article 26F inserted by L.5/2012
- ⁶⁹ Article 26F(1) amended by R&O.141/2012
- ⁷⁰ chapter 05.255
- ⁷¹ Article 26F(3) added by R&O.141/2012
- ⁷² Article 26G inserted by L.5/2012
- ⁷³ chapter 24.750
- ⁷⁴ Article 26H inserted by L.5/2012
- ⁷⁵ Article 26I inserted by L.5/2012
- ⁷⁶ Article 26I(1A) inserted by R&O.141/2012
- ⁷⁷ Article 26I(1B) inserted by R&O.141/2012
- ⁷⁸ Article 26I(2A) inserted by R&O.141/2012
- ⁷⁹ Article 26J inserted by L.5/2012
- ⁸⁰ Article 27 substituted by L.42/2000
- ⁸¹ Article 28(1) amended by L.9/2007, L.4/2012, R&O.141/2012
- ⁸² Article 29(1) amended by L.42/2000
- ⁸³ Article 30(2) amended by R&O.26/2012, L.5/2012
- ⁸⁴ Article 30(3) substituted by R&O.94/2011, amended by R&O.26/2012
- ⁸⁵ Article 30(3A) inserted by R&O.26/2012
- ⁸⁶ L.14/2005
- ⁸⁷ Article 33 substituted by L.9/2007
- ⁸⁸ Article 33(3) amended by R&O.127/2007, R&O.141/2012
- ⁸⁹ Article 33(4) amended by R&O.127/2007, R&O.141/2012
- ⁹⁰ Article 33(7) amended by R&O.141/2012
- ⁹¹ chapter 26.550
- ⁹² Article 33(9) added by R&O.141/2012
- ⁹³ Article 33A inserted by R&O.127/2007
- ⁹⁴ Article 34 substituted by L.42/2000
- ⁹⁵ Article 34A inserted by L.42/2000
- ⁹⁶ Article 34B inserted by L.42/2000
- ⁹⁷ Article 34C inserted by L.42/2000
- ⁹⁸ Article 34D inserted by L.42/2000
- ⁹⁹ Article 34E inserted by L.42/2000
- ¹⁰⁰ Article 35(3) amended by L.18/1983, L.28/1995
- ¹⁰¹ Article 36(1) substituted by L.23/2004
- ¹⁰² Article 36(1A) inserted by L.23/2004
- ¹⁰³ Article 36(1B) inserted by L.23/2004
- ¹⁰⁴ Article 36(1C) inserted by L.23/2004
- ¹⁰⁵ Article 36(2) substituted by L.23/2004
- ¹⁰⁶ Article 36(3) substituted by L.23/2004
- ¹⁰⁷ Article 36(4) amended by L.18/1983, L.28/1995, L.32/2005
- ¹⁰⁸ Article 38 amended by L.28/1995
- ¹⁰⁹ Article 39(3) amended by L.18/1983, L.28/1995
- ¹¹⁰ Article 45 repealed by L.42/2000
- ¹¹¹ Article 48(1) amended by L.9/2007
- ¹¹² Article 48(2) amended by L.9/2007
- ¹¹³ Article 50 substituted by L.10/2011
- ¹¹⁴ Article 51(2) amended by L.10/2011
- ¹¹⁵ chapter 15.720
- ¹¹⁶ Article 54 by R&O.6062, the “appointed day” is –
 (a) for the purposes of Article 14(4)(a) – 10 September 1951(N.B.
 Article 14(4) was replaced by L.42/2000)
 (b) for all other purposes – 1 January 1975
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- ¹¹⁷ Article 54A *this Article is derived from the savings provisions in Article 18 of L.42/2000*
¹¹⁸ *L.42/2000*
¹¹⁹ *the former Article 45 before its repeal provided –*

“45 Married women

(1) *Without prejudice to the generality of any other power to make orders, the Committee may make orders modifying the provisions of this Law in their application to women who or have been married.*

(2) *Orders under this Article shall provide, subject to any prescribed conditions and exceptions, for excepting a woman, if she so elects or if she does not elect otherwise (as may be provided by that order) from liability to pay contributions as an insured person during any quarter during all of which she is married and is not excepted from liability.”*

- ¹²⁰ Article 54B *inserted by R&O.141/2012*
¹²¹ *chapter 26.600*
¹²² *R&O.141/2012*
¹²³ Article 54C *inserted by R&O.141/2012*
¹²⁴ *R&O.141/2012*
¹²⁵ Schedule 1A *inserted by R&O.94/2011; amended by R&O.94/2011, R&O.26/2012*
¹²⁶ Schedule 1B *inserted by R&O.94/2011; amended by R&O.94/2011, R&O.26/2012*
¹²⁷ Schedule 1 Part 1 *amended by R&O.7640, L.42/2000, R&O.141/2012, R&O.34/2012*
¹²⁸ Schedule 1 Part 1A *inserted by R&O.34/2013*
¹²⁹ Schedule 1 Part 2 *amended by L.38/2002, R&O.34/2013*
¹³⁰ Schedule 1 Part 3 *amended by L.42/2000*
¹³¹ Schedule 2 *amended by L.13/1982, L.14/1982, L.17/1986, L.33/1986, L.2/1992, L.42/2000, L.38/2002, L.4/2012, R&O.141/2012*
¹³² *chapter 26.900.44*
¹³³ Schedule 4 *repealed by R&O.127/2007*