



Jersey

SOCIAL SECURITY (CHRISTMAS BONUS) (JERSEY) REGULATIONS 2016

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Arrangement

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THE STATES, in pursuance of Article 2 of the Social Security (Bonus) (Jersey) Law 2014¹, have made the following Regulations –

Commencement [[see endnotes](#)]

1 Interpretation

In these Regulations –

“Christmas bonus” means a sum of money to which a person is entitled under Regulation 2 and which is payable in accordance with Regulation 5;

“claimant” has the meaning given by Regulation 5(2);

“Law” means the Social Security (Bonus) (Jersey) Law 2014².

2 Entitlement to Christmas bonus

- (1) With effect from 1st January 2017, the class of persons to whom a Christmas bonus is payable under these Regulations comprises all persons who –
 - (a) fulfil the requirements as to eligibility in paragraph (2); and
 - (b) receive notification under Regulation 5 that a claim made in accordance with that Regulation has been accepted.
- (2) Subject to paragraph (4), a person is eligible to receive a Christmas bonus in respect of a year if, on 1st November of that year, the person –
 - (a) is ordinarily resident in Jersey;
 - (b) has attained pensionable age;
 - (c) is in receipt of a Jersey old age pension or has Entitled status within the meaning of Part 2 of the Control of Housing and Work (Jersey) Law 2012³; and
 - (d) does not have income or assets exceeding the maximum specified, for the purposes of these Regulations, in an Order made under Article 3 of the Law.

- (2A) Subject to paragraph (4), a person who, under Regulation 5 of the Social Security (Health Bonus Scheme) (Jersey) Regulations 2016⁴, is admitted to the health bonus scheme on or before 1st November in any year (beginning with and including, November 2017) and remains eligible to be admitted to the health bonus scheme during the whole of that November shall be deemed –
- (a) for the purposes of paragraph (1), to have fulfilled the requirements as to eligibility in paragraph (2) as required under paragraph (1)(a); and
 - (b) to have submitted a claim to the Minister under Regulation 5 and to have received a notification under Regulation 5 that the claim made in accordance with that Regulation has been accepted as required under paragraph (1)(b).⁵
- (3) Only one Christmas bonus is payable to any one person in respect of any one year.
- (4) A Christmas bonus is not payable to a person under these Regulations in respect of any year if, in respect of the same year, the person has received (or is entitled to receive) payment of a Christmas bonus under the Income Support (Special Payments) (Christmas Bonus) (Jersey) Regulations 2016⁶.
- (5) The entitlement to receive a Christmas bonus is not transferable.
- (6) In paragraph (2)(c), “Jersey old age pension” means a pension to which a person is entitled under Article 25 of the Social Security (Jersey) Law 1974⁷.
- (7) In paragraph (2A), “health bonus scheme” has the meaning given by Regulation (1) of the Social Security (Health Bonus Scheme) (Jersey) Regulations 2016^{8,9}.

3 Amount of Christmas bonus

The amount of the Christmas bonus in respect of any one year is the amount specified, for the purposes of these Regulations, in an Order made under Article 3 of the Law.

4 Christmas bonus not treated as benefit or income

A payment, and the entitlement to receive payment, of the Christmas bonus are to be disregarded for all purposes of income tax and for the purposes of any enactment under which regard is to be had to a person’s means.

5 Claims for, and payment of, Christmas bonus

- (1) With effect from 1st January 2017, a person claiming to be entitled to receive a Christmas bonus must submit the claim to the Minister –
- (a) providing evidence of his or her eligibility under Regulation 2(2), in such form or manner as may be specified, for the purposes of these Regulations, by an Order made under Article 3 of the Law; and

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- (b) in accordance with any further procedures specified for the purpose in such an Order.
 - (2) The person making a claim under paragraph (1) (the “claimant”) may do so –
 - (a) by himself or herself; or
 - (b) by an agent appointed under Regulation 6.
 - (3) Where the Minister accepts a claim, the Christmas bonus must be paid to the claimant or to the claimant’s agent in accordance with paragraph (4).
 - (4) Payment of the Christmas bonus –
 - (a) must be made annually (unless Regulation 7(2) applies) in the month of December in each year in respect of which the Christmas bonus is payable;
 - (b) where reasonably practicable, must be made before Christmas Day in each such year; and
 - (c) in any event, must be made before the end of the next July following the year in respect of which the Christmas bonus is payable,to the claimant or (as the case may be) the claimant’s agent.
 - (5) The sums required for making payments of the Christmas bonus and for administrative costs incurred in connection with the making of such payments must be paid out of the consolidated fund, and any sums so paid out and later recovered as amounts wrongly paid must be repaid into that fund.

6 Persons acting on behalf of claimants

- (1) Paragraph (2) applies where it appears to the Minister that a person –
 - (a) is a person who would, apart from the circumstances described in sub-paragraph (b), be eligible to claim a Christmas bonus on his or her own behalf;
 - (b) is unable personally to act either to make a claim for a Christmas bonus, or to appoint another person to do so; and
 - (c) does not fulfil either of the criteria in paragraph (3).
- (2) Where this paragraph applies, the Minister may appoint an agent (including the Minister or a determining officer) to act on the person’s behalf in relation to any matter relating to the application for a Christmas bonus, including receiving the payment of the bonus and holding or applying it for that person’s benefit.
- (3) The criteria mentioned in paragraph (1)(c) are that the person –
 - (a) has been received into guardianship in pursuance of a guardianship application under Article 29 of the Mental Health (Jersey) Law 2016¹⁰; or
 - (b) is a person in respect of whom –

- (i) a delegate has been appointed under Part 4 of the Capacity and Self-Determination (Jersey) Law 2016¹¹, or
 - (ii) a person is acting under the authority of a lasting power of attorney conferred under Part 2 of that Law.¹²
- (4) An appointment under paragraph (2) may be terminated –
 - (a) by the Minister at any time at the request of the agent, or upon –
 - (i) any of the criteria in paragraph (3) commencing to apply in relation to the claimant, or
 - (ii) the claimant becoming able personally to act in relation to the claim; or
 - (b) by the claimant upon becoming able personally so to act.
- (5) Where paragraph (2) does not apply –
 - (a) a claimant may appoint an agent to act on the claimant’s behalf in relation to any matter relating to the application for a Christmas bonus, including receiving the payment of the bonus; and
 - (b) such an appointment must be made in writing of which a copy must be sent to the Minister.
- (6) An appointment under paragraph (5) may be terminated –
 - (a) by the claimant, by a revocation in writing of which a copy must be sent to the Minister;
 - (b) by the appointment of an agent under paragraph (2); or
 - (c) upon any of the criteria in paragraph (3) commencing to apply in relation to the claimant.
- (7) In paragraph (2), “determining officer” means a determining officer appointed under Article 9 of the Income Support (Jersey) Law 2007¹³ or under Article 33 of the Social Security (Jersey) Law 1974¹⁴;

7 Verifying entitlement to Christmas bonus, and cessation of entitlement

- (1) The Minister may, for the purpose of satisfying himself or herself that a person is, or remains, entitled to receive payment of a Christmas bonus –
 - (a) at any time request further information or documentation from a person receiving a Christmas bonus; and
 - (b) request any person claiming to be so entitled, to give consent to disclosure to the Minister of that person’s income tax records and assessments under the Income Tax (Jersey) Law 1961¹⁵ for any year for which the person claims to be entitled to receive the Christmas bonus.
- (2) A person’s entitlement to receive a Christmas bonus under these Regulations shall cease immediately upon the occurrence of any change in his or her circumstances which is such that the person no longer fulfils one of the criteria in Regulation 2(2).

8 Recovery of bonus wrongly paid

- (1) If it is found at any time that a payment in respect of Christmas bonus has been made –
 - (a) which for any reason was not properly payable under these Regulations; or
 - (b) which, though properly payable, was made to the wrong person,
the Minister may require an equivalent sum to be repaid by the payee or (as the case may be) the payee's agent.
- (2) In the case of the death of a person who could be required to repay a sum under this Regulation, the Minister may require the sum to be repaid by the person charged with the administration of the deceased person's estate.
- (3) Proceedings for the recovery of any sum that a person is required to repay under this Regulation may be instituted by the Treasurer of the States, and such proceedings may be brought (despite any enactment or rule of law to the contrary) at any time within 10 years from the date on which the sum was paid.
- (4) Any sum that a person is required to repay under this Regulation may, without prejudice to any other remedy, be recovered by means of deduction from any other payment due under an enactment under the administration of the Minister.

9 Transitional provisions

- (1) The class of persons entitled to receive a Christmas bonus in December 2016 comprises all persons who, on 1st November 2016, are entitled to receive payment under the Jersey 65+ Health Plan.
- (2) No claim for a Christmas bonus is required to be made by a person who falls within the class described in paragraph (1).
- (3) Regulations 2(3) to (6), 3, 4, 5(4) and (5) and 6 to 8 shall apply in relation to the payment of a Christmas bonus under this Regulation.
- (4) In paragraph (1), "Jersey 65+ health plan" means the plan of that name referred to in States' proposition P.153/2003 and approved by the States on 25th February 2003.

10 Citation

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

ENDNOTES**Table of Legislation History**

Legislation	Year and No	Commencement	*Projet No (where applicable)
Social Security (Christmas Bonus) (Jersey) Regulations 2016	R&O.107/2016	18 October 2016	P.85/2016
Social Security (Christmas Bonus) (Amendment) (Jersey) Regulations 2017	R&O.113/2017	1 November 2017	P.82/2017
Mental Health and Capacity (Consequential Amendment and Transitional Provision) (Jersey) Regulations 2018	R&O.49/2018	1 October 2018 (R&O.51/2018)	P.48/2019

*Projets available at www.statesassembly.gov.je

Table of Renumbered Provisions

Original	Current
None	

Table of Endnote References

¹	<i>chapter 26.880</i>
²	<i>chapter 26.880</i>
³	<i>chapter 18.150</i>
⁴	<i>chapter 26.880.70</i>
⁵ Regulation 2(2A)	<i>inserted by R&O.113/2017</i>
⁶	<i>R&O.106/2016</i>
⁷	<i>chapter 26.900</i>
⁸	<i>chapter 26.880.70</i>
⁹ Regulation 2(7)	<i>inserted by R&O.113/2017</i>
¹⁰	<i>chapter 20.650</i>
¹¹	<i>chapter 20.040</i>
¹² Regulation 6(3)	<i>amended by R&O.49/2018</i>
¹³	<i>chapter 26.550</i>
¹⁴	<i>chapter 26.900</i>
¹⁵	<i>chapter 24.750</i>