

STATES OF JERSEY



DRAFT INCOME SUPPORT (AMENDMENT No. 11) (JERSEY) REGULATIONS 201-

Lodged au Greffe on 6th May 2014
by the Minister for Social Security

STATES GREFFE



Jersey

DRAFT INCOME SUPPORT (AMENDMENT No. 11) (JERSEY) REGULATIONS 201-

REPORT

In December 2013, the States Assembly approved various propositions in respect of the Long-Term Care Scheme. [P.99/2013](#) set out the details of the Scheme and was accompanied by 7 items of primary legislation and Regulations required to implement various aspects of the Long-Term Care (Jersey) Law 2012.

Development of the Long-Term Care Scheme is ongoing, and benefits will be available from 1st July 2014.

A minor change is needed to the existing Income Support Regulations to align the wording used in the Income Support Law with the forthcoming Long-Term Care Law.

These Regulations replace the existing definition of “residential care” and add new definitions for “approved care home” and “long-term-care”, in line with the definitions used in the Long-Term Care Law.

Schedule 1 of the Income Support Regulations identifies the components that an individual can claim. Changes are made to the component for basic adult living costs, which is not available if an individual is receiving long-term care in an approved care home. These costs will be covered through the means-tested element of the Long-Term Care Law. Similarly, the references to a claimant receiving residential care under the impairment components are replaced by references to the claimant receiving long-term care.

Financial and manpower implications

The Long-Term Care Fund has been set up, and benefits under the Long-Term Care Law will be paid from the Fund.

There are no direct financial or manpower implications for the States arising from these specific Regulations.

Explanatory Note

These Regulations amend the Income Support (Jersey) Regulations 2007 (defined as “principal Regulations” in *Regulation 1*).

Regulation 2 inserts in the principal Regulations definitions of “approved care home” and “long-term care” by cross referring to definitions used in the Long-Term Care (Jersey) Law 2012 and the Long-Term Care (Benefits) (Jersey) Order 2014. The Regulation also deletes the existing definition of “residential care”.

Regulation 3 amends Schedule 1 to the principal Regulations by deleting the references to a person receiving, or not receiving, residential care, as the case may be and replacing them with references to a person receiving long-term care in an approved care home. In the case of the personal care element of income support referred to in paragraph 6(3)(c) of Schedule 1, the reference to residential care is replaced by a reference to a person who is receiving long-term care whether or not in an approved care home.

Regulation 4 sets out the title to these Regulations and provides that they will come into force on the same day that Parts 3 and 4 of the Long-Term Care (Jersey) Law 2012 come into force.



Jersey

DRAFT INCOME SUPPORT (AMENDMENT No. 11) (JERSEY) REGULATIONS 201-

Made [date to be inserted]
Coming into force [date to be inserted]

THE STATES, in pursuance of Articles 5 and 18 of the Income Support (Jersey) Law 2007¹, have made the following Regulations –

1 Interpretation

In these Regulations, “principal Regulations” means the Income Support (Jersey) Regulations 2007².

2 Regulation 1 amended

In Regulation 1 of the principal Regulations –

- (a) the number “(1)” at the beginning of paragraph (1) shall be deleted;
- (b) before the definition “bedsit” there shall be inserted the following definition –
 - “ ‘approved care home’ has the same meaning as in the Long-Term Care (Jersey) Law 2012³;”;
- (c) after the definition “Law” there shall be inserted the following definition –
 - “ ‘long-term care’ means an appropriate level of standard care within the meaning of the Long-Term Care (Benefits) (Jersey) Order 2014⁴;”;
- (d) the definition “residential care” shall be deleted;
- (e) paragraph (2) shall be deleted.

3 Schedule 1 amended

In Schedule 1 to the principal Regulations –

- (a) for paragraph 1(1)(c) there shall be substituted the following clauses –

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- “(c) during any continuous period of more than 4 weeks when the member is provided with board and lodging at public expense;
 - (ca) during any period when the member is receiving long-term care in an approved care home; or”;
 - (b) in paragraph 3(1)(c) for the words “not receiving residential care” there shall be substituted the words “not receiving long-term care in an approved care home”;
 - (c) for paragraph 6(3)(c) for the words “not receiving appropriate residential care” there shall be substituted the words “not receiving long-term care”;
 - (d) in paragraph 7(2) for the words “receiving residential care” there shall be substituted the words “receiving long-term care in an approved care home”.

4 Citation and commencement

These Regulations may be cited as the Income Support (Amendment No. 11) (Jersey) Regulations 201- and shall come into force on the same day that Parts 3 and 4 of the Long-Term Care (Jersey) Law 2012 come into force.

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- ¹ *chapter 26.550*
² *chapter 26.550.30*
³ *chapter 26.600*
⁴ *R&O.43/2014*