

# STATES OF JERSEY



Jersey

## **DRAFT COLD WEATHER BONUS AND PAYMENTS (AMENDMENT – EXTENSION OF ELIGIBILITY) (JERSEY) REGULATIONS 202-**

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**Lodged au Greffe on 1st December 2023  
by the Minister for Social Security  
Earliest date for debate: 16th January 2024**

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**STATES GREFFE**

## REPORT

In October 2023, the States Assembly approved Deputy Porée’s amended proposition [P.64/2023](#). The Assembly agreed:

*“that eligibility for the Cold Weather Bonus, or any similar financial support scheme that is proposed or implemented by the Government, should be extended to include those who are in receipt of 100% Long-Term Incapacity Allowance, who are below pensionable age and who have been ordinarily resident in Jersey for a continuous period of 5 years, and who otherwise qualify under paragraphs 2, 3 and 5 of Article 3 of the Schedule to the [Social Security \(Bonus\) \(Jersey\) Law 2014](#), and to request the Minister for Social Security to take all necessary actions to allow the measures to be implemented by January 2024.”*

These Regulations seek to implement that decision by extending eligibility under two separate schemes that provide cold weather support to local low-income households.

The Cold Weather Bonus scheme currently supports low-income pensioner households. These Regulations extend eligibility to households that include a working age person receiving a 100% LTIA award. As with the pensioner group, the bonus will only be provided to households where no adult has a tax liability and the LTIA claimant has been living in Jersey for at least 5 years,

As well as the Cold Weather Bonus, support is also available under the Income Support scheme. Income Support households that currently receive a cold weather payment are households that include:

- A person aged over 65;
- A child under 3 years old; or
- A person of any age who meets the criteria for personal care component level 3.

The Regulations seek to extend this to include a household that includes an adult receiving a 100% LTIA award.

Only one cold weather payment or bonus is payable per household.

For the current winter period, the Assembly has already agreed to provide an enhanced fixed payment of £70 per month per eligible household. Payments are made in respect of October 2023 to March 2024 inclusive for the current claimants. The LTIA households to be added to the eligibility criteria will receive payments from January onwards, subject to approval of the Regulations at the January States sitting.

### Financial and staffing implications

It is difficult to provide an accurate estimate of the cost of the expansion of these two schemes. There are approximately 250 working age individuals receiving a 100% LTIA award. The household income of these individuals is not known so it is not possible to estimate the number of additional households that will qualify. Each new household that qualifies for support will receive a total of £210 from January to March 2024. If eligibility continues, the household will receive further support from October 2024, based on the temperature of each cold weather month. The cost of the additional payments will be met from the CLS tax funded benefit budget.

For example, if 50 additional households are eligible and apply for support, the total cost for 2024 would be approximately £20,000. These costs are provided for in the 2024 CLS cash limit.

There are no staffing implications arising from this proposition.

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## EXPLANATORY NOTE

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These Regulations, if passed, will extend eligibility for the special payment for cold weather months under the Income Support (Special Payments) (Cold Weather Payments) (Jersey) Regulations 2008 (the “2008 Regulations”) and the conditions that can be satisfied to qualify for a cold weather bonus under the Social Security (Bonus) (Jersey) Law 2014 (the “2014 Law”). The extensions relate to households with an individual in receipt of long term incapacity allowance (“LTIA”).

*Part 1* of these Regulations amends the 2008 Regulations.

Regulations 2 and 2B are amended to extend eligibility for a special payment for a cold weather month to any household occupying a dwelling if a member of the household throughout that month is awarded LTIA for total incapacity assessed at a degree of 100% (the “new LTIA criteria”).

Regulation 2B (which temporarily modifies the special payments regime for months between 1st October 2023 and 30th April 2024) is amended to limit the availability of special payments for households using only the new LTIA criteria to January, February and March 2024. The application of Regulation 2B is amended so that it applies “for the purposes of any special payment for the months of October 2023 to April 2024” and the expiry of Regulation 2B is altered to September 2024.

*Part 2* of these Regulations amends the Schedule (cold weather bonus) to the 2014 Law.

The existing conditions that must be met for a household to qualify for a cold weather bonus for a cold weather month are altered. Households with at least one member, for at least one month of the relevant series of cold weather months, who is awarded LTIA for total incapacity assessed at a degree of 100% are also now eligible to qualify. However, that householder must have been ordinarily resident in Jersey for a continuous period of 5 years immediately before the end of the relevant series of cold weather months (the “LTIA conditions”) and the household must satisfy all the other existing conditions.

Paragraph 4B (which temporarily modifies the cold weather bonus regime from 1st October 2023 to the end of 30th April 2024) is amended to limit the availability of the cold weather bonus for households using only the LTIA conditions to January, February and March 2024. The application of Regulation 4B is amended so that it applies “for the purposes of any cold weather bonus for the months of October 2023 to April 2024” and the expiry of Regulation 4B is altered to September 2024.

*Part 3* provides for the commencement of these Regulations 7 days after they are made.



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## **DRAFT COLD WEATHER BONUS AND PAYMENTS (AMENDMENT – EXTENSION OF ELIGIBILITY) (JERSEY) REGULATIONS 202-**

*Made* [date to be inserted]

*Coming into force* [date to be inserted]

**THE STATES** make these Regulations under Articles 8 and 18 of the [Income Support \(Jersey\) Law 2007](#) and Article 4(2) of the [Social Security \(Bonus\) \(Jersey\) Law 2014](#) –

### **PART 1**

AMENDMENT OF [INCOME SUPPORT \(SPECIAL PAYMENTS\) \(COLD WEATHER PAYMENTS\) \(JERSEY\) REGULATIONS 2008](#)

#### **1 [Income Support \(Special Payments\) \(Cold Weather Payments\) \(Jersey\) Regulations 2008](#) amended**

This Part amends the [Income Support \(Special Payments\) \(Cold Weather Payments\) \(Jersey\) Regulations 2008](#).

#### **2 Regulation 1 (interpretation) amended**

For the text of Regulation 1 there is substituted –

“In these Regulations –

“Law” means the [Income Support \(Jersey\) Law 2007](#);

“long term incapacity allowance” means the benefit described in Article 16 of the [Social Security \(Jersey\) Law 1974](#).”.

#### **3 Regulation 2 (special payments to meet heating costs) amended**

In Regulation 2(1), after sub-paragraph (d) there is inserted –

“(e) was awarded long term incapacity allowance for total incapacitation assessed at a degree of 100%.”.

#### 4 Regulation 2B (temporary modification of Regulation 2 – October 2023 to end of April 2024) amended

In Regulation 2B –

- (a) for the heading of Regulation 2B there is substituted –

##### **“2B Modification of Regulation 2 for purposes of special payments for months of October 2023 to April 2024”;**

- (b) in paragraph (1), for “from 1st October 2023 to the end of 30th April 2024” there is substituted “for the purposes of any special payment for the months of October 2023 to April 2024”;
- (c) after paragraph (2)(d) there is inserted –
- “(e) was awarded long term incapacity allowance for total incapacitation assessed at a degree of 100%.”;
- (d) after paragraph (5) there is inserted –
- “(5A) A special payment is not payable for the months of October, November and December 2023 if a household was entitled to the special payment only because a member of the household satisfied paragraph (2)(e).”;
- (e) in paragraph (6) for “April” substituted “September”.

## PART 2

### AMENDMENT OF [SOCIAL SECURITY \(BONUS\) \(JERSEY\) LAW 2014](#)

#### 5 [Social Security \(Bonus\) \(Jersey\) Law 2014](#) amended

This Part amends the [Social Security \(Bonus\) \(Jersey\) Law 2014](#).

#### 6 Schedule (cold weather bonus) amended

In the Schedule –

- (a) for paragraph 3(4) there is substituted –
- “(4) The third condition is that at least one member of the household –
- (a) for at least one month of the relevant series of cold weather months, is awarded long term incapacity allowance for total incapacitation assessed at a degree of 100%; or
- (b) before the end of the relevant series of cold weather months, is over pensionable age.”
- (4A) The fourth condition is that, subject to sub-paragraphs (6) to (8) –
- (a) in the case of an individual described in sub-paragraph (4)(a), they have been ordinarily resident in Jersey for a continuous period of 5 years immediately before the end of the relevant series of cold weather months; or
- (b) in the case of an individual described in sub-paragraph (4)(b) –

- (i) who is in receipt of a Jersey old age pension, they have been ordinarily resident in Jersey for a continuous period of 5 years immediately before the end of the relevant series of cold weather months; or
  - (ii) who is not in receipt of a Jersey old age pension, they have been ordinarily resident in Jersey for a continuous period of 10 years immediately before the end of the relevant series of cold weather months.”;
- (b) in paragraphs 3(5) and 3(9) for “fourth” there is substituted “fifth”;
  - (c) in paragraph 3(6) for “sub-paragraph (4)(b)” there is substituted “sub-paragraph (4A)”;
  - (d) for paragraph 3(10) there is substituted –  
“(10) In this paragraph –  
“long term incapacity allowance” means the benefit described in Article 16 of the [Social Security \(Jersey\) Law 1974](#);  
“pensionable age” has the meaning assigned in Article 1 of the [Social Security \(Jersey\) Law 1974](#).”;
  - (e) for the heading of paragraph 4B there is substituted –

**“4B Modification of Schedule for purposes of cold weather bonuses for months of October 2023 to April 2024”;**

- (f) in paragraph 4B(1), for “from 1st October 2023 to the end of 30th April 2024” there is substituted “for the purposes of any cold weather bonus for the months of October 2023 to April 2024”;
- (g) in paragraph 4B(4), after substituted sub-paragraph (4), there is inserted –  
“(4A) A cold weather bonus is not payable for the cold weather months of October, November and December 2023 if a household qualifies for a cold weather bonus only by satisfying clause (a) of the third condition in paragraph 3(4).”;
- (h) in paragraph 4B(5), for “April” there is substituted “September”.

### PART 3

#### FINAL PROVISION

#### 7 Citation and commencement

These Regulations may be cited as the Cold Weather Bonus and Payments (Amendment – Extension of Eligibility) (Jersey) Regulations 202- and come into force 7 days after they are made.