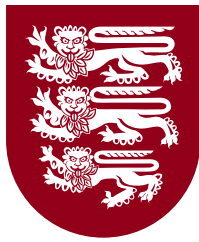


# STATES OF JERSEY



Jersey

## **DRAFT SOCIAL SECURITY LAW (JERSEY) AMENDMENT REGULATIONS 202-**

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**Lodged au Greffe on 29th April 2024  
by the Minister for Social Security  
Earliest date for debate: 11th June 2024**

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**STATES GREFFE**

## Report

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### Summary

The Draft Social Security Law (Jersey) Amendment Regulations 202- (the “amending Regulations”) would, if adopted, remove the requirement in the [Social Security \(Jersey\) Law 1974](#) that the Minister for Social Security cannot allow for exceptions or credits other than on an application from an insured person.

### Background

The primary legislation requires that a person apply for any exception or credit, before the Minister can grant such. This requirement was framed at a time when the information available for the administration of social security was limited, and so it would always require inputs from the insured person to verify, and hence the need for an application process. However, it has long been recognised that the type of life changes that Social Security credits and exceptions are introduced to support (significant caring responsibilities; bereavement; loss of work or income) are times when, understandably, people have other priorities. In such circumstances, an application process can hinder effective support, and even mean that the intended support cannot be provided. Technology has advanced and the increasing ability to accept, store, search and transmit data electronically has meant that relevant information can be made available across Government. The movement of the administration of Social Security Contributions to Revenue Jersey, has brought the income information, and a person’s contributions records into one organisation. The Minister is seeking to remove the obligation on her to wait for an application so that support can be provided to Islanders in circumstances when the Minister is aware that they are entitled to it. This will:

1. ensure that Islanders receive the help intended for them;
2. allow government to create efficiencies particularly from using technology and the data Islanders have already provided; and
3. reduce a burden on Islanders, especially at times when they may be facing significant difficulties.

### The Amending Regulations

The amending Regulations amend two Articles to remove the requirement for applications:

- Article 8 which specifically looks at reduced rate Contributions for Class 2 insured persons
- Article 10, which is the general provision allowing the Minister to prescribe exceptions from liability for contributions.

The legislative drafters have also taken the opportunity to update the language in Article 10, to modern standards. The Minister intends to bring forward amendments to the [Social Security \(Contributions\) \(Jersey\) Order 1975](#), which will allow these changes to be implemented practically in those areas of social security administration where there is already, on currently available information, the opportunity.

**Commencement**

The amending Regulations would come into force 7 days after they are made.

**Financial and staffing implications**

There are no immediate financial implications to the Government or Social Security Fund. To the extent that staffing resources can in due course be freed by reducing the volume of applications, the Minister intends they be deployed to improve other areas of the administration of social security.

**Children's Rights Impact Assessment**

A Children's Rights Impact Assessment (CRIA) has been prepared in relation to this proposition and is available to read on the States Assembly website.

## EXPLANATORY NOTE

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These Regulations, if made, would amend Articles 8 (Class 2 contributions) and 10 (exceptions from liability and crediting of contributions) of the Social Security (Jersey) Law 1974 (the “1974 Law”).

*Regulation 1* introduces the amendments to the 1974 Law.

*Regulation 2* amends Article 8 to remove the requirement that an insured person makes an application to pay reduced rate Class 2 contributions. It also updates the drafting to modern standards.

*Regulation 3* substitutes a new Article 10 that removes the requirement that exceptions prescribed by Order must only be applied to those who have made an application for them. It also updates the drafting to modern standards.

*Regulation 4* gives the title by which these Regulations may be cited and provides that they come into force 7 days after they are made.



Jersey

## DRAFT SOCIAL SECURITY LAW (JERSEY) AMENDMENT REGULATIONS 202-

Made [date to be inserted]

Coming into force [date to be inserted]

**THE STATES** make these Regulations under Article 50 and 51 of the [Social Security \(Jersey\) Law 1974](#) –

### 1 [Social Security \(Jersey\) Law 1974](#)

This Part amends the [Social Security \(Jersey\) Law 1974](#).

### 2 **Article 8 (Class 2 contributions) amended**

In Article 8 –

- (a) in paragraphs (1), (2) and (3) for “shall be” there is substituted “are”;
- (b) in paragraph (2) –
  - (i) “who apply to do so and” is deleted,
  - (ii) for “such conditions as may be prescribed” there is substituted “the prescribed conditions”.

### 3 **Article 10 (exceptions from liability and crediting of contributions) substituted**

For Article 10 there is substituted –

#### **“10 Exceptions from liability and credits of contributions**

- (1) The Minister may prescribe, for an insured person, exceptions from liability for contributions of any class.
- (2) The Minister may prescribe the duration of exceptions, the circumstances in which they apply and provide for their retrospective application.
- (3) The Minister may prescribe the crediting of contributions to an insured person if –
  - (a) the purpose of the credit is to safeguard that person’s or another person’s future entitlement to benefit; and

- (b) in relation to Class 1 or Class 2 contributions, the credits do not result in a sum exceeding the standard contribution being paid into the Social Security Fund.”.

#### **4 Citation and commencement**

These Regulations may be cited as the Social Security Law (Jersey) Amendment Regulations 202- and come into force 7 days after they are made.