

# STATES OF JERSEY



Jersey

## **DRAFT SOCIAL SECURITY (AMENDMENT OF LAW No. 14) (JERSEY) REGULATIONS 202-**

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**Lodged au Greffe on 6th October 2020  
by the Minister for Social Security**

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**STATES GREFFE**



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## REPORT

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### Summary

These draft Regulations are the final step in a major ministerial project to establish a more family friendly labour market, one which recognises the role of all parents in the care of their children. If approved, they will update the Social Security (Jersey) Law 1974<sup>1</sup> and the current maternity benefits will be replaced by a set of more modern parental benefits that will be available to both parents from the beginning of 2021.

There are currently 3 contributory benefits which help parents with the cost of having and caring for a new child, they are –

- Maternity Grant.
- Maternity Allowance payable for up to 18 weeks.
- Adoptive Parent Grant.

Currently, only birth mothers can claim the first 2 benefits.

See **Appendix 1** for further details of these benefits.

The new parental allowance will allow both parents to claim for up to a total of 32 weeks, which can be split between them. Adoptive and surrogate parents will be able to claim as well as birth parents. The Maternity Grant will likewise be updated to include adoptive and surrogate parents, becoming the “Parental Grant”.

The contributory eligibility requirements for parents, the weekly amount of the allowance and the total amount of the grant will remain the same under these proposed changes.

### Background and History

Successive Ministers for Social Security have taken steps to extend the rights available to working parents under both the Employment Law and the Social Security Law.

With the introduction of the first set of employment rights for parents, the existing maternity allowance rules were amended to make it easier for birth mothers to claim the full 18 weeks of the allowance.

Family friendly employment rights were first established in 2015 and were extended in 2018 and most recently in June this year<sup>2</sup>. The current rights include –

1. 52 weeks of parental leave for all parents, including surrogate parents.
2. 6 weeks of paid parental leave (for both parents).
3. Time off to attend antenatal / adoption appointments.
4. Breastfeeding rights – breaks and workplace facilities.
5. Paid leave where necessary on health and safety grounds for pregnant and breastfeeding women.
6. The right to request flexible working extended to all employees.

The approved [Government Plan 2020-2023](#) included a commitment to introduce parental benefits in 2020 and work started on law drafting in early 2020 with the intention of amending both parental rights and benefits at the same time.

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<sup>1</sup> [Social Security \(Jersey\) Law 1974](#)

<sup>2</sup> [P.63/2020](#)

From 1st January 2020, changes to social security contributions were implemented to support the additional cost of introducing parental benefits.

Work on the benefit regulations was delayed due to the Covid-19 pandemic. The Minister maintained her timetable for the introduction of the additional employment rights (which had been approved by the States Assembly in 2019<sup>3</sup>) and an interim scheme (the Interim Parental Payments Scheme (IPPS)) was launched at the end of June 2020 to provide financial support to employers until the new benefits became available. Further information on IPPS can be found in **Appendix 2**.

### **Creating equal parental benefits**

The previous Minister for Social Security made a commitment in 2018<sup>4</sup> to introduce equality in contributory parental benefits as part of the Social Security Review<sup>5</sup>; other parts of the benefit system already provide equal support to both parents. The current Minister has reaffirmed that commitment, and the Assembly's adoption of the Government Plan 2020–2023 cemented this.

These Regulations extend, modernise and enhance the Island's existing set of maternity benefits. They consider the best interests of the Island's children in supporting the ethos of the family friendly programme. They include provisions for surrogate and adoptive parents (including mothers that give birth to a child that is expected to be placed with surrogate parents). They provide greater assistance to businesses that employ parents by enabling them to offset wages for both parents, not just birth mothers.

If adopted, these Regulations will change the Social Security Law and replace the existing contributory maternity allowance, maternity grant and adoptive parent grant (all paid from the Social Security Fund), with a new suite of parental benefits which aim to recognise the role of every parent in the care of a child.

The Regulations will update the existing set of benefits –

- A parental grant will be available to all parents; including adoptive and surrogate parents.
- The new allowance will be able to be claimed by all parents.
- Eligibility for the allowance will be based on the care of a child, rather than the “incapacity” of the birth mother.
- The number of weeks of allowance will increase from 18 to 32.
- The amount (value) of the allowance and grant will remain the same, and both are updated annually alongside other contributory benefits.
- Contribution and other eligibility rules are the same as in the current legislation.
- Employers will be able to offset the wages of any parents taking paid leave.

Year on year there are approximately 900 babies born in the Island. This gives some indication of the impact of extending these benefits to all parents will have. In addition, these updates will have the added benefit of assisting parents who decide to adopt or have a surrogate child - there will also be provision for surrogate birth mothers.

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<sup>3</sup> [P.100/2019](#)

<sup>4</sup> [R.25/2018](#)

<sup>5</sup> [Social Security Review](#)

### **Strategic Priorities**

The extension of family friendly contributory benefits contributes both directly and indirectly to Ministers' strategic priorities, described in the [Common Strategic Policy 2018–2022](#). These include putting children first, improving Islanders' wellbeing and mental and physical health, creating a sustainable, vibrant economy and skilled local workforce for the future and reducing income inequality and improving the standard of living.

### **Amending Regulations**

These Regulations will substitute Article 21 (Maternity Grant), 22 (Maternity Allowance), 23 (Supplementary Provisions) and 23A (Adoptive Parent Grant) of the Social Security Law. Two new Articles 21 and 22 deal with the Parental Grant and Parental Allowance, respectively, and the new Article 23 deals with the legal interpretation of those Articles.

If adopted, the Regulations will come into force 7 days after the day on which they are made. There will be a transitional provision in relation to payments of the new benefits; they will only be available to children expected to be adopted or born on or after 1st January 2021. A saving provision will be in place in order to ensure that people claiming the existing benefits can continue to receive payments under the old benefits in respect of children with expected adoption or birth dates on or before 31st December 2020.

### **Financial and manpower implications**

The following changes to social security contributions were made effective from 1st January 2020:

The liability of employers and class 2 contributors, paying contributions above the Standard Earnings Limit (SEL) of £53,304 were increased as follows –

- The Upper Earnings Limit – the maximum level of earnings that is taken into account for contribution purposes - increased from £176,232 to £250,000.
- The percentage rate levied on earnings above the Standard Earnings Limit (£53,304-£250,000) was increased by 0.5% from 2% to 2.5%.

The overall impact of these 2 changes was estimated to be additional income of £3.35 million a year being received into the Social Security Fund during 2020.

There has, of course, been an impact on the income received into the Social Security Fund as a result of the Covid-19 pandemic. The Assembly has approved a 2% cut to standard level contribution rates and there have been deferrals made to contributions.

The income for parental benefits is not affected by the 2% cut, as all the funding comes from income above the SEL. Even with the temporary downturn, the Social Security Fund will have enough money to meet the costs of the new benefit. Estimated costs were based on all parents claiming their full 32 weeks as soon as the benefit launches, whilst possible, it is unlikely to happen – the situation will be regularly reviewed.

Manpower – 1 Full Time Employee (FTE) to work in the Customer and Local Services Work and Family Team to administer the new benefits.

**APPENDIX 1****Current Maternity Benefits**

The Maternity Grant<sup>6</sup> is a one-off tax-free lump sum payment of £674.94. Its aim is to assist a new parent with the upfront costs of having a baby. It can be claimed once per child and eligibility is based on the social security contribution record of the birth mother or their husband/civil partner. It does not affect other Social Security contributory benefits or Income Support that someone may be receiving.

Maternity Allowance<sup>7</sup> is paid weekly for up to 18 weeks usually around the time a new baby is born, and the birth mother is off work taking care of that baby. The weekly value of the allowance is the same as the standard rate of benefit i.e. up to £224.98 per week, this is uprated annually alongside other contributory benefits. Eligibility is based on the contribution record of the birth mother. You can't receive other contributory benefits whilst claiming the Maternity allowance and it also counts as income for the purpose of Income Support. In addition, whilst a limited amount of "keeping in touch time" is permitted, a person cannot work whilst claiming this benefit.

The Maternity Allowance has its origins in the incapacity system, meaning that it centres around the perceived inability of the birthmother to work having given birth to a baby.

Adoptive Parent Grant<sup>8</sup> is broadly similar to the Maternity Grant. It is the same value and is paid to adoptive parents when they adopt a child.

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<sup>6</sup> [Maternity Grant](#)

<sup>7</sup> [Maternity Allowance](#)

<sup>8</sup> [Adoptive Parent Grant](#)

**APPENDIX 2****Covid-19 delay and Interim Scheme**

An important aspect of the current maternity allowance for employers is that under the [Employment \(Jersey\) Law 2003](#) (Article 55E) they can offset an employee's paid employment leave wages against any allowance that is received from the Government. This means that whilst the parent (currently only a birth mother) is taking paid leave, the employer can offset their wages while they are both claiming the maternity allowance and claiming their right to paid maternity leave. The proposed changes to the Social Security Law will see the second parent of a child also able to claim a parental allowance – this means employers will benefit from being able to offset the costs of paid leave to both parents.

The Minister originally hoped to introduce the updated parental benefits earlier this year alongside the changes to the Employment Law which were approved at the end of 2019 and came into force on 28th June 2020. However, when the Covid-19 hit the Island back in March work on developing the benefits was delayed as resources were diverted to respond to the ensuing global pandemic.

One element of the changes introduced to the Employment Law was giving all new parents an entitlement to take up to 52 weeks of parental leave (including 6 weeks of **paid** parental leave for both parents). So, due to the delay in introducing parental benefits, whilst employers could continue to offset a birth mother's wages, no such provision existed for second parents taking paid leave.

The Minister decided to implement IPPS<sup>9</sup> to provide subsidy payments to employers when/if their staff (who were second parents) decided to take paid parental leave under the Employment Law. IPPS is a non-statutory, interim scheme.

IPPS supports businesses with a one-off lump sum payment to cover the equivalent of 6 weeks of proposed parental benefit (£1350 from 1st October 2020) for a second parent when they take paid parental leave under the new law.

The parents covered by the interim scheme can choose when to take their 6 weeks of paid leave. This scheme will remain in place until the parental benefit Regulations have been approved and implemented.

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<sup>9</sup> [IPPS Scheme](#)





## EXPLANATORY NOTE

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These draft Regulations, if passed, will replace the existing provisions of the Social Security (Jersey) Law 1974 (the “Law”) on adoption and maternity benefits, with new provisions creating parental grant and parental allowance (“parental benefits”). Parental benefits will apply, from 1st January 2021, to all parents (as newly defined by the new Article 23, to be inserted into the Law by *Regulation 2*) who have qualifying levels of social security contributions. The changes made by these Regulations will ensure that the legislation providing for benefits related to the adoption or birth of a child will be, so far as possible, consistent (no matter what the structure of the family concerned) and gender-neutral. (The changes also reflect, and support, recent changes to the Employment (Jersey) Law 2003 which introduced parental leave.)

*Regulation 1* is the interpretation provision for the purposes of these Regulations.

*Regulation 2* repeals existing Articles 21 (maternity grant), 22 (maternity allowance), 23 (supplementary provisions as to maternity benefit) and 23A (adoptive parent grant) of the Law and substitutes new Articles 21 (entitlement to parental grant), 22 (entitlement to parental allowance), and 23 (interpretation of Articles 21 and 22). The new Articles 21 and 22 both deal primarily with the basic conditions of entitlement to parental grant and parental allowance respectively, and each contains an Order-making power to enable provision to be made for the administration of the new benefits, including provision for the determination of disputes as to entitlement, and for the time and manner of payment of a benefit.

Briefly described, parental grant, as the name implies, is a single payment benefit, which is payable to the parent nominated by the persons entitled to the benefit (or in default of a nomination, to the birth mother or other person whose name appears first on the adoption or birth certificate). Parental allowance is to be a weekly allowance payable for a maximum period of 32 weeks; during that period, the entitlement can be split between 2 different parents – provided that the allowance must be paid, for the post-natal period of 6 weeks beginning with the date of birth, to the birth mother (or in a case of surrogacy, to the host mother, though in such a case this 6 weeks’ allowance is the full entitlement available to the host mother).

*Regulation 3* makes substitutions, within the Law, to replace references to “adoptive parent grant”, “maternity grant”, etc. with references to the new parental benefits.

*Regulation 4* makes similar consequential and related amendments, for consistency, to the Employment (Jersey) Law 2003 and to a range of secondary legislation dealing with social security.

*Regulation 5* makes transitional provision so that the new parental benefits will apply for parents of children whose expected date of adoption or birth falls on or after 1st January 2021. This Regulation also preserves in force the provisions which support the existing regime of maternity etc. benefits, for those already in receipt of them.

*Regulation 6* gives the title by which these Regulations may be cited and provides for them to come into force 7 days after being made.





Jersey

## **DRAFT SOCIAL SECURITY (AMENDMENT OF LAW No. 14) (JERSEY) REGULATIONS 202-**

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Jersey

## DRAFT SOCIAL SECURITY (AMENDMENT OF LAW No. 14) (JERSEY) REGULATIONS 202-

Made [date to be inserted]

Coming into force [date to be inserted]

**THE STATES** make these Regulations under Article 50 of the Social Security (Jersey) Law 1974<sup>1</sup> –

### 1 Interpretation

In these Regulations, a reference to an Article or a provision of a Schedule by number, and without any contrary indication, is a reference to the Article or provision of the same number in the Social Security (Jersey) Law 1974<sup>2</sup>.

### 2 Articles 21 to 23A substituted

For Article 21 (maternity grant), Article 22 (maternity allowance), Article 23 (supplementary provisions as to maternity benefit) and Article 23A (adoptive parent grant) there is substituted –

#### “21 Entitlement to parental grant

- (1) Subject to the provisions of this Law, a person to whom paragraph (2) applies is entitled to a parental grant upon the birth or adoption of a child.
- (2) This paragraph applies to a person who –
  - (a) is a parent of the child; and
  - (b) satisfies the relevant contribution conditions, and any prescribed requirements.
- (3) In respect of any one child –
  - (a) only one person may receive payment of the parental grant; but
  - (b) where more than one person is entitled to parental grant, the grant must be paid, in the following order of priority –
    - (i) to the person who is nominated by the other persons so entitled, in such manner as may be prescribed, as the parent to whom the grant is to be paid,

- (ii) if no person is nominated, and except in a case of adoption, to the birth mother, or
  - (iii) to the person whose name appears first on the birth certificate or adoption certificate.
- (4) If all persons entitled to the grant have died, the parental grant may be paid to such other person as may be prescribed.
- (5) No more than one parental grant is to be paid in respect of any one child, but subject to any provision which may be made by Order, a person is entitled to a parental grant in respect of each child –
  - (a) in a case of the birth of more than one child as a result of the same pregnancy; or
  - (b) in the case of –
    - (i) an adoption, by the placement for adoption of more than one child, or
    - (ii) an overseas adoption, by more than one child being adopted,  
as part of the same arrangement.
- (6) Further provision may be made by Order for the purpose of giving full effect to this Article, and in particular as to –
  - (a) the application of this Article, with or without modification, in relation to a person or class of persons, including a person who is entitled to a parental grant and who requests, in such a manner as may be prescribed, that the parental grant is to be paid prior to the expected date of birth or placement for adoption, as the case may be;
  - (b) the time and manner of payment of parental grant;
  - (c) the determination of any dispute between persons regarding the nomination under paragraph (3)(b).

## **22 Entitlement to parental allowance**

- (1) Subject to the provisions of this Law, a person to whom paragraph (2) applies is entitled to parental allowance –
  - (a) in the case of a host mother, in accordance with paragraph (3); and
  - (b) in the case of a parent, in accordance with paragraphs (4) to (9).
- (2) This paragraph applies to a person who –
  - (a) is a parent, or the host mother, of a child; and
  - (b) satisfies the relevant contribution conditions, and any prescribed requirements.
- (3) The host mother of a child is entitled to parental allowance –
  - (a) irrespective of any other payment of parental allowance to any other person for any period; but
  - (b) for the post-natal period only, and for no other period.

- (4) In respect of any one adoption or birth, the period for which parental allowance is to be paid must not exceed a total of 32 weeks, but that total –
  - (a) is in addition and without prejudice to any entitlement of a host mother under paragraph (3), in respect of the post-natal period; and
  - (b) applies without regard to the number of children adopted or born, or of persons entitled to the allowance.
- (5) The total number of weeks mentioned in paragraph (4) must fall within the period –
  - (a) beginning no earlier than the date which is 11 weeks prior to the expected adoption date or date of birth; and
  - (b) ending –
    - (i) in the case of adoption, on the day which is 2 years after the date of adoption, or
    - (ii) in any other case, on the day which is the child's second birthday.
- (6) Where one parent entitled to parental allowance is the birth mother, payment of parental allowance must be made to the birth mother for the post-natal period.
- (7) Where a person entitled to parental allowance is also a parent exercising a right to paid parental leave under Article 55E of the Employment (Jersey) Law 2003<sup>3</sup>, parental allowance must be paid for each week of paid parental leave taken by that person.
- (8) No more than 2 parents are entitled to receive payment of parental allowance in respect of any one adoption or birth, but where 2 parents are so entitled, they –
  - (a) must nominate, subject to paragraphs (6) and (7) and in such manner as may be prescribed, the parent to whom a parental allowance is to be paid; and
  - (b) may specify, subject to paragraph (9) and in such manner as may be prescribed, the period of weeks for which the allowance is to be paid to a nominated parent.
- (9) Periods specified under paragraph (8)(b) need not be continuous, but –
  - (a) no more than 3 separate periods may be specified for each nominated parent; and
  - (b) each specified period must be of no less than 2 weeks.
- (10) Further provision may be made by Order for the purpose of giving full effect to this Article, and in particular as to –
  - (a) the determination of any dispute between persons regarding the nomination to be made under paragraph (8)(a);
  - (b) determination of an issue or dispute regarding entitlement to parental allowance, or the period for which or the parent to whom it is payable;

- (c) cases in which particular contribution conditions may be disapplied;
- (d) requirements which must be satisfied for the purpose of making a valid claim to parental allowance;
- (e) cases in which persons may be disqualified from receiving parental allowance;
- (f) cases in which the period for which parental allowance is payable may be varied, and variations of that period;
- (g) entitlement to, and payment of, parental allowance in a case where no nomination is made under paragraph (8)(a);
- (h) entitlement to, and payment of, parental allowance in a case where a parent is no longer alive;
- (i) the time and manner of payment of parental allowance.

### 23 Interpretation of Articles 21 and 22

- (1) In Articles 21, 22 and paragraph (2), references to adoption, the adoption date, overseas adoption and surrogacy are to be construed, subject to paragraph (2), in accordance with Article 55A (interpretation for the purposes of Part 5A) of the Employment (Jersey) Law 2003<sup>4</sup>.
- (2) For the purposes of Articles 21 and 22 –
  - “adoption certificate” means a certified copy, issued under Article 60(2) of the Marriage and Civil Status (Jersey) Law 2001<sup>5</sup>, of an adoption registration under that Law;
  - “birth” includes, except where the context otherwise requires –
    - (a) the birth of a living child at the full term of pregnancy, and
    - (b) the birth of a child, whether living or stillborn, at any time after 24 weeks of pregnancy;
  - “birth certificate” means a short form birth certificate, issued under Article 60(1) of the Marriage and Civil Status (Jersey) Law 2001, relating to a birth registration under that Law;
  - “birth mother” means a woman who gives birth to a child, but does not include a host mother;
  - “host mother” means a woman who gives birth to a child, in the case where the child is or is to be placed with a surrogate parent;
  - “parent” means a person, other than a host mother, who –
    - (a) is, or is to be –
      - (i) named on the birth certificate or adoption certificate of a child, or
      - (ii) a surrogate parent; and
    - (b) has, or expects to have, responsibility for the upbringing of the child or the main responsibility (apart from any responsibility of the birth mother) for the upbringing of the child;



“post-natal period” means the continuous period of 6 weeks beginning with the day on which birth occurs.

- (3) For the purposes of paragraph (1), a person is treated as having responsibility, or the main responsibility, for the upbringing of a child, if the person would have had such responsibility but for the fact that the child was stillborn after 24 weeks of pregnancy, or has died.”.

### 3 Consequential amendments of the Social Security (Jersey) Law 1974

- (1) In Article 1(1) (interpretation) the definition “adoption order” is deleted.
- (2) In Article 12 (description of benefits) –
- (a) for sub-paragraph (b) there is substituted –
- “(b) parental benefit, consisting of parental grant and parental allowance;”;
- (b) sub-paragraph (c) is deleted.
- (3) In each of the following provisions, in the expression “maternity allowance” wherever it occurs, for “maternity” there is substituted “parental” –
- (a) Article 14(2) (contribution conditions);
- (b) Article 15(2) (short term incapacity allowance);
- (c) Article 26F(1)(c) (pay in lieu of notice: deductions of certain amounts);
- (d) Article 27(1) (increase of benefit for dependants).
- (4) In the table in Part 1 (rates of benefit) of Schedule 1, in the column headed “Description of Benefit”, for “4. Maternity allowance” there is substituted “4. Parental allowance”.
- (5) In the table in Part 2 (amounts of single payment benefits) of Schedule 1 –
- (a) in the column headed “Description of Grant”, for “1. Maternity grant” there is substituted “1. Parental grant”;
- (b) the item and entries at “1A.” are deleted.
- (6) In paragraph 4 of Schedule 2 –
- (a) in the heading for “Maternity” there is substituted “Parental”;
- (b) in sub-paragraphs (1) and (2) for “maternity” in each place there is substituted “parental”.
- (7) In paragraph 5 of Schedule 2 –
- (a) in the heading for “Maternity” there is substituted “Parental”;
- (b) in sub-paragraph (1) for “maternity” there is substituted “parental”.
- (8) Paragraph 5A (adoptive parent grant) of Schedule 2 is deleted.

### 4 Consequential amendment of other enactments

- (1) In the Employment (Jersey) Law 2003<sup>6</sup> –
- (a) in Article 55D (entitlement to parental leave) –

- (i) in paragraph (2)(b)(i) for “with the mother or adopter of a child” there is substituted “with a child or with the mother or adopter of a child”,
  - (ii) in paragraph (7) –
    - (A) for “or its mother” there is inserted “, its mother or adopter”, and
    - (B) in sub-paragraph (a) before “married to” there is inserted “at the date of childbirth or placement for adoption,”;
  - (b) in paragraph 55E (paid parental leave) in paragraph (6) for “maternity” there is substituted “parental”.
- (2) In Article 77AA(1) (Social Security allowances) of the Income Tax (Jersey) Law 1961<sup>7</sup> –
- (a) “adoptive parent grant,” is deleted;
  - (b) for “maternity benefit” there is substituted “parental allowance, parental grant”.
- (3) In the Social Security (Claims and Payments) (Jersey) Order 1974<sup>8</sup> –
- (a) in Article 11(2) (time and manner of payment of benefit) for “maternity” there is substituted “parental”;
  - (b) in Article 13(4)(a) (time for claiming benefit) for “maternity grant and maternity allowance” there is substituted “parental grant and parental allowance”;
  - (c) in the table in Schedule 1 (benefit claimed, etc.) for the second and third rows there is substituted –

“Parental allowance.	Incapacity benefit.
Incapacity benefit.	Parental allowance.”

- (d) in the table in Part 1 of Schedule 2 (table of prescribed times and disqualifications) –
    - (i) for the heading in item 2. “Maternity benefit” there is substituted “Parental grant and parental allowance”, and
    - (ii) in each of the entries (a) to (c) relating to that item, for “maternity” in each place in which it occurs there is substituted “parental”;
  - (e) in the introductory words to Part 2 of Schedule 2 for “Maternity” there is substituted “Parental”;
  - (f) in paragraph 2 (claims in advance) of Schedule 2, in sub-paragraph (3)(b) for “maternity” there is substituted “parental”.
- (4) In Article 2 (provisions determining days of unemployment) of the Social Security (Contributions) (Jersey) Order 1975<sup>9</sup>, in paragraph (1)(f)(i) and (g) for “maternity” in each place there is substituted “parental”.
- (5) In Article 17 (review of decision involving payment or increase of benefit) of the Social Security (Determination of Claims and Questions) (Jersey) Order 1974<sup>10</sup>, in paragraph (1)(a) for “maternity” there is substituted “parental”.

- (6) In the following provisions of the Social Security (General Benefit) (Jersey) Order 1975<sup>11</sup>, for “maternity” in each place there is substituted “parental” –
  - (a) Article 5(1) (increase of benefit for dependents);
  - (b) Article 10 (exceptions from disqualification for imprisonment, etc.), paragraphs (2) and (3);
  - (c) Article 11 (suspension of payment of benefit during imprisonment, etc.), proviso to paragraph (1);
  - (d) Article 12 (interim payments, arrears and repayments), paragraph (7) and the proviso to that paragraph.
- (7) In the Social Security (Married Women) (Jersey) Order 1974<sup>12</sup>, in the heading to Article 4 (credits, etc.) and paragraph (1) of that Article, for “maternity” in each place there is substituted “parental”.
- (8) In the Social Security (Overlapping Benefits) (Jersey) Order 1975<sup>13</sup> –
  - (a) in Article 1A (insolvency benefit: limited adjustment, etc.) for “maternity” there is substituted “parental”;
  - (b) in Article 5 (construction of Part 1) in paragraphs (a) and (b) for “maternity” in each place there is substituted “parental”;
  - (c) in the Table in the Schedule –
    - (i) in item (1) in Column 1, for “or maternity benefit,” there is substituted “, parental grant or parental allowance”,
    - (ii) in the third item in Column 2 for “maternity” there is substituted “parental”.

## 5 Transitional and saving provisions

- (1) The amendments made to the Social Security (Jersey) Law 1974<sup>14</sup> by Regulation 2 and the consequential amendments made by Regulations 3 and 4, in so far as they relate to payments of parental grant or parental allowance, have effect only in respect of a child whose expected adoption date, or expected date of birth, is on or after 1st January 2021.
- (2) In relation to claims for and payments of adoptive parent grant, maternity grant or maternity allowance made before these Regulations have effect as provided by paragraph (1) –
  - (a) Articles 21 to 23A of the Social Security (Jersey) Law 1974; and
  - (b) any other enactment amended by Regulation 3 or 4,continue in full force and effect, as though unamended by these Regulations.

## 6 Citation and commencement

These Regulations may be cited as the Social Security (Amendment of Law No. 14) (Jersey) Regulations 202- and come into force 7 days after the day on which they are made.

## ENDNOTES

### Table of Endnote References

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<a href="#">1</a>	<i>chapter 26.900</i>
<a href="#">2</a>	<i>chapter 26.900</i>
<a href="#">3</a>	<i>chapter 05.255</i>
<a href="#">4</a>	<i>chapter 05.255</i>
<a href="#">5</a>	<i>chapter 12.600</i>
<a href="#">6</a>	<i>chapter 05.255</i>
<a href="#">7</a>	<i>chapter 24.750</i>
<a href="#">8</a>	<i>chapter 26.900.06</i>
<a href="#">9</a>	<i>chapter 26.900.24</i>
<a href="#">10</a>	<i>chapter 26.900.28</i>
<a href="#">11</a>	<i>chapter 26.900.36</i>
<a href="#">12</a>	<i>chapter 26.900.44</i>
<a href="#">13</a>	<i>chapter 26.900.54</i>
<a href="#">14</a>	<i>chapter 26.900</i>