

STATES OF JERSEY



COLD WEATHER BONUS: VARIATION OF CONDITIONS (P.115/2013) – AMENDMENT

**Lodged au Greffe on 15th October 2013
by the Minister for Social Security**

STATES GREFFE

COLD WEATHER BONUS: VARIATION OF CONDITIONS (P.115/2013) –
AMENDMENT

1 PAGE 2, PARAGRAPH (a) –

Delete the word “currently” after the words “2012 that” and insert the word instead before the words “contained in” and after the words “Jersey Old Age Pension” insert the words “ in the case of an individual who has been resident in Jersey for the previous 10 years”.

2 PAGE 2, PARAGRAPH (b) –

For the words “to bring forward for approval the necessary amendment to give effect to the proposal” substitute the words “, when bringing forward for approval legislation to replace the Cold Weather Bonus (Jersey) Regulations 2012, to include this revised condition”.

MINISTER FOR SOCIAL SECURITY

REPORT

Two amendments are proposed in respect of this proposition of Deputy G.P. Southern of St. Helier –

- An alternative eligibility criterion for individuals who are not receiving a Jersey Old Age Pension, namely that they have 10 years' residence, compared to 5 years' residence for those receiving a Jersey pension.
- Changes to acknowledge that new legislation is being prepared to replace the existing Regulations.

The attached **Appendix** includes the wording of the proposition as revised.

Amendment 1

The existing eligibility conditions under the Cold Weather Bonus include a requirement for an individual to be receiving a Jersey Old Age Pension. This ensures that the individual has made a substantial commitment to the Island during their working life. Currently individuals who move to Jersey in later life are not able to receive this tax-funded benefit.

The cost of tax-funded benefits and services provided to those aged 65 and above is due to rise steadily in the coming years as both the number and proportion of adults in this age-group increases in line with demographic trends. It is important to ensure that these benefits are well targeted and that future costs are affordable.

Whereas Deputy Southern's report draws attention to a single case, in which the individual was born in Jersey and evacuated prior to the German Occupation, his proposal would apply to anyone moving to Jersey in later life. The amendment seeks to address the particular circumstances of the individual case, but still retain an appropriate test to apply to those who have not spent their working age lives in Jersey. A 10 year residency condition is in line with the proposed long-term care benefit, and also mirrors residency requirements under the Control of Housing and Work (Jersey) Law 2012.

Amendment 2

The Social Security Department has an existing 2013 Business Plan commitment –

“PR.22 – Prepare and seek approval for primary legislation in respect of Food Costs Bonus and Cold Weather Bonus, currently enacted through triennial regulations.”

The Cold Weather Bonus is a set of triennial Regulations aligned to the Food Costs Bonus, and both will expire on 30th June 2014. In line with the departmental business plan, new primary legislation to replace the 2 bonuses is currently being developed. It is anticipated that the new Law will be debated by the States in early 2014. Given this timetable, if this proposition is adopted, any changes to eligibility conditions will be included in the new primary legislation, rather than the current Regulations. The second amendment therefore proposes that any changes agreed are made to the new legislation.

Financial and manpower implications

There are no manpower implications. The financial implications are considered to be minor, but a more detailed analysis will be provided with the new legislation itself.

Proposition as amended

- (a) to agree that the condition *currently* contained in Regulation 3(4) of the Cold Weather Bonus (Jersey) Regulations 2012 that ~~currently~~ provides that, to receive a bonus, a person must be aged 65 years or over and also receiving a Jersey Old Age Pension should be amended by deleting the requirement to be in receipt of a Jersey Old Age Pension *in the case of an individual who has been resident in Jersey for the previous 10 years*";
- (b) to request the Minister for Social Security ~~to bring forward for approval the necessary amendment to give effect to the proposal.~~, *when bringing forward for approval legislation to replace the Cold Weather Bonus (Jersey) Regulations 2012, to include this revised condition.*