

# STATES OF JERSEY



## **DRAFT SOCIAL SECURITY (AMENDMENT No. 23) (JERSEY) LAW 201- (P.77/2018): AMENDMENT**

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**Lodged au Greffe on 21st May 2018  
by the Minister for Social Security**

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**STATES GREFFE**

**PAGE 17, ARTICLE 14 –**

In the inserted new paragraph 34D(2), for the words “The medical board to which the reference is made under paragraph (1) may, subject to paragraphs (3) and (4),” substitute the words –

“Independently of any review under paragraph (1), on referral by a determining officer following consideration as described in paragraph (3), and subject to paragraph (4), a further medical board may also”.

MINISTER FOR SOCIAL SECURITY

## **REPORT**

### **Introduction**

The [Draft Social Security \(Amendment No. 23\) \(Jersey\) Law 201-](#) (“the draft Law”) makes changes to the [Social Security \(Jersey\) Law 1974](#) (“the 1974 Law”) in respect of (among other things) Long-Term Incapacity Allowance (“LTIA”).

LTIA may be paid following an assessment by a Medical Board which has considered whether the claimant has had a loss of faculty which is likely to be permanent, the extent of that loss of faculty (expressed as a percentage), and the period over which that percentage should apply.

### **Further amendment to Article 34D of the 1974 Law**

The 1974 Law provides for the Minister or the claimant to return to the Board before the given period has expired, but only under prescribed circumstances. These are that the information presented to the Board was deficient in some way (by non-disclosure or misrepresentation), or that since the previous Board, the claimant’s condition has substantially improved or worsened. These conditions are set out in Article 34D of the 1974 Law and amended by Article 14 of the draft Law.

Further amendment is required to this Article to ensure that the conditions for a further review (deficient evidence or improvement/deterioration) can operate independently of one another, ensuring that claimants have appropriate access to further reviews.

### **Collective responsibility under Standing Order 21(3A)**

The Council of Ministers has a single policy position on this proposition, and as such, all Ministers, and the Assistant Minister for Social Security, are bound by the principle of collective responsibility to support the proposition, as outlined in the Code of Conduct and Practice for Ministers and Assistant Ministers ([R.11/2015](#) refers).

### **Financial and manpower implications**

There are no budgetary or manpower implications arising from the adoption of this amendment.