

DRAFT SOCIAL SECURITY (AMENDMENT No. 15) (JERSEY) LAW 200

**Lodged au Greffe on 28th May 2002
by the Employment and Social Security Committee**



STATES OF JERSEY

STATES GREFFE

150

2002

P.90

Price code: B

European Convention on Human Rights

The President of the Employment and Social Security Committee has made the following statement -

In the view of the Employment and Social Security Committee the provisions of the Draft Social Security (Amendment No. 15) (Jersey) Law 200 are compatible with the Convention Rights.

(Signed) **Senator T.A. Le Sueur**

REPORT

The Employment and Social Security Committee is proposing two amendments to the Social Security (Jersey) Law 1974, as amended, which, although affecting very few people, will provide financial assistance in two particular areas.

Firstly, the Committee is proposing the introduction of a new benefit to provide financial assistance to couples who adopt a child. The benefit takes the form of a lump sum payment at the same rate as maternity grant which is paid to a mother at the time of childbirth to help with the cost of the birth and the baby's layette. The Committee believes that similar costs are incurred when an adoption takes place, and that adoptive parents should be able to claim a contributory benefit from the Social Security Scheme in the same way as a natural parent. The contribution conditions are exactly the same as those for maternity grant.

The second amendment abolishes the lower rate of death grant that currently exists in the Law following the death of a child under the age of 3 years. Having reviewed the original policy that lay behind this differential, and noting the cost of a funeral for a child, the Committee has concluded that a single rate of death grant should be paid regardless of the age of the deceased person.

In proposing these amendments, the Committee has identified that there will be no manpower or budgetary consequences to these proposals.

European Convention on Human Rights

Article 16 of the Human Rights (Jersey) Law 2000 will, when brought into force by Act of the States, require the Committee in charge of a Projet de Loi to make a statement about the compatibility of the provisions of the Projet with the Convention rights (as defined by Article 1 of the Law). Although the Human Rights (Jersey) Law 2000 is not yet in force, on 2nd May 2002 the Employment and Social Security Committee made the following statement before Second Reading of this projet in the States Assembly -

In the view of the Employment and Social Security Committee the provisions of the Draft Social Security (Amendment No. 15)(Jersey) Law 200- are compatible with the Convention Rights.

Explanatory Note

The purpose of this draft Law is to amend the Social Security (Jersey) Law 1974 so as to -

- (a) introduce an adoptive parent grant; and
- (b) remove the reduction in the rate of death grant in the case of the death of a child under the age of 3 so that the amount of death grant is the same in all cases.

Article 1 defines the Social Security (Jersey) Law 1974 as the 'principal Law'.

Article 2 adds a definition to the principal Law.

Article 3 adds adoptive parent grant to the list of benefits that may be paid.

Article 4 disapplies the provisions for weekly payment of benefit in the case of adoptive parent grant, which will be a single payment.

Article 5 creates the entitlement to adoptive parent grant where an adoption order is made in the Island. Adoption orders may be made in favour of a single person or in favour of a married couple.

Article 6 firstly sets the amount of adoptive parent grant at an amount equal to the maternity grant and, secondly, removes the reduction in the rate of death grant in the case of the death of a child under the age of 3.

Article 7 specifies the contribution conditions for payment of adoptive parent grant. The conditions are the same as those which apply to the payment of maternity grant.

Article 8 is the citation and commencement provision.

SOCIAL SECURITY (AMENDMENT No. 15) (JERSEY) LAW 200-

A LAW to amend further the Social Security (Jersey) Law 1974; sanctioned by Order of Her Majesty in Council of the

(Registered on the _____ day of _____ 200-)

STATES OF JERSEY

The _____ day of _____ 200-

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law -

ARTICLE 1

In this Law, “principal Law” means the Social Security (Jersey) Law 1974,^[1] as amended.^[2]

ARTICLE 2

In Article 1(1) of the principal Law,^[3] before the definition “the appointed day” there shall be inserted the following definition -

“ ‘adoption order’ has the same meaning as in the Adoption (Jersey) Law 1961^[4];”.

ARTICLE 3

In Article 12 of the principal Law,^[5] after paragraph (b) there shall be inserted the following paragraph-

“(ba) adoptive parent grant;”.

ARTICLE 4

In Article 13(1)(a) of the principal Law,^[6] after the words “maternity grant,” there shall be inserted the words “adoptive parent grant”.

ARTICLE 5

After Article 23 of the principal Law^[7] there shall be inserted the following Article -

“ARTICLE 23A

Adoptive parent grant

- (1) Subject to the provisions of this Law, a person shall be entitled to an adoptive parent grant if -
 - (a) an adoption order is made authorizing the person to adopt a child; and
 - (b) the person and person’s spouse (if any) satisfies the relevant contribution conditions.
- (2) Where the order described in paragraph (1)(a) authorizes two spouses to adopt a child, the spouses shall

nominate which of them is to be the person entitled under that paragraph.”.

ARTICLE 6

In Part II of the First Schedule to the principal Law^[8] -

(a) after paragraph 1 there shall be inserted the following paragraph-

“1A. Adoptive parent A lump sum equal to three times the standard rate of benefit.”;

(b) for paragraph 2 there shall be substituted the following paragraph-

“2. Death grant..... A lump sum equal to four times the standard rate of benefit.”.

ARTICLE 7

In the Second Schedule to the principal Law, after paragraph 5^[9] there shall be inserted the following paragraph -

“Adoptive parent grant.

5A.-(1) The contribution conditions for adoptive parent grant are that the relevant person has paid contributions prior to the end of the relevant quarter and the annual contribution factor derived from those contributions is not less than 0.25.

(2) In this paragraph -

(a) the expression “relevant person” means the person by whom the conditions are to be satisfied;

(b) the expression “relevant quarter” means the previous quarter but one before the quarter in which the adoption order is made.”.

ARTICLE 8

This Law may be cited as Social Security (Amendment No. 15) (Jersey) Law 2000 and shall come into force on such day or days as the States by Act appoint and different days may be appointed for different provisions of this Law and for different purposes.

[1] Volume 1973-1974, page 319.

[2] Volume 1982-1983, pages 51, 53 and 239, Volume 1986-1987, pages 149 and 151, Volume 1990-1991, pages 467 and 1117, Volume 1992-1993, pages 433 and 437, Volume 1994-1995, page 423, Volume 1996-1997, pages 7 and 1063, Volume 1998, page 722, Volume 1999, pages 419 and 515, Volume 2000, page 873 and R & Os 7640, 7666, 8602 and 9112.

[3] Volume 1973-1974, page 319, Volume 1990-1991, page 467 and Volume 2000, page 873.

[4] Volume 1961-1962, page 363, Volume 1963-1965, page 103, Volume 1968-1969, page 426, Volume 1994-1995, page 118, Volume 1999, pages 433 and 514, Volume 2000, page 71 and R & O 8859.

[5] Volume 1973-1974, page 327 and Volume 2000, page 875.

[6] Volume 1973-1974, page 328 and Volume 2000, page 876.

[7] Volume 1973-1974, page 335 and Volume 1992-1993, page 433.

[8] Volume 1973-1974, page 361.

[9] Volume 1973-1974, page 363 and Volume 1982-1983, page 53.