

**DRAFT SOCIAL SECURITY (AMENDMENT No. 16) (JERSEY) LAW 200**

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**Lodged au Greffe on 11th June 2002  
by the Employment and Social Security Committee**

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**STATES OF JERSEY**

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## **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. 16) (Jersey) Law 200 are compatible with the Convention Rights.

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

## **REPORT**

The main purpose of this amendment to the Law is to extend the rights to benefit of married couples who were married before the legislative changes to the married woman's election and dependancy increase. Whilst the rights to existing and future claimants are protected, this protection has been extended to those couples married before the abolition of married woman's option.

A change to the Second Schedule of the principal Law is also being proposed to introduce contribution conditions for the new incapacity pension benefit which mirror contribution conditions for existing pension benefits in the Social Security (Jersey) Law 1974, as amended. Article 2 of this amendment describes these contribution conditions.

There are no financial or manpower consequences to this amendment and the changes are compliant with the proposed Human Rights Law.

### **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 6th June 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. 16) (Jersey) Law 200 are compatible with the Convention Rights.

## **Explanatory Note**

The purpose of this draft Law is to further amend the Social Security (Jersey) Law 1974.

*Article 1* is an interpretation clause.

*Article 2* provides that to qualify for a full incapacity pension, a claimant's life average contribution factor as at the date on which he becomes entitled to that pension must be 1.00.

*Article 3:* Article 11 of the Social Security (Amendment) (Jersey) Law 2000 abolishes the entitlement of a man in receipt of an old age pension to receive a dependency increase for his wife if she is under pensionable age and he is supporting her. This is subject to a saving of the existing rights of husbands who are already in receipt of old age pensions when that Article comes into force.

The purpose of Article 3 of this draft Law is to extend that saving to future claimants who are already married when Article 11 comes into force.

Article 4 provides for the citation and commencement of the draft Law.

**SOCIAL SECURITY (AMENDMENT No. 16) (JERSEY) LAW 200-**

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**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**

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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,<sup>[1]</sup> as amended.<sup>[2]</sup>

ARTICLE 2

In the Second Schedule to the principal Law,<sup>[3]</sup> for paragraph 3 there shall be substituted the following paragraph-

*“Incapacity pension.*

3.-(1) The contribution conditions for incapacity pension are that

- (a) the claimant has paid contributions prior to the end of the relevant quarter and the annual contribution factor derived from those contributions is not less than 0.5; and
- (b) the life average contribution factor derived from the contributions paid by or credited to that person (as at the relevant time) is 1.00.

(2) In this paragraph, the expression ‘relevant time’ means the date at which the entitlement to incapacity pension first arises.”.

ARTICLE 3

Notwithstanding the substitution of Article 27(2) of the principal Law<sup>[4]</sup> by Article 11 of the Social Security (Amendment No. 14) (Jersey) Law 2000,<sup>[5]</sup> the weekly rate of an old age pension shall be increased by the amount set out in the second column of Part III of the First Schedule of the principal Law<sup>[6]</sup> for any period during which the beneficiary is wholly or mainly maintaining his wife if -

- (a) she is not over pensionable age; and
- (b) their marriage took place before the commencement of Article 11 of the Social Security (Amendment No. 14) (Jersey) Law 2000.<sup>5</sup>

ARTICLE 4

This Law may be cited as the Social Security (Amendment No. 16) (Jersey) Law 200 and shall come into force on such day as the States may by Act appoint.

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[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 362 and Volume 2000, page 894.

[4] Volume 1973-1974, page 339.

[5] Volume 2000, page 886.

[6] Volume 1973-1974, page 361 and Volume 2000, page 893.