



Jersey

# **INCOME SUPPORT (JERSEY) REGULATIONS 2007**

## **Official Consolidated Version**

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Jersey

# INCOME SUPPORT (JERSEY) REGULATIONS 2007

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Jersey

## INCOME SUPPORT (JERSEY) REGULATIONS 2007

**THE STATES**, in pursuance of Articles 3, 5 and 18 of the [Income Support \(Jersey\) Law 2007](#), have made the following Regulations –

Commencement [[see endnotes](#)]

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### PART 1

#### INTRODUCTORY

#### 1 Interpretation<sup>1</sup>

In these Regulations unless the context otherwise requires –

“ancillary home care costs component” means the special component under Article 5(3)(e) of the Law;

“approved care home” has the same meaning as in the [Long-Term Care \(Jersey\) Law 2012](#);

“bedsit” means a flat in which the only room that is suitable for use as a bedroom is also used as a living room;

“breach period” means the period for which a person is treated as being in breach following a breach, in accordance with Regulation 5B;

“carer’s component” means the special component under Article 5(3)(d) of the Law;

“child day care component” means the special component under Article 5(3)(c) of the Law;

“day care” means the looking after a child –

- (a) by a day carer, or in day care accommodation, in circumstances regulated by the [Day Care of Children \(Jersey\) Law 2002](#); and
- (b) by a nanny accredited by the Jersey Child Care Trust;

“developmental milestones” means a set of functional skills or age-specific tasks that most children have or can do at a given age used by healthcare professionals to

monitor a child's progress in attaining certain motor, language, cognitive and social skills;

"earnings" means any sum payable to a person (whether under a contract of service, a contract for services or any other office, employment or arrangement whereby the person is rewarded for work done or services rendered) by way of wages, salary, fees, bonuses, commission, overtime pay or any other emolument including the value of any loan, perquisite or any other benefit in kind;

"flat" means a separate dwelling that forms part of a building and is divided horizontally from some other part of the building and whether or not –

- (a) it is a single storey dwelling;
- (b) facilities used or intended to be used for cooking or sanitary purposes are shared with other dwellings in that building; or
- (c) it forms part of a lodging house,

excluding any part of the dwelling that is used as a hostel or by a person in another household as lodgings;

"foster child" means a person under full age who is placed with a foster parent by the Minister for Health and Social Services under Part 4 of the [Children \(Placement\) \(Jersey\) Regulations 2005](#);

"full time", in relation to work, shall be construed in accordance with Regulation 2;

"healthcare professional" means a doctor, a dentist or a person on the list of registered persons made under Article 11 of the [Health Care \(Registration\) \(Jersey\) Law 1995](#);

"hostel" means a facility (other than a private house) providing board and lodging and generally staffed by persons providing support to vulnerable persons;

"house" means any dwelling other than a flat, excluding any part of the dwelling that is used as a hostel or by a person in another household as lodgings;

"housing component" means the special component under Article 5(3)(a) of the Law;

"impairment component" means the special component under Article 5(3)(b) of the Law;

"Law" means the [Income Support \(Jersey\) Law 2007](#);

"long-term care" means an appropriate level of standard care within the meaning of the [Long-Term Care \(Benefits\) \(Jersey\) Order 2014](#);

"minimum wage" shall be construed in accordance with Articles 16 and 17 of the [Employment \(Jersey\) Law 2003](#) and any enactment made under those provisions;

"owner", in relation to a dwelling, includes –

- (a) any co-owner;
- (b) the owner of shares that confer entitlement to occupy the dwelling;
- (c) the occupier of the dwelling under a contract lease for which a premium has been paid and any rent that is paid is substantially less than a market rent for the dwelling;
- (d) any *usufruitier*; and

- (e) any person entitled to occupy and use the dwelling in the exercise of rights of dower, *franc veuvage*, or seignioralty;

“person required to seek full time work” means an adult member of a household who –

- (a) is not engaged in full time remunerative work; and
- (b) is not exempt from the requirement in Article 2(1)(c) of the Law to be in such work by virtue of any sub-paragraphs (a) to (f) and (h) of Article 3(1) of the Law;

“person required to seek part time work” means an adult member of a household who –

- (a) is not exempt from the requirement in Article 2(1)(c) of the Law to be in full time remunerative work by virtue of any of sub-paragraphs (a), (b) and (h) of Article 3(1) of the Law;
- (b) is a person to whom any of sub-paragraphs (c) to (f) of Article 3(1) of the Law applies and in whose case a number of hours has been determined in accordance with Article 3(2)(b) of the Law; and
- (c) is not engaged in remunerative work for the number of hours so determined;

“person required to seek work” means a person required to seek full time work or part time work;

“private sector housing” means housing that is not social housing;

“remunerative”, in relation to work, shall be construed in accordance with Regulation 3;

“rent” means any periodical sum payable by a tenant or licensee for the occupation of a dwelling or part of a dwelling excluding any sum paid in respect of lighting, heating, board, the provision of furniture or other services and any occupier’s rate payable;

“social housing” means housing that is provided by any of the following –

- (a) the States, such housing being under the control of the Minister for Housing;
- (b) a company prescribed under Article 2 of the [Social Housing \(Transfer\) \(Jersey\) Law 2013](#);
- (c) Jersey Homes Trust;
- (d) Les Vaux Housing Trust;
- (e) Christians Together in Jersey Housing Trust;
- (f) FB Cottages Housing Trust;
- (g) Clos de Paradis Housing Trust;

“suitable work”, in relation to a person who is available for and actively seeking work, means –

- (a) work that is appropriate to the person’s skills, qualifications and abilities; or
- (b) work that, though it does not make full use of the person’s skills, qualifications and abilities, is work that the person might reasonably be expected to undertake having regard to the length of time that he or she has been looking for work;

“warning” means a warning that is in force under Regulation 5A.

## PART 2

### WORK REQUIREMENTS

#### 2 Full time work

- (1) A person is engaged in full time work for the purposes of Article 2(1)(c) of the Law and these Regulations if the person works for a minimum of 35 hours a week.<sup>2</sup>
- (2) However, a person who normally works for a minimum of 35 hours a week is treated as being engaged in full time work for any week or part of a week during which the person –
  - (a) is on leave of absence from work;
  - (b) is taking part in a strike or is involved in an employment dispute; or
  - (c) has any other reasonable excuse for being so absent.
- (3) Where a person does not work for the same hours each week, the person’s weekly hours shall be determined by reference to his or her average weekly hours calculated by reference to any period of time not exceeding 12 months.
- (4) In this Regulation “employment dispute” and “strike” have the meanings assigned by Article 1 of the [Employment \(Jersey\) Law 2003](#).

#### 3 Remunerative work

- (1) A person is engaged in remunerative work for the purposes of Article 2(1)(c) of the Law and these Regulations if –
  - (a) in the case of an employee, the person is remunerated at a rate that is at least equal to the minimum wage; or
  - (b) in the case of a self-employed person, the person’s average weekly rate of remuneration (net only of any expenses necessarily incurred) is at least equal to the minimum wage, calculated on the basis of –
    - (i) the average hours worked during a week, or
    - (ii) if the average hours worked exceed 35 a week, a 35-hour week.<sup>3</sup>
- (2) For the purposes of this Regulation a person’s remuneration shall be calculated in accordance with Part 4 of the [Employment \(Jersey\) Law 2003](#) and any enactment made under that Part.

#### 4 Person treated as available for and actively seeking work<sup>4</sup>

- (1) For the purposes of Article 3 of the Law, a person is to be treated as available for, and actively seeking, remunerative work if he or she –
  - (a) is –
    - (i) in Jersey, or

- (ii) temporarily absent from Jersey and has a reasonable excuse for the absence;
  - (b) is willing and able to take up, as soon as reasonably practicable, any remunerative work that is suitable work;
  - (c) is taking all reasonable steps to obtain remunerative work that is suitable work;
  - (d) does not unreasonably turn down any offer of remunerative work that is suitable work; and
  - (e) attends every interview arranged by the Minister, unless the person has a reasonable excuse for not attending.
- (2) For the purposes of paragraph (1)(c), the steps include –
- (a) attending any training that may assist the person in obtaining remunerative work that is suitable work, unless the person has a reasonable excuse for not so doing and, when attending the training, participating in it to the best of the person's ability; and
  - (b) attending any work experience placement that may assist the person in obtaining remunerative work that is suitable work, unless the person has a reasonable excuse for not so doing and, when attending the work experience placement, undertaking it to the best of the person's ability.
- (3) For the purposes of Article 3(1)(g) of the Law, the remunerative work referred to in paragraph (1) must be full time.
- (4) For the purposes of Article 3(2)(b) of the Law, the remunerative work referred to in paragraph (1) must be for such number of hours as a determining officer considers appropriate in the person's particular circumstances.

## **5 Consequence of ceasing remunerative work without good cause<sup>5</sup>**

- (1) This Regulation applies to a person who ceases remunerative work without good cause.
- (2) During the sanction period, the household of which he or she is a member is not entitled to a basic component under Article 5(2)(a) or (b) of the Law in respect of the person.
- (3) Subject to Regulation 5C, the sanction period is 91 days.
- (4) The sanction period commences –
  - (a) in a case where the household was, at the time the person ceased work without good cause, in receipt of income support – on the day the person ceased work;
  - (b) subject to paragraph (5), in any other case – on the first day that income support is paid to the household after the person ceased work without good cause or would have been paid had a basic component been payable to the household in respect of the person.
- (5) In a case where –
  - (a) the household was not, at the time the person ceased work without good cause, in receipt of income support; and



- (b) the person proves, to the satisfaction of the officer determining his or her claim for income support, that he or she has, before the day described in paragraph (4)(b), complied with the requirements of Regulation 4,
- the sanction period commences with the day the person commenced such compliance.
- (6) For the purposes of paragraph (4)(a), the day a person ceases work is the day following the last day on which that person is in that work.

## **5A Warning<sup>6</sup>**

- (1) A person required to seek work may be warned if –
  - (a) he or she does not comply with the requirements of Regulation 4; and
  - (b) there is not a warning currently in force in respect of him or her.
- (2) Subject to paragraph (3) and Regulation 5C, a warning remains in force for the period of 365 days beginning with the day the person is given notice of it.
- (3) If, whilst a warning is in force in respect of a person, he or she commits a first, second, third or subsequent breach of the warning, the warning shall remain in force until the expiry of the period of 365 days following the date he or she was given notice of the breach or, if he or she has committed more than one breach, the date he or she was given notice of the most recent breach.

## **5B Breach of warning<sup>7</sup>**

- (1) A person in relation to whom a warning is in force is in breach of the warning if he or she –
  - (a) is a person required to seek work; and
  - (b) does not comply with the requirements of Regulation 4.
- (2) A person who is in breach of a warning for a first time shall be treated as being in breach for 14 days.
- (3) A person who is in breach of a warning for a second time shall be treated as being in breach for 28 days.
- (4) A person who is in breach of a warning for a third or subsequent time shall be treated as being in breach until whichever is the earlier of –
  - (a) the person proving, to the satisfaction of a determining officer, that he or she has satisfied the requirements of Regulation 4 for a continuous period of 42 days commencing on or after the day the person is given notice of the breach; and
  - (b) the expiry of the warning.<sup>8</sup>
- (5) A period of time in paragraph (2), (3) or (4) –
  - (a) begins with the day the person is given notice of the breach; and
  - (b) is subject to Regulation 5C.

- (6) A person cannot be given notice of a breach less than 7 days after he or she has been given notice of a warning or of a previous breach whilst the warning is in force.
- (7) Paragraph (6) does not prevent any act or omission of the person during the 7 days referred to in that paragraph being taken into account in determining whether the person has complied with the requirements of Regulation 4.

#### **5C Extension or termination of periods under Regulations 5, 5A and 5B<sup>9</sup>**

- (1) A sanction period applicable in a person's case under Regulation 5 shall be extended by 7 days if the person is warned.
- (2) A sanction period applicable in a person's case under Regulation 5 shall be extended by the number of days for which the person is in breach of a warning, as described in Regulation 5B.
- (3) Any period applicable in a person's case under Regulation 5, 5A or 5B shall be extended, subject to paragraph (4)(b), by the number of days for which the person is remanded in custody or detained as described in Article 3(1)(h) of the Law.
- (4) Any period applicable in a person's case under Regulation 5, 5A or 5B shall be terminated upon –
  - (a) the person being exempt from the requirement to be in full time remunerative work by virtue of Article 3(1)(a) of the Law; or
  - (b) the person having been remanded in custody or detained as described in Article 3(1)(h) of the Law for a continuous period of 365 days.

#### **5D Consequence of first or second breach<sup>10</sup>**

- (1) This Regulation applies where a person is in breach of a warning for a first or second time.
- (2) During the breach period, the household of which the person in breach is a member is not entitled to a basic component under Article 5(2)(a) or (b) of the Law in respect of the person in breach.

#### **5E Consequence of third or subsequent breach<sup>11</sup>**

- (1) This Regulation applies where a person is in breach of a warning for a third or subsequent time.
- (2) During the breach period, the person in breach shall not be eligible for any payment under Article 8(1) of the Law.
- (3) Any claim for income support by the original household of the person in breach shall be taken to be withdrawn upon the commencement of the breach period.
- (4) During the breach period, whilst the person in breach is a member of his or her original household –
  - (a) no income support shall be paid to the household;
  - (b) no member of the household shall be eligible for any payment under Article 8(1) of the Law; and

- (c) the household cannot make a fresh claim for income support.
- (5) The fact that, under paragraph (4), no income support is paid to the original household does not affect –
  - (a) whether any member of the household is a person required to seek work and the consequences of the person not complying with the requirements of Regulation 4; or
  - (b) any determination that a member of the household has ceased remunerative work without good cause and the consequences of such a determination under Regulation 5.
- (6) If, during the breach period, the original household makes a fresh claim for income support after the person in breach has ceased to be a member of it, but the person in breach subsequently rejoins the household, the fresh claim for income support shall be taken to be withdrawn upon the person in breach becoming a member of the original household again.
- (7) Whilst the person in breach is a member of another household, that other household is not entitled to a basic component under Article 5(2)(a) or (b) of the Law in respect of the person in breach.
- (8) In this Regulation, “original household” means the household of which the person in breach was a member at the time he or she received notice of the breach.
- (9) For the purposes of this Regulation the person in breach is a member of another household if, after he or she receives notice of the breach, another person who was not a member of the original household becomes a member of the same household as the person in breach, by virtue of Article 5(1) of the [Income Support \(General Provisions\) \(Jersey\) Order 2008](#), in the circumstances described in subparagraph (a) or (aa) of that provision.

## **5F Consequences and periods of successive breaches may run concurrently<sup>12</sup>**

A breach of a warning by a person for a second or subsequent time does not affect the operation of Regulations 5B to 5E in relation to the previous breach or breaches of the warning by the person.

## **PART 3**

### **COMPONENTS AND RATES OF INCOME SUPPORT**

## **6 Components and rates of income support**

The criteria for entitlement to each component of income support mentioned in Article 5 of the Law and the rates of income support payable in respect of each component are set out in Schedule 1.

## **PART 4**

### **MISCELLANEOUS PROVISIONS**

#### **7 Citation**

These Regulations may be cited as the Income Support (Jersey) Regulations 2007.

**SCHEDULE 1<sup>1314</sup>**

(Regulation 6)

**PART 1: BASIC COMPONENTS****1 Criteria for basic components<sup>15</sup>**

- (1) A household is not entitled to a basic component under Article 5(2)(a) to (ca) of the Law in respect of any member of the household –
- (a) during any week in which the member is entitled to a grant under an Order made by the Minister for Education and Lifelong Learning under Article 51 of the [Education \(Jersey\) Law 1999](#) that is intended to cover the whole of that week;
  - (aa) if the member of the household is excepted from the requirement to be engaged in full time remunerative work by virtue of Article 3(1)(e) (approved education or training) of the Law, during any week in which the member's weekly earnings exceed the product of the formula set out in paragraph (1A);
  - (b) during any week when the member is, for the whole of that week, remanded in custody or detained by virtue of a sentence of imprisonment, youth detention or similar punishment (whether in Jersey or elsewhere);
  - (c) during any continuous period of more than 4 weeks when the member is provided with board and lodging at public expense;
  - (ca) during any period when the member is receiving long-term care in an approved care home; or
  - (d) for the fifth or subsequent week that the member is outside Jersey –
    - (i) during the 12 month period beginning on the date of determination of the claim for income support, and
    - (ii) during any subsequent 12 month period immediately following that period.

(1A) The formula referred to in sub-paragraph (1)(aa) is as follows –

$A \times B$

where

A is the rate payable under paragraph 2(a);

$B = \frac{1 + C}{C}$

C

$C = 1 - (D + E)$

D is the percentage of primary Class 1 contributions payable under Schedule 1A, paragraph 3(1) to the [Social Security \(Jersey\) Law 1974](#), expressed as a decimal;

E is the percentage of earnings disregarded under Schedule 2, paragraph 5(a) to the [Income Support \(General Provisions\) \(Jersey\) Order 2008](#), expressed as a decimal.

- (2) A household is not entitled to a basic component under Article 5(2)(a), (c) or (ca) of the Law in relation to any member of the household who is a foster child.
- (3) A household is only entitled to a basic component under Article 5(2)(d) of the Law if it is entitled to a housing component in respect of the occupation of a dwelling other than a hostel.
- (4) If a housing component is apportioned between 2 or more households under paragraph 4E(2)(c), 4F(2)(c) or 4H(6)(c), the basic component under Article 5(2)(d) shall be similarly apportioned.
- (4A) If a housing component is calculated under paragraph 4G(3) or (4) in respect of a household, the basic component under Article 5(2)(d) shall be multiplied by H/B where H and B have the same values used to calculate the housing component under paragraph 4G(3) or (4) in respect of that household.
- (5) A household is not entitled to a basic component under Article 5(2)(a) or (b) of the Law in respect of any member of the household who has not been ordinarily resident in Jersey for the period prescribed under Article 2(1)(b) of the Law.

## 2 Rates for basic components<sup>16</sup>

The rates payable for the basic components under Article 5(2) of the Law are –

(a)	under Article 5(2)(a) of the Law (adult component rate)	£130.83
(b)	under Article 5(2)(b) of the Law (single parent component rate)	£181.93
(c)	under Article 5(2)(c) of the Law (first child component rate)	£107.80
(d)	under Article 5(2)(ca) of the Law (subsequent child component rate)	£90.79
(e)	under Article 5(2)(d) of the Law (household component rate)	£73.01

## PART 2: SPECIAL COMPONENTS

### A: HOUSING COMPONENT

## 3 Criteria for housing component

- (1) A household is entitled to a housing component if –
  - (a) a member of the household is the owner of a dwelling or pays rent to occupy a dwelling under the terms of a lease or licence;
  - (b) the dwelling is the principal residence of the household;

- (c) there is a member of the household who is not receiving long-term care in an approved care home; and
  - (d) paragraph (2) is satisfied.
- (2) This paragraph is satisfied if –
- (a) a member of the household is aged 25 or over or has the main responsibility for the physical care of a child who is a member of the household; or
  - (b) none of the members of the household can reasonably be expected to live with his or her parent or any other person occupying the position of a parent in relation to the member of the household (either formally or informally), whether or not the parent or other person lives in Jersey.
- (3) A household is not entitled to a housing component during any week for which –
- (a) the household is not entitled to a basic component under Article 5(2)(a) or (b) of the Law in respect of any of the adult members of the household; and
  - (b) each of those adult members is –
    - (i) a person in whose case paragraph 1(1)(b) applies for a fifth or subsequent week of a continuous period,
    - (ii) a person in whose case paragraph 1(1)(c) or (d) applies, or
    - (iii) a person in whose case paragraph 1(1)(ca) applies –
      - (A) for a fifth or subsequent week of a continuous period, in a case where there is no reasonable expectation that the person will resume living in the principal residence of the household, or
      - (B) for a thirteenth or subsequent week of a continuous period in any other case.

#### **4 Meaning of “appropriate to needs of eligible household”<sup>17</sup>**

- (1) In paragraphs 4A to 4I, a dwelling is appropriate to the needs of an eligible household –
- (a) if it is no larger than is reasonably necessary for that household;
  - (b) if, having regard to all the circumstances, it would be unreasonable to expect the household to move from that dwelling; or
  - (c) if –
    - (i) it has become larger than is reasonably necessary for the household because the household has become smaller within the last 12 months; and
    - (ii) the household is taking all reasonable steps to find alternative accommodation that is appropriate to the needs of the household.
- (2) If a dwelling is occupied by more than 1 household, paragraph (1) applies to all the eligible households that occupy the dwelling.

**4A Rate of housing component – private sector rental<sup>18</sup>**

- (1) This paragraph applies if the dwelling occupied is private sector housing occupied under the terms of a lease or licence by an eligible household.
- (2) The housing component payable is whichever is the lowest of the following –
  - (a) the actual weekly rent payable;
  - (b) if the dwelling is appropriate to the needs of the eligible household, the rate payable under sub-paragraph (3) in respect of a dwelling of that description; or
  - (c) if the dwelling is not appropriate to the needs of the eligible household, the rate payable under sub-paragraph (3) in respect of a dwelling of a description that is appropriate to the needs of the eligible household.
- (3) The rates payable under this sub-paragraph are –

(a)	hostel	£199.85
(b)	lodgings or a bedsit	£199.85
(c)	flat with 1 bedroom	£294.63
(d)	flat with 2 bedrooms	£377.30
(e)	flat with 3 or more bedrooms	£404.74
(f)	house with 1 bedroom	£337.75
(g)	house with 2 bedrooms	£428.68
(h)	house with 3 bedrooms	£500.64
(i)	house with 4 bedrooms	£545.65
(j)	house with 5 or more bedrooms	£603.82

**4B Rate of housing component – social housing**

- (1) This paragraph applies if the dwelling occupied by an eligible household is social housing occupied under a lease or licence.
- (2) If the dwelling is appropriate to the needs of the household and –
  - (a) the actual weekly rent is reasonable, the housing component is the actual weekly rent payable; or
  - (b) the actual weekly rent is more than is reasonable, the rate is the rate payable under paragraph 4I in respect of a dwelling of that description.
- (3) If the dwelling is not appropriate to the needs of the household, the rate payable is the lower of –
  - (a) the rate payable under paragraph 4I in respect of a dwelling of a description that is appropriate to the needs of the household; or
  - (b) the actual weekly rent payable.



- (4) In this paragraph, “reasonable”, with regard to rent payable, means an amount of rent that is reasonable having regard to –
- (a) the fact that the dwelling is social housing; and
  - (b) the value of the property on the open rental market.

#### **4C Rate of housing component – dwelling owned by member of household<sup>19</sup>**

- (1) This paragraph applies if an eligible household occupies a dwelling that is owned by a member of the household.
- (2) If the dwelling is appropriate to the needs of the eligible household, the housing component payable is the rate stated in sub-paragraph (4) in respect of a dwelling of that description.
- (3) If the dwelling is not appropriate to the needs of the eligible household, the housing component payable is the rate stated in sub-paragraph (4) in respect of a dwelling of a description that is appropriate to the needs of the eligible household.
- (4) The rates payable under this sub-paragraph are –

(a)	bedsit or flat with 1 or 2 bedrooms	£9.31
(b)	flat with 3 bedrooms	£13.09
(c)	flat with 4 or more bedrooms	£18.48
(d)	house with 1 bedroom	£9.31
(e)	house with 2 bedrooms	£13.09
(f)	house with 3 or more bedrooms	£18.48

#### **4D Meaning of “family unit”**

In Articles 4E to 4H, 2 households occupying the same dwelling are part of a “family unit” if –

- (a) 1 of the households consists of a person under the age of 25; and
- (b) a member of the other household –
  - (i) has the main responsibility for the physical care of the person; or
  - (ii) if the person is over school leaving age –
    - (A) had that responsibility until the person attained school leaving age; or
    - (B) is the person’s parent.

#### **4E Dwelling shared by 2 or more eligible households in same family unit**

- (1) This paragraph applies if a dwelling is occupied by 2 or more households –
- (a) each of which is an eligible household; and
  - (b) that are part of the same family unit.

- (2) The rate of housing component is determined under paragraph 4A, 4B or 4C, as appropriate, subject to the following –
  - (a) a dwelling is appropriate to the needs of the household if it is no larger than is reasonably necessary for all the households sharing the dwelling, or if, having regard to all the circumstances, it would be unreasonable to expect all or any of them to move from that dwelling;
  - (b) only 1 housing component is payable in respect of the dwelling; and
  - (c) the component is divided equally between all the households entitled to it.

**4F Dwelling shared by 2 or more households in same family unit of which 1 or more not eligible**

- (1) This paragraph applies if a dwelling is occupied by 2 or more households –
  - (a) at least 1 of which is not an eligible household; and
  - (b) that are part of the same family unit.
- (2) The rate of housing component is determined under paragraph 4A, 4B or 4C, as appropriate, subject to the following –
  - (a) a dwelling is appropriate to the needs of the household if –
    - (i) it is no larger than is reasonably necessary for all the eligible households sharing the dwelling (or the eligible household, if there is only 1); or
    - (ii) if, having regard to all the circumstances, it would be unreasonable to expect all or any of the eligible households (or the eligible household, if there is only 1) to move from that dwelling;
  - (b) only 1 housing component is payable in respect of the dwelling; and
  - (c) if there is more than 1 eligible household, the component is divided equally between all the eligible households entitled to it.

**4G Dwelling shared by 2 or more households not in family unit**

- (1) This paragraph applies if a dwelling is occupied by 2 or more households that do not form part of the same family unit.
- (2) If a member of an eligible household owns the dwelling –
  - (a) if the dwelling is appropriate to the needs of the eligible household, the housing component is the rate payable under paragraph 4C in respect of a dwelling of that description; or
  - (b) if the dwelling is not appropriate to the needs of the eligible household, the housing component is the rate payable under paragraph 4C in respect of a dwelling of a description that is appropriate to the needs of the eligible household.
- (3) If the dwelling occupied by the eligible household is social housing occupied under a lease or licence, and the dwelling is appropriate to the needs of all the eligible households occupying the dwelling, the housing component is the amount calculated using the formula  $H/B \times T$ .

- (4) If the eligible household occupies a dwelling under a lease or licence, the housing component is the lower of –
- (a) the actual weekly rent payable by the household;
  - (b) the amount calculated using the formula  $H/B \times C$ ; or
  - (c) the amount calculated using the formula  $H/B \times T$ .
- (5) In this paragraph –
- H is the number of bedrooms that is appropriate to the needs of the eligible household;
- B is the total number of bedrooms in the dwelling;
- C is, for a dwelling of a description that refers to the total number of bedrooms in the dwelling –
- (i) in the case of private sector housing, the rate payable under paragraph 4A; or
  - (ii) in the case of social housing that is not appropriate to the needs of all the eligible households occupying the dwelling household, the rate payable under paragraph 4I;
- T is the total weekly rent payable for the dwelling.

#### **4H Further provision in case of parent/child relationship**

- (1) This paragraph applies if –
- (a) paragraph 4G(3) or (4) applies; and
  - (b) 2 of the households occupying the dwelling would form part of the same family unit, but for the person in the child household having attained the age of 25; but
  - (c) not all of the households occupying the dwelling are named on the lease or licence.
- (2) Only 1 housing component is payable in respect of a dwelling.
- (3) The housing component is calculated based on all the eligible households to whom paragraph (1)(b) applies who occupy the dwelling.
- (4) If the lease or licence on the dwelling is in the sole name of the parent household, the housing component is payable only if the parent household is an eligible household (and is paid to the parent household).
- (5) If the lease or licence on the dwelling is in the sole name of the child household, the housing component is payable only if the child household is an eligible household (and is paid to the child household).
- (6) If the lease or licence on the dwelling is in the joint names of the parent and child households –
- (a) if only the parent household is an eligible household, the housing component is paid to the parent household;
  - (b) if only the child household is an eligible household, the housing component is paid to the child household; and

- (c) if both parent and child households are eligible households, the housing component is divided proportionately between the households.
- (7) In this paragraph –
- “child” means a member of a child household;
- “child household” means a household comprising a person –
- (a) who is over the age of 25; and
  - (b) in respect of whom a member of the parent household –
    - (i) is their parent; or
    - (ii) had responsibility for the person’s physical care until the person attained school leaving age;
- “parent” means a member of a parent household;
- “parent household” means a household comprising 1 or more persons who –
- (a) is the parent of a person in the child household; or
  - (b) had responsibility for the physical care of a member of the child household until that member attained school leaving age.

#### 4I Rates payable under paragraphs 4B(2) and (3) and 4G(5)(ii)<sup>20</sup>

The rates payable under this paragraph are –

(a)	in the case of a hostel	£165.13
(b)	in the case of lodgings or a bedsit	£189.56
(c)	in the case of a flat with 1 bedroom	£279.23
(d)	in the case of a flat with 2 bedrooms	£357.35
(e)	in the case of a flat with 3 or more bedrooms	£383.32
(f)	in the case of a house with 1 bedroom	£319.83
(g)	in the case of a house with 2 bedrooms	£406.28
(h)	in the case of a house with 3 bedrooms	£474.39
(i)	in the case of a house with 4 bedrooms	£516.88
(j)	in the case of a house with 5 or more bedrooms	£572.25

### B: IMPAIRMENT COMPONENT

#### 5 Elements of impairment component<sup>21</sup>

- (1) The impairment component shall consist of the following 3 elements –
- (a) the personal care element;
  - (b) the mobility element; and

- (c) the clinical cost element.
- (2) A household is not entitled to an impairment component unless –
  - (a) the circumstances that would otherwise entitle the household to the component have lasted, or are likely to last, for a total period of not less than 6 months; or
  - (b) the member of the household who would entitle the household to the component is not expected to live more than 6 months.
- (3) A household is not entitled to an impairment component in relation to any member of the household in respect of whom the household has no entitlement to a basic component under Article 5(2)(a) to (ca) of the Law as a consequence of paragraph 1(1)(aa), (b), (c) or (d) unless the person's absence from Jersey is due to the person being a pupil at a school outside Jersey that caters for pupils with special needs.
- (4) A household is not entitled to an impairment component in relation to any member of the household in respect of whom the household has no entitlement to a basic component under Article 5(2)(a) to (ca) of the Law as a consequence of paragraph 1(2).
- (5) A household is not entitled to an impairment component in relation to any member of the household in respect of whom the household has no entitlement to a basic component under Article 5(2)(a) or (b) of the Law as a consequence of paragraph 1(5).

## 6 Personal care element<sup>22</sup>

- (1) A household is entitled to the personal care element in respect of any member of the household if he or she is –
  - (a) an adult or child who has the score described in sub-paragraph (3)(a);
  - (b) an adult who has the score described in sub-paragraph (3)(b);
  - (c) an adult who has the score described in sub-paragraph (3)(c) and who is not receiving long-term care;
  - (d) an adult aged 18 or over who is assessed by an approved registered person as having personal care needs that are permanent and requiring an approved care package, and –
    - (i) is not receiving any personal care element under clause (a), (b) or (c), and
    - (ii) does not meet the condition under Article 3(2)(a) of the [Long-Term Care \(Jersey\) Law 2012](#) and is not receiving any benefit under that Law; or
  - (e) an adult or child who, in the opinion of a relevant clinician, is not expected to live more than 12 months.
- (2) Except in the case of an adult referred to in sub-paragraph (1)(d) or an adult or child referred to in sub-paragraph (1)(e), the rate of personal care element payable to a member of a household is calculated by –
  - (a) in accordance with the directions set out in Part 1 of Schedule 2, selecting the one statement set out in column 1 of the table in Part 1 of Schedule 2 in

respect of each numbered activity described in that table that most accurately applies to the member (excluding any statement that does not apply to the member by virtue of column 3 or 4); and

- (b) totalling each score indicated in column 2 of the table in respect of each statement selected under clause (a).

- (3) The rate of personal care element payable in respect of the total score calculated under sub-paragraph (2) is –

(a)	for a score of at least 15 but less than 36	£32.97
(b)	for a score of at least 36 but less than 56	£143.64
(c)	for a score of at least 56	£206.01

- (4) The rate of personal care element in respect of a member of a household referred to in sub-paragraph (1)(d) shall be whichever amount is the lower of –

- (a) the net weekly cost of an approved care package for that member having taken account and deducted the amount of any funding or subsidy provided by the Minister for Health and Social Services with respect to the cost of the approved care package; and
- (b) the weekly rate set at the lowest level of standard care provided under Article 8 of the [Long-Term Care \(Benefits\) \(Jersey\) Order 2014](#).

- (4A) In the case of an adult or child referred to in sub-paragraph (1)(e), the rate of personal care element payable is that referred to in sub-paragraph (3)(c) (without the need for the calculation set out in sub-paragraph (2)).

- (5) In this paragraph –

“approved care package” means a care package, approved by an approved registered person, for providing personal care for a person assessed by the approved registered person as having personal care needs that are permanent, such personal care being provided in the person’s home or other premises not being an approved care home;

“approved registered person” has the meaning given by Article 1(1) of the [Income Support \(General Provisions\) \(Jersey\) Order 2008](#);

“permanent” means continuing or likely to continue for the rest of a person’s life;

“personal care” means assistance with every day activities (such as bathing, dressing, grooming and eating) given to a person with a physical, sensory, mental or cognitive impairment which makes that person unable to care for himself or herself;

“relevant clinician” means –

- (a) a doctor;
- (b) a fully registered person as defined by section 55 of the Medical Act 1983 of the United Kingdom; or
- (c) a nurse who specialises in the terminal condition of the adult or child referred to in sub-paragraph (1)(e).

**7 Mobility element<sup>23</sup>**

- (1) A household is entitled to a mobility element in respect of any member of the household who is at least 3 years of age if one or more of the statements set out in Part 2 of Schedule 2 applies to that member (unless the member is a child and the statement is expressed not to be relevant to a child of his or her age).
- (2) However, a household is not entitled to a mobility element in respect of a member of the household who is receiving long-term care in an approved care home.
- (3) The rate of mobility element of the impairment component is –
  - (a) £32.97 if the person's average weekly earnings do not exceed the amount in clause (b); or
  - (b) £65.45.
- (4) Whether or not a statement set out in Part 2 of Schedule 2 applies to a member of a household shall be assessed in accordance with the directions set out in that Part.

**8 Clinical cost element<sup>24</sup>**

- (1) A household is entitled to a clinical cost element in respect of any member of the household if that member –
  - (a) has been diagnosed by a medical practitioner as suffering from a chronic or progressive illness; and
  - (b) the prognosis, based on recognised clinical guidelines, is that the member will need at least 5 consultations with an approved medical practitioner in a year in order to alleviate the symptoms of the illness, to prevent further complications or deterioration in the member's health or to provide palliative care.
- (2) The rate of clinical cost element of the impairment component is –
  - (a) £3.99; or
  - (b) if, based on the criteria set out in sub-paragraph (1)(b), the member will need at least 9 consultations with an approved medical practitioner, £7.98.
- (3) However, no clinical cost element is payable in respect of any member of a household who is not entitled to a basic component under Article 5(2)(a) to (ca) of the Law as a consequence of paragraph 1(1).
- (4) In this paragraph –

“approved medical practitioner” means a doctor for the time being approved under Article 26 of the [Health Insurance \(Jersey\) Law 1967](#);

“medical practitioner” means a doctor or any person who is a fully registered person as defined by section 55 of the Medical Act 1983 of the United Kingdom;

“recognised clinical guidelines” means evidence-based systematically-developed statements originating from a professional medical or scientific organisation that are designed to assist medical practitioners and patients with decisions about appropriate health care for the patient's specific medical circumstances.

## C: CHILD DAY CARE COMPONENT

### 9 Child day care component criteria<sup>25</sup>

- (1) A household is entitled to a child day care component in respect of any child under 12 years of age who is a member of the household, other than a foster child, if the adult member of the household who is treated under Article 3 of the Law as having the main responsibility for the physical care of the children of the household –
  - (a) has average earnings, calculated over any period not exceeding 12 months, that are greater than the cost of the day care provided to all the children for whom he or she has the main responsibility for the physical care during that period; or
  - (b) is exempted from the requirement to be in full time remunerative work by virtue of –
    - (i) Article 3(1)(d) of the Law; or
    - (ii) Article 3(1)(e) of the Law.
- (2) But a household is not entitled to a child day care component if –
  - (a) the adult member of the household described in sub-paragraph (1)(a) is exempted from the requirement to be in full time remunerative work by virtue of Article 3(1)(e) (approved education or training) of the Law; and
  - (b) the adult member of the household's average earnings, calculated over a period not exceeding 12 months, exceed the product of the formula set out in paragraph 1(1A).

### 10 Rate for the child day care component<sup>26</sup>

- (1) The rate payable in respect of the child day care component is –
  - (a) the average weekly cost of the day care provided to the child; or
  - (b) the rate set out in sub-paragraph (3) that is applicable to the child multiplied by the average number of hours a week for which day care is needed, having regard to the matters set out in sub-paragraph (2),
 whichever is the lower.
- (2) In assessing the number of hours a week for which child care is needed regard shall be had to –
  - (a) the availability of any alternative options for temporary placement of the child concerned (including the availability of other members of the household to care for the child); and
  - (b) the work commitments, level of impairment or education or training commitments of the person in the household who has the main responsibility for the physical care of the child.
- (3) The rates payable under this sub-paragraph are –

(a)	for a child under the age of 3 years	£10.40
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(b)	for a child aged 3 years or over	£8.71
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## D: CARER'S COMPONENT

### 11 Carer's component criteria<sup>27</sup>

- (1) A household is entitled to a carer's component in respect of all persons cared for by each member of the household (a "carer") if –
  - (a) the carer has the main responsibility for caring for a person who is ordinarily resident in Jersey;
  - (b) the carer –
    - (i) is not in receipt of a personal care element of the impairment component at the rate mentioned in paragraph 6(3)(c);
    - (ia) is not in receipt of the personal care element under paragraph 6(1)(d);
    - (ii) has not been assessed, under Article 5 of the [Long-Term Care \(Jersey\) Law 2012](#), as being in need of long-term care; and
  - (c) at least one of the persons cared for –
    - (i) meets the criteria for the rate payable in respect of the personal care element of the impairment component under paragraph 6(3)(c); or
    - (ii) has been assessed, under Article 5 of the [Long-Term Care \(Jersey\) Law 2012](#), as being in need of long-term care.
- (2) However, a household is not entitled to a carer's component in respect of any carer while the carer is not entitled to a basic component under Article 5(2)(a) to (ca) of the Law as a consequence of paragraph 1(1)(aa), (b), (c) or (d), unless the disentitlement is because one or more of the persons being cared for is receiving medical treatment outside Jersey and the carer has accompanied that person or persons.
- (3) A household is not entitled to a carer's component in respect of any carer while the household is not entitled to a basic component under Article 5(2)(a) or (b) of the Law in respect of the carer as a consequence of paragraph 1(5).

### 12 Rate for the carer's component<sup>28</sup>

The rate payable in respect of the carer's component is £74.48.

## E: ANCILLARY HOME CARE COSTS COMPONENT

### 13 Criteria for ancillary home care costs component

A household is entitled to an ancillary home care costs component in respect of each member of the household who –

- (a) is in receipt of an approved care package under Article 7(2) of the [Long-Term Care \(Jersey\) Law 2012](#); and

- (b) is being provided with long-term care under that Law in their home.

**14 Rate for ancillary home care costs component<sup>29</sup>**

The rate payable in respect of an ancillary home care costs component is £32.55.

**SCHEDULE 2<sup>30</sup>**

(Schedule 1, paragraph 6(2))

**PART 1: STATEMENTS IN RESPECT OF PERSONAL CARE ELEMENT OF IMPAIRMENT COMPONENT****Directions**

- (1) A statement in respect of any of the activities numbered 1 to 12B in the table shall be selected having regard only to the member of the household's physical and sensory abilities.
- (1A) Where a member of a household is normally fitted with or normally wears a prosthesis, he or she shall be assessed as if he or she was fitted with or wearing that prosthesis.
- (1B) Where a member of a household normally wears or normally uses any aid or appliance, or could reasonably be expected to normally wear or normally use any aid or appliance, he or she shall be assessed as if he or she was wearing or using that aid or appliance.
- (2) A statement in respect of any of the activities numbered 13 to 18 in the table shall be selected having regard only to the member of the household's mental and cognitive abilities.

<b>1</b> STATEMENT	<b>2</b> SCORE	<b>3</b> Age below which statement does not apply	<b>4</b> Age at which statement ceases to apply
<b>1 Sitting in an upright chair with a back but no arms</b>			
a) cannot sit without severe discomfort	15	3 years	None
b) cannot sit without severe discomfort for more than 10 minutes	15	3 years	None
c) cannot sit without severe discomfort for more than 30 minutes	6	3 years	None
d) cannot sit without severe discomfort for more than 1 hour	3	3 years	None
e) none of the above	0	3 years	None
<b>2 Standing without the support of another person</b>			
a) cannot stand without that support	15	3 years	None
b) cannot stand for more than 10 minutes without that support	15	3 years	None
c) cannot stand for more than 30 minutes without that support	6	3 years	None

<b>1</b> STATEMENT	<b>2</b> SCORE	<b>3</b> Age below which statement does not apply	<b>4</b> Age at which statement ceases to apply
d) none of the above	0	3 years	None
<b>3 Rising from sitting in an upright chair with a back but no arms without assistance</b>			
a) cannot rise from sitting to standing without the support of another person	15	3 years	None
b) cannot rise without holding on to something	6	3 years	None
c) neither of the above	0	3 years	None
<b>4 Walking</b>			
a) cannot walk at all	15	3 years	None
b) cannot walk more than a few steps on level ground and/or up and down one stair without having to stop or feeling severe discomfort, even with the support of a handrail	15	3 years	None
c) cannot walk more than 50 metres on level ground and/or walk up and down a flight of 12 stairs without having to stop or feeling severe discomfort	9	3 years	None
d) cannot walk more than 200 metres on level ground without having to stop or feeling severe discomfort	6	3 years	None
e) cannot walk more than 400 metres on level ground without having to stop or feeling severe discomfort	3	3 years	None
f) none of the above	0	3 years	None
<b>5 Bending or kneeling from a standing position</b>			
a) cannot bend to touch knees and straighten up again	15	3 years	None
b) cannot either bend or kneel, or bend and kneel or squat as if to pick up a piece of paper off the floor and straighten up again	15	3 years	None
c) neither of the above	0	3 years	None
<b>6 Reaching</b>			
a) cannot raise either arm as if to put something in the breast pocket of a jacket	15	1 year	None
b) cannot raise either arm as if to put on a hat	15	1 year	None
c) can only raise one arm as if to put something in the breast pocket of a jacket	9	1 year	None
d) can only raise one arm as if to put on a hat	6	1 year	None
e) none of the above	0	1 year	None
<b>7 Pouring and picking up and transferring to a distance of 60 cm at table-top level</b>			
a) cannot pick up and transfer a full glass of water of 200 ml capacity with either arm	15	3 years	None

1 STATEMENT	2 SCORE	3 Age below which statement does not apply	4 Age at which statement ceases to apply
b) cannot pick up and pour from a full saucepan or kettle of 1.5 litre capacity with either arm	15	8 years	None
c) cannot pick up and transfer a 2.5 kg bag of potatoes with either arm	9	8 years	None
d) can only pick up and transfer a full glass of water of 200 ml capacity with one arm	6	3 years	None
e) none of the above	0	3 years	None
<b>8 Manual dexterity</b>			
a) cannot turn the pages of a book with either hand	15	3 years	None
b) cannot turn a star-headed sink tap with either hand	15	3 years	None
c) cannot pick up an object up to 2.5 cm in diameter such as a coin with either hand	15	1 year	None
d) cannot use a spoon with either hand	15	3 years	None
e) cannot tie a bow in laces or string	9	8 years	None
f) can only turn a star-headed sink tap with one hand	6	3 years	None
g) can only pick up an object 2.5 cm in diameter such as a coin with one hand	6	1 year	None
h) none of the above	0	1 year	None
<b>9 Vision, including visual acuity and visual fields, in normal daylight or bright electric light</b>			
a) has no light perception	15	3 years	None
b) cannot see well enough to read 16 point print at a distance of at least 20 cm	15	3 years	None
c) has 50% or greater reduction of visual fields	15	3 years	None
d) cannot see well enough to recognise a friend at a distance of 5 metres	9	1 year	None
e) has 25% or more but less than 50% reduction of visual fields	6	1 year	None
f) cannot see well enough to recognise a friend at a distance of at least 15 metres	6	1 year	None
g) none of the above	0	1 year	None
<b>10 Hearing</b>			
a) cannot hear well enough to follow by hearing alone a television or radio programme even with the volume turned up	15	1 year	None
b) cannot hear well enough to understand by hearing alone a person talking in a loud voice	15	1 year	None

1 STATEMENT	2 SCORE	3 Age below which statement does not apply	4 Age at which statement ceases to apply
in a quiet room			
c) cannot hear well enough to understand by hearing alone a person talking at a normal level of voice in a quiet room	9	1 year	None
d) none of the above	0	1 year	None
<b>11 Speech</b>			
a) cannot speak or use language effectively to communicate even with close family or friends	15	3 years	None
b) speech cannot be understood by strangers	9	3 years	None
c) speech difficult for strangers to understand	6	3 years	None
d) none of the above	0	3 years	None
<b>12A Seizures causing loss of consciousness or altered consciousness: persons aged 12 and over</b>			
a) in the past 6 months has had 6 or more seizures with loss of consciousness or altered consciousness and either – (i) was awake when the seizure commenced but had no useful warning of the seizure, or (ii) had dangerous post-ictal behaviour	15	12 years	None
b) in the past 6 months has had 3 or more seizures with loss of consciousness or altered consciousness and either – (i) was awake when the seizure commenced but had no useful warning of the seizure, or (ii) had dangerous post-ictal behaviour	9	12 years	None
c) in the past 6 months has had 1 or more seizures with loss of consciousness or altered consciousness and either – (i) was awake when the seizure commenced but had no useful warning of the seizure, or (ii) had dangerous post-ictal behaviour	6	12 years	None
d) none of the above	0	12 years	None
<b>12B Seizures causing loss of consciousness or altered consciousness: persons aged under 12</b>			
a) at least once a week in the past 6 months has had a seizure with loss of consciousness or altered consciousness and was awake at any time during the seizure	15	1 year	12 years
b) at least once a month in the past 6 months has had a seizure with loss of consciousness or altered consciousness and was awake at any time during the seizure	9	1 year	12 years

1 STATEMENT	2 SCORE	3 Age below which statement does not apply	4 Age at which statement ceases to apply
c) at least once every 2 months in the past 6 months has had a seizure with loss of consciousness or altered consciousness and was awake at any time during the seizure	6	1 year	12 years
d) none of the above	0	1 year	12 years
<b>13 Management of personal finance</b>			
a) does not understand the value of money	20	8 years	None
b) unable to budget for daily and/or weekly needs	15	8 years	None
c) unable to budget for irregular bills	5	12 years	None
d) none of the above	0	8 years	None
<b>14 Maintaining appearance and hygiene</b>			
a) unable to maintain normal standards of appearance and hygiene without daily prompting/supervision from another person	20	5 years	None
b) unable to maintain normal standards of appearance and hygiene without weekly prompting/supervision from another person	10	5 years	None
c) neither of the above	0	5 years	None
<b>15 Management of daily routine</b>			
a) does not rise from bed without prompting and 24 hour cycle constantly out of phase	20	5 years	None
b) needs daily prompting to ensure rising from and retiring to bed	15	8 years	None
c) needs daily prompting to ensure rising from or retiring to bed	10	8 years	None
d) needs intermittent prompting to ensure rising from or retiring to bed	5	8 years	None
e) none of the above	0	5 years	None
<b>16 Awareness of danger and consequences of behaviour</b>			
a) is totally unaware of common dangers or the potentially harmful consequences of his or her behaviour	20	3 years	None
b) needs to be instructed on at least a daily basis about common dangers or the potentially harmful consequences of his or her behaviour	15	5 years	None
c) is generally aware of common dangers and does not need instructing about the potentially harmful consequences of his or her behaviour, but only when he or she is in a familiar structured environment	10	8 years	None
d) none of the above	0	3 years	None

<b>1</b> STATEMENT	<b>2</b> SCORE	<b>3</b> Age below which statement does not apply	<b>4</b> Age at which statement ceases to apply
<b>17 Getting around outdoors</b>			
a) unable to cope with leaving the house even if accompanied by another person	20	5 years	None
b) unable to cope with leaving the house unless accompanied by another person	15	5 years	None
c) unable to cope with finding his or her way around even in familiar places	15	8 years	None
d) unable to cope with finding his or her way around only in unfamiliar places	10	12 years	None
e) none of the above	0	5 years	None
<b>18 Coping with change</b>			
a) pre-planned changes in routine result in disruptive or potentially harmful behaviour	10	3 years	None
b) unplanned changes in routine result in disruptive or potentially harmful behaviour	5	3 years	None
c) neither of the above	0	3 years	None
<b>19 Need for the help of another person as stipulated by a health care professional to ensure that developmental milestones are achieved as fully as possible</b>			
a) requires help throughout his or her waking hours	15	None	12 years
b) requires help on a daily basis	9	None	12 years
c) none of the above	0	None	12 years
<b>20 Need for help from another person as stipulated by a health care professional due to a medical condition</b>			
a) requires help with a medical therapeutic procedure, monitoring of the condition or the administering of medication at least 3 times a day	15	None	12 years
b) requires help with a medical therapeutic procedure at least once a day	9	None	12 years
c) requires help with a medical therapeutic procedure at least twice a week	6	None	12 years
d) requires help with monitoring the condition or the administering of medication at least twice a day	6	None	12 years
e) none of the above	0	None	12 years



## **PART 2: STATEMENTS IN RESPECT OF MOBILITY ELEMENT OF IMPAIRMENT COMPONENT**

(Schedule 1, paragraph 7(1))

### **Directions**

- (1) A statement in respect of any of the activities numbered 1 to 3 shall be selected having regard only to the member of the household's physical and sensory abilities.
- (2) Where a member of a household is normally fitted with or normally wears a prosthesis, he or she shall be assessed as if he or she was fitted with or wearing that prosthesis.
- (3) Where a member of a household normally wears or normally uses any aid or appliance, or could reasonably be expected to normally wear or normally use any aid or appliance, he or she shall be assessed as if he or she was wearing or using that aid or appliance.
- (4) A statement in respect of any of the activities numbered 4 to 6 shall be selected having regard only to the member of the household's mental and cognitive abilities.

### **1 Walking**

- (a) Cannot walk at all.
- (b) Cannot walk more than a few steps on level ground and/or up and down one stair without having to stop or feeling severe discomfort, even with the support of a handrail.
- (c) Cannot walk more than 50 metres on level ground and/or walk up and down a flight of 12 stairs without having to stop or feeling severe discomfort.

Note: Statement is not relevant in the case of child under the age of 3 years.

### **2 Vision, including visual acuity and visual fields, in normal daylight or bright electric light**

- (a) Has no light perception.
- (b) Cannot see well enough to read 16 point print at a distance of at least 20 cm.
- (c) Has 50% or greater reduction of visual fields.
- (d) Cannot see well enough to recognise a friend at a distance of at least 5 metres.

Note: Statement is not relevant in the case of child under the age of 3 years.

**3 Seizures causing loss of consciousness or altered consciousness**

In the past 6 months has had one or more seizures with loss of consciousness or altered consciousness and either –

- (a) was awake when the seizure commenced but had no useful warning of the seizure; or
- (b) had dangerous post-ictal behaviour.

Note: Statement is not relevant in the case of child under the age of 12 years.

**4 Management of personal finance**

Does not understand the value of money.

Note: Statement is not relevant in the case of a child under the age of 8 years.

**5 Awareness of danger and consequences of behaviour**

- (a) Is totally unaware of common dangers or the potentially harmful consequences of his or her behaviour.
- (b) Needs to be instructed on at least a daily basis about common dangers or the potentially harmful consequences of his or her behaviour.

Note: Statement (b) is not relevant in the case of a child under the age of 5 years.

**6 Getting around outdoors**

- (a) Unable to cope with leaving the house unless accompanied by another person.
- (b) Unable to find his or her way around even in familiar places.

Note: The statements are not relevant in the case of a child under the age of 8 years.

## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement	*Projet No (where applicable)
Income Support (Jersey) Regulations 2007	<a href="#">R&amp;O.125/2007</a>	28 January 2008 (except Regulation 9 and Schedule 3, in force 6 May 2008)	<a href="#">P.90/2007</a>
Income Support (Amendment) (Jersey) Regulations 2008	<a href="#">R&amp;O.8/2008</a>	28 January 2008 (except Regulation 3, in force 6 May 2008)	<a href="#">P.182/2007</a>
Income Support (Amendment No. 2) (Jersey) Regulations 2008	<a href="#">R&amp;O.82/2008</a>	1 October 2008	<a href="#">P.89/2008</a> (re-issue)
Income Support (Amendment No. 3) (Jersey) Regulations 2008	<a href="#">R&amp;O.156/2008</a>	1 February 2009	<a href="#">P.165/2008</a>
Income Support (Amendment No. 4) (Jersey) Regulations 2009	<a href="#">R&amp;O.71/2009</a>	1 October 2009	<a href="#">P.93/2009</a>
Income Support (Amendment No. 5) (Jersey) Regulations 2010	<a href="#">R&amp;O.79/2010</a>	1 October 2010	<a href="#">P.77/2010</a>
Income Support (Amendment No. 6) (Jersey) Regulations 2011	<a href="#">R&amp;O.41/2011</a>	1 June 2011	<a href="#">P.29/2011</a>
Income Support (Amendment No. 7) (Jersey) Regulations 2011	<a href="#">R&amp;O.97/2011</a>	1 August 2011 (except Regulation 3, in force 1 October 2011)	<a href="#">P.107/2011</a>
Income Support (Amendment No. 8) (Jersey) Regulations 2012	<a href="#">R&amp;O.88/2012</a>	1 August 2012 (except Regulation 2, in force 1 October 2012)	<a href="#">P.56/2012</a>
Income Support (Amendment No. 9) (Jersey) Regulations 2013	<a href="#">R&amp;O.106/2013</a>	25 July 2013 (except Regulation 3, in force 7 October 2013)	<a href="#">P.66/2013</a>
Income Support (Miscellaneous Provisions) (Jersey) Regulations 2013	<a href="#">R&amp;O.133/2013</a>	15 October 2013	<a href="#">P.101/2013</a>
Income Support (Amendment No. 10) (Jersey) Regulations 2014	<a href="#">R&amp;O.22/2014</a>	7 April 2014	<a href="#">P.1/2014</a>
Income Support (Amendment No. 11) (Jersey) Regulations 2014	<a href="#">R&amp;O.72/2014</a>	1 July 2014	<a href="#">P.71/2014</a>
Income Support (Amendment No. 12) (Jersey) Regulations 2014	<a href="#">R&amp;O.150/2014</a>	17 September 2014 (except Regulation 3, in force 1 January 2015)	<a href="#">P.136/2014</a>
Income Support (Amendment No. 13) (Jersey) Regulations 2015	<a href="#">R&amp;O.74/2015</a>	30 June 2015 (except Regulations 3 and 5, in force 3 August 2015)	<a href="#">P.52/2015</a>

Legislation	Year and No	Commencement	*Projet No (where applicable)
Income Support (Miscellaneous Provisions No. 2) (Jersey) Regulations 2015	<a href="#">R&amp;O.119/2015</a>	1 November 2015	<a href="#">P.103/2015</a>
States of Jersey (Transfer of Functions No. 8) (Miscellaneous Transfers) (Jersey) Regulations 2015	<a href="#">R&amp;O.158/2015</a>	1 January 2016	<a href="#">P.46/2015</a> (re-issue)
Income Support (Amendment No. 14) (Jersey) Regulations 2016	<a href="#">R&amp;O.76/2016</a>	1 October 2016	<a href="#">P.59/2016</a>
Income Support (Amendment No. 15) (Jersey) Regulations 2017	<a href="#">R&amp;O.58/2017</a>	1 July 2017	<a href="#">P.23/2017</a> (re-issue)
Income Support (Amendment No.16) (Jersey) Regulations 2017	<a href="#">R&amp;O.77/2017</a>	1 October 2017	<a href="#">P.45/2017</a>
Income Support (Amendment No. 17) (Jersey) Regulations 2018	<a href="#">R&amp;O.31/2018</a>	29 March 2018	<a href="#">P.28/2018</a>
States of Jersey (Minister for International Development and Minister for Children and Housing) (Jersey) Order 2018	<a href="#">R&amp;O.82/2018</a>	21 July 2018	
Income Support (Amendment No. 18) (Jersey) Regulations 2018	<a href="#">R&amp;O.73/2018</a>	1 October 2018 (except for Regulation 2 on 1 January 2019)	<a href="#">P.73/2018</a>
Income Support (Amendment No. 19) (Jersey) Regulations 2019	<a href="#">R&amp;O.59/2019</a>	1 October 2019	<a href="#">P.56/2019</a>
Income Support (Amendment No. 20) (Jersey) Regulations 2020	<a href="#">R&amp;O.155/2020</a>	1 January 2021	<a href="#">P.136/2020</a>
States of Jersey (Minister for Children and Education, Minister for Housing and Communities and Minister for External Relations and Financial Services) (Jersey) Order 2021	<a href="#">R&amp;O.29/2021</a>	2 March 2021	
Income Support (Amendment No. 21) (Jersey) Regulations 2021	<a href="#">R&amp;O.83/2021</a>	1 October 2021 – Regulations 1 and 2  1 October 2022 – Regulation 3	<a href="#">P.46/2021</a>
Income Support (Amendment No. 22) (Jersey) Regulations 2022	<a href="#">R&amp;O.95/2022</a>	1 January 2023	<a href="#">P.94/2022</a>
Income Support (Amendment No. 23) (Jersey) Regulations 2023	<a href="#">R&amp;O.97/2023</a>	1 January 2024	<a href="#">P.77/2023</a>
Changes to Ministerial Offices (Jersey) Amendment Order 2024	<a href="#">R&amp;O.10/2024</a>	9.30 a.m. on 27 February 2024	
Income Support Law and Regulations (Jersey) Amendment Regulations 2024	<a href="#">R&amp;O.33/2024</a>	1 August 2024 ( <a href="#">R&amp;O.41/2024</a> )	<a href="#">P.25/2024</a>

Legislation	Year and No	Commencement	*Projet No (where applicable)
Income Support (Jersey) Amendment Regulations 2024	<a href="#">R&amp;O.61/2024</a>	1 January 2025	<a href="#">P.59/2024</a>
Income Support (Jersey) Amendment Regulations 2025	<a href="#">R&amp;O.30/2025</a>	10 June 2025	<a href="#">P.30/2025</a>
Income Support (Parents, Children and Housing) (Jersey) Amendment Regulations 2025	<a href="#">R&amp;O.52/2025</a>	19 September 2025	<a href="#">P.59/2025</a>
Income Support (Jersey) Amendment No. 2 Regulations 2025	<a href="#">R&amp;O.67/2025</a>	1 January 2026	<a href="#">P.72/2025</a>

\*Projets available at [statesassembly.gov.je](http://statesassembly.gov.je)

### Table of Renumbered Provisions

Original	Current
7	Spent, omitted
8	Spent, omitted
9	Spent, omitted
10(1)	7
10(2)	Spent, omitted
10(3)	Spent, omitted
Schedule 3	Spent, omitted

### Table of Endnote References

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- <sup>1</sup> Regulation 1 *amended by R&O.79/2010, R&O.133/2013, R&O.22/2014, R&O.72/2014, R&O.82/2018, R&O.155/2020, R&O.29/2021, editorial change, definition “foster child”, “Minister of” deleted, “Minister for” inserted instead, amended by R&O.10/2024, R&O.33/2024*
- <sup>2</sup> Regulation 2(1) *amended by R&O.133/2013*
- <sup>3</sup> Regulation 3(1) *amended by R&O.133/2013*
- <sup>4</sup> Regulation 4 *substituted by R&O.133/2013*
- <sup>5</sup> Regulation 5 *substituted by R&O.133/2013*
- <sup>6</sup> Regulation 5A *inserted by R&O.133/2013*
- <sup>7</sup> Regulation 5B *inserted by R&O.133/2013*
- <sup>8</sup> Regulation 5B(4) *substituted by R&O.74/2015*
- <sup>9</sup> Regulation 5C *inserted by R&O.133/2013*
- <sup>10</sup> Regulation 5D *inserted by R&O.133/2013*
- <sup>11</sup> Regulation 5E *inserted by R&O.133/2013*
- <sup>12</sup> Regulation 5F *inserted by R&O.133/2013*

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- <sup>13</sup> *Schedule 1* amended by R&O.125/2007, R&O.8/2008, R&O.82/2008, R&O.156/2008, R&O.71/2009, R&O.79/2010, R&O.41/2011, R&O.97/2011, R&O.88/2012, R&O.106/2013, R&O.133/2013, R&O.22/2014, R&O.72/2014, R&O.150/2014, R&O.74/2015, R&O.119/2015, R&O.158/2015, R&O.76/2016, R&O.58/2017, R&O.77/2017, R&O.73/2018, R&O.59/2019, R&O.29/2021, R&O.10/2024, R&O.33/2024, R&O.52/2025
- <sup>14</sup> *Schedule 1* Regulation 4 of R&O.88/2012 makes the following transitional arrangement –  
Despite Regulation 3 a household that made an application for, and was entitled to, a basic component under Article 5(2)(a) or (b) of the Law in respect of any member of the household who has not been ordinarily resident in Jersey for the period prescribed under Article 2(1)(b) of the Law before the coming into force of Regulation 3 shall remain so entitled until 31st December 2012.
- <sup>15</sup> *Schedule 1* paragraph 1 amended by R&O.52/2025
- <sup>16</sup> *Schedule 1* paragraph 2 amended by R&O.77/2017, R&O.31/2018, R&O.73/2018, R&O.59/2019, editorial change, sub-paragraphs (2) (d), (e) and (f) renumbered as (c), (d) and (e), respectively, amended by R&O.83/2021, R&O.95/2022, sub-paragraph (1) substituted by R&O.97/2023, paragraph 2 substituted by R&O.61/2024, amended by R&O.52/2025, substituted by R&O.67/2025
- <sup>17</sup> *Schedule 1* paragraph 4 amended by R&O.77/2017, R&O.73/2018, R&O.59/2019, R&O.83/2021, R&O.95/2022, R&O.97/2023, R&O.61/2024, substituted by R&O.52/2025
- <sup>18</sup> *Schedule 1* paragraph 4A amended by R&O.67/2025
- <sup>19</sup> *Schedule 1* paragraph 4C amended by R&O.67/2025
- <sup>20</sup> *Schedule 1* paragraph 4I substituted by R&O.67/2025
- <sup>21</sup> *Schedule 1* paragraph 5 amended by R&O.52/2025
- <sup>22</sup> *Schedule 1* paragraph 6 amended by R&O.58/2017, R&O.77/2017, R&O.73/2018, R&O.59/2019, R&O.83/2021, R&O.95/2022, R&O.97/2023, R&O.61/2024, R&O.30/2025, R&O.67/2025
- <sup>23</sup> *Schedule 1* paragraph 7 amended by R&O.77/2017, R&O.73/2018, R&O.59/2019, R&O.83/2021, R&O.95/2022, R&O.97/2023, R&O.61/2024, R&O.67/2025
- <sup>24</sup> *Schedule 1* paragraph 8 amended by R&O.77/2017, R&O.73/2018, R&O.59/2019, R&O.83/2021, R&O.95/2022
- <sup>25</sup> *Schedule 1* paragraph 9 amended by R&O.52/2025
- <sup>26</sup> *Schedule 1* paragraph 10 amended by R&O.77/2017, R&O.73/2018, R&O.59/2019, R&O.83/2021, R&O.95/2022, R&O.97/2023, R&O.61/2024, R&O.67/2025
- <sup>27</sup> *Schedule 1* paragraph 11 amended by R&O.30/2025, R&O.52/2025
- <sup>28</sup> *Schedule 1* paragraph 12 substituted by R&O.73/2018, amended by R&O.59/2019, R&O.83/2021, substituted by R&O.95/2022, R&O.97/2023, amended by R&O.61/2024, substituted by R&O.67/2025
- <sup>29</sup> *Schedule 1* paragraph 14 amended by R&O.61/2024, substituted by R&O.67/2025
- <sup>30</sup> *Schedule 2* amended by R&O.133/2013, R&O.74/2015, R&O.58/2017