

**Ref: (number redacted)**

**April 2015**

**Request**

- (1) Confirm on what date(s) the register of Appeals and Tribunals and/or the chair or Deputy Chair of the social Security Tribunal were first informed that the Social Security Minister was considering making (or Intending to make) amendments to the law in respect of appeals to the Social Security Tribunal and the Medical Appeals Tribunal. These changes eventually came into force on 6th March 2015 in the form of the Social Security, Health Insurance and Income Support (Miscellaneous Provisions) (Jersey) Order 2015 (R&O.24/2015).
- (2) Provide copies of any correspondence that passed between the Registrar of Appeals and Tribunals and/or the Chair or Deputy Chair of the Social Security Tribunal on one side and the Social Security Minister or officers of the Social Security Department on the other side with respect to the proposed amendments to the law mentioned in (1) above.
- (3) Confirm whether the Registrar of Appeals and Tribunals and/or the Chair or Deputy Chair of the Social Security Tribunal agreed with the Minister to delay setting appeal hearing dates in respect of some or any appeals lodged before 6th March 2015 in order to give the Minister time to complete the drafting of the law changes and to bring them into force by means of R&O.24/2015.
- (4) Confirm whether appeals that were correctly lodged in accordance with the law as it stood before 6th March 2015, but which nevertheless stand to be heard and decided by the Tribunal on or after 6th March 2015, will be subject to the law as it stood before 6th March 2015 or the law as amended by R&O.24/2015 with effect from 6th March 2015.

## Response:

Your Request has been handled by the Judicial Greffe as follows.

(1) Our records show that the Registrar was first informed of the referenced changes on the 18th March 2015, after the Order came into force on the 6th March 2015. Earlier correspondence by email to the Judicial Greffe, copied to the Registrar, from the Social Security Department received on 18<sup>th</sup> August 2014 notified the Department that draft changes to the Primary Law had been lodged by the Minister for Social Security. These Primary law changes were required to provide the legal basis under which the Order was made: the Primary law changes came into effect on 19<sup>th</sup> January 2015, one month after the Law was registered.

Note that the progress of changes to the law was available to the Registrar through publicly available documents on States of Jersey websites as detailed in the table below. There had been knowledge of the possibility of law change at the time of a recruitment drive for Medical members of the Tribunal in July 2014, but the Ministerial decision dated 11<sup>th</sup> August 2014 referenced below was the first point at which the Registrar knew the Minister intended to make changes to the Law.

| Event   | Link  | Date   |
|---|---|--|
| Ministerial Decision to lodge the Draft Social Security (Amendment No. 22) (Jersey) Law 201-  | <a href="http://www.gov.je/government/planning/performance/pages/ministerialdecisions.aspx?showreport=yes&amp;docid=2480e93e7f95f8f491b023b268464a58_MDs2013#report">http://www.gov.je/government/planning/performance/pages/ministerialdecisions.aspx?showreport=yes&amp;docid=2480e93e7f95f8f491b023b268464a58_MDs2013#report</a>   | 11 August 2014   |
| The States debate: 3 votes – 1) adopted the principles, 2) adopted Articles 1 and 2, 3) adopted the Law                               | <a href="http://www.statesassembly.gov.je/Pages/Propositions.aspx?infoid=920031b86111ab85d32b1ab7b6ca5a6c_StatesAssembly&amp;refurl=%2fPages%2fPropositions.aspx%3fdocumentref%3dP144%2f2014%26Navigator1%3dsacommitte Navigator%26Modifier1%3dCorporate+Services+Panel%26Navigator2%3dsastatusnavigator%26Modifier2%3d%26%3d+Home+Affairs+Panel">http://www.statesassembly.gov.je/Pages/Propositions.aspx?infoid=920031b86111ab85d32b1ab7b6ca5a6c_StatesAssembly&amp;refurl=%2fPages%2fPropositions.aspx%3fdocumentref%3dP144%2f2014%26Navigator1%3dsacommitte Navigator%26Modifier1%3dCorporate+Services+Panel%26Navigator2%3dsastatusnavigator%26Modifier2%3d%26%3d+Home+Affairs+Panel</a> | 24 September 2014  |
| Law Sanctioned, Registered and in force (note Article 3 commencement – “... shall come into force one month after it is registered.”) | <a href="https://www.jerseylaw.je/laws/revised/Pages/search.aspx?k=">https://www.jerseylaw.je/laws/revised/Pages/search.aspx?k=</a>   | Sanctioned:<br>10 December 2014<br>Registered:<br>19 December 2014<br>In force:<br>19 January 2015 |

|   |   |   |
|---|---|---|
| Ministerial Decision to make Social Security, Health Insurance and Income support (Miscellaneous Provisions) (Jersey) Order | <a href="http://www.gov.je/Government/PlanningPerformance/Pages/MinisterialDecisions.aspx?showreport=yes&amp;docid=f94099f7eef75cea5608f92e43510ee2_MDs2013">http://www.gov.je/Government/PlanningPerformance/Pages/MinisterialDecisions.aspx?showreport=yes&amp;docid=f94099f7eef75cea5608f92e43510ee2_MDs2013</a> | 5 March 2015  |
| Social Security, Health Insurance and Income support (Miscellaneous Provisions) (Jersey) Order 2015                         | <a href="http://www.jerseylaw.je/Law/display.aspx?url=lawsinforce%5chtm%5cROFile%5cR%26OYear2015%2fR%26O-024-2015.htm">http://www.jerseylaw.je/Law/display.aspx?url=lawsinforce%5chtm%5cROFile%5cR%26OYear2015%2fR%26O-024-2015.htm</a>   | 6 March 2015<br>In force the day after it is made         |
| Ministerial Decision to make Recommendations for Appointment to the Social Security Medical Appeal Tribunal                 | <a href="http://www.gov.je/Government/PlanningPerformance/Pages/MinisterialDecisions.aspx?showreport=yes&amp;docid=6204d968a13fc7f966076a27ffef8e67_MDs2013">http://www.gov.je/Government/PlanningPerformance/Pages/MinisterialDecisions.aspx?showreport=yes&amp;docid=6204d968a13fc7f966076a27ffef8e67_MDs2013</a> | 13 March 2015   |
| Proposition and Debate for SSMAT appointment of members   | <a href="http://www.statesassembly.gov.je/Pages/Propositions.aspx?documentref=P.31%2f2015">http://www.statesassembly.gov.je/Pages/Propositions.aspx?documentref=P.31%2f2015</a>   | Proposition:<br>19 March 2015<br>Debate:<br>28 April 2015 |

(2) We attach the two sets of email correspondence referred to in the response to question (1). The names, positions and direct contact details of individuals involved in the correspondence have been withheld under the following exemption allowed under the Freedom of Information (Jersey) Law 2011 -

**FOI exemption(s) applied:**

**Article 25 Personal Information**

(2) Information is absolutely exempt information if –

(a) it constitutes personal data of which the applicant is not the data subject as defined in the Data Protection (Jersey) Law 2005; and

(b) its supply to a member of the public would contravene any of the data protection principles, as defined in that Law.

### **Justification for exemption**

The documents contain personal data and, therefore identify individuals. This personal data has been removed.

(3) We have found no information in our records relating to this question. Additionally outside of the Freedom of Information (Jersey) Law 2011, we can confirm that there was no agreement between the Registrar of Appeals and Tribunals and/or the Chair or Deputy Chair of the Social Security Tribunal with the Minister to delay setting appeal hearing dates in respect of some or any appeals lodged before 6th March 2015.

(4) The timeline for the changes in the law are laid out in the table above with links to publicly available information detailing the law in force at any time. Advice on how a particular case is handled will depend on the precise details of that case; such advice for a particular case is not information which we hold in our records and thus is not available in response to a request under the Freedom of Information (Jersey) Law 2011.