

Decision making

Article 33 of the Law provides for the determination of claims and questions to be made by determining officers appointed by the Minister as follows;

- (1) *Subject to this Law, provision shall be made by Order –*
 - (a) *for the determination of any question arising under or in connection with this Law, including any claim for benefit, by one or more officers appointed by the Minister, to be known as determining officers; and*
 - (b) *if a person is dissatisfied with any determination of a determining officer under this Law, for the matter to be redetermined by a second determining officer.*
- (2) *Paragraph (1) shall not apply to the determination by the medical board of any question for which provision is made by Articles 34A to 34D.*
- (3) *Orders under paragraph (1) shall provide for –*
 - (a) *appeals to the Tribunal from any determination of a determining officer;*
 - (b) *the reference to the Inferior Number of the Royal Court for decision of any question of law arising in connection with the determination of a question by a determining officer or of an appeal by the Tribunal;*
 - (c) *appeals to the Inferior Number of the Royal Court from a decision of the Tribunal on any question of law.*
- (4) *However, the Tribunal shall not have jurisdiction unless a second determining officer has first reconsidered the matter in accordance with an Order made under paragraph (1)(b)*
- (5) *No Order under this Article shall provide for appeals to lie from a decision of a determining officer on questions –*
 - (a) *whether the contribution conditions for any benefit are satisfied, or otherwise relating to an insured person's contributions;*
 - (b) *as to entitlement to a death grant;*
 - (c) *which of the 2 or more persons satisfying the conditions for an increase of benefit, whether of the same or of a different description, shall be entitled to the increase where by virtue of some provisions of this Law not more than one of them is entitled to the increase.'*

The Order made under Article 33(1) of the Law is **Social Security (Determination of Claims and Questions) (Jersey) Order 1975**.

Article 1 of this Order stipulates the functions of determining officers as follows;

- (1) *Any question arising under or in connection with the Law, including any claim for benefit, shall be determined by a determining officer and, where required under Article 1A, redetermined by a second determining officer.*
- (2) *Where the determining officer has determined any claim or question adversely to the claimant, the determining officer shall notify the claimant in writing of the determination and the reasons for it and –*
 - (a) *in the case of a determination by the first determining officer, of the claimant's right to have the matter reconsidered by a second determining officer in accordance with Article 1A and that if the right is not exercised there is no further right of appeal;*
 - (b) *in the case of a redetermination, of the claimant's right to appeal to the Social Security Tribunal in accordance with Article 3.*
- (3) *Any notification under this Article is treated as duly sent to a person if sent to the person's usual or last known address.'*

Article 1A of this Order then stipulated the circumstances under which a redetermination of a decision is required by a second determining officer;

'If the claimant is dissatisfied with any determination under Article 1(2), he or she may require the matter to be redetermined by a second determining officer at any time within 21 days of receiving notification under Article 1(2).'

Article 20 of this order then provides a definition of the term claimant as;

*'(1) In this Order, unless the context otherwise requires –
"claimant" means a person who has claimed benefit under the Law;'*

It should be noted that under Article 1A of this Order only provides for redeterminations in relation to decisions relating to claims to benefit under the Law .This is because under Article 33(5)(a) of the Law there is no right to appeal to the Tribunal against a decision of a determining officer relating to an insured persons contributions.

The Law does not allow for discretion regarding uniformed services (or any other insured person) and their ability to pay or not pay contributions. Please refer back to Articles 12 and 13 in the section headed Exception from liability to pay contributions.