

GREFFE
ROYAL COURT,
- 1 APR 1997

GUERNSEY STATUTORY INSTRUMENT

1997 - No. 16

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**The Health Service (Alderney Hospital Benefit)
Regulations, 1997**

Made 1st April, 1997.
Laid before the States 1997.
Coming into Operation 26 March, 1997.

THE GUERNSEY SOCIAL SECURITY AUTHORITY, in exercise of the powers conferred upon it by Part IIIA and section 35 of the Health Service (Benefit) (Guernsey) Law, 1990^(a) as amended, and as modified by the Health Service (Alderney Hospital Benefit) Ordinance, 1997^(b), and of all other powers enabling it in that behalf, hereby orders:-

Interpretation

- 1.(1) In these regulations "the Law" means the Health Service (Benefit) (Guernsey) Law, 1990 ^(a) as amended and as modified by the Health Service (Alderney Hospital Benefit) Ordinance, 1997^(b).
- (2) Except where the context otherwise requires, any reference in these regulations to any enactment or regulations shall be construed as including a reference to that enactment or those regulations, as the case may be, as amended, repealed, replaced, revoked, extended or applied by or under any other enactment or by any other regulations.
- (3) The Interpretation (Guernsey) Law, 1948^(c) shall apply to the interpretation of these regulations as it applies to the interpretation of a Guernsey enactment.

Alderney Hospital Benefit

2. For the purposes of Section 5A(2) of the Law "Alderney hospital benefit" shall comprise, without prejudice to the provisions of Section 5B of the Law, the provision of all such medical consultations, treatment, procedures and ancillary entitlements undertaken at the Mignot Memorial Hospital on or after 1 January, 1996 except as are contained in the Schedule to these regulations.

(a) Ordre en Conseil No.XXIV of 1990; Ordinance No.XIV of 1993;
Ordinance No.XXXV of 1995; Ordinance No.XXXIV of 1995
(b) Ordinance
(c) Ordres en Conseil Vol.XIII, P.355.

3. A person entitled under section 5A(1) of the Law to Alderney hospital benefit is entitled thereto free of charge.

Manner in which claims for Alderney Hospital Benefit are to be made

4. Every claim for Alderney hospital benefit shall be made either by or on behalf of a claimant -

- (i) legibly and in a form approved by the Authority; or
- (ii) in such a way, approved by the Authority, that it is readily capable of being reproduced in a legible form; or
- (iii) in such other manner as the Authority may accept as sufficient in the circumstances of any particular case or class of cases, subject to any directions given by or on behalf of the Authority in any particular case or class of cases.

Information to be given when making a claim

5. A person who makes a claim for Alderney hospital benefit (the "claimant") shall furnish such certificates, documents, information and evidence for the purpose of enabling that claim to be determined as may be required by or on behalf of the Administrator and, if reasonably so required, shall for that purpose attend at such office or place as the Administrator may direct.

Amendment of claim forms

6. If, owing to the absence of due signature or such certificates, documents, information and evidence as may be required by or on behalf of the Administrator, a claim for Alderney hospital benefit is defective at the date of its receipt by the Administrator, the Administrator shall refer the claim back to the claimant or the person making the claim on his behalf; and if, and only if, (unless the Administrator directs otherwise in any particular case) the form is returned to the Administrator within one month of such reference, duly signed or with the certificates, documents, information and evidence as required by the Administrator, the Administrator shall treat the claim as if it had been duly made in the first instance.

Claims for persons unable to act

7.(1) In a case of an adult person for the time being unable to act a claim may be made by a person acting in the best interests of that person.

(2) A person who has not attained the age of eighteen years may not act for a claimant under this regulation.

Claims on behalf of a child

8. Where a guardian has not been appointed to act on behalf of a child a claim on behalf of the child may be made by:-

- (a) in the case of a child living with one or both of his parents, any parent with whom he is living;
- (b) in any other case -
 - (i) a person with whom the child is living or the person having care or control of the child; or
 - (ii) where there is no such person, a person appointed by the Authority having regard to all the circumstances of the particular case.

Claims on death

9. Claims for benefit may be made on behalf of a deceased person by a person acting for the estate of the deceased person.

Time of claims

10.(1) Subject to the provisions of the next following paragraph, the prescribed time for claiming Alderney hospital benefit shall be any time before such benefit is provided.

(2) The prescribed time for claiming Alderney hospital benefit provided prior to 1 April, 1997, shall be any time before 1 June, 1997.

(3) If a person fails to make his claim for Alderney hospital benefit prior to that benefit being provided, except in the case of paragraph (2) above, he shall not be entitled to benefit PROVIDED THAT if a claim is received by the Administrator for benefit after a medical consultation, treatment, procedure or entitlement has been provided and the Administrator is satisfied that there was good cause for delay in making the claim the Administrator may direct that the claimant shall not be disqualified from the receipt of Alderney hospital benefit in respect of the relevant consultation, treatment, procedure or entitlement.

General limitation of right to benefit

11. Notwithstanding anything contained in these regulations no sum shall be paid to any person on account of Alderney hospital benefit in respect of any medical consultation, treatment, procedure or entitlement:-

- (i) provided on or after 1 April, 1997 and more than 12 months before the date on which the claim therefor is made; or

- (ii) provided on or after 1 January, 1996 but before 1 April, 1997, where the claim is made after 31 March, 1998.

Repayment of the value of Alderney hospital benefit

12. Where a person claims for Alderney hospital benefit provided to any person and it is subsequently decided that the person to which it was provided was not entitled to it the Administrator shall:-

- (i) demand repayment of the value of the Alderney hospital benefit provided; or
- (ii) deduct the value of the Alderney hospital benefit provided from any other benefit properly due to him; or
- (iii) determine that the Alderney hospital benefit was properly provided; or
- (iv) determine that the Alderney hospital benefit was provided on account of benefit properly due to him;

and for the purposes of this regulation any value of Alderney hospital benefit provided will be determined by or on behalf of the Administrator.

Extent

13. These Regulations shall have effect in the Islands of Guernsey, Alderney, Herm and Jethou.

Citation

14. These Regulations may be cited as the Health Service (Alderney Hospital Benefit) Regulations, 1997.

Commencement

15. These Regulations shall come into operation on 26 March, 1997.

Dated this 1st day of April, 1997.



L C Morgan

President of the Guernsey Social Security Authority
for and on behalf of the Authority

Regulation 2

SCHEDULE

Exclusions from Alderney Hospital Benefit

1. Consultations or treatment in the casualty department of the Mignot Memorial Hospital.
2. Consultations or treatment provided to long-term residential in-patients.

EXPLANATORY NOTE

(This note is not part of the regulations, but is intended to indicate their general purport).

These regulations deal with the provision of Alderney hospital benefit in matters relating to -

- (1) the extent of Alderney hospital benefit available to persons entitled to benefit, including the schedule of exemptions from Alderney hospital benefit;
 - (2) the manner in which claims for specialist medical benefit are to be made;
 - (3) information to be given when making a claim;
 - (4) amendment of claims;
 - (5) claims relating to -
 - (i) persons unable to act;
 - (ii) children;
 - (iii) death;
 - (6) time of claims;
 - (7) repayment of the value of Alderney hospital benefit;
- and certain related matters.