
GUERNSEY STATUTORY INSTRUMENT

1990 No: 44

The Health Service (Benefit) (General)
Regulations, 1990

Made 18th December, 1990
Laid before the States
Coming into Operation 1st January, 1991

THE STATES INSURANCE AUTHORITY, in exercise of the powers conferred upon it by sections 3, 5, 35 and Schedule I of the Health Service (Benefit) (Guernsey) Law, 1990 (a), and of all other powers enabling it in that behalf, hereby orders:-

Interpretation

1. (1) In these Regulations, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:-

"the Law" means the Health Service (Benefit) (Guernsey) Law, 1990;

"appointed day" means the 1st January, 1991;

"Health Benefit Card" has the meaning assigned to it by section 39(1) of the Law;

"the Pharmaceutical Law" has the meaning assigned to it by Section 39 (1) of the Law;

and any other expressions have the same meanings as in the Law.

(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shall be construed as including a reference to that enactment or those Regulations, as the case may be, as amended, repealed, replaced, revoked, extended or applied, by or under any other enactment or by any other Regulations.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 (b), shall apply to the interpretation of these Regulations it applies to the interpretation of a Guernsey enactment.

(a) Ordres en Conseil No. XLVIII of 1990.

(b) Ordres en Conseil Vol. XII, p.355.

Conditions of entitlement relating to residence and presence in Guernsey or Alderney

2. (1) Subject to the following provisions of this Regulation and Regulation 3, a person shall not be entitled to medical benefit in respect of any consultation for a medical purpose unless he satisfies or is deemed to satisfy the conditions as to residence and presence specified in section 3(1) of the Law.

(2) For the purposes of Section 3 of the Law, a person who is resident in Guernsey or Alderney and who is ordinarily resident in Guernsey or Alderney but who is temporarily absent therefrom shall be deemed to be present in Guernsey or Alderney (as the case may be) during the period of his absence -

- (a) if his absence is, and when it began was, for a temporary purpose and does not last longer than a continuous period of four weeks or such longer continuous period as the Administrator may allow;
- (b) if his absence is temporary and for the specific purpose of being treated for an illness or disability which commenced before he left Guernsey or Alderney and does not last longer than a continuous period of four weeks or such longer continuous period as the Administrator may allow;
- (c) if during the period of his absence he is a member of the Forces, a mariner or an airman (in each case within the meaning of the Schedule to the Family Allowances (Qualifications) (Guernsey) Regulations, 1977 (c)); or
- (d) if during the period his absence he is living with a person mentioned in the last preceding sub-paragraph and is the spouse, son or daughter of that person.

Children deemed to satisfy the conditions relating to residence and presence in Guernsey or Alderney

3. For the purposes of Section 3(1) of the Law a child who does not satisfy the conditions as to residence and presence in Guernsey or Alderney specified in that section and who is not a child of the family of a person who satisfies those conditions shall be deemed to satisfy those conditions if he is receiving full-time education in Guernsey or Alderney in a school within the meaning of the Education (Guernsey) Law, 1970(d);

Provided that this Regulation shall not apply in the case of any child who is ordinarily resident in Sark.

(c) S.I. 1977 No. 4.

(d) Ordres en Conseil Vol. XXII p.318.

Health Benefit Card

4. A Health Benefit Card -

- (a) shall be issued on behalf of the Authority to every person who satisfies or is deemed to satisfy the conditions as to residence and presence specified in section 3(1) of the Law and who makes an application in writing in a form approved by the Authority for the purpose, or in such of a manner, being in writing, as the Authority may accept as sufficient in the circumstances of any particular case;
- (b) shall contain -
 - (i) on the front, the name of the person entitled to benefit, a unique identification number ("Social Security number") issued by the Administrator, the person's sex and date of birth;
 - (ii) on the reverse similar information encoded in a magnetic stripe;
- (c) shall be issued without charge and, when issued, shall remain the property of the Authority.

Continuity of entitlement to pharmaceutical benefit

5. Notwithstanding the provisions of paragraph 1 of Schedule 1 to the Law, a person who would have been entitled to pharmaceutical benefit under the Pharmaceutical Law immediately before the appointed day shall be entitled to pharmaceutical benefit or medical appliances, as the case may be, under the Law.

Validity of medical prescriptions

6. (1) Medical prescriptions printed for use in accordance with the Pharmaceutical Law shall continue to be valid for use under the Law;

(2) Medical prescriptions issued under the Pharmaceutical Law by medical practitioners or dentists and valid immediately prior to the appointed day shall continue to be valid for the supply of pharmaceutical benefit or Part I or Part II appliances, as the case may be, under the Law.

Validity of certificates of exception

7. Certificates of exception issued under the Pharmaceutical Law and valid immediately prior to the appointed day shall continue to be valid under the Law after the appointed day.

Extent

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

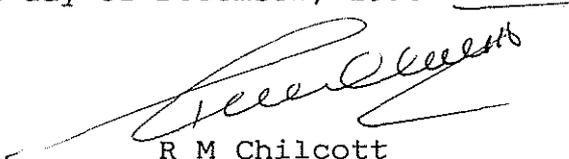
Citation

9. These Regulations may be cited as the Health Service (Benefit) (General) Regulations, 1990.

Commencement

10. These Regulations shall come into operation on the 1st day of January, 1991.

Dated this 18th day of December, 1990


R M Chilcott
President of the States Insurance Authority
for and on behalf of the Authority

EXPLANATORY NOTE

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

These Regulations specify -

- (a) Conditions of entitlement relating to residence and presence in Guernsey or Alderney;
- (b) Children deemed to satisfy the conditions relating to residence and presence in Guernsey or Alderney;
- (c) Arrangements for the issue of a Health Benefit Card and the details it shall contain;
- (d) Certain transitional arrangements to ensure continuity between the Health Service (Pharmaceutical) (Guernsey) Law, 1972 and the Health Service (Benefit) (Guernsey) Law, 1990.