

ORDER IN COUNCIL

X
2003

ratifying a Projet de Loi

ENTITLED

The Attendance and Invalid Care Allowances (Guernsey) (Amendment) Law, 2002

(Registered on the Records of the Island of Guernsey
on the 28th April, 2003.)



2003

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 28th day of April, 2003 before Geoffrey Robert Rowland, Esquire, Deputy Bailiff; present:— David Charles Lowe, Esquire, Mrs. Eileen May Glass, Derek Martin Le Page, Stephen Edward Francis Le Poidevin, Alan Cecil Bisson, David Michael Jory, Keith Bichard, OBE, Esquires, The Reverend Peter Gerald Lane and Michael John Tanguy, Esquires, Jurats.

The Deputy Bailiff having this day placed before the Court a copy of an Order of Her Majesty in Council dated the 20th day of March, 2003, approving and ratifying a Projet de Loi of the States of Guernsey entitled “The Attendance and Invalid Care Allowances (Guernsey) (Amendment) Law, 2002”, THE COURT, after the reading of the said Order in Council and after having heard Her Majesty’s Procureur thereon, ORDERED:—

1. That the said Order in Council be registered on the records of this Island and.
2. That an extract of this present Act, together with a copy of the said Order in Council be sent by Her Majesty’s Greffier to the Clerk of the Court of Alderney for registration on the records of that Islands.

At the Court at Buckingham Palace

The 20th day of March, 2003

PRESENT,

The Queen's Most Excellent Majesty in Council

THE FOLLOWING, report from the Committee of Council for the Affairs of Jersey and Guernsey was today read at the Board:

“IN ACCORDANCE WITH YOUR MAJESTY’S General Order of Reference of the 22nd day of February 1952 the Committee have considered a petition of the States of Guernsey:”

“That, in persuance of their Resolution of 26th September, 2002, the States of Deliberation at a meeting on 27th November, 2002 approved a Projet de Loi entitled “The Attendance and Invalid Care Allowances (Guernsey) (Amendment) Law, 2002” and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction. The Petition most humbly prays that Your Majesty might be graciously pleased to sanction “The Attendance and Invalid Care Allowances (Guernsey) (Amendment) Law, 2002” and to order that it shall have force of law in the Island of Guernsey, Alderney, Herm and Jethou.”

“THE COMMITTEE have considered the Projet de Loi and have agreed to report that it may be advisable for Your Majesty to approve and ratify it.”

HER MAJESTY, having taken the Report into consideration, was pleased, by and with the advice of Her Privy Council, to approve of and ratify the said Projet de Loi (a copy of which is annexed to this Order) and to order that it, together with this Order, shall have the force of law in the Island of Guernsey, Alderney, Herm and Jethou and shall be entered on the Register of the Island of Guernsey and observed accordingly.

HER MAJESTY'S Officers in the Bailiwick of Guernsey, and all others whom it may concern, are therefore to take notice of Her Majesty's Order and to proceed accordingly.

A. K. Galloway

PROJET DE LOI

ENTITLED

The Attendance and Invalid Care Allowances (Guernsey) (Amendment) Law, 2002

THE STATES, in pursuance of their Resolution of the 26th day of September, 2002^a, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Islands of Guernsey, Alderney, Herm and Jethou.

Amendments.

1. The Law of 1984 is amended as set out in the Schedule.

Interpretation.

2. In this Law, unless the context otherwise requires -

“**Attendance Allowance Board**” and “**Board**” mean the Attendance Allowance Board constituted under section 15 of the Law of 1984

“**the Law of 1984**” means the Attendance and Invalid Care Allowances (Guernsey) Law, 1984 as amended^b;

^a Resolution 17 on Article X of Billet d'État No. XX of 2002.

^b Ordres en Conseil Vol. XXVIII, p.353; Vol. XXIX, p. 198; No. XIV of 1991; No. X of 1993 and No. VI of 1999; Recueil d'Ordonnances Tome XXVI, p. 177.

“**Ordinary Court**” means the Royal Court of Guernsey sitting as an Ordinary Court; and

“**the Schedule**” means the schedule to this Law.

Savings for questions and appeals referred or made before the coming into force of this Law.

3. Notwithstanding the repeals made by this Law -
 - (a) any question for determination referred to the Attendance Allowance Board under section 15(1)(a) of the Law of 1984; and
 - (b) any question of law or appeal referred or made to the Ordinary Court under section 17 of the Law of 1984,

prior to the coming into force of this Law shall be determined or otherwise dealt with by the Board or the Ordinary Court, as the case may be, as if the repeals had not been made.

Citation.

4. This Law may be cited as the Attendance and Invalid Care Allowances (Guernsey) (Amendment) Law, 2002.

SCHEDULE

AMENDMENT OF THE LAW OF 1984

Amendment of section 1.

1. (1) In subsection 1(1) of the Law of 1984 -

(a) delete the full stop after sub-paragraph (b)(ii) and insert “; or”

(b) immediately following sub-paragraph (b)(ii) as amended by paragraph (a) above, insert -

“(c) he is deemed in accordance with regulations made by the Authority to satisfy either, or both of, the conditions in paragraphs (a) and (b).”.

(2) For 1(2) of the Law of 1984 substitute -

“(2) Subject to the provisions of this Law, the period for which an attendance allowance is payable to any person shall be -

(a) a period throughout which he -

(i) has satisfied;

(ii) is deemed, in accordance with regulations made under paragraph (c) of subsection (1) to have satisfied; or

(iii) is likely to satisfy,

the conditions mentioned in paragraph (a) of subsection (1) of this section or that mentioned in paragraph (b) of that subsection or both; and

(b) except where otherwise prescribed by regulations made by the Authority, a period immediately preceded by one of not less than three months throughout which he -

(i) satisfied;

(ii) is deemed, in accordance with regulations made under paragraph (c) of subsection (1) to have satisfied; or

(iii) is likely to satisfy,

one or both of those conditions.”.

(3) Subsection 1(2A) is repealed.

(4) In subsection 1(3)(a), immediately after “subsection (2),” insert “or such other period as may be prescribed by the Authority in relation to sections 1(1)(c) or 1((2)(b),”.

Amendment of section 11.

2. In section 11(b) of the Law of 1984 the comma and words following “an allowance” are repealed.

Amendment of section 12.

3. In section 12(2) of the Law of 1984 the phrase “Subject to section fourteen of this Law,” is repealed.

Repeal of sections 14 to 17.

4. Sections 14, 15, 16 and 17 of the Law of 1984 are repealed.

Repeal of the First Schedule.

5. The First Schedule to the Law of 1984 is repealed.

Amendment of the Second Schedule.

6. In the Second Schedule to the Law of 1984 the expression ““The Attendance Allowance Board” and “the Board”” and its associated meaning are repealed.