

The Health Service (Alderney Hospital Benefit) Ordinance,
1997

THE STATES, in pursuance of their Resolution of the 30th day of January, 1997^a, and in exercise of the powers conferred upon them by sections 4 and 35 of the Health Service (Benefit) (Guernsey) Law, 1990^b, hereby order:-

Benefit to be available under Law of 1990 for in-patients at the Mignot Memorial Hospital.

1. For the purposes of section 4(d) of the Health Service (Benefit) (Guernsey) Law, 1990 ("the Law") there shall be a further category of benefit under the Law which shall be known as Alderney hospital benefit.

Modifications to Law of 1990 in relation to Alderney hospital benefit.

2. The provisions of the Law shall apply in relation to Alderney hospital benefit subject to the exceptions, adaptations and modifications set out in the Schedule to this Ordinance.

Citation.

3. This Ordinance may be cited as the Health Service (Alderney Hospital Benefit) Ordinance, 1997.

Commencement.

4. This Ordinance shall come into force on the 26th March, 1997.

^a Article XV of Billet d'État No. I of 1997.

^b Order in Council No. XXIV of 1990; amended by Ordinances No. XIV of 1993 and XXXIV and XXXV of 1995; extended to the Island of Alderney by No. XLVI of 1990 (Tome XXV, p. 204).

SCHEDULE

Section 2

EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS TO LAW OF 1990 IN ITS APPLICATION TO ALDERNEY HOSPITAL BENEFIT

1. After section 1(3)(d) insert the following paragraph-

"(e) any sums payable by the States pursuant to the provisions of the Alderney hospital contract."

2. After Part III insert the following Part-

"PART IIIA ALDERNEY HOSPITAL BENEFIT

Right to Alderney hospital benefit.

5A. (1) A person who satisfies the conditions as to residence and presence specified in section 3(1) shall, subject to the provisions of this Law, be entitled to Alderney hospital benefit.

(2) Alderney hospital benefit comprises the provision, at the Mignot Memorial Hospital, Alderney, in respect of any person who is an in-patient at that Hospital (other than a long-term residential in-patient), of all such medical consultations, treatment, procedures and ancillary entitlements as may be prescribed and as may be requisite in the case of that person for the diagnosis, treatment, management, prevention or control of disease or otherwise by reason of that person's condition.

Conditions subject to which Alderney hospital benefit is available.

5B. A person shall not be entitled to Alderney hospital benefit unless the consultation, treatment, procedure or entitlement in question-

- (a) is provided to an in-patient at the Mignot Memorial Hospital, Alderney (other than a long-term residential in-patient);
- (b) is provided by an approved medical practitioner or approved nurse; and
- (c) is provided pursuant to the provisions of the Alderney hospital contract.

Regulations as to information and overpayments.

5C. Regulations may make provision for-

- (a) requiring claimants for Alderney hospital benefit or persons in receipt thereof to furnish to the Administrator, as a condition of their right to be provided with Alderney hospital benefit, any information and evidence (at such times, and verified in such manner, as the Administrator thinks fit) required for the determination of the claim or of any question arising in relation to the claim or the benefit;
- (b) the repayment of the value of Alderney hospital benefit provided to any person who, it is subsequently decided, was not entitled to it, and the

recovery thereof, by deduction from benefit properly due to him or otherwise;

- (c) treating Alderney hospital benefit provided to any person who, it is subsequently decided, was not entitled to it, as having been properly provided or as having been provided on account of benefit properly due to him."

3. In section 39(1) of the Law-

- (a) after the definition of "the Administrator" insert the following definitions-

"Alderney hospital benefit" shall be construed in accordance with the provisions of section 5A;

"the Alderney hospital contract" means the contract for the provision of Alderney hospital benefit made between the States of Guernsey and the partners of the practices known as the Island Medical Centre, Alderney, and the Eagle Medical Practice, Alderney, as amended from time to time by agreement of the parties;"

- (b) for the definition of "approved medical practitioner" substitute the following-

"approved medical practitioner", in the case of Alderney hospital benefit, means a medical practitioner-

- (i) whose name is included in either of the lists of medical practitioners maintained by the States Board of Health pursuant to paragraph 1(1) of the Resolution of the States dated 31st January 1990^c; and
 - (ii) who, pursuant to the provisions of the Alderney hospital contract, provides Alderney hospital benefit;"
- (c) for the definition of "approved nurse" substitute the following-

"approved nurse", in the case of Alderney hospital benefit, means a nurse-

- (i) whose name is included in the list of nurses maintained by the States Board of Health pursuant to paragraph 4 of the said Resolution;
- (ii) who is employed by or contracted to the partners for the time being of either of the practices known as the Island Medical Centre, Alderney, and the Eagle Medical Practice, Alderney; and

^c Article XI of Billet d'État No. II of 1990.

- (iii) who, pursuant to the provisions of the Alderney hospital contract, provides Alderney hospital benefit;"

- (d) in the definition of "benefit" after "section 4" insert "including Alderney hospital benefit".