

ORDINANCE

OF THE STATES OF DELIBERATION

ENTITLED

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

[CONSOLIDATED TEXT]

NOTE

This consolidated version of the enactment incorporates all amendments listed in the footnote below. It has been prepared for the Guernsey Law website and is believed to be accurate and up to date, but it is not authoritative and has no legal effect. No warranty is given that the text is free of errors and omissions, and no liability is accepted for any loss arising from its use. The authoritative text of the enactment and of the amending instruments may be obtained from Her Majesty's Greffier, Royal Court House, Guernsey, GY1 2PB.

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* No. XI of 1997, Recueil d'Ordonnances Tome XXVII, p. 200; as amended by the Health Service (Alderney Hospital Benefit) (Amendment) Ordinance, 2002 (No. XXVIII of 2002, Recueil d'Ordonnances Tome XXIX, p. 197); the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003, Recueil d'Ordonnances Tome XXIX, p. 406); the Health Service (Alderney Hospital Benefit) (Amendment) Ordinance, 2008 (No. VIII of 2008, Recueil d'Ordonnances Tome XXXIII, p. 40); the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016 (No. IX of 2016). This Ordinance has been repealed by the Health Service Benefit (Amendment and Miscellaneous Provisions) (Guernsey) Law, 2021 (No. VIII of 2021).

**ORDINANCE
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**The Health Service (Alderney Hospital Benefit) Ordinance,
1997**

ARRANGEMENT OF SECTIONS

1. Benefit to be available under Law of 1990 for in-patients at the Mignot Memorial Hospital.
2. Modifications to Law of 1990 in relation to Alderney hospital benefit.
3. Citation.
4. Commencement.

SCHEDULE Exceptions, Adaptations and Modifications to Law of 1990 in its Application to Alderney Hospital Benefit.

(Made on the 26th March, 1997.)

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 [entitlement to benefit 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 [such description, class or category of persons as regulations made under this subsection may provide], 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 –

- (a) he falls within such description, class or category of persons as regulations made under this subsection may provide, and
- (b) the consultation, treatment, procedure or entitlement in question is provided –
 - (i) by an approved medical practitioner or approved nurse, and
 - (ii) 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 any agreement, for the time being in force, for the provision of Alderney hospital benefit at the Mignot Memorial Hospital, Alderney, made between the States of Guernsey and a supplier of medical care services approved for the purposes by the States [Committee for Health & Social Care],"],

- (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 [Committee for Health &

Social Care] 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 [Committee for Health & Social Care] pursuant to paragraph 4 of the said Resolution,

(ii) who is employed by or contracted to [a supplier of medical care services approved for the purposes by the States [Committee for Health & Social Care], and]

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

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

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

NOTES

In the Schedule,

in paragraph 2, the words in square brackets in section 5A(1), as inserted in the Health Service (Benefit) (Guernsey) Law, 1990 ("the Law of 1990"), were substituted by the Health Service (Alderney Hospital Benefit) (Amendment) Ordinance, 2002, section 1(1)(a), with effect from 1st January, 2003;

in paragraph 2, the words in square brackets in section 5A(2), as inserted in the Law of 1990, were substituted by the Health Service (Alderney Hospital Benefit) (Amendment) Ordinance, 2002, section 1(1)(b), with effect from 1st January, 2003;

in paragraph 2, section 5B, as inserted in the Law of 1990, was substituted by the Health Service (Alderney Hospital Benefit) (Amendment) Ordinance, 2002, section 1(1)(c), with effect from 1st January, 2003;

in paragraph 3(a), the definition of the expression "the Alderney hospital contract" in section 39(1), as inserted in the Law of 1990, was substituted by the Health Service (Alderney Hospital Benefit) (Amendment) Ordinance, 2008, section 1(a), with effect from 27th February, 2008;¹

in paragraph 3(a), the words in square brackets within the definition of the expression "the Alderney hospital contract" in section 39(1), as inserted in the Law of 1990, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 5, with effect from 1st May, 2016;

in paragraph 3(b) the words in square brackets in the definition of the expression "approved medical practitioner" in section 39(1), as inserted in the Law of 1990, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 5, with effect from 1st May, 2016;²

in paragraph 3(c), the words in the first pair of square brackets in the definition of the expression "approved nurse" in section 39(1), as inserted in the Law of 1990, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 5, with effect from 1st May, 2016;³

in paragraph 3(c), the words in the second pair of square brackets in

the definition of the expression "approved nurse" in section 39(1), as inserted in the Law of 1990, were substituted by the Health Service (Alderney Hospital Benefit) (Amendment) Ordinance, 2008, section 1(b), with effect from 27th February, 2008;

in paragraph 3(c), the words in square brackets within the second pair of square brackets in the definition of the expression "approved nurse" in section 39(1), as inserted in the Law of 1990, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 5, with effect from 1st May, 2016.

The functions, rights and liabilities of the Health and Social Services Department and of its Minister or Deputy Minister arising under or by virtue of the Health Service (Benefit) (Guernsey) Law, 1990 were transferred to and vested in, respectively, the Committee for Health & Social Care and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 5, with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.⁴

In accordance with the provisions of the Health Service (Alderney Hospital Benefit) Regulations, 1997, regulation 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 the 1997 Regulation, with effect from 26th March, 1997.

The following regulations have been made under Part IIIA:

*Health Service (Alderney Hospital Benefit) Regulations, 1997;
Health Service (Alderney Hospital Benefit) (Amendment)
Regulations, 2008.*

¹ Prior to its substitution, the definition of the expression "the Alderney hospital contract" was amended by the Health Service (Alderney Hospital Benefit) (Amendment) Ordinance, 2002, section 1(2), with effect from 1st January, 2003.

² These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 4, with effect from 6th May, 2004.

³ These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 4, with effect from 6th May, 2004.

⁴ The functions, rights and liabilities of the Health and Social Services Department and its Minister arising under or by virtue of the Health Service (Benefit) (Guernsey) Law, 1990 were previously transferred to and vested in them, respectively, from the Board of Health and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 4, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.