

# ORDER IN COUNCIL

**IX  
2003**

ratifying a Projet de Loi

ENTITLED

## **The Health Service (Benefit) (Guernsey) (Amendment) Law, 2002**

(Registered on the Records of the Island of Guernsey  
on the 14th April, 2003.)



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2003

# ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

*The 14th day of April, 2003 before Geoffrey Robert Rowland, Esquire, Deputy Bailiff; present:— David Charles Lowe, Esquire, Mrs. Eileen May Glass, Laurence Lenfestey Guille, Derek Martin Le Page, Stephen Edward Francis Le Poidevin, Alan Cecil Bisson, David Michael Jory, Keith Bichard, OBE, Esquires, The Reverend Peter Gerald Lane, Michael Henry De La Mare 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 27th day of February, 2003, approving and ratifying a Projet de Loi of the States of Guernsey entitled “The Health Service (Benefit) (Guernsey) (Amendment) Law, 2002”, THE COURT, after the reading of the said Order in Council and after having heard Her Majesty’s Comptroller thereon, ORDERED that the said Order in Council be registered on the records of this Island.

# At the Court at Buckingham Palace

The 27th day of February, 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 28th February, 2002, the States of Deliberation at a meeting on 30th October, 2002 approved a Projet de Loi entitled “The Health Service (Benefit) (Guernsey) (Amendment) Law, 2002” and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction to it. That the Projet de Loi is as set forth in the attached Schedule. The Petition most humbly prays that Your Majesty might be graciously pleased to sanction “The Health Service (Benefit) (Guernsey) (Amendment) Law, 2002” and to order that it shall have force of law in the Island of Guernsey, 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, 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 Health Service (Benefit) (Guernsey) (Amendment) Law, 2002**

THE STATES, in pursuance of their Resolution of the 28th day of February, 2002<sup>a</sup>, 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, Herm and Jethou.

### **Amendment to Law of 1990.**

1. The Law of 1990 is amended as set out in the Schedule.

### **Interpretation.**

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

"**the Law of 1990**" means the Health Service (Benefit) (Guernsey) Law, 1990, as amended<sup>b</sup>; and

"**the Schedule**" means the schedule to this Law.

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<sup>a</sup> Resolution 1 and 10 of Billet d'État No. II of 2002.

<sup>b</sup> Ordres en Conseil Vol. XXXII, p.192; Recueil d'Ordonnances Tome XXVI, p. 177.

**Transitional and saving provision in respect of persons entitled under section 3 of Law of 1990 prior to commencement of this Law.**

3. A person who -
- (a) immediately prior to the commencement of this Law, was entitled to benefit under section 3 of the Law of 1990; and
  - (b) but for the amendment to that section made by section 1 of this Law and paragraph 1 of the Schedule, would have continued to have been entitled to benefit under such section,

shall continue to be entitled to benefit after the commencement of this Law.

**Citation.**

4. This Law may be cited as the Health Service (Benefit) (Guernsey) (Amendment) Law, 2002.

**SCHEDULE**

**AMENDMENT OF THE LAW OF 1990**

**Amendment of section 3.**

1. For section 3 of the Law of 1990 substitute -

**"Persons entitled to benefit.**

3. (1) Subject to the provisions of this Law, a person who -

(a) is ordinarily resident in Guernsey and is -

(i) an insured person; or

(ii) the child of an insured person; or

(b) falls within such other description, class or category of persons as regulations made under this paragraph may provide,

is entitled to benefit under this Law.

(2) For the purposes of this Law a child who is not ordinarily resident in Guernsey shall be deemed to be ordinarily resident in Guernsey where that child is a child of the family of a person who is ordinarily resident in Guernsey.

(3) For the purposes of this section an individual shall be treated -

- (a) as a child, if he would or could be so treated for the purposes of the Family Allowances Law; and
- (b) as a child of the family of a person, if -
  - (i) he is a child;
  - (ii) that person is not a child; and
  - (iii) he and that person would or could be treated as constituting a family for the purposes of the Family Allowances Law."

**Amendment of references to "residence and presence".**

2. Wherever the phrase "residence and presence specified in section 3(1)" appears in the Law of 1990 substitute "entitlement to benefit specified in section 3(1)".

**Amendment of section 39.**

3. In section 39(1) of the Law of 1990 after the definition of "**health benefit card**" insert -

"**insured person**" means a person who is an insured person under the provisions of the Social Insurance Law;"