

# ORDER IN COUNCIL

**XII**  
**1978**

ratifying a Projet de Loi

ENTITLED

## **The Health Service (Pharmaceutical) (Amendment) (Guernsey) Law, 1978**

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(Registered on the Records of the Island of Guernsey  
on the 22nd August, 1978.)

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1978.

# ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

*The 22nd day of August, 1978, before Charles Keith Frossard, Esquire, Deputy Bailiff; present:—Claude Fortescue Nason, Esquire, Stanley Walter Gavey, Esquire, O.B.E., D'Arcy George Le Tissier, Esquire, Edward James Lainé, Esquire, C.B.E., D.F.C., Walter Francis Robin, Richard Alan Kinnersly, Richard Brook Sutcliffe, Richard Oliver Symons, Albert Richard McCartney Straw, Esquires and Lionel Walter Sarre, Esquire, M.B.E., K.P.M., Jurats.*

The Deputy Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 31st day of May, 1978, ratifying a *Projet de Loi* entitled "The Health Service (Pharmaceutical) (Amendment) (Guernsey) Law, 1978", the Court, after the reading of the said Order in Council, and after having heard Her Majesty's Procureur thereon, ordered that the said Order in Council be registered on the records of this Island, of which Order in Council the tenor followeth:—

## At the Court at Buckingham Palace

The 31st day of May 1978

PRESENT,

### The Queen's Most Excellent Majesty in Council

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey dated the 23rd day of May 1978 in the words following, viz:—

“YOUR MAJESTY having been pleased, by Your General Order of Reference of the 22nd day of February 1952, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth:—

1. That, in pursuance of their Resolutions of the 29th day of September 1976 and the 28th day of September 1977, the States of Deliberation at a meeting held on the 25th day of January 1978 approved a Bill or “Projet de Loi” entitled “The Health Service (Pharmaceutical) (Amendment) (Guernsey) Law, 1978”, and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. 2. That the said Bill or “Projet de Loi” is in the words and figures set forth in the Schedule hereto annexed. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or “Projet de Loi” of the States of Guernsey entitled “The Health Service (Pharmaceutical) (Amendment) (Guernsey) Law, 1978” and to

order that the same shall have force of law in the Island of Guernsey.

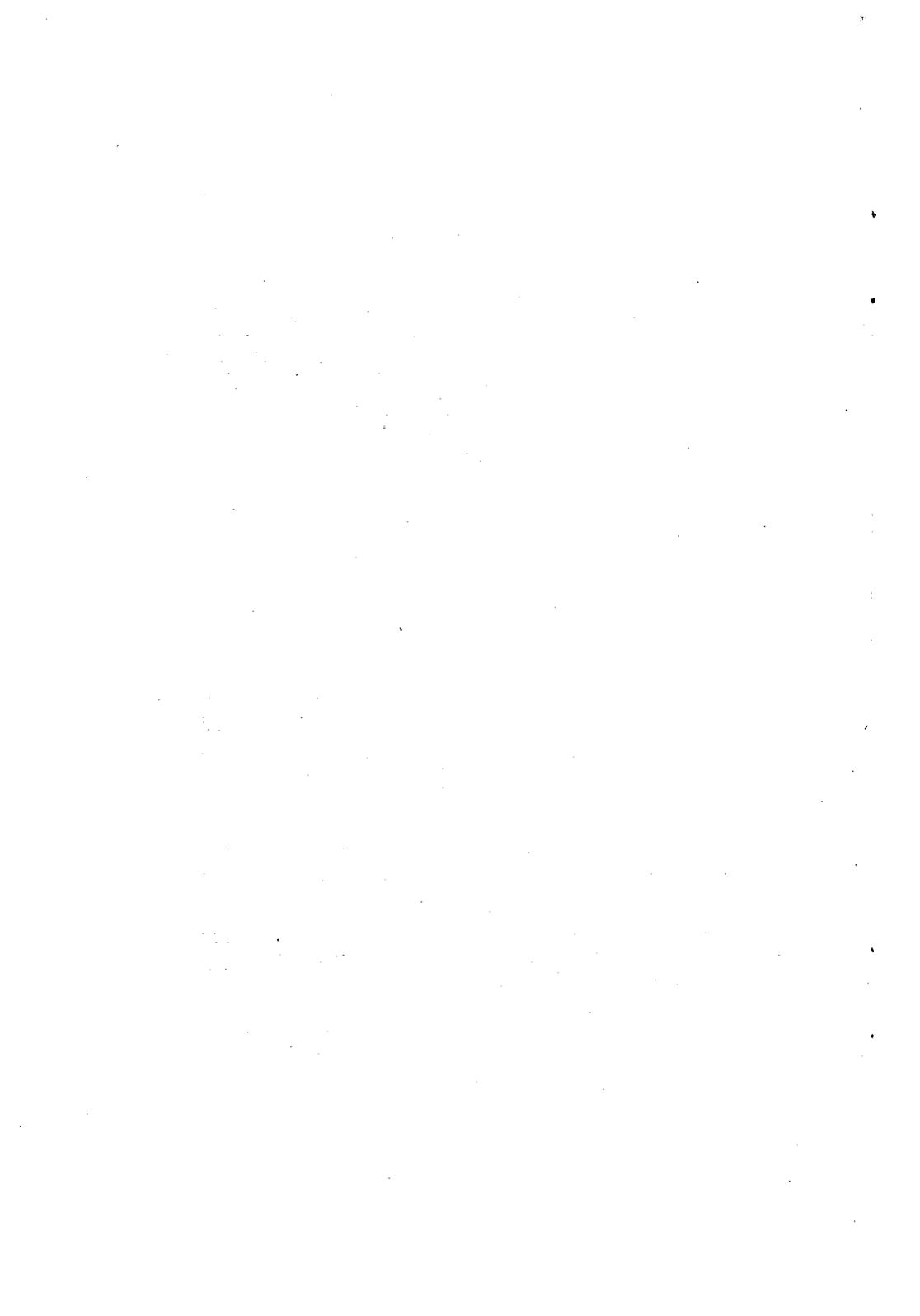
“THE LORDS OF THE COMMITTEE, in obedience to Your Majesty’s said Order of Reference, have taken the said Petition and the said Projet de Loi into consideration, and do this day agree humbly to report, as their opinion, to Your Majesty, that it may be advisable for Your Majesty to comply with the prayer of the said Petition and to approve of and ratify the said Projet de Loi.”

HER MAJESTY having taken the said Report into consideration is pleased, by and with the advice of Her Privy Council, to approve of and ratify the said Projet de Loi, and to order, as it is hereby ordered, that the same shall have the force of Law within the Island of Guernsey.

AND HER MAJESTY doth hereby further direct that this Order, and the said Projet de Loi (a copy whereof is hereunto annexed), be entered upon the Register of the Island of Guernsey and observed accordingly.

AND the Lieutenant Governor and Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other Her Majesty’s Officers for the time being in the said Island, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

*N. E. Leigh*



Projet de Loi referred to in the foregoing  
Order in Council.

## PROJET DE LOI

ENTITLED

### **The Health Service (Pharmaceutical) (Amendment) (Guernsey) Law, 1978**

THE STATES, in pursuance of their Resolutions of the twenty-ninth day of September, nineteen hundred and seventy-six, and of the twenty-eighth day of September, nineteen hundred and seventy-seven, 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.

1. (1) The Guernsey Health Service Fund established in pursuance of the Health Service (Pharmaceutical) (Guernsey) Law, 1972 (hereafter in this Law referred to as "the principal Law"), shall continue to be maintained under the control and management of the States Insurance Authority as constituted under section ninety-two of the Social Insurance (Guernsey) Law, 1978 (hereafter in this Law referred to as "the Authority").

Guernsey  
Health  
Service  
Fund.

(2) There shall be paid into the said Fund the Guernsey Health Service Fund Allocation, in accordance with the provisions of section one hundred and one of the said Law of 1978, all moneys provided by the States under the next following section, any moneys accruing to the Authority under and by virtue of this Law and any moneys due to the said Fund and remaining unpaid immediately before the commencement of this Law; and there shall be paid out of the said Fund all sums payable

in respect of pharmaceutical benefit supplied under the principal Law and all expenses incurred by the Authority in carrying the principal Law and this Law into effect.

(3) Accounts of the said Fund shall be prepared annually in such form and in such manner as the Authority may from time to time direct and auditors appointed annually by the States shall examine, certify and report to the Authority upon every account; and the Authority shall, as soon as may be thereafter, lay copies thereof, together with the report of the auditors thereon, before the States.

(4) Any moneys forming part of the said Fund may from time to time be invested by the Authority in any securities which are for the time being authorised by the States.

States'  
grant.

2. There shall be paid, in respect of each year, into the Guernsey Health Service Fund out of moneys provided by the States, in such manner and at such times as the States Advisory and Finance Committee shall determine, a grant equivalent to the aggregate of the following amounts, that is to say—

(a) an amount estimated by the Authority and the said Committee to be equivalent to the difference between—

(i) the amount of the Guernsey Health Service Fund Allocation in respect of that year; and

(ii) the amount which would have been payable by way of the Guernsey Health Service Fund Allocation in respect of that year if no person had been excepted from liability to pay insurance contributions by virtue of regulations made under section eleven of the Social

Insurance (Guernsey) Law, 1978, by reason of the fact that they were not in receipt (or were deemed in accordance with those regulations not to be in receipt) of an income exceeding such sum as may be specified in those regulations for the purposes of the provisions of those regulations excepting persons in receipt of small incomes from liability to pay insurance contributions; and

- (b) the total amount of the prescription or other charges which, but for the remission of those charges under the principal Law, would have been payable under that Law in respect of pharmaceutical benefit supplied during that year.

3. The principal Law is hereby amended as follows, that is to say:—

Amend-  
ment of  
principal  
Law and  
repeals.

- (a) Part I thereof is hereby repealed;
- (b) for subsection (5) of section five thereof there is hereby substituted the following subsection—

“ (5) The provisions of this section shall apply to any person who is for the time being present in Guernsey and who—

- (a) is ordinarily resident in Guernsey;
- (b) is not ordinarily resident in Guernsey but is liable to pay insurance contributions;
- (c) is not ordinarily resident in Guernsey and—
- (i) would be liable to pay insurance contributions if he were

not excepted under the Social Insurance Law from liability to pay insurance contributions;  
or

(ii) would be liable to pay insurance contributions but for the provisions of any regulations made under section one of the Social Insurance Law (which relates to the description and classification of insured persons) relating to an employed person who is not ordinarily resident in Guernsey or the provisions of any Ordinance made under section one hundred and thirteen of that Law (which relates to reciprocity with other countries); or

(d) is not ordinarily resident in Guernsey, is not a person to whom the last two foregoing paragraphs apply and—

(i) is the child or the wife of any person to whom either of those paragraphs applies; or

(ii) is a person of such description as may be prescribed.”;

(c) section thirteen thereof is hereby repealed;

(d) for section fourteen thereof there is hereby substituted the following section—

“ 14. (1) The Government Actuary of Great Britain, if he be willing, or an actuary nominated by him, or, if the said Government Actuary be unwilling so to act or to nominate, an actuary appointed by the

States, shall review the operation of this Law—

- (a) not later than the expiration of the period of three years beginning on the first day of January in the year in which the Health Service (Pharmaceutical) (Amendment) (Guernsey) Law, 1978, shall come into force; and
- (b) following the expiration of the period to which the review of the operation of this Law in pursuance of paragraph (a) of this subsection relates, at intervals not exceeding five years;

and, on each such review, make a report to the Authority on the financial condition of the Guernsey Health Service Fund and the adequacy or otherwise of the Guernsey Health Service Fund Allocation payable into that Fund under section one hundred and one of the Social Insurance Law to support such payments as are under this Law to be made out of that Fund in respect of pharmaceutical benefit supplied under this Law and any other liabilities under this Law.

(2) The Authority shall, as soon as is practicable, lay before the States a copy of every report made to it under this section.”;

- (e) in section sixteen thereof, for the proviso thereto there is hereby substituted therefor the following proviso—

“Provided that where, in pursuance of the provisions of this section, any question is determined by the tribunal constituted

under section eighty of the Social Insurance Law or by the tribunal appointed under section five of the Family Allowances (Guernsey) Law, 1950, no appeal shall lie from the decision of the tribunal.”;

- (f) in section seventeen thereof, for the words “section fifty-eight” there are hereby substituted the words “section one hundred and three”;
- (g) in section twenty thereof—
  - (i) in subsection (1), for the words “one hundred pounds” there are hereby substituted the words “four hundred pounds”;
  - (ii) in subsection (3), for the words “ten pounds”, where they occur firstly, there are hereby substituted the words “fifty pounds”;
- (h) in subsection (2) of section twenty-one thereof, for the words “three years” there are hereby substituted the words “six years”;
- (i) section twenty-six thereof is hereby repealed;
- (j) in subsection (1) of section thirty thereof—
  - (i) for the definitions of the expression “Administrator”, “the Authority”, “the Guernsey Health Service Fund” and “the Social Insurance Law” there are hereby respectively substituted the following definitions—
    - ““Administrator” means the Administrator to the Authority appointed or deemed to have been appointed under section ninety-four of the Social Insurance Law;”

“the Authority” means the States Insurance Authority constituted under section ninety-two of the Social Insurance Law;”

“the Guernsey Health Service Fund” means the fund maintained under the control and management of the Authority under section one of the Health Service (Pharmaceutical) (Amendment) (Guernsey) Law, 1978;”

“the Social Insurance Law” means the Social Insurance (Guernsey) Law, 1978;”;

(ii) the definitions of the expression “contribution week”, “health service contribution” and “insured person” are hereby repealed;

(k) subsection (2) of section thirty thereof and the First and Second Schedules thereto are hereby repealed.

4. The Authority may make regulations providing for the making of such savings from the effects of any repeal or amendment as the Authority thinks expedient.

Savings and transitional provisions.

5. This Law and the principal Law shall be construed as one.

Construction.

6. (1) This Law may be cited as the Health Service (Pharmaceutical) (Amendment) (Guernsey) Law, 1978.

Citation collective title and commencement.

(2) This Law and the principal Law may be cited together as the Health Service (Pharmaceutical) (Guernsey) Laws, 1972 and 1978.

(3) This Law shall come into force on such day as shall be appointed in that behalf by Ordinance of the States.

R. H. VIDELO,  
Her Majesty's Greffier.