

**The Health Service (Physiotherapy Benefit) Ordinance,**  
**1997**

**THE STATES LEGISLATION COMMITTEE**, in pursuance of the States' Resolution of the 26th day of November, 1997<sup>a</sup>, and in exercise of the powers conferred upon the States by sections 4 and 35 of the Health Service (Benefit) (Guernsey) Law, 1990, as amended<sup>b</sup> and on the Committee by Article 66(3) of the Reform (Guernsey) Law, 1948, as amended<sup>c</sup>, hereby order:-

**Physiotherapy benefit to be available under Law of 1990.**

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

**Modifications to Law of 1990 in relation to physiotherapy benefit.**

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

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<sup>a</sup> Article IX of Billet d'État No. XXII of 1997.

<sup>b</sup> Order in Council No. XXIV of 1990; amended by Ordinances No. XIV of 1993 and Nos. XXXIV and XXXV of 1995.

<sup>c</sup> Ordres en Conseil Vol. XIII, p. 288; Vol. XIV, p. 467; Vol. XV, p. 279; Vol. XVI, p. 178; Vol. XVIII, p. 275; Vol. XIX, pp. 84 and 140; Vol. XXII, p. 122; Vol. XXIII, p. 476; Vol. XXV, p. 326; Vol. XXVI, p. 255; Vol. XXVIII, p.

**Repeal.**

3. The Health Service (Physiotherapy Benefit) Ordinance, 1995<sup>d</sup> is repealed.

**Citation.**

4. This Ordinance may be cited as the Health Service (Physiotherapy Benefit) Ordinance, 1997.

**Commencement.**

5. This Ordinance shall come into force on the 1st January, 1998.

**SCHEDULE**

**Section 2**

**EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS TO LAW OF 1990  
IN ITS APPLICATION TO PHYSIOTHERAPY BENEFIT.**

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

"(e) any sums payable by the States pursuant to the provisions of the Physiotherapy Contract."

2. After Part III insert the following Part-

**"PART IIIA**

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581; Vol. XXIX, p. 56; Vol. XXX, p. 16; No. VII of 1988; No. II of 1990; No. V of 1993; and No. II of 1996.

## PHYSIOTHERAPY BENEFIT

### **Right to physiotherapy 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 physiotherapy benefit.

(2) Physiotherapy benefit comprises, in relation to any person, the provision of all such physiotherapy as may be prescribed and as may be requisite in the case of that person for the treatment of disease or otherwise by reason of his condition.

### **Conditions subject to which physiotherapy benefit is available.**

**5B.** A person shall not be entitled to physiotherapy benefit unless the physiotherapy is provided by an approved physiotherapist pursuant to the provisions of the Physiotherapy Contract.

### **Regulations as to information and overpayments.**

**5C.** Regulations may make provision-

- (a) for requiring claimants for physiotherapy benefit or persons in receipt thereof to furnish to the Administrator, as a condition of their right to be provided with physiotherapy 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;

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<sup>d</sup> Ordinance No. XLI of 1995.

- (b) for the repayment of the value of physiotherapy 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) for treating physiotherapy 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;
- (d) as to the time and manner of payment in respect of physiotherapy benefit;
- (e) for extinguishing the right to any amount payable in respect of physiotherapy benefit where payment thereof is not obtained within 12 months from the day upon which the amount becomes receivable in accordance with regulations;
- (f) for enabling the Authority in such cases as may be prescribed to appoint a person to receive payments in respect of physiotherapy benefit for another person."

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

- (a) after the definition of "approved pharmacist" insert the following definition-

**"approved physiotherapist"** means a physiotherapist-

- (i) whose name is included in the list of physiotherapists maintained by the States Board of Health pursuant to paragraph 5 of the Resolution of the States dated 31 January 1990<sup>e</sup>; and
  - (ii) who, pursuant to the provisions of the Physiotherapy Contract, provides physiotherapy benefit;"
- (b) in the definition of "benefit" after "section 4" insert "including physiotherapy benefit";
- (c) after the definition of "Guernsey" insert the following definition-

**"Guernsey Physiotherapy Group"** means the partners for the time being of the physiotherapy practice known as the Guernsey Physiotherapy Group of La Couperderie, St Peter Port and Les Eturs, Rue des Eturs, Castel;"

- (d) after the definition of "pharmacist" insert the following definitions-

**"physiotherapy benefit"** shall be construed in accordance with the provisions of section 5A;

**"Physiotherapy Contract"** means the contract for the provision of physiotherapy benefit made between the States

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<sup>e</sup> Article XI of Billet d'État No. II of 1990.

of Guernsey and the partners of the Guernsey Physiotherapy Group, as amended from time to time by agreement of the parties;" .