

ORDINANCE OF THE STATES OF DELIBERATION

ENTITLED

The Health Service (Physiotherapy 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.

© States of Guernsey

* No. I of 1998 (Recueil d'Ordonnances Tome XXVIII, p. 1); as amended by the Health Service (Physiotherapy Benefit) (Amendment) Ordinance, 2002 (No. XXXIII of 2002, Recueil d'Ordonnances Tome XXIX, p. 210); the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003, Recueil d'Ordonnances Tome XXIX, p. 406); the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016 (No. IX of 2016); the Machinery of Government (Transfer of Functions) Ordinance, 2020 (No. XVI of 2020). This Ordinance has been repealed by the Health Service Benefit (Amendment and Miscellaneous Provisions) (Guernsey) Law, 2021 (No. VIII of 2021).

ORDINANCE
OF THE STATES OF DELIBERATION

ENTITLED

The Health Service (Physiotherapy Benefit) Ordinance, 1997

ARRANGEMENT OF SECTIONS

1. Physiotherapy benefit to be available under Law of 1990.
2. Modifications to Law of 1990 in relation to physiotherapy benefit.
3. Repeal.
4. Citation.
5. Commencement.

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

(Made on 15th December, 1997.)

The Health Service (Physiotherapy Benefit) Ordinance, 1997

THE STATES LEGISLATION COMMITTEE, in pursuance of the States' Resolution of the 26th day of November, 1997^a, 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^b and on the Committee by Article 66(3) of the Reform (Guernsey) Law, 1948, as amended^c, 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.

^a Article IX of Billet d'État No. XXII of 1997.

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

^c 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. 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.

Repeal.

3. The Health Service (Physiotherapy Benefit) Ordinance, 1995^d 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.

REPEALED

^d Ordinance No. XLI of 1995.

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
PHYSIOTHERAPY BENEFIT

Right to physiotherapy 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 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,
- (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 Committee for Health & Social Care] 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 [Committee for Health & Social Care] pursuant to paragraph 5 of the Resolution of the States dated 31 January 1990^e, 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",

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

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

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, were substituted by the Health Service (Physiotherapy Benefit) (Amendment) Ordinance, 2002, section 1, with effect from 1st January, 2003;

in paragraph 2, the words in square brackets in section 5C(f), as inserted in the Health Service (Benefit) (Guernsey) Law, 1990, were substituted by the Machinery of Government (Transfer of Functions) Ordinance, 2020, section 2 and section 4, with effect from 1st June, 2020;¹

in paragraph 3, the words in square brackets in the definition of the expression "approved physiotherapist" in section 39(1), as inserted in the Health Service (Benefit) (Guernsey) Law, 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

The functions, rights and liabilities of the Committee for Employment & Social Security arising under Parts II to VI, sections 21 to 23, and Parts VIII to X of the Health Service (Benefit) (Guernsey) Law, 1990 (other than in the definitions of "approved primary care mental health and wellbeing service arrangement" and "approved visiting medical specialist arrangement" in section 39(1) of that Law, as that Law applies in relation to specialist medical benefit by virtue of the Health Service (Specialist Medical Benefit) Ordinance, 1995) were transferred to and vested in the Committee for Health & Social Care by the provisions of the Machinery of Government (Transfer of Functions) Ordinance, 2020, section 1(a) and section 4, with effect from 1st June, 2020 and subject to, first, the savings and transitional provisions in section 3 and, second, the exceptions in section 5 of the 2020 Ordinance.³

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

The following Regulations have been made under Part IIIA, as inserted in the Health Service (Benefit) (Guernsey) Law, 1990:

*Health Service (Physiotherapy Benefit) Regulations, 2002;
Health Service (Physiotherapy Benefit) (Amendment) Regulations, 2005.*

¹ These words were previously substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(3), Schedule 3, paragraph 4, with effect from 1st May, 2016.

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 The functions, rights and liabilities of the Committee for Employment &

Social Security and its President or Vice-President arising under or by virtue of the Health Service (Benefit) (Guernsey) Law, 1990 were previously transferred to and vested in them, respectively, from the Social Security Department and its Minister or Deputy Minister by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 13, with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance; the functions, rights and liabilities of the Social Security 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 Social Security Authority ("the Authority") and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 26, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.

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.