

ORDINANCE

OF THE STATES OF DELIBERATION

ENTITLED

The Health Service (Specialist Medical Benefit) Ordinance, 1995 *

[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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* Recueil d'Ordonnances Tome XXVI, p. 484; as amended by the Health Service (Specialist Medical Benefit) (Amendment) Ordinance, 2002 (No. XXIX of 2002); the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003, Recueil d'Ordonnances Tome XXIX, p. 406); the Health Service (Specialist Medical Benefit) (Amendment) Ordinance, 2013 (No. XLII of 2013); the Health Service (Specialist Medical Benefit) (Amendment) Ordinance, 2014 (No. LVII of 2014); the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016 (No. IX of 2016); the Machinery of Government (Transfer of Functions) Ordinance, 2020 (No. ** 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 This Ordinance has been repealed by the Health Service Benefit (Amendment and Miscellaneous Provisions) (Guernsey) Law, 2021 (No. VIII of 2021).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**

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**The Health Service (Specialist Medical Benefit) Ordinance,
1995**

ARRANGEMENT OF SECTIONS

1. Specialist medical benefit to be available under Law of 1990.
2. Modifications to Law of 1990 in relation to specialist medical benefit.
3. Citation.
4. Commencement.

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

(Made on 29th November, 1995.)

The Health Service (Specialist Medical Benefit) Ordinance, 1995

THE STATES, in pursuance of their Resolution of the 29th day of June, 1995^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: –

Specialist medical 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 be a further category of benefit under the Law which shall be known as specialist medical benefit.

Modifications to Law of 1990 in relation to specialist medical benefit.

2. The provisions of the Law shall apply in relation to specialist medical 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 (Specialist Medical Benefit) Ordinance, 1995.

Commencement.

4. This Ordinance shall come into force on the 1st January, 1996.

^a Billet d'État No. XIII of 1995.

^b Ordre en Conseil No. XXIV of 1990; Ordinance No. XIV of 1993.

SCHEDULE

Section 2

EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS TO LAW OF 1990
IN ITS APPLICATION TO SPECIALIST MEDICAL BENEFIT

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

["(e) any sums payable by the States pursuant to the provisions of –

(i) the Contract,

(ii) an approved visiting medical specialist arrangement, or

(iii) an approved primary care mental health and wellbeing service arrangement."].]

2. After Part III insert the following Part –

"PART IIIA

SPECIALIST MEDICAL BENEFIT

Right to specialist medical 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 specialist medical benefit.

(2) Specialist medical benefit, in relation to any person, comprises the provision of all such specialist 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 specialist medical benefit is available.

5B. A person shall not be entitled to specialist medical benefit –

[(a) unless the consultation, treatment, procedure or entitlement in question is provided by –

(i) an approved medical practitioner or approved nurse pursuant to the provisions of the Contract,

(ii) an approved visiting medical specialist pursuant to the provisions of an approved visiting medical specialist arrangement, or

(iii) an approved primary care mental health and wellbeing practitioner pursuant to the provisions of an approved primary care mental health and wellbeing arrangement, and]

(b) unless, except in such cases as may be prescribed, he is initially referred for the consultation, treatment, procedure or entitlement in question by a medical practitioner.

Regulations as to information and overpayments.

5C. Regulations may make provision for –

- (a) requiring claimants for specialist medical benefit or persons in receipt thereof to furnish to the Administrator, as a condition of their right to be provided with specialist medical 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 specialist medical 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 specialist medical 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) for the definition of "approved medical practitioner" substitute the following –

"approved medical practitioner", in the case of specialist medical 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 Contract, provides specialist medical benefit,"
- (b) for the definition of "approved nurse" substitute the following –
- "approved nurse"**, in the case of specialist medical 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 the partners of the

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

Medical Specialist Group, and

- (iii) who, pursuant to the provisions of the Contract, provides specialist medical benefit,"

[(ba) after the definition of "approved pharmacist" insert the following –

["**approved primary care mental health and wellbeing practitioner**" means a primary care mental health and wellbeing practitioner approved by [the Committee for Health & Social Care] for the purpose of this Law,

"approved primary care mental health and wellbeing service arrangement" means an arrangement for the provision of specialist medical benefit made between [the States Policy & Resources Committee] and the States [Committee for Health & Social Care],]

"approved visiting medical specialist" means a visiting medical specialist approved by [the Committee for Health & Social Care] for the purpose of this Law,

"approved visiting medical specialist arrangement" means an arrangement for the provision of specialist medical benefit made between [the States Policy & Resources Committee] and the States [Committee for Health & Social Care],"]

(c) in the definition of "benefit" after "section 4" insert

"including specialist medical benefit",

- (d) after the definition of "the Committee" insert the following definition –

"the Contract" means the contract for the provision of specialist medical benefit made between the States of Guernsey and the partners of the Medical Specialist Group, as amended[, renewed or replaced] from time to time by agreement of the parties,"

- (e) after the definition of "medical prescription" insert the following definition –

"the Medical Specialist Group" means the partners for the time being of the practice known as the Medical Specialist Group of Alexandra House, Les Frieteaux, St Martins,"

- (f) after the definition of "the Social Insurance Law" insert the following definition –

"specialist medical benefit" shall be construed in accordance with the provisions of section 5A;"

NOTES

In the Schedule,

paragraph 1 was substituted by the Health Service (Specialist Medical Benefit) (Amendment) Ordinance, 2013, section 1, with effect from 1st January, 2014;

in paragraph 1, paragraph (e), as inserted by way of exception from, adaptation of or modification to the Law of 1990 by this Ordinance, was substituted by the Health Service (Specialist Medical Benefit) (Amendment) Ordinance, 2014, section 1(1)(a), with effect from 1st January, 2015;

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 (Specialist Medical Benefit) (Amendment) Ordinance, 2002, section 1(1), with effect from 1st January, 2003;

in paragraph 2, section 5B(a), as inserted by way of exception, adaptation or modification to the Law of 1990 by this Ordinance, was substituted by the Health Service (Specialist Medical Benefit) (Amendment) Ordinance, 2014, section 1(1)(b), with effect from 1st January, 2015;¹

in paragraph 3(a) and paragraph 3(b), the words "Committee for Health & Social Care" in square brackets in, respectively, the definitions of the expressions "approved medical practitioner" and "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;²

in paragraph 3, subparagraph (ba) was inserted by the Health Service (Specialist Medical Benefit) (Amendment) Ordinance, 2013, section 1(c), with effect from 1st January, 2014;

the definitions of the expressions "approved primary care mental health and wellbeing practitioner" and "approved primary care mental health and wellbeing service arrangement" in the square brackets within subparagraph (ba) of paragraph 3, as inserted by way of exception from, adaptation of or modification to the Law of 1990 by this Ordinance, were inserted by the Health Service (Specialist Medical Benefit) (Amendment) Ordinance, 2014, section 1(1)(c), with effect from 1st January, 2015;

the words "the States Policy & Resources Committee" in square brackets in the definitions of the expressions "approved primary care mental health and wellbeing service arrangement" and "approved visiting medical specialist arrangement" within subparagraph (ba) of paragraph 3, as inserted by way of exception from, adaptation of or modification to the Law of 1990 by this Ordinance, were substituted by the Machinery of Government (Transfer of Functions) Ordinance, 2020, section 5(2), subject to the provisions of section 5(3), with effect from 1st June, 2020;

the words "the Committee for Health & Social Care" in square brackets, wherever occurring within subparagraph (ba) of paragraph 3, as inserted by way of exception from, adaptation of or modification to the Law of 1990 by this Ordinance, were substituted by the Machinery of Government (Transfer of Functions) Ordinance, 2020, section 2 and section 4, with effect from 1st June, 2020;³

the words "Committee for Health & Social Care" in square brackets in the definitions of the expressions "approved primary care mental health and wellbeing service arrangement" and "approved visiting medical specialist arrangement" within subparagraph (ba) of paragraph 3, as inserted by way of exception from, adaptation of or modification to the Law of 1990 by this Ordinance, 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(d), the words in square brackets in the definition of the expression "the Contract", as inserted in the Law of 1990, were inserted by the Health Service (Specialist Medical Benefit) (Amendment) Ordinance, 2002, section 1(2), with effect from 1st January, 2003.

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 this Ordinance) 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.⁴

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.⁵

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

Health Service (Specialist Medical Benefit) Regulations, 2002.

¹ Section 5B(a), as inserted by way of exception, adaptation or modification to the Law of 1990, was previously substituted by the Health Service (Specialist Medical Benefit) (Amendment) Ordinance, 2013, section 1(b), with effect from 1st January, 2014.

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 Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(3), Schedule 3, paragraph 4, with effect from 1st May, 2016.

⁴ 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 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.

⁵ 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.

REPEALED