

ORDER IN COUNCIL

**XI
2004**

ratifying a Projet de Loi

ENTITLED

The Social Insurance (Guernsey) (Amendment) Law, 2004

(Registered on the Records of the Island of Guernsey
on the 4th October, 2004.)



2004

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 4th day of October, 2004 before Geoffrey Robert Rowland, Esquire, Deputy Bailiff; present:— David Charles Lowe, 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, Michael John Tanguy, Esquires, and Susan Mowbray, Jurats.

The Deputy Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 27th day of July, 2004, approving and ratifying a *Projet de Loi* of the States of Guernsey entitled “The Social Insurance (Guernsey) (Amendment) Law, 2004”, THE COURT, after the reading of the said Order in Council and having heard Her Majesty’s Procureur thereon, ORDERED:-

1. That the said Order in Council be registered on the records of this Island; and
2. That an extract of this present Act, together with a copy of the said Order in Council, be sent by Her Majesty’s Greffier to the Clerk of the Court of Alderney for registration on the records of that Island.

At the Court at Buckingham Palace

The 27th day of July, 2004

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 pursuance of their Resolution of the 24th of September, 2003, the States of Deliberation at a meeting on the 10th March, 2004, approved a Projet de Loi entitled “The Social Insurance (Guernsey) (Amendment) Law, 2004.” and request 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 Social Insurance (Guernsey) (Amendment) Law, 2004” and to order that it shall have force of law in the Islands of Guernsey, Alderney, 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 Islands of Guernsey, Alderney, 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 Social Insurance (Guernsey) (Amendment) Law, 2004

THE STATES, in pursuance of their Resolutions of the 24th September 2003^a, 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, Alderney, Herm and Jethou.

Amendment to Arrangement of Sections.

1. In the Arrangement of Sections immediately following the reference to section 39 (“Partial satisfaction of contribution conditions”), insert -

“Work rehabilitation

39A. Work rehabilitation for persons entitled to benefit under this Part.”.

Amendment of Law of 1978.

2. Immediately following section 39 of the Law of 1978 insert -

“Work rehabilitation

Work rehabilitation for persons entitled to benefit under this Part.

39A. (1) The Authority may, at the cost of the Guernsey Insurance Fund, make arrangements for securing that persons entitled to

^a Resolution 9 on Article XVI of Billet d’État No. XXI of 2003.

benefit under this Part of this Law may take advantage of -

- (a) vocational training;
- (b) industrial rehabilitation courses;
- (c) facilities in connection with employment or work under special conditions; and
- (d) such other opportunities, having as their object the provision of skills and other matters designed to facilitate a return to employment or other gainful occupation, as the Authority sees fit.

(2) Regulations may prescribe all necessary matters in relation to arrangements under subsection (1) including, without limiting the generality of the foregoing, the deeming of continued incapacity or unemployment for persons taking advantage of such arrangements for such period or periods as may be prescribed;

(3) The Authority may make grants to such persons, subject to such exceptions, conditions and other matters as it may determine or regulations may prescribe -

- (a) as a general incentive to participate in arrangements under subsection (1); or
- (b) for the provision of tools, equipment, transport or other items required in order to facilitate a

return to employment or other gainful occupation.

(4) The cost of any arrangement or grant made under or by virtue of this section shall, in cases of fraud, misrepresentation or other wilful misconduct by the beneficiary of any such arrangement or grant, be recoverable from the beneficiary -

- (a) as a civil debt; or
- (b) by way of deduction from any benefit payable under or by virtue of -
 - (i) this Law; or
 - (ii) any other Law, under or by virtue of which, a benefit or payment, administered by the Authority is made or available.”

Interpretation.

3. (1) In this Law -

“**Arrangement of Sections**” means the arrangement of sections to the Law of 1978; and

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

1978 as amended^b.

(2) The provisions of the Interpretation (Guernsey) Law, 1948^c shall apply to the interpretation of this Law throughout the Islands of Guernsey, Alderney, Herm and Jethou.

Citation.

4. This Law may be cited as the Social Insurance (Guernsey) (Amendment) Law, 2004.

Commencement.

5. This Law shall come into force on the Monday next following its registration on the Records of the Island of Guernsey.

^b Ordres en Conseil Vol. XXVI, p. 292; Vol. XXVII, pp. 238, 307 and 392; Vol. XXIX, pp. 24, 148 and 422; No. V of 1990; Nos. V and XII of 1993; Ordinance No. XIV of 1993; Ordres en Conseil No. V of 1994, Nos. VI and XIII of 1995; No. I of 1998; No. VI of 1999; No. X of 2000; No. IX of 2001; No XXIV of 2003.

^c Ordres en Conseil Vol. XIII, p. 355.