

Island of  Guernsey

Ordinance of the States **XXXV**

1971

Made	7th June, 1971.
Came into Operation ...	7th June, 1971.
Laid before the States ...	30th June, 1971.

The Social Insurance (Limited Medical Benefit) (Guernsey) Ordinance, 1971

THE STATES LEGISLATION COMMITTEE, in exercise of the powers conferred upon them by paragraph (3) of Article sixty-six of the Reform (Guernsey) Law, 1948(a), and by sections fifteen and seventy-seven of the Social Insurance (Guernsey) Law, 1964, as amended(b), and of all other powers enabling them in that behalf, hereby order:—

1. (1) In this Ordinance, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:— Interpretation.

(a) Ordres en Conseil Vol. XIII, p. 288.

(b) Ordres en Conseil Vol. XIX, p. 286; Vol. XX, p. 126; Vol. XXI, p. 143; No. III of 1971.

“the determining authority” means the Administrator or the tribunal, as the case may require;

“insured person” means an insured person to whom the provisions of section fifteen of the Law apply;

“the Law” means the Social Insurance (Guernsey) Law, 1964;

“week” means a contribution week;

and any other expressions have the same meanings as in the Law.

(2) Except where the context otherwise requires, any reference in this Ordinance to any enactment or regulations shall be construed as including a reference to that enactment or those regulations, as the case may be, as amended, repealed, replaced, extended or applied by or under any other enactment or by any other regulations.

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

Persons
entitled to
receive
limited
medical
benefit.

2. (1) Subject to the provisions of this Ordinance and of any Ordinance and any regulations made under the Law, an insured person—

(a) who suffers personal injury caused by accident otherwise than by accident arising out of and in the course of his employment;

or

(b) who is treated as a non-employed person in accordance with the provisions of any regulations made in pursuance of the provisions

of the Law and who suffers personal injury caused by accident arising out of and in the course of his employment;

shall be entitled to limited medical benefit.

(2) An insured person shall not be entitled to limited medical benefit in respect of a personal injury caused by accident unless he satisfies one of the following conditions, namely, that in the week immediately preceding the week in which he sustains the said injury:—

(a) he was liable to pay a contribution under the Law in respect of that week and that such contribution was paid in that week; or

(b) he was entitled to be credited with a contribution in respect of that week by reason of incapacity for work, confinement or unemployment, as the case may be.

(3) The conditions contained in the last preceding subsection shall be deemed to be satisfied:—

(a) in the case of a person who sustained a personal injury caused by accident during the period commencing on the day in the week in which he became liable under the Law to pay a contribution following a period when he had not been so liable and ending on the last day in that week; or

(b) in the case of an employed person who sustains personal injury caused by accident and whose employer was not, by virtue of the provisions of regulation six of the Social Insurance (Collection of Contributions) (Guernsey) Regulations, 1964, liable in, and in respect of, the week immediately preceding the week in which such employed per-

son sustained the said injury to pay a contribution in respect of or on behalf of that employed person.

Disqualifi-
cations for
limited
medical
benefit.

3. (1) Subject to the provisions of the next succeeding subsection, an insured person shall be disqualified for receiving a grant in respect of limited medical benefit if—

- (a) the personal injury in respect of which he has claimed such benefit is due to his own misconduct; or
- (b) he fails without good cause, on receipt of not less than three clear days notice in writing given by the Authority requiring him so to do, to attend for, or to submit himself to, medical or other examination at such place and at such time (of which two clear days notice shall be given) as may be subsequently communicated to him; or
- (c) he fails without good cause to attend for, or to submit himself to, medical or other treatment:

Provided that this disqualification shall not apply to any failure to submit to a surgical operation, unless the failure is a failure to submit to a surgical operation of a minor character, and is considered by the determining authority to be unreasonable; or

- (d) he fails, without good cause, to refrain from behaviour calculated to retard his recovery and to answer any reasonable enquiries (not being enquiries relating to medical examination, treatment or advice) by the Authority or its officers directed to ascertaining whether he is doing so.

(2) A decision of the determining authority under subsection (1) of this section disqualifying an insured person for receiving a grant in respect of limited medical benefit shall not apply in relation to any liability incurred in respect of that person before the date on which that decision was made.

4. (1) The Authority may provide grants in respect of limited medical benefit of such amount or of such nature as the Authority may in its absolute discretion determine: Grants in respect of limited medical benefit.

Provided that the means of any person shall not be taken into account in determining the amount of such grant.

(2) Notwithstanding the provisions of the Social Insurance (Claims and Payments) (Guernsey) Regulations, 1964, a grant in respect of limited medical benefit shall be paid to such person as the Authority may determine.

5. The Social Insurance (Limited Medical Benefit) (Guernsey) Ordinance, 1966(d), is hereby repealed. Repeals.

6. (1) This Ordinance may be cited as the Social Insurance (Limited Medical Benefit) (Guernsey) Ordinance, 1971. Citation, extent and commencement.

(2) This Ordinance shall have effect in the Islands of Guernsey, Alderney, Herm and Jethou.

(3) This Ordinance shall come into force on the seventh day of June, nineteen hundred and seventy-one.

R. H. VIDELO,

Her Majesty's Greffier.