

Island of



Guernsey

## Ordinance of the States

**XXXIX**  
**2009**

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Made .....25th November, 2009

Coming into Operation .....8th January, 2010

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### **The Supplementary Benefit (Class of persons to whom the Law applies) Ordinance, 2009**

## **The Supplementary Benefit (Classes of persons to whom the Law applies) Ordinance, 2009**

**THE STATES**, in pursuance of their Resolution of the 1<sup>st</sup> October, 2009<sup>a</sup>, and in exercise of the powers conferred on them by sections 2(3) and 15 of the Supplementary Benefit (Guernsey) Law, 1971, as amended<sup>b</sup>, section 1 of the Alderney (Application of Legislation) Law, 1948<sup>c</sup> and all other powers enabling them in that behalf, hereby order:-

### **Variation of the classes of persons to whom the Law applies.**

1. (1) The classes of persons specified in section 2(1) of the Law are varied such that the Law shall apply to a person who is ordinarily resident in Guernsey and is -

- (a) a handicapped person,
- (b) a person who has attained school-leaving age and who is incapacitated by illness or injury,
- (c) a person who has attained pensionable age,
- (d) a person over school-leaving age who is incapable of supporting himself and is likely to remain so incapable for a prolonged period,

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<sup>a</sup> Article XIII of Billet d'État No. XXIV of 2009.

<sup>b</sup> Ordres en Conseil Vol. XXIII, p. 26; amended by Vol. XXVI, p. 292; Vol. XXXI, p. 278 and Order in Council No. VI of 1999; has effect in Alderney by Recueil d'Ordonnances Tome XVII, p. 168; Recueil d'Ordonnances Tome XXIV, p. 468 and Tome XXVI, pp. 177 and 317.

<sup>c</sup> Ordres en Conseil Vol. XIII, p. 448; Vol. XVI, pp. 124 and 126; Vol. XXIV, p. 120; Vol. XXIX, p. 299; Vol. XXX, p. 224 and Orders in Council No. XVI of 1997.

- (e) a person who has attained school-leaving age and who is wholly or partly maintaining a child, being a member of the same household, other than a person who is living with his spouse or cohabitee,
- (f) a woman who is pregnant and in respect of whom it is certified, in such manner as the Administrator may determine, that it is expected that she will be confined within a period of 12 weeks from the date of any application for a supplementary benefit, other than such a woman who is living with her husband or cohabitee,
- (g) a person who has attained school-leaving age, and who is wholly or partly maintaining a child, being a member of the same household, during such time as that person is temporarily not living with his spouse or cohabiting with his cohabitee by reason of that spouse's or cohabitee's detention in legal custody,
- (h) a person who has ceased employment to care for a child, being a member of the same household, as a result of the incapacity of his spouse or cohabitee,
- (i) a person who has ceased employment in order to care for a member of the same household, being -
  - (i) his spouse or cohabitee,
  - (ii) his son or daughter, or

(iii) his parent,

as a result of the incapacity of that spouse or cohabitee, son or daughter or parent,

(j) a person who is actively seeking employment.

(2) For the purposes of subsection (1) –

**"child"** means a person –

(a) who would be treated as a child for the purposes of the Family Allowances (Guernsey) Law, 1950<sup>d</sup>, and

(b) who is under 12 years of age.

**"cohabitee"** means a person who is living with a person to whom he is not married, in a relationship which is, or is deemed by the Administrator to be, equivalent to the relationship of husband and wife and irrespective of whether or not the person is of the same or the opposite sex,

**"Guernsey"** has the same meaning as it does for the purposes of the Law, as the Law has effect in the Island of Alderney under the Alderney (Application of Legislation) (Supplementary Benefit) Ordinance, 1971, as amended<sup>e</sup>, and

**"pensionable age"** has the same meaning as the expression has for

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<sup>d</sup> Ordres en Conseil Vol. XIV, p. 332; Vol. XV, p. 212; Vol. XX, p. 63; Vol. XXI, p. 34; Vol. XXII, p. 318; Vol. XXVI, pp. 150 and 292; Vol. XXVIII, p. 406; Vol. XXXI, p. 278 and Order in Council No. VI of 1999.

<sup>e</sup> Recueil d'Ordonnances Tome XVII, p. 168; and Tome XXVI, p. 462.

the purposes of the Social Insurance (Guernsey) Law, 1978, as amended<sup>f</sup>.

**Interpretation.**

2. (1) In this Ordinance the expression "**the Law**" means the Supplementary Benefit (Guernsey) Law, 1971, and any other expressions have the same meaning as in, and for the purposes of, the Law.

(2) Any reference in this Ordinance to an enactment is a reference thereto as from time to time amended, re-enacted (with or without modification), extended or applied.

**Repeals.**

3. The Supplementary Benefit (Classes of persons to whom the Law applies) Ordinance, 2005<sup>g</sup> is repealed.

**Extent.**

4. This Ordinance shall have effect in the Island of Alderney as it has effect in the Islands of Guernsey, Herm and Jethou.

**Citation.**

5. This Ordinance may be cited as the Supplementary Benefit (Classes of persons to whom the Law applies) Ordinance, 2009.

**Commencement.**

6. This Ordinance shall come into force on the 8th January 2010.

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<sup>f</sup> Ordres en Conseil Vol. XXVI, p. 292; Vol. XXVII, pp. 238, 307 and 392; Vol. XXIX, pp. 24, 148 and 422; Vol. XXXII, p. 59; No. XII of 1993; No. V of 1994; No. 's VI and XIII of 1995; No. VI of 1999; No. X of 2000; No. IX of 2001; No XXIV of 2003; No. XI of 2004; and Ordinance No. XIV of 1993 (Tome XXVI, p. 177).

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