

Island of  Guernsey

Ordinance of the States **XV**
1989

Made 27th September, 1989.
Coming into operation ... 10th November, 1989.

The Supplementary Benefit (Implementation) (Amendment) Ordinance, 1989

THE STATES, in pursuance of their Resolution of the 28th day of June, 1989, and in exercise of the powers conferred upon them by sections 3(2) and 15 of the Supplementary Benefit (Guernsey) Law, 1971(a), hereby order:—

1. The Supplementary Benefit (Implementation) Ordinance, 1971, as amended(b), is hereby further amended as follows:— Amend.
ment of
Ordinance of
1971.

(a) section 3 thereof is repealed and the following section is substituted therefor—

“3 (1) Where the weekly amount of a supplementary benefit determined in accord-

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- (a) Ordres en Conseil Vol. XXIII, p. 26.
(b) Recueil d'Ordonnances Tome XVII, pp. 139 and 179; Tome XVIII, p. 119; Tome XIX, p. 280; Tome XXI, p. 452; Tome XXII, p. 60; No. XVIII of 1984; No. XXI of 1985; No. XXI of 1987; No. XXXIII of 1988 and No. XLI of 1988.

ance with the provisions of this Ordinance would be less than £1, the supplementary benefit shall not be payable.

(2) Where the weekly amount of a supplementary benefit determined in accordance with the provisions of this Ordinance exceeds £1, but is not a multiple of 25p, the amount by which it exceeds such a multiple shall, if it is 13p or more, be treated as 25p and, if it is 12p or less, be disregarded.”;

(b) in section 26(1) thereof—

(i) immediately after the definition of the expression “the Law” there is inserted the following additional definition—

““nursing home” has the same meaning as in section 18(1) of the Nursing Homes and Residential Homes (Guernsey) Law, 1976;”;

(ii) immediately after the definition of the expression “the Register” there is inserted the following additional definition—

““residential home” has the same meaning as in section 18(1) of the Nursing Homes and Residential Homes (Guernsey) Law, 1976;”;

(c) paragraph 3 of Part I of the First Schedule thereto is repealed and the following paragraph is substituted therefor—

“3. (1) The sum of a supplementary benefit payable in any week to or in respect of a person and of any other income, if any, received by or in respect of that person in

that week shall not exceed the limit of weekly income set out in sub-paragraph (2) of this paragraph and, where the sum of the said supplementary benefit and the said income (if any) in any week exceeds the said limit of weekly income, the Administrator shall reduce the amount of the supplementary benefit which would otherwise be payable, by an amount equal to that by which the said limit of weekly income is exceeded.

(2) For the purpose of the last preceding sub-paragraph the limit of the weekly income—

- (a) of a person whose requirements are in accordance with paragraph 5 of this Schedule shall be £119;
- (b) of a person who is residing in a residential home and whose requirements are in accordance with paragraph 7 of this Schedule shall be £200;
- (c) of a person who is residing in a hospital or a nursing home as a patient and whose requirements are in accordance with paragraph 7 of this Schedule shall be £230.

(3) There shall be disregarded for the purposes of this paragraph—

- (a) any form of income mentioned in paragraphs 11, 13 or 14 of Part III of this Schedule;
- (b) any amount by which any weekly earnings mentioned in paragraph 15 of the said Part III exceeds a multiple of five pence; and

(c) any allowance payable under the Family Allowances (Guernsey) Law, 1950.

(4) The provisions of the last preceding paragraph shall for the purposes of this paragraph, apply in like manner to the aggregation of the income of persons falling within the said preceding paragraph who are members of the same household.”;

(d) in Part II of the First Schedule thereto—

(i) paragraph 5 thereof is repealed and the following paragraph is substituted therefor—

“Normal requirements

5. (1) The requirements of persons who are continuously in need of a supplementary benefit for a period not exceeding 6 months shall be as follows, that is to say—

(a) For a husband and wife or other persons falling within paragraph 2(1) of this Schedule £83.00

(b) For a person living alone or a householder not falling within sub-paragraph (a) of this paragraph who is directly responsible for household necessities and rent (if any) £52.00

(c) For any other person—
 (i) aged eighteen years or over and who is not a person to whom item (i) of this sub-paragraph applies £44.00

- (ii) aged sixteen years or over but less than eighteen years £29.00
- (iii) aged thirteen years or over but less than sixteen years £24.00
- (iv) aged eleven years or over but less than thirteen years £18.00
- (v) aged five years or over but less than eleven years £16.00
- (vi) aged less than five years £13.00.

(2) The requirements of persons to whom a supplementary benefit has been payable for a continuous period of six months shall be as follows, that is: to say—

- (a) For a husband and wife or other persons falling within paragraph 2(1) of this Schedule £92.00
- (b) For a person living alone or a householder not falling within sub-paragraph (a) of this paragraph who is directly responsible for household necessities and rent (if any) £57.00
- (c) For any other person—

- (i) aged eighteen years or over and who is not a person to whom item (i) of this sub-paragraph applies £49.00
- (ii) aged sixteen years or over but less than eighteen years £32.00
- (iii) aged thirteen years or over but less than sixteen years £25.00
- (iv) aged eleven years or over but less than thirteen years £20.00
- (v) aged five years or over but less than eleven years £17.00
- (vi) aged less than five years £14.00.

(3) For the purposes of reckoning any continuous period of six months to which the provisions of sub-paragraph 2 of this paragraph apply any period in the aggregate not exceeding 28 days, during which a supplementary benefit has not been payable, shall be disregarded.”;

- (ii) in paragraph 6(i)(b) thereof the words “two pounds and fifty pence” are repealed and the words “ten pounds” are substituted therefor;
- (iii) in paragraph 7 thereof the words “in a home for old people” are repealed and the words “in a residential home” are substituted therefor;

(e) in Part III of the First Schedule thereto—

(i) paragraph 11 thereof is repealed and the following paragraph is substituted therefor

“ 11. There shall be wholly disregarded—

(a) any sums payable to any person as holder of the Victoria Cross or of the George Cross;

(b) any grant by the States Education Council in respect of a person who would be treated as a child for the purposes of the Family Allowances (Guernsey) Law, 1950;

(c) the cash value of any free board or free lodging or both which a person may enjoy, not being board or lodging or both which that person is enjoying under and in pursuance of a contract of service;

(d) any attendance allowance granted under the Attendance and Invalid Care Allowances (Guernsey) Law, 1984.”;

(ii) in paragraph 13 thereof the words “ one thousand pounds ” are repealed and the words “ two thousand pounds ” are substituted therefor;

(iii) paragraph 14 thereof is repealed and the following paragraph is substituted therefor—

“Calculation of income from capital resources

14. The capital resources taken into account, together with any income derived therefrom shall be treated as equivalent to a weekly income of the following amounts, that is to say:—

- (a) so far as the value of the capital resources exceeds two thousand pounds but does not exceed five thousand pounds, thirteen pence for each complete twenty-five pounds;
 - (b) so far as their value exceeds five thousand pounds, twenty-five pence for each complete twenty-five pounds.”;
- (iv) the heading to paragraph 16 thereof is repealed and the following heading is substituted therefor—
“Disregard of ten pounds a week on certain payments”;
- (v) in paragraph 16 thereof—
- (a) the words “five pounds” are repealed and the words “ten pounds” are substituted therefor;
 - (b) the semi-colon at the end of item (b) is deleted and a full stop is substituted therefor;
 - (c) item (c) is repealed;
- (vi) paragraph 17 thereof is repealed and the following paragraph is substituted therefor—

“Disregard of five pounds a week of other income

17. (1) There shall be disregarded, subject to sub-paragraph (2) of this paragraph, five pounds a week of the income taken into account except so far as it consists of any earnings or of any of the following, that is to say:—

- (a) any weekly benefit, other than industrial disablement benefit, payable under the Social Insurance (Guernsey) Law, 1964;
- (b) any weekly benefit payable under the social insurance legislation of any country, other than Guernsey;
- (c) any maintenance payable to a woman in respect of either herself or a child by her husband or a former husband;
- (d) any payment by a man in respect of a child of whom he is the putative father and any payment by that man to the mother of that child;
- (e) any allowance payable under the Family Allowances (Guernsey) Law, 1950.

(2) Where any amount is disregarded under paragraph 16 of this Schedule then, if that amount equals ten pounds a week no further amount shall be disregarded under this paragraph and, if it is less than ten pounds

a week, the amount disregarded under this paragraph shall not, together with that amount, exceed ten pounds a week.”.

Repeals.

2. The Supplementary Benefit (Implementation) (Amendment) Ordinance, 1971(c), the Supplementary Benefit (Implementation) (Amendment) (No. 2) Ordinance, 1974(d), the Supplementary Benefit (Implementation) (Amendment) Ordinance, 1980(e), paragraph 1(b) of the Supplementary Benefit (Implementation) (Amendment) (No. 2) Ordinance, 1985(f), the Supplementary Benefit (Implementation) (Amendment) Ordinance, 1987(g), the Supplementary Benefit (Implementation) (Amendment) Ordinance, 1988(h) and the Supplementary Benefit (Implementation) (Amendment) (No. 2) Ordinance, 1988(i) are hereby repealed.

Extent.

3. This Ordinance shall have effect in the Islands of Guernsey, Herm and Jethou.

Citation.

4. This Ordinance may be cited as the Supplementary Benefit (Implementation) (Amendment) Ordinance, 1989.

Collective title.

5. This Ordinance, the Supplementary Benefit (Implementation) Ordinances, 1971 to 1985 may be cited together as the Supplementary Benefit (Implementation) Ordinances, 1971 to 1989.

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- (c) Recueil d'Ordonnances Tome XVII, p. 179.
 (d) Recueil d'Ordonnances Tome XVII, p. 280.
 (e) Recueil d'Ordonnances Tome XXI, p. 452.
 (f) No. XXXVIII of 1985.
 (g) No. XXI of 1987.
 (h) No. XXXIII of 1988.
 (i) No. XLI of 1988.

6. This Ordinance shall come into force on the 10th day of November, 1989. Commence-
ment.

K. H. TOUGH,
Her Majesty's Greffier.