

Ordinance of the States

VIII
2003

Made 26th March, 2003
Coming into operation 7th April, 2003

The Supplementary Benefit (Implementation) (Amendment) Ordinance, 2003

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THE STATES, in pursuance of their Resolution of the 1st day of March, 2001^a and in exercise of the powers conferred upon them by sections 3(2) and 15 of the Supplementary Benefit (Guernsey) Law, 1971^b as amended and all other powers enabling them, hereby order:-

Amendment of Ordinance of 1971.

1. In the Supplementary Benefit (Implementation) Ordinance, 1971, as amended^c -

(a) for paragraph 1(a) of the First Schedule substitute -

"(a) the weekly requirements of any person shall be taken to be the aggregate of such of the amounts specified in Part II of this Schedule as are applicable to his case, provided that the weekly requirements of a person -

(i) who resides in or at a place other than a residential home, a nursing home or the

^a Resolutions 2 and 3 on Article VII of Billet d'État No. III of 2001.

^b Ordres en Conseil Vol. XXIII, p. 26; Vol. XXXI, p. 278; Orders in Council No. XIV of 1993; No. VI of 1999; Recueil d'Ordonnances, Tome XXIV, p. 468 and Tome XXVI, p. 177.

^c Recueil d'Ordonnances Tome XVII, pp. 139 and 179; Tome XVIII, p. 119; Tome XXI, p. 452; Tome XXIII, p. 314; No. XV of 1989; No. XX of 1994; No. XXII of 1995; No. XXVI of 1996; No. XXX of 1997; No. XXXII of 1998; No. XIII of 1999 and No. XXII of 1999, Nos. IV and XVII of 2000; No. XLVI of 2001; No. XXIV of 2002.

Guernsey Cheshire Home and whose capital resources (after allowing for any disregard under paragraph 10(1)) exceed £20,000; or

- (ii) who resides in a residential home, a nursing home or the Guernsey Cheshire Home and whose capital resources (after allowing for any disregard under paragraph 10(2)) exceed £40,000,

shall be nil;"

- (b) for paragraphs 3(2)(b) and (c) of the First Schedule substitute

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“(b) of a person who is residing in a residential home shall be -

- (i) where that person is entitled to benefit, or would be so entitled if he made a claim under, the Long-term Care Insurance (Guernsey) Law, 2002, the amount of the requirements specified in paragraph 7(1) of this Schedule; or
- (ii) where that person is not entitled to benefit, for reason other than failure to make a claim, under the Long-term Care Insurance (Guernsey) Law, 2002 and his requirements are in accordance

with paragraph 7(2) of this Schedule,
the sum of -

(aa) a personal allowance of £17.00;
and

(bb) £346.00;

(c) of a person who is residing in a hospital, a
nursing home or the Guernsey Cheshire Home
shall be -

(i) where that person is entitled to benefit,
or would be so entitled if he made a
claim under, the Long-term Care
Insurance (Guernsey) Law, 2002, the
amount of the requirements specified in
paragraph 7(1) of this Schedule; or

(ii) where that person is not entitled to
benefit, for reason other than failure to
make a claim, under the Long-term
Care Insurance (Guernsey) Law, 2002
and his requirements are in accordance
with paragraph 7(2) of this Schedule,
the sum of -

(aa) a personal allowance of £17.00;
and

(bb) £497.00;”;

(c) for paragraph 7 of the First Schedule substitute -

“ 7. (1) The requirements of a person who is residing in a residential home, a nursing home or the Guernsey Cheshire Home and who is entitled to benefit, or would be so entitled if he made a claim under, the Long-term Care Insurance (Guernsey) Law, 2002 shall be the sum of -

(a) a personal allowance in the same amount as provided for under paragraphs 3(2)(b)(ii)(aa) or 3(2)(c)(ii)(aa) of this Schedule, as the case may be; and

(b) such co-payment by way of contribution as the States may, from time to time, by Ordinance specify under section 5 of that Law.

(2) The requirements of a person who is residing in a residential home, a hospital, a nursing home or the Guernsey Cheshire Home and who is not entitled to benefit, for reason other than failure to make a claim, under the Long-term Care Insurance (Guernsey) Law, 2002 shall be such amount, if any, as may seem reasonable in the circumstances.”;

(d) for paragraph 10 of the First Schedule substitute -

“10. (1) In taking into account the value to any person of an interest in the dwelling in which he resides, any sum which might be obtained by him by selling that interest or borrowing money upon the security thereof shall be disregarded.

(2) In taking into account the value to any person entitled to benefit, or who would be so entitled if he made a claim under, the Long-term Care Insurance (Guernsey) Law, 2002, of any interest in a dwelling -

(a) which he occupied as his principal private residence immediately before becoming a resident of any residential home, nursing home or the Guernsey Cheshire Home; and

(b) in which he no longer resides,

any sum which might be obtained by him by selling that interest or borrowing money upon the security thereof shall be disregarded.

Extent.

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

Citation.

3. This Ordinance may be cited as the Supplementary Benefit (Implementation) (Amendment) Ordinance, 2003.

Commencement.

4. This Ordinance shall come into force on the 7th day of April 2003.