

Social InsuranceThe Social Insurance (Hospital In-Patients) (Guernsey) Regulations, 1969

STATUTORY INSTRUMENTS

No. 3

Made 3rd February, 1969

Coming into Operation 3rd February, 1969

THE STATES INSURANCE AUTHORITY, in exercise of the powers conferred upon it by section thirty-eight of the Social Insurance (Guernsey) Law, 1964, and of all other powers enabling it in that behalf, hereby orders:-

PART I

InterpretationInterpretation.

1.(1) In these regulations, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:-

"beneficiary" means, in relation to any benefit, the person to whom that benefit is payable;

"benefit" means benefit under the Law;

"dependency benefit" means that benefit, pension or allowance under the Law which is payable to a person in respect of another person who is a child or an adult dependant;

"free in-patient treatment" means, in relation to any person, treatment as an in-patient in the Castel Hospital;

"the Law" means the Social Insurance (Guernsey) Law, 1964;

"personal benefit" means that benefit, pension or allowance under the Law which, apart from these regulations, is payable to a person otherwise than in respect of another person who is a child or an adult dependant;

"widow's basic pension" has the same meaning as in the Social Insurance (Pensions, Existing Beneficiaries and Other Persons) (Transitional) (Guernsey) Regulations, 1964;

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

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construed as including a reference to that enactment or those regulations, as the case may be, as amended, extended, repealed, replaced or revoked by or under any other enactment or by any other regulations.

(3) The Interpretation (Guernsey) Law, 1948, shall apply to the interpretation of these regulations as it applies to the interpretation of a Guernsey enactment.

PART II

Adjustment of BenefitPersonal Benefit.

2.(1) The provisions of this regulation shall not apply to a beneficiary for any period during which, by virtue of regulation four of these regulations, he is regarded as having a dependant.

(2) Where the conditions for the receipt of personal benefit by way of sickness benefit, widow's allowance, widowed mother's allowance, widow's pension, retirement pension or widow's basic pension are satisfied in relation to any

person who receives, or has received, continuously, for a period of eight weeks for in-patient treatment, the weekly rate of that allowance, benefit or pension, in the case may be, which, but for the provisions of these regulations, would be payable for any period of that treatment after the first eight weeks of that treatment shall, subject to the following provisions of these regulations, be reduced to fifteen shillings.

Dependency Benefit.

3. Where the conditions for the receipt by any person (hereafter in this regulation referred to as "the beneficiary") of any dependency benefit are satisfied as respects a period for which the person in respect of whom that dependency benefit is payable (hereafter in this regulation referred to as "the dependant") is receiving free in-patient treatment, the weekly rate of that dependency benefit, which, but for the provisions of these regulations, would be payable for any period of that treatment after the first eight weeks of that treatment shall, where the weekly rate of that dependency benefit exceeds fifteen shillings, be reduced to fifteen shillings.

PART III

Supplementary Provisions

Beneficiaries regarded as having "dependants".

4. For the purpose of regulation two of these regulations, a beneficiary shall be regarded as having a dependant for any period if, but only if, for that period either:-

- (a) any dependency benefit is payable to the beneficiary (or to some other person on his behalf) or, but for the operation of the Social Insurance (Overlapping Benefits) (Guernsey) Regulations, 1964 would, subject to his satisfying the condition of making a claim therefor, be payable to the beneficiary; or
- (b) an increase of benefit would, subject as aforesaid, be payable to the beneficiary in respect of an adult dependant, if any earnings of that dependant were disregarded otherwise than for the purpose of ascertaining whether or not the beneficiary is or has been wholly or mainly maintaining that dependant; or
- (c) an increase of benefit would, subject as aforesaid, be payable to the beneficiary in respect of his wife for any period in respect of which a retirement pension is payable to her, if she had not attained pensionable age and any earnings of the wife were disregarded otherwise than for the purpose of ascertaining whether or not the beneficiary is or has been wholly or mainly maintaining her.

Calculation of periods.

5.(1) For the purpose of calculating any period mentioned in Part II of these regulations, but for no other purpose, the following provisions of this regulation shall apply.

(2) Where a person has received free in-patient treatment for two or more distinct periods separated by a temporary interval or temporary intervals, he shall be regarded as having received such treatment continuously for a period, equal in duration to the total of such distinct periods, ending on the last day of the latter or last of such periods; and, for this purpose, the expression "temporary interval" means a period not exceeding twenty-eight days.

(3) In the application of the provisions of these regulations in relation to a person who is receiving free in-patient treatment immediately before the date of their coming into operation, those provisions shall, in respect of the period of in-patient treatment then current, have effect as if the period of that free in-patient treatment had commenced on that date.

Priority of adjustments.

6. Where any benefit in relation to which these regulations apply falls to be adjusted in accordance with the provisions of the Social Insurance (Overlapping Benefits) (Guernsey) Regulations, 1964, the benefit to be so adjusted in accordance with those provisions shall be the relevant benefit for the purposes of the provisions of these regulations.

PART IV

Citation and commencement

Citation and commencement.

7. These regulations may be cited as the Social Insurance (Hospital In-Patients) (Guernsey) Regulations, 1969, and shall come into operation on the third day of February, nineteen hundred and sixty-nine.

Dated this third day of February, nineteen hundred and sixty-nine.

E. H. BODMAN

President of the States Insurance Authority,
for and on behalf of the Authority.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations provide for adjusting some of the benefits payable under the Social Insurance (Guernsey) Law, 1964, where the beneficiary or a dependant of the beneficiary is being maintained free of charge in the Castel Hospital.