

# ORDER IN COUNCIL

IV  
2014

ratifying a Projet de Loi

ENTITLED

## **Severe Disability Benefit and Carer's Allowance (Guernsey) Law, 2013**

(Registered on the Records of the Island of Guernsey  
on the 24th February, 2014.)



2014

## ORDER IN COUNCIL



### IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 24<sup>th</sup> day of February, 2014 before John Russell Finch, Esquire, Judge of the Royal Court; present:- Stephen Edward Francis Le Poidevin, David Osmond Le Conte, Stephen Murray Jones, Peter Sean Trueman Girard, Esquires, Constance Helyar-Wilkinson, David Percy Langley Hodgetts LVO, Niall David McCathie, Esquires, Margaret Ann Spaargaren, Terry John Ferbrache, Jonathan Grenfell Hooley, Esquire, Jurats.

Judge Finch having this day placed before the Court an Order of Her Majesty in Council dated 11<sup>th</sup> February, 2014 approving and ratifying a Projet de Loi of the States of Guernsey entitled “The Severe Disability Benefit and Carer’s Allowance (Guernsey) Law, 2013”, THE COURT, after the reading of the said Order in Council and after having heard Her Majesty’s Procureur thereon, ORDERED:

1. That the said Order be registered on the records of this Island;  
and
2. That an extract of this present Act, together with a copy of the said Order be sent by Her Majesty’s Greffier to the Greffier of the Court of Alderney for registration on the records of that Island.

S M D ROSS  
Her Majesty’s Deputy Greffier



*At the Court at Buckingham Palace*

THE 11th DAY OF FEBRUARY 2014

PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY  
IN COUNCIL

The following report from the Committee of Council for the Affairs of Jersey and Guernsey was today read at the Board:

“In accordance with Your Majesty’s General Order of Reference of 22nd February 1952 the Committee have considered a Petition of the States of Guernsey:

“That, in pursuance of their Resolution of 26th October 2011 the States of Deliberation at a meeting on 27th November 2013 approved a Projet de Loi entitled the Severe Disability Benefit and Carer’s Allowance (Guernsey) Law, 2013 and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction to it. That the Projet de Loi is as set forth in the attached Schedule. The Petition most humbly prays that Your Majesty might be graciously pleased to sanction the Severe Disability Benefit and Carer’s Allowance (Guernsey) Law, 2013, and to order that it shall have force of law in the Islands of Guernsey, Alderney, Herm and Jethou.

“The Committee have considered the Projet de Loi and have agreed to report that it may be advisable for Your Majesty to approve and ratify it”.

Her Majesty, having taken the report into consideration, was pleased, by and with the advice of Her Privy Council, to approve and ratify the Projet de Loi (a copy of which is annexed to this Order) and to order that it, together with this Order, shall have the force of law in the Islands of Guernsey, Alderney, Herm and Jethou and shall be entered on the Register of the Island of Guernsey and observed accordingly.

Her Majesty’s Officers in the Bailiwick of Guernsey, and all others whom it may concern, are therefore to take notice of Her Majesty’s Order and to proceed accordingly.

*Richard Tilbrook*

# PROJET DE LOI

ENTITLED

## **The Severe Disability Benefit and Carer's Allowance (Guernsey) Law, 2013**

### ARRANGEMENT OF SECTIONS

1. Amendment of titles.
2. Amendment of citation clauses.
3. Amendment of words and phrases.
4. Amendment of Law of 1984.
5. Interpretation.
6. Citation.
7. Commencement.

FIRST SCHEDULE: Titles of enactments.

SECOND SCHEDULE: Citation clauses.

# PROJET DE LOI

ENTITLED

## **The Severe Disability Benefit and Carer's Allowance (Guernsey) Law, 2013**

**THE STATES**, in pursuance of their Resolution of the 26<sup>th</sup> October, 2011<sup>a</sup>, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Islands of Guernsey, Alderney, Herm and Jethou.

### **Amendment of titles.**

1. (1) For the titles set out in the second column of the First Schedule substitute the relevant title set out in the third column.

(2) For any reference in any enactment to a title set out in the second column of the First Schedule substitute the relevant title set out in the third column.

### **Amendment of citation clauses.**

2. For the provisions of the enactments referred to in the second column of the Second Schedule substitute the relevant provision set out in the third column.

### **Amendment of words and phrases.**

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<sup>a</sup> Article X of Billet d'État No. XVII of 2011.

3. In any enactment other than this Law -
  - (a) for the words or phrases -
    - (i) "attendance allowance", substitute "severe disability benefit", and
    - (ii) "invalid care allowance", substitute "carer's allowance", and
  - (b) where those words or phrases are preceded by "an", delete "an".

**Amendment of Law of 1984.**

4. The Law of 1984 is amended as follows -
  - (a) in section 2 -
    - (i) for paragraph (b) of subsection (1), substitute -  
"(b) he satisfies such conditions as may be specified by the Authority under subsection (7).", and
    - (ii) in subsection (6), delete ", as gainfully employed", and
    - (iii) immediately after subsection (6), insert the following subsection -

"(7) The Authority may, by written determination, specify such conditions relating to entitlement to carer's allowance, either generally or in relation to any specific case, as it deems reasonably necessary in order to ensure that any severely disabled person, for whom the person in receipt of carer's allowance is regularly and substantially engaged in caring, receives appropriate medical, or other professional, attention and care.", and

(b) in section 12(2) –

(i) delete "or" where it appears at the end of paragraph (b),

(ii) delete the full stop, and

(iii) immediately after paragraph (c), insert the following paragraph -

"(d) refer it to the Authority in order that the Authority may consider the exercise of its powers under subsection (7) of section 2."

**Interpretation.**

5. (1) In this Law -

"**enactment**" means any Law, Ordinance or subordinate legislation,

"**Law of 1984**" means the Severe Disability Benefit and Carer's Allowance (Guernsey) Law, 1984 (formerly entitled the Attendance and

Invalid Care Allowances (Guernsey) Law, 1984<sup>b</sup>), and

"**subordinate legislation**" means any regulation, rule, order, rule of court, resolution, scheme, byelaw or other instrument made under any enactment and having legislative effect.

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

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

**Citation.**

6. This Law may be cited as the Severe Disability Benefit and Carer's Allowance (Guernsey) Law, 2013.

**Commencement.**

7. This Law shall come into force on the day appointed by Ordinance of the States; and different dates may be appointed for different provisions and for different purposes.

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<sup>b</sup> Ordres en Conseil Vol. XXVIII, p. 353; Vol. XXXI, p. 278; Vol. XXXIII, p. 238; Vol. XXXIV, p. 458 and Vol. XLIII (1), p. 261; Recueil d'Ordonnances Tome XXVI, p. 177; Tome XXIX, p. 406 and Tome XXXIII, p. 472 and G.S.I. No. 43 of 2003.

<sup>c</sup> Ordres en Conseil Vol. XIII, p. 355.

## FIRST SCHEDULE

## Section 1

## TITLES OF ENACTMENTS

	<i>Original title</i>	<i>New title</i>
1.	The Attendance and Invalid Care Allowances (Guernsey) Law, 1984	The Severe Disability Benefit and Carer's Allowance (Guernsey) Law, 1984
2.	The Attendance and Invalid Care Allowances (Amendment) (Guernsey) Law, 1986 <sup>d</sup>	The Severe Disability Benefit and Carer's Allowance (Amendment) (Guernsey) Law, 1986
3.	The Attendance and Invalid Care Allowances (Amendment) (Guernsey) Law, 1991 <sup>e</sup>	The Severe Disability Benefit and Carer's Allowance (Amendment) (Guernsey) Law, 1991
4.	The Attendance and Invalid Care Allowances (Amendment) (Guernsey) Law, 1993 <sup>f</sup>	The Severe Disability Benefit and Carer's Allowance (Amendment) (Guernsey) Law, 1993
5.	The Attendance and Invalid Care Allowances (Guernsey) (Amendment) Law, 2002 <sup>g</sup>	The Severe Disability Benefit and Carer's Allowance (Amendment) (Guernsey) Law, 2002
6.	The Attendance and Invalid Care Allowances (Guernsey) Law, 1984 (Commencement) Ordinance, 1985 <sup>h</sup>	The Severe Disability Benefit and Carer's Allowance (Guernsey) Law, 1984 (Commencement) Ordinance,

<sup>d</sup> Ordres en Conseil Vol. XXVIII, p. 353.

<sup>e</sup> Ordres en Conseil Vol. XXXIII, p. 238.

<sup>f</sup> Ordres en Conseil Vol. XXXIV, p. 458.

<sup>g</sup> Ordres en Conseil Vol. XLIII (1), p. 261.

<sup>h</sup> Recueil d'Ordonnances Tome XXIII, p. 311.

		1985
7.	The Attendance and Invalid Care Allowances (Guernsey) Ordinance, 1986 <sup>i</sup>	The Severe Disability Benefit and Carer's Allowance (Guernsey) Ordinance, 1986
8.	The Attendance and Invalid Care Allowances (Appeals and References) (Guernsey) Order 1985 <sup>j</sup>	The Severe Disability Benefit and Carer's Allowance (Appeals and References) (Guernsey) Order, 1985
9.	The Invalid Care Allowance (Guernsey) Regulations, 1986 <sup>k</sup>	The Carer's Allowance (Guernsey) Regulations, 1986
10.	The Invalid Care Allowance (Amendment) Regulations, 1997 <sup>l</sup>	The Carer's Allowance (Amendment) Regulations, 1997
11.	The Attendance Allowance (Duties of Appointees) Regulations, 2002 <sup>m</sup>	The Severe Disability Benefit (Duties of Appointees) Regulations, 2002
12.	The Attendance Allowance (Guernsey) Regulations, 2003 <sup>n</sup>	The Severe Disability Benefit (Guernsey) Regulations, 2003

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<sup>i</sup> Recueil d'Ordonnances Tome XXIII, p. 443.

<sup>j</sup> Orders of the Royal Court No. III of 1985.

<sup>k</sup> G.S.I. No. 2 of 1986.

<sup>l</sup> G.S.I. No. 2 of 1997.

<sup>m</sup> G.S.I. No. 3 of 2002.

<sup>n</sup> G.S.I. No. 43 of 2003.

## SECOND SCHEDULE

## Section 2

## CITATION CLAUSES

	<i>Original provision</i>	<i>New provision</i>
1.	Section 27 of the Attendance and Invalid Care Allowances (Guernsey) Law, 1984.	<b>"Citation.</b> 27. This Law may be cited as the Severe Disability Benefit and Carer's Allowance (Guernsey) Law, 1984."
2.	Section 2 of the Attendance and Invalid Care Allowances (Amendment) (Guernsey) Law, 1986.	<b>"Citation.</b> "2. This Law may be cited as the Severe Disability Benefit and Carer's Allowance (Amendment) (Guernsey) Law, 1986."
3.	Section 3 of the Attendance and Invalid Care Allowances (Amendment) (Guernsey) Law, 1986.	<b>"Collective title.</b> "3. This Law and the principal Law may be cited as the Severe Disability Benefit and Carer's Allowance (Guernsey) Laws, 1984 and 1986."
4.	Section 2 of the Attendance and Invalid Care Allowances (Amendment) (Guernsey) Law, 1991.	<b>"Citation.</b> "2. This Law may be cited as the Severe Disability Benefit and Carer's Allowance (Amendment) (Guernsey) Law, 1991."
5.	Section 2 of the Attendance and Invalid Care Allowances (Amendment) (Guernsey) Law, 1993.	<b>"Citation.</b> "2. This Law may be cited as the Severe Disability Benefit and Carer's Allowance (Amendment) (Guernsey) Law, 1993."

6.	Section 4 of the Attendance and Invalid Care Allowances (Guernsey) (Amendment) Law, 2002.	<b>"Citation.</b> "4. This Law may be cited as the Severe Disability Benefit and Carer's Allowance (Amendment) (Guernsey) Law, 2002."
7.	Section 3 of the Attendance and Invalid Care Allowances (Guernsey) Law, 1984 (Commencement) Ordinance, 1985.	<b>"Citation.</b> "3. This Ordinance may be cited as the Severe Disability Benefit and Carer's Allowance (Guernsey) Law, 1984 (Commencement) Ordinance, 1985."
8.	Section 8 of the Attendance and Invalid Care Allowances (Guernsey) Ordinance, 1986.	<b>"Citation.</b> "8. This Ordinance may be cited as the Severe Disability Benefit and Carer's Allowance (Guernsey) Ordinance, 1986."
9.	Paragraph 16 of the Attendance and Invalid Care Allowances (Appeals and References) (Guernsey) Order 1985.	<b>"Citation.</b> "16. This Order may be cited as the Severe Disability Benefit and Carer's Allowance (Appeals and References) (Guernsey) Order, 1985."
10.	Regulation 19 of the Invalid Care Allowance (Guernsey) Regulations, 1986.	<b>"Citation.</b> "19. These Regulations may be cited as the Carer's Allowance (Guernsey) Regulations, 1986."
11.	Regulation 3 of the Invalid Care Allowance (Amendment) Regulations, 1997.	<b>"Citation.</b> "3. These Regulations may be cited as the Carer's Allowance (Amendment) Regulations, 1997."

12.	Regulation 9 of the Attendance Allowance (Duties of Appointees) Regulations, 2002.	<b><u>Citation.</u></b> "9. These Regulations may be cited as the Severe Disability Benefit (Duties of Appointees) Regulations, 2002."
13.	Regulation 26 of the Attendance Allowance (Guernsey) Regulations, 2003.	<b><u>Citation.</u></b> "26. These Regulations may be cited as the Severe Disability Benefit (Guernsey) Regulations, 2003."

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Printed by Colour Monster Printshop, Lowlands Building, Lowlands Industrial Estate, Guernsey GY3 5XH.