

PROJET DE LOI

ENTITLED

The Severe Disability Benefit and Carer's Allowance (Amendment) (Guernsey) Law, 2002 *

[CONSOLIDATED TEXT]

NOTE

This consolidated version of the enactment incorporates all amendments listed in the footnote below. However, while it is believed to be accurate and up to date, it is not authoritative and has no legal effect, having been prepared in-house for the assistance of the Law Officers. No warranty is given that the text is free of errors and omissions, and no liability is accepted for any loss arising from its use. The authoritative text of the enactment and of the amending instruments may be obtained from Her Majesty's Greffier, Royal Court House, Guernsey, GY1 2PB.

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* Ordres en Conseil Vol. XLIII(1), p. 261; as amended by the Severe Disability Benefit and Carer's Allowance (Guernsey) Law, 2013 (No. ** of 2014).

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ARRANGEMENT OF SECTIONS

1. Amendments.
2. Interpretation.
3. Savings for questions and appeals referred or made before the coming into force of this Law.
4. Citation.

SCHEDULE Amendment of the Law of 1984.

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The [Severe Disability Benefit and Carer's Allowance (Amendment) (Guernsey) Law, 2002]

THE STATES, in pursuance of their Resolution of the 26th day of September, 2002^a, 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.

Amendments.

1. The Law of 1984 is amended as set out in the Schedule.

NOTE

The title in square brackets of this Law was substituted by the Severe Disability Benefit and Carer's Allowance (Guernsey) Law, 2013, section 1(1), First Schedule, paragraph 5, with effect from 1st May, 2014.¹

Interpretation.

2. In this Law, unless the context otherwise requires –

"Attendance Allowance Board" and **"Board"** mean the Attendance Allowance Board constituted under section 15 of the Law of 1984,

^a Resolution 17 on Article X of Billet d'État No. XX of 2002.

"the Law of 1984" means the [Severe Disability Benefit and Carer's Allowance (Guernsey) Law, 1984] as amended^b,

"Ordinary Court" means the Royal Court of Guernsey sitting as an Ordinary Court, and

"the Schedule" means the schedule to this Law.

NOTE

In section 2, the words in square brackets were substituted by the Severe Disability Benefit and Carer's Allowance (Guernsey) Law, 2013, section 1(2), First Schedule, paragraph 1, with effect from 1st May, 2014.

Savings for questions and appeals referred or made before the coming into force of this Law.

3. Notwithstanding the repeals made by this Law –
- (a) any question for determination referred to the Attendance Allowance Board under section 15(1)(a) of the Law of 1984, and
 - (b) any question of law or appeal referred or made to the Ordinary Court under section 17 of the Law of 1984,

prior to the coming into force of this Law shall be determined or otherwise dealt with by the Board or the Ordinary Court, as the case may be, as if the repeals had

^b Ordres en Conseil Vol. XXVIII, p.353; Vol. XXIX, p. 198; No. XIV of 1991; No. X of 1993 and No. VI of 1999; Recueil d'Ordonnances Tome XXVI, p. 177.

not been made.

[Citation.]

4. This Law may be cited as the Severe Disability Benefit and Carer's Allowance (Amendment) (Guernsey) Law, 2002.]

NOTES

Section 4 was substituted by the Severe Disability Benefit and Carer's Allowance (Guernsey) Law, 2013, section 2, Second Schedule, paragraph 6, with effect from 1st May, 2014.²

The Law received Royal Sanction on 20th March, 2003 and was registered on the Records of the Island of Guernsey and came into force on 28th April, 2003.

SCHEDULE

Section 1

AMENDMENT OF THE LAW OF 1984

Amendment of section 1.

1. (1) In subsection 1(1) of the Law of 1984 –
 - (a) delete the full stop after sub-paragraph (b)(ii) and insert ", or",
 - (b) immediately following sub-paragraph (b)(ii) as amended by paragraph (a) above, insert –
 - "(c) he is deemed in accordance with regulations made by the Authority to satisfy either, or both of, the conditions in paragraphs (a) and (b)".³
- (2) For 1(2) of the Law of 1984 substitute –
 - "(2) Subject to the provisions of this Law, the period for which an attendance allowance is payable to any person shall be –
 - (a) a period throughout which he –
 - (i) has satisfied,
 - (ii) is deemed, in accordance with regulations made under paragraph (c) of subsection (1)

to have satisfied, or

(iii) is likely to satisfy,

the conditions mentioned in paragraph (a) of subsection (1) of this section or that mentioned in paragraph (b) of that subsection or both, and

(b) except where otherwise prescribed by regulations made by the Authority, a period immediately preceded by one of not less than three months throughout which he –

(i) satisfied,

(ii) is deemed, in accordance with regulations made under paragraph (c) of subsection (1) to have satisfied, or

(iii) is likely to satisfy,

one or both of those conditions." ⁴

(3) Subsection 1(2A) is repealed.

(4) In subsection 1(3)(a), immediately after "subsection (2),"

insert "or such other period as may be prescribed by the Authority in relation to sections 1(1)(c) or 1((2)(b),".⁵

Amendment of section 11.

2. In section 11(b) of the Law of 1984 the comma and words following "an allowance" are repealed.

Amendment of section 12.

3. In section 12(2) of the Law of 1984 the phrase "Subject to section fourteen of this Law," is repealed.

Repeal of sections 14 to 17.

4. Sections 14, 15, 16 and 17 of the Law of 1984 are repealed.

Repeal of the First Schedule.

5. The First Schedule to the Law of 1984 is repealed.

Amendment of the Second Schedule.

6. In the Second Schedule to the Law of 1984 the expression ""The Attendance Allowance Board" and "the Board"" and its associated meaning are repealed.

¹ Prior to this substitution, the Law was titled the Attendance and Invalid Care Allowances (Guernsey) (Amendment) Law, 2002.

² Prior to this substitution, the Law was cited as the Attendance and Invalid Care Allowances (Guernsey) (Amendment) Law, 2002.

³ For subsequent amendments, see the consolidated text of the Severe Disability Benefit and Carer's Allowance (Guernsey) Law, 1984.

⁴ For subsequent amendments, see the consolidated text of the Severe Disability Benefit and Carer's Allowance (Guernsey) Law, 1984.

⁵ For subsequent amendments, see the consolidated text of the Severe Disability Benefit and Carer's Allowance (Guernsey) Law, 1984.