

GUERNSEY STATUTORY INSTRUMENT

2014 No. 17

**The Carer's Allowance (Guernsey) (Amendment)
Regulations, 2014***Made* 15th April, 2014*Coming into operation* 1st May, 2014*Laid before the States* , 2014

THE SOCIAL SECURITY DEPARTMENT, in exercise of the powers conferred upon it by sections 2, 5 and 23 of the Severe Disability Benefit and Carer's Allowance (Guernsey) Law, 1984^a, and of all other powers enabling it in that behalf, hereby orders:-

Amendment of Carer's Allowance (Guernsey) Regulations, 1986.

1. The Carer's Allowance (Guernsey) Regulations, 1986^b are amended as follows.

2. In regulation 1(1), insert the following definition before the definition of "hospital" –

"approved care establishment" has the meaning assigned to it by section 34(1) of the Long-term Care Insurance (Guernsey) Law, 2002;".

^a 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 and the Severe Disability Benefit and Carer's Allowance (Guernsey) Law, 2013; Recueil d'Ordonnances Tome XXVI, p. 177; Tome XXIX, p. 406 and Tome XXXIII, p. 472 and G.S.I. No. 43 of 2003; formerly entitled the Attendance and Invalid Care Allowances (Guernsey) Law, 1984.

^b G.S.I. No. 2 of 1986, as amended by G.S.I. No. 32 of 1995; G.S.I. No. 2 of 1997 and the Severe Disability Benefit and Carer's Allowance (Guernsey) Law, 2013.

3. After regulation 3(3) insert the following subparagraph –

"(4) Notwithstanding the provisions of paragraphs (1) and (2) of this Regulation, a person who has been in receipt of carer's allowance by virtue of being regularly and substantially engaged in caring for a severely disabled person immediately prior to the severely disabled person's death, or permanent admission to an approved care establishment or similar institution approved by the Administrator, shall continue to be entitled to carer's allowance for a period of –

- (a) eight weeks following the death of the severely disabled person for whom they were caring;
- (b) four weeks following the permanent admission of the severely disabled person for whom they were caring to an approved care establishment or similar institution."

4. In regulation 4(1), after "by attendance at an establishment" insert "located outside the Bailiwick of Guernsey that is".

5. Regulation 6 is revoked.

6. In regulation 15(1) -

- (a) in subparagraph (b), after "public funds" insert "or is permanently admitted to an approved care establishment or similar institution approved by the Administrator",
- (b) in subparagraph (c), for the full stop substitute a comma, and

(c) immediately after sub-paragraph (c), insert the word "or" and the following sub-paragraph -

"(d) dies."

Interpretation.

7. (1) In these Regulations, unless the context requires otherwise –

"**enactment**" means any Law, Ordinance or subordinate legislation, 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) The Interpretation (Guernsey) Law, 1948^c applies to the interpretation of these Regulations throughout the Islands of Guernsey, Alderney, Herm and Jethou.

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

Extent.

8. These Regulations have effect in the Islands of Guernsey, Alderney, Herm and Jethou.

Citation.

9. These Regulations may be cited as the Carer's Allowance (Guernsey) (Amendment) Regulations, 2014.

^c Orders en Conseil Vol. XIII, p. 355.

Commencement.

9. These Regulations come into force on the 1st May, 2014.

Dated this 15th day of April, 2014.



Allister H Langlois

Minister of the Social Security Department

for and on behalf of the Department

EXPLANATORY NOTE

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

These Regulations amend the Carer's Allowance (Guernsey) Regulations, 1986 (formerly known as the Invalid Care Allowance (Guernsey) Regulations, 1986). The effects of the amendments are to permit carers (over the age of 18), in full-time education at an establishment located within the Bailiwick of Guernsey, to receive carer's allowance, to remove the earnings limit for carer's allowance and to allow payment of carer's allowance for eight weeks, following the death of the linked severe disability benefit recipient, and four weeks if the linked severe disability benefit recipient moves into permanent care.

These Regulations come into force on the 1st May, 2014.