

Island of



Guernsey

## Ordinance of the States

**XXV**  
**2014**

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Made ..... 29th July, 2014

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### **Supplementary Benefit (Implementation) (Amendment) Ordinance, 2014**



## **The Supplementary Benefit (Implementation) (Amendment) Ordinance, 2014**

**THE STATES**, in pursuance of their Resolutions of the 28<sup>th</sup> April, 2005<sup>a</sup> and 7<sup>th</sup> March, 2012<sup>b</sup>, and in exercise of the powers conferred on them by sections 3, 15 and 15B of the Supplementary Benefit (Guernsey) Law, 1971<sup>c</sup> and all other powers enabling them in that behalf, hereby order:-

### **Amendment of Ordinance of 1971.**

1. The Supplementary Benefit (Implementation) Ordinance, 1971<sup>d</sup> (the "**Ordinance of 1971**") is amended as follows.

2. In the Arrangement of sections for the reference to section 24A, substitute -

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<sup>a</sup> Article VIII of Billet d'État No. IV of 2005.

<sup>b</sup> Article VI of Billet d'État No. V of 2012.

<sup>c</sup> Ordres en Conseil Vol. XXIII, p. 26; Vol. XXVI, p. 292; Vol. XXXI, p. 278 and Vol. XXXIX, p. 107; has effect in Alderney by Recueil d'Ordonnances Tome XVII, p. 168; Tome XXIV, p. 468 and Tome XXVI, pp. 177 and 317 and as varied by Tome XXXIII, p. 649 and Ordinance No. VII of 2010.

<sup>d</sup> Recueil d'Ordonnances Tome XVII, pp. 139 and 179; Tome XVIII, pp. 119 and 126; Tome XIX, pp. 23, 106, 216 and 280; Tome XX, pp. 81, 158, 359 and 392; Tome XXI, pp. 44, 72, 156, 283 and 452; Tome XXII, pp. 60, 185 and 537; Tome XXIII, pp. 48, 277, 314 and 453; Tome XXIV, pp. 88, 471 and 495; Tome XXV, pp. 49, 168 and 338; Tome XXVI, pp. 75, 194, 319, and 458; Tome XXVII, pp. 127 and 379; Tome XXVIII, pp. 168, 228, 255, 303, 341, 429 and 537; Tome XXIX, pp. 185, 299, 378 and 550; Tome XXX, pp. 30 and 520; Tome XXXI, p. 652; Tome XXXII, p. 640 and Tome XXXIII, pp. 233 and 644; Ordinance No. XLVI of 2010; No. XLI of 2011; No's. XXVI and XLI of 2012 and No. XXXIX of 2013.

"24A. Suspension or reduction of payment of a supplementary benefit in respect of a relevant applicant."

3. In every provision of the Ordinance of 1971 (other than in the Second Schedule), for "Authority" substitute "Department".

4. In section 5, for subsection (2) substitute the following subsection -

"(2) A person shall be treated as having made an application -

(a) on the date on which the application is received by the Administrator, or such other person under subsection (1), or

(b) where the Administrator is satisfied that there is good reason for delay in receipt of an application, on such earlier date as the Administrator may determine, not being more than 7 days prior to the date on which the application is received."

5. In section 15(1), the words ", who in the case of a woman" are deleted.

6. In section 23, immediately after "supplementary benefit" insert ", or reduce the amount of a supplementary benefit payable,".

7. In section 24A -

(a) for the title, substitute -

**"Suspension or reduction of payment of a supplementary benefit in respect of a relevant applicant."**,

(b) for subsection (1), substitute the following subsection-

"(1) For the purposes of this section -

a **"dependant"** has the same meaning in relation to a relevant applicant as it does in relation to an applicant under section 4 of the Law,

**"full-time remunerative work"** has the same meaning as it has for the purposes of section 1 of the Law,

a **"relevant applicant"** means an applicant who -

(a) in the case of a person who has not attained pensionable age -

(i) is able to undertake full-time remunerative work, or

(ii) has a relevant dependant, and

(b) in the case of a person who has attained pensionable age, has a relevant dependant,

a **"relevant dependant"** means a dependant who -

- (a) has not attained pensionable age, but who is over school leaving age and no longer in full-time education, and
- (b) who is able to undertake full-time remunerative work, and

**"work requirements"** has the same meaning as it has for the purposes of section 1 of the Law.",

- (c) in subsection (2) –
  - (i) in paragraph (a), immediately after "ten weeks" insert "as the Administrator may determine", and
  - (ii) in paragraph (c), immediately after "both" insert "so",
- (d) in subsection (3)(a), immediately after "relevant applicant" insert ", or a relevant dependant of that applicant,",
- (e) in subsection (3)(b) for "him", where first appearing, substitute "the relevant applicant, or a relevant dependant of that applicant,",
- (f) in subsections (3)(c), (d) and (e) for "he", wherever appearing, substitute "the relevant applicant, or a

relevant dependant of that applicant,"

- (g) delete "or" where it appears at the end of subsection (3)(d),
- (h) for the full stop substitute ", or", and
- (i) immediately after subsection (3)(e), insert the following paragraph -

"(f) that the relevant applicant, or a relevant dependant of that applicant, has without good cause failed to act in compliance with work requirements relating to him."

**8.** In the First Schedule -

- (a) in paragraph 1(a), item (ii) is repealed,
- (b) in paragraph 2 -
  - (i) in subparagraph (1), for "Where" substitute "Subject to subparagraph (3), where",
  - (ii) immediately after subparagraph (2), insert the following subparagraphs -

"(3) For the purposes of subparagraph (1) the requirements and resources of a husband and wife, and two persons usually cohabiting as man and wife, shall nonetheless be aggregated where they are not members

of the same household if the sole or main reason, for them not being, or not being regarded as being, members of the same household is the qualifying reason.

(4) For the purposes of subparagraph (3), the "**qualifying reason**" is -

- (a) where the husband or wife or one of the persons, as the case may be -
  - (i) has been admitted to, and
  - (ii) is residing in, for the purposes of receipt of long-term care,
    - a residential home, a nursing home or the Guernsey Cheshire Home, and
- (b) the Administrator considers that, in the circumstances of the particular case, it is just and equitable for the requirements and resources to be aggregated.",
- (c) in paragraph 5, in subparagraph (2)(b) for "section 2(1)(j)" substitute "sections 1(1)(a) and (b)(ii)",
- (d) in paragraph 11 -
  - (i) delete "and" where it appears at the end of item (h),

(ii) for the full stop substitute ", and", and

(iii) immediately after item (i), insert the following item -

"(j) the weekly earnings of any person who would be treated as a child for the purposes of the Family Allowances (Guernsey) Law, 1950.", and

(e) in paragraph 17, for the avoidance of doubt, for "the Social Insurance (Guernsey) Law, 1964" substitute "the Social Insurance (Guernsey) Law, 1978".

9. In the Second Schedule, for "States Insurance Authority" substitute -

"States of Guernsey,  
Social Security Department,".

**Interpretation.**

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

(2) The Interpretation (Guernsey) Law, 1948<sup>e</sup> applies to the interpretation of this Ordinance throughout the Islands of Guernsey, Alderney, Herm

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

and Jethou.

**Extent.**

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

**Citation.**

12. This Ordinance may be cited as the Supplementary Benefit (Implementation) (Amendment) Ordinance, 2014.

**Commencement.**

13. This Ordinance shall come into force on the day that the Supplementary Benefit (Guernsey) (Amendment) Law, 2014 is registered on the Records of the Island.



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