



GUERNSEY STATUTORY INSTRUMENT

2016 No. **48**

**The Social Insurance (Benefits) (Amendment) Regulations,
2016**

Made 25th October, 2016
Coming into operation 25th October, 2016
Laid before the States

THE COMMITTEE FOR EMPLOYMENT & SOCIAL SECURITY, in exercise of the powers conferred upon it by section 47(1) of the Social Insurance (Guernsey) Law, 1978, as amended^a, and of all other powers enabling it in that behalf, hereby orders:-

Amendment.

1. Immediately after regulation 23 of the Social Insurance (Benefits) Regulations, 2003, as amended^b, insert the following regulation -

"Condition as to entitlement to industrial medical benefit.

23A. (1) Where any insured person suffers personal injury caused by an accident arising out of and in the course of his employment, which requires hyperbaric treatment, the insured person shall not be entitled

^a Ordres en Conseil Vol. XXVI, p. 292; Vol. XXVII, pp. 238, 307 and 392; Vol. XXIX, pp. 24, 148 and 422; Vol. XXXII, p. 59; Vol. XXXIV, pp. 397 and 510; Vol. XXXV(1), p. 161; Vol. XXXVI, pp. 123 and 343; Vol. XXXVIII, p. 59; Vol. XXXIX, p. 107; Vol. XL, p. 351; Vol. XLI, p. 267; Vol. XLII (2), p. 1230; Vol. XLIII (2), p. 813 and Vol. XLIV (1), p. 262; Orders in Council No. XVIII of 2007 and III of 2016; Ordinance No. XIV of 1993 (Tome XXVI, p. 177), Ordinance No. XLII of 2009, Ordinance No. XVII of 2011, and Ordinance No. XXXVIII of 2012.

^b G.S.I. 2003 No. 37; 2004 No. 45; 2005 Nos. 43 and 47; 2006 Nos. 35 and 48; 2007 No. 44; 2008 No. 66; 2009 Nos. 37 and 93; 2010 No. 117; 2011 Nos. 32 and 54; 2012 Nos. 16 and 72; 2013 Nos. 6 and 69; 2014 No. 78 and 2015 No. 108.

to industrial medical benefit unless he satisfies the condition in paragraph (3).

(2) The condition in paragraph (3) only applies where the insured person holds or is covered by a policy of private insurance cover for personal accidents.

(3) The condition is that -

(a) the insured person has made a claim under the policy for reimbursement of the costs of the hyperbaric treatment, and

(b) the claim has not been met in whole by the insurers under the policy.

(4) Where the insured person recovers part of the costs of the hyperbaric treatment further to a claim made in accordance with paragraph (3), he shall be entitled to an amount of industrial medical benefit reduced by the amount of that part of the costs recovered from the insurers."

Interpretation.

2. (1) 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, repealed, replaced, revoked, extended or applied, by or under any other enactment or by any other regulations.

(2) The Interpretation (Guernsey) Law, 1948^c applies to the interpretation of these Regulations as it applies to the interpretation of an enactment.

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

Citation, commencement and extent.

3. (1) These Regulations may be cited as the Social Insurance (Benefits) (Amendment) Regulations, 2016, and shall come into force on the 25th October 2016.

(2) These Regulations shall have effect in the Islands of Guernsey, Alderney, Herm and Jethou.

Dated this 25th day of October, 2016.



Deputy M K Le Clerc

President of the Committee *for* Employment & Social Security
for and on behalf of the Committee

EXPLANATORY NOTE

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

These Regulations obligate an insured person who has an accident at work, for which they require hyperbaric treatment, to claim reimbursement of the cost of that treatment under any relevant policy of private personal accident insurance which they may hold, as a condition of any entitlement to industrial medical benefit. Among other uses, hyperbaric treatment is used to treat divers with decompression sickness.

These Regulations came into operation on 25th October 2016.