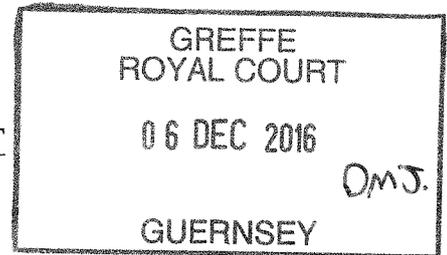


GUERNSEY STATUTORY INSTRUMENT

2016 No. 60



**The Health Service (Medical Appliances) (Amendment)  
Regulations, 2016**

*Made*

*6th December, 2016*

*Coming into operation*

*1st January, 2017*

*Laid before the States*

**THE COMMITTEE FOR EMPLOYMENT & SOCIAL SECURITY**, in exercise of the powers conferred on it by sections 18 and 35 of the Health Service (Benefit) (Guernsey) Law, 1990<sup>a</sup>, and of all other powers enabling it in that behalf, hereby makes the following Regulations:-

**Amendment of the 1990 Regulations.**

1. The Health Service (Medical Appliances) Regulations, 1990<sup>b</sup> are amended as follows.

2. In regulation 1(1) immediately after the definition of "Part IV appliance", insert "'Pensionable age" shall have the same meaning as in the Social Insurance (Guernsey) Law, 1978."

3. In regulation 6(2)(a) for "the age of 65 years" substitute "Pensionable age".

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<sup>a</sup> Ordres en Conseil Vol. XXXII, p. 192 as amended by Order in Council No. IX of 2003 and Ordinance No. IX of 2016 and to which there are other amendments not relevant to these Regulations.

<sup>b</sup> G.S.I. No. 39 of 1990 as amended by Nos. 14 and 59 of 1991, Nos. 3, 20 and 34 of 1993 No. 11 of 1994, Nos. 18 and 24 of 1995 Nos. 7 and 24 of 1996, Nos. 16 and 35 of 1997, No. 29 of 1998 Nos. 13 and 38 of 1999, No. 27 of 2000, Nos. 2019, 36 and 53 of 2001, Nos. 44 and 59 of 2002, No. 50 of 2003, No. 41 of 2004, Nos. 20, 27 and 39 of 2005 Nos. 17 and 47 of 2006, No. 45 of 2007, No. 67 of 2008, No. 94 of 2009, No. 118 of 2010, No. 53 of 2011, No. 71 of 2012, No. 77 of 2014 and No. 107 of 2015.

4. For the Third Schedule substitute the schedule set out in the Schedule to these Regulations.

**Interpretation.**

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

"**enactment**" includes a Law, an Ordinance and any subordinate legislation and includes any provision or portion of a Law, an Ordinance or any subordinate legislation, and

"**subordinate legislation**" means any regulation, rule, order, rule of court, resolution, scheme, byelaw or other instrument made under any statutory, customary or inherent power and having legislative effect, but does not include an Ordinance.

(2) 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.

(3) The Interpretation (Guernsey) Law, 1948<sup>c</sup> applies to the interpretation of these Regulations as it applies to the interpretation of an enactment.

**Revocation of the 2015 Regulations.**

6. The Health Service (Medical Appliances) (Amendment) Regulations, 2015 are revoked<sup>d</sup>.

**Citation, commencement and extent.**

7. (1) These Regulations may be cited as the Health Service (Medical Appliances) (Amendment) Regulations, 2016 and shall come into force on the 1st January, 2017.

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

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

<sup>d</sup> G.S.I. No. 107 of 2015.

Dated this 6th day of December, 2016.

M. LE CLERC

President of the States Committee for Employment & Social Security

For and on behalf of the Committee

A handwritten signature in black ink, appearing to read 'M. Le Clerc', with a large, sweeping flourish extending to the right.

SCHEDULE

Regulation 4

"THIRD SCHEDULE

Regulation 5

Appliance Charges in respect of Medical Appliances  
from 1 January 2017

(1)	(2)
Description of Appliance	Appliance Charges
<u>Part I and Part II Appliances supplied in Guernsey or Alderney</u>	
For each appliance	£3.80
<u>Part III Appliances Supplied in Guernsey or Alderney</u>	
For each appliance	£3.80
<u>Part IV Appliances supplied in Guernsey or Alderney</u>	
For each appliance	No Charge

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations further amend the Health Service (Medical Appliances) Regulations, 1990, as amended, by increasing the charges payable to authorised appliance suppliers in Guernsey and Alderney by persons supplied with Part I, II or III medical appliances, who are not exempt from such charges. The increased charges amount to £3.80 for each appliance.

These Regulations also substitute a reference to “the age of 65 years” in Regulation 6 of the Health Service (Medical Appliances) Regulations, 1990, as amended, concerning the grant of a certificate of exception from liability to pay appliance charges, with a reference to “Pensionable age”. This change is required in preparation for the phased increase in Pensionable age which is due to commence in 2020.

These Regulations come into force on the 1st day of January, 2017.