

ORDER IN COUNCIL

IV
2018

ratifying a Projet de Loi

ENTITLED

The Income Support (Guernsey) Law, 2017

(Registered on the Records of the Island of Guernsey
on the 12th March, 2018.)



2018

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 12th day of March, 2018 before Sir Richard Collas, Bailiff, present:- Barbara Jean Bartie, John Ferguson, Stephen Murray Jones, Esquires, Claire Helen Le Pelley, David Percy Langley Hodgetts, Esquire LVO, Niall David McCathie, Terry John Ferbrache, Steven John Morris, Alan Stevenson Boyle, Peter Francis Gill and David John Robilliard, Esquires, Jurats.

The Bailiff, having this day placed before the Court an Order of Her Majesty in Council dated 8th February, 2018 approving and ratifying a Projet de Loi of the States of Guernsey entitled “The Income Support (Guernsey) Law, 2017”, THE COURT, after the reading of the said Order in Council and after having heard Her Majesty’s Procureur thereon, ORDERED that the said Order be registered on the records of this Island.

J. TORODE
Her Majesty’s Greffier.



At the Court at Buckingham Palace

THE 8th DAY OF FEBRUARY 2018

PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY
IN COUNCIL

The following report from the Committee of Council for the Affairs of Jersey and Guernsey was today read at the Board:

“In accordance with Your Majesty’s General Order of Reference of 22nd February 1952 the Committee have considered a Petition of the States of Guernsey:

“That, in pursuance of their Resolution of 8th November 2017, the States of Deliberation at a meeting on 13th December 2017 approved a *Projet de Loi* entitled the Income Support (Guernsey) Law, 2017 and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction to it. That the *Projet de Loi* is as set forth in the attached Schedule. The Petition most humbly prays that Your Majesty might be graciously pleased to sanction the Income Support (Guernsey) Law, 2017, and to order that it shall have force of law in the Islands of Guernsey, Herm and Jethou.

“The Committee have considered the *Projet de Loi* and have agreed to report that it may be advisable for Your Majesty to approve and ratify it”.

Her Majesty, having taken the report into consideration, was pleased, by and with the advice of Her Privy Council, to approve and ratify the *Projet de Loi* (a copy of which is annexed to this Order) and to order that it, together with this Order, shall have the force of law in the Islands of Guernsey, Herm and Jethou and shall be entered on the Register of the Island of Guernsey and observed accordingly.

Her Majesty’s Officers in the Bailiwick of Guernsey, and all others whom it may concern, are therefore to take notice of Her Majesty’s Order and to proceed accordingly.

Richard Tilbrook

PROJET DE LOI

ENTITLED

The Income Support (Guernsey) Law, 2017

THE STATES, in pursuance of their Resolution of the 8th November, 2017^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, Herm and Jethou.

Amendment of titles.

1. (1) For the titles set out in the second column of Schedule 1 substitute the corresponding title set out in the same row in the third column of Schedule 1.

(2) For any reference in any enactment to a title set out in the second column of Schedule 1 substitute the corresponding title set out in the same row in the third column of Schedule 1.

Amendment of citation clauses.

2. For the provisions of the enactments referred to in the second column of Schedule 2 substitute the corresponding provision set out in the same row in the third column of Schedule 2.

^a Article II of Billet d'État No. XXI of 2017.

Amendment of words and phrases.

3. In any enactment other than this Law –
- (a) for the words "supplementary benefit" or ""supplementary benefit"", wherever occurring, substitute "income support" or ""income support"" respectively, and
 - (b) where those words are preceded by "a", delete "a".

Amendment of 1971 Ordinance.

4. In paragraph 18 of the First Schedule to the 1971 Ordinance (resources abandoned) for the words "or increase" substitute "or an increase in".

Power to amend enactments by Regulations.

5. (1) The Committee may by Regulations make any such amendment as it considers necessary or expedient to any enactment, including to this Law, in relation to the change of the name of supplementary benefit to income support including, without limitation, by amendment to –

- (a) Schedule 1 or 2,
- (b) any other enactment relating to supplementary benefit or income support, or
- (c) any enactment otherwise referring to supplementary benefit or income support.

General provisions as to Regulations.

6. (1) Regulations under this Law -
 - (a) may be amended or repealed by subsequent Regulations hereunder,
 - (b) may contain such consequential, incidental, supplemental and transitional provision as may appear to the Committee to be necessary or expedient, and
 - (c) shall be laid before a meeting of the States as soon as possible and shall, if at that or the next meeting the States resolve to annul them, cease to have effect, but without prejudice to anything done under them or to the making of new Regulations.
- (2) Any power conferred by this Law to make Regulations may be exercised -
 - (a) in relation to all cases to which the power extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified cases or classes of cases,
 - (b) so as to make, as respects the cases in relation to which it is exercised -

- (i) the full provision to which the power extends, or any lesser provision (whether by way of exception or otherwise),
- (ii) the same provision for all cases, or different provision for different cases or classes of cases, or different provision for the same case or class of case for different purposes,
- (iii) any such provision either unconditionally or subject to any conditions specified in the Regulations.

Interpretation.

7. (1) In this Law, unless the context requires otherwise -

"**the Committee**" means the States of Guernsey Committee for Employment & Social Security,

"**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,

"**1971 Ordinance**" means the Supplementary Benefit (Implementation) Ordinance, 1971^b,

^b Recueil d'Ordonnances Tome XVII, p. 139 to which there are amendments not relevant to this Law.

"**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, and

"**supplementary benefit**" means the benefit for which a person is eligible under and in accordance the Supplementary Benefit (Guernsey) Law, 1971^c as in effect immediately before sections 1 to 3 of this Law come into force.

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

Citation.

8. This Law may be cited as the Income Support (Guernsey) Law, 2017.

Commencement.

9. This Law shall come into force on the day appointed by Regulations of the Committee; and different dates may be appointed for different provisions and for different purposes.

^c Ordres en Conseil Vol. XXIII, p. 26 to which there are amendments not relevant to this Law.

SCHEDULE 1

Section 1

TITLES OF ENACTMENTS

	<i>Original title</i>	<i>New title</i>
1.	The Supplementary Benefit (Guernsey) Law, 1971	The Income Support (Guernsey) Law, 1971
2.	The Supplementary Benefit (Guernsey) (Amendment) Law, 2014 ^d	The Income Support (Guernsey) (Amendment) Law, 2014
3.	The Supplementary Benefit (Guernsey) (Amendment) (No. 2) Law, 2014 ^e	The Income Support (Guernsey) (Amendment) (No. 2) Law, 2014
4.	The Supplementary Benefit (Implementation) Ordinance, 1971	The Income Support (Implementation) Ordinance, 1971
5.	The Supplementary Benefit (Guernsey) Law, 1971 (Commencement) Ordinance, 1971 ^f	The Income Support (Guernsey) Law, 1971 (Commencement) Ordinance, 1971
6.	The Alderney (Application of Legislation) (Supplementary Benefit) Ordinance, 1971 ^g	The Alderney (Application of Legislation) (Income Support) Ordinance, 1971
7.	The Supplementary Benefit	The Income Support

^d Order in Council No. XIII of 2014.

^e Order in Council No. VII of 2015.

^f Recueil d'Ordonnances Tome XVII, p. 100.

^g Recueil d'Ordonnances Tome XVII, p. 168.

	(Implementation) (Amendment) Ordinance, 1972 ^h	(Implementation) (Amendment) Ordinance, 1972
8.	The Supplementary Benefit (Implementation) (Amendment) Ordinance, 1989 ⁱ	The Income Support (Implementation) (Amendment) Ordinance, 1989
9.	The Alderney (Application of Legislation) (Supplementary Benefit) (Amendment) Ordinance, 1995 ^j	The Alderney (Application of Legislation) (Income Support) (Amendment) Ordinance, 1995
10.	The Supplementary Benefit (Implementation) (Amendment) Ordinance, 1999 ^k	The Income Support (Implementation) (Amendment) Ordinance, 1999
11.	The Supplementary Benefit (Implementation) (Amendment) Ordinance, 2000 ^l	The Income Support (Implementation) (Amendment) Ordinance, 2000
12.	The Supplementary Benefit (Duties of Appointees) Ordinance, 2000 ^m	The Income Support (Duties of Appointees) Ordinance, 2000
13.	The Supplementary Benefit (Implementation) (Amendment) (No. 2) Ordinance, 2000 ⁿ	The Income Support (Implementation) (Amendment) (No. 2) Ordinance, 2000

^h Recueil d'Ordonnances Tome XVIII, p. 119.

ⁱ Recueil d'Ordonnances Tome XXV, p. 49.

^j Recueil d'Ordonnances Tome XXVI, p. 462.

^k Recueil d'Ordonnances Tome XXVIII, p. 228.

^l Ordinance No. IV of 2000.

^m Ordinance No. XII of 2000.

ⁿ Ordinance No. XVII of 2000.

14.	The Supplementary Benefit (Implementation) (Amendment) Ordinance, 2001 ^o	The Income Support (Implementation) (Amendment) Ordinance, 2001
15.	The Supplementary Benefit (Implementation) (Amendment) (No. 2) Ordinance, 2001 ^p	The Income Support (Implementation) (Amendment) (No. 2) Ordinance, 2001
16.	The Supplementary Benefit (Implementation) (Amendment) Ordinance, 2002 ^q	The Income Support (Implementation) (Amendment) Ordinance, 2002
17.	The Supplementary Benefit (Implementation) (Amendment) Ordinance, 2003 ^r	The Income Support (Implementation) (Amendment) Ordinance, 2003
18.	The Supplementary Benefit (Implementation) (Amendment) (No. 2) Ordinance, 2003 ^s	The Income Support (Implementation) (Amendment) (No. 2) Ordinance, 2003
19.	The Supplementary Benefit (Implementation) (Amendment) Ordinance, 2004 ^t	The Income Support (Implementation) (Amendment) Ordinance, 2004
20.	The Supplementary Benefit	The Income Support

^o Ordinance No. XVII of 2001.

^p Ordinance No. XLVI of 2001.

^q Ordinance No. XXIV of 2002.

^r Ordinance No. VIII of 2003.

^s Ordinance No. XXIV of 2003.

^t Ordinance No. XXXV of 2004.

	(Implementation) (Amendment) Ordinance, 2005 ^u	(Implementation) (Amendment) Ordinance, 2005
21.	The Supplementary Benefit (Implementation) (Amendment) (No. 2) Ordinance, 2005 ^v	The Income Support (Implementation) (Amendment) (No. 2) Ordinance, 2005
22.	The Supplementary Benefit (Implementation) (Amendment) Ordinance, 2007 ^w	The Income Support (Implementation) (Amendment) Ordinance, 2007
23.	The Supplementary Benefit (Implementation) (Amendment) Ordinance, 2012 ^x	The Income Support (Implementation) (Amendment) Ordinance, 2012
24.	The Supplementary Benefit (Implementation) (Amendment) (No. 2) Ordinance, 2012 ^y	The Income Support (Implementation) (Amendment) (No. 2) Ordinance, 2012
25.	The Supplementary Benefit (Implementation) (Amendment) Ordinance, 2013 ^z	The Income Support (Implementation) (Amendment) Ordinance, 2013
26.	The Supplementary Benefit (Classes of	The Income Support (Classes of

^u Ordinance No. VIII of 2005.

^v Ordinance No. XXV of 2005.

^w Ordinance No. XLV of 2007.

^x Ordinance No. XXVI of 2012.

^y Ordinance No. XLI of 2012.

^z Ordinance No. XXXIX of 2013.

	persons to whom the Law applies) (Amendment) Ordinance, 2013 ^{aa}	persons to whom the Law applies) (Amendment) Ordinance, 2013
27.	The Supplementary Benefit (Implementation) (Amendment) Ordinance, 2014 ^{bb}	The Income Support (Implementation) (Amendment) Ordinance, 2014
28.	The Alderney (Application of Legislation) (Supplementary Benefit) (Amendment) Ordinance, 2014 ^{cc}	The Alderney (Application of Legislation) (Income Support) (Amendment) Ordinance, 2014
29.	The Alderney (Application of Legislation) (Supplementary Benefit) (Amendment) (No. 2) Ordinance, 2014 ^{dd}	The Alderney (Application of Legislation) (Income Support) (Amendment) (No. 2) Ordinance, 2014
30.	The Supplementary Benefit (Implementation) (Amendment) Ordinance, 2015 ^{ee}	The Income Support (Implementation) (Amendment) Ordinance, 2015
31.	The Supplementary Benefit (Implementation) (Amendment) Ordinance, 2016 ^{ff}	The Income Support (Implementation) (Amendment) Ordinance, 2016

aa Ordinance No. XIX of 2013.

bb Ordinance No. XXV of 2014.

cc Ordinance No. XXVI of 2014.

dd Ordinance No. XLIX of 2014.

ee Ordinance No. XLVIII of 2015.

ff Ordinance No. XLII of 2016.

32.	The Supplementary Benefit (Residence Conditions) Ordinance, 2017 ^{gg}	The Income Support (Residence Conditions) Ordinance, 2017
33.	The Supplementary Benefit (Implementation) (Amendment) Ordinance, 2017 ^{hh}	The Income Support (Implementation) (Amendment) Ordinance, 2017
34.	The Supplementary Benefit (Guernsey) Regulations, 2014 ⁱⁱ	The Income Support (Guernsey) Regulations, 2014
35.	The Supplementary Benefit (Guernsey) (Amendment) Regulations, 2016 ^{jj}	The Income Support (Guernsey) (Amendment) Regulations, 2016

^{gg} Ordinance No. I of 2017.

^{hh} Approved by the States on 29th November, 2017.

ⁱⁱ G.S.I. No. 82 of 2014 to which there are amendments not relevant to this Law.

^{jj} G. S. I. No. 73 of 2016.

SCHEDULE 2

Section 2

CITATION CLAUSES

	<i>Original provision</i>	<i>New provision</i>
1.	Section 31 of the Supplementary Benefit (Guernsey) Law, 1971.	"<u>Citation.</u> 31. This Law may be cited as the Income Support (Guernsey) Law, 1971."
2.	Section 19 of the Supplementary Benefit (Guernsey) (Amendment) Law, 2014.	"<u>Citation.</u> 19. This Law may be cited as the Income Support (Guernsey) (Amendment) Law, 2014."
3.	Section 3 of the Supplementary Benefit (Guernsey) (Amendment) (No. 2) Law, 2014.	"<u>Citation.</u> 3. This Law may be cited as the Income Support (Guernsey) (Amendment) (No. 2) Law, 2014."
4.	Section 29 of the Supplementary Benefit (Implementation) Ordinance, 1971.	"<u>Citation.</u> 29. This Ordinance may be cited as the Income Support (Implementation) Ordinance, 1971."
5.	Section 2 of the Supplementary Benefit (Guernsey) Law, 1971 (Commencement) Ordinance, 1971.	"<u>Citation.</u> 2. This Ordinance may be cited as the Income Support (Guernsey) Law, 1971 (Commencement) Ordinance, 1971."
6.	Section 3 of the Alderney (Application of Legislation) (Supplementary Benefit) Ordinance, 1971.	"<u>Citation.</u> 3. This Ordinance may be cited as the Alderney (Application of Legislation) (Income Support) Ordinance, 1971."

7.	Section 3(1) of the Supplementary Benefit (Implementation) (Amendment) Ordinance, 1972.	<u>Citation and collective title.</u> 3(1). This Ordinance may be cited as the Income Support (Implementation) (Amendment) Ordinance, 1972."
8.	Section 4 of the Supplementary Benefit (Implementation) (Amendment) Ordinance, 1989.	<u>Citation.</u> 4. This Ordinance may be cited as the Income Support (Implementation) (Amendment) Ordinance, 1989."
9.	Section 2 of the Alderney (Application of Legislation) (Supplementary Benefit) (Amendment) Ordinance, 1995.	<u>Citation.</u> 2. This Ordinance may be cited as the Alderney (Application of Legislation) (Income Support) (Amendment) Ordinance, 1995."
10.	Section 3 of the Supplementary Benefit (Implementation) (Amendment) Ordinance, 1999.	<u>Citation.</u> 3. This Ordinance may be cited as the Income Support (Implementation) (Amendment) Ordinance, 1999."
11.	Section 3 of the Supplementary Benefit (Implementation) (Amendment) Ordinance, 2000.	<u>Citation.</u> 3. This Ordinance may be cited as the Income Support (Implementation) (Amendment) Ordinance, 2000."
12.	Section 7 of the Supplementary Benefit (Duties of Appointees) Ordinance, 2000.	<u>Citation.</u> 7. This Ordinance may be cited as the Income Support (Duties of Appointees) Ordinance, 2000."
13.	Section 4 of the Supplementary Benefit (Implementation) (Amendment) (No. 2) Ordinance,	<u>Citation.</u> 4. This Ordinance may be cited as the Income Support (Implementation)

	2000.	(Amendment) (No. 2) Ordinance, 2000.".
14.	Section 3 of the Supplementary Benefit (Implementation) (Amendment) Ordinance, 2001.	" Citation. 3. This Ordinance may be cited as the Income Support (Implementation) (Amendment) Ordinance, 2001.".
15.	Section 3 of the Supplementary Benefit (Implementation) (Amendment) (No. 2) Ordinance, 2001.	" Citation. 3. This Ordinance may be cited as the Income Support (Implementation) (Amendment) (No. 2) Ordinance, 2001.".
16.	Section 3 of the Supplementary Benefit (Implementation) (Amendment) Ordinance, 2002.	" Citation. 3. This Ordinance may be cited as the Income Support (Implementation) (Amendment) Ordinance, 2002.".
17.	Section 3 of the Supplementary Benefit (Implementation) (Amendment) Ordinance, 2003.	" Citation. 3. This Ordinance may be cited as the Income Support (Implementation) (Amendment) Ordinance, 2003.".
18.	Section 3 of the Supplementary Benefit (Implementation) (Amendment) (No. 2) Ordinance, 2003.	" Citation. 3. This Ordinance may be cited as the Income Support (Implementation) (Amendment) (No. 2) Ordinance, 2003.".
19.	Section 3 of the Supplementary Benefit (Implementation) (Amendment) Ordinance, 2004.	" Citation. 3. This Ordinance may be cited as the Income Support (Implementation) (Amendment) Ordinance, 2004.".
20.	Section 3 of the Supplementary Benefit (Implementation) (Amendment) Ordinance, 2005.	" Citation. 3. This Law may be cited as the Income Support (Implementation) (Amendment)

		Ordinance, 2005."
21.	Section 3 of the Supplementary Benefit (Implementation) (Amendment) (No. 2) Ordinance, 2005.	" <u>Citation.</u> 3. This Ordinance may be cited as the Income Support (Implementation) (Amendment) (No. 2) Ordinance, 2005."
22.	Section 4 of the Supplementary Benefit (Implementation) (Amendment) Ordinance, 2007.	" <u>Citation.</u> 4. This Ordinance may be cited as the Income Support (Implementation) (Amendment) Ordinance, 2007."
23.	Section 4 of the Supplementary Benefit (Implementation) (Amendment) Ordinance, 2012.	" <u>Citation.</u> 4. This Ordinance may be cited as the Income Support (Implementation) (Amendment) Ordinance, 2012."
24.	Section 5 of the Supplementary Benefit (Implementation) (Amendment) (No. 2) Ordinance, 2012.	" <u>Citation.</u> 5. This Ordinance may be cited as the Income Support (Implementation) (Amendment) (No. 2) Ordinance, 2012."
25.	Section 4 of the Supplementary Benefit (Implementation) (Amendment) Ordinance, 2013.	" <u>Citation.</u> 4. This Ordinance may be cited as the Income Support (Implementation) (Amendment) Ordinance, 2013."
26.	Section 4 of the Supplementary Benefit (Classes of persons to whom the Law applies) (Amendment) Ordinance, 2013.	" <u>Citation.</u> 4. This Ordinance may be cited as the Income Support (Classes of persons to whom the Law applies) (Amendment) Ordinance, 2013."
27.	Section 12 of the Supplementary Benefit (Implementation)	" <u>Citation.</u> 12. This Ordinance may be cited as the

	(Amendment) Ordinance, 2014.	Income Support (Implementation) (Amendment) Ordinance, 2014.".
28.	Section 4 of the Alderney (Application of Legislation) (Supplementary Benefit) (Amendment) Ordinance, 2014.	" <u>Citation.</u> 4. This Ordinance may be cited as the Alderney (Application of Legislation) (Income Support) (Amendment) Ordinance, 2014.".
29.	Section 2 of the Alderney (Application of Legislation) (Supplementary Benefit) (Amendment) (No. 2) Ordinance, 2014	" <u>Citation.</u> 2. This Ordinance may be cited as the Alderney (Application of Legislation) (Income Support) (Amendment) (No. 2) Ordinance, 2014.".
30.	Section 4 of the Supplementary Benefit (Implementation) (Amendment) Ordinance, 2015.	" <u>Citation.</u> 4. This Ordinance may be cited as the Income Support (Implementation) (Amendment) Ordinance, 2015.".
31.	Section 4 of the Supplementary Benefit (Implementation) (Amendment) Ordinance, 2016.	" <u>Citation.</u> 4. This Ordinance may be cited as the Income Support (Implementation) (Amendment) Ordinance, 2016.".
32.	Section 4 of the Supplementary Benefit (Residence Conditions) Ordinance, 2017.	" <u>Citation.</u> 4. This Ordinance may be cited as the Income Support (Residence Conditions) Ordinance, 2017.".
33.	Section 5 of the Supplementary Benefit (Implementation) (Amendment) Ordinance, 2017	" <u>Citation.</u> 5. This Ordinance may be cited as the Supplementary Benefit (Implementation) (Amendment) Ordinance, 2017.".

34.	Regulation 14 of the Supplementary Benefit (Guernsey) Regulations, 2014.	<p><u>"Citation and commencement.</u></p> <p>14. These Regulations may be cited as the Income Support (Guernsey) Regulations, 2014 and shall come into force on the 1st December, 2014."</p>
35.	Regulation 5 of the Supplementary Benefit (Guernsey) (Amendment) Regulations, 2016.	<p><u>"Citation and commencement.</u></p> <p>5. These Regulations may be cited as the Income Support (Guernsey) (Amendment) Regulations, 2016 and shall come into force on the 1st January, 2017."</p>

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