

Island of



Guernsey

## Ordinance of the States

**XIII**  
**2018**

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Coming into Operation ..... 6th July, 2018

Laid before the States ..... 6th June, 2018

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### **The Income Support (Implementation) (Amendment) Ordinance, 2018**

## **The Income Support (Implementation) (Amendment) Ordinance, 2018**

THE STATES, in pursuance of their Resolutions of the 16<sup>th</sup> March, 2016 and the 28<sup>th</sup> February, 2018<sup>a</sup>, and in exercise of the powers conferred on them by sections 3(2) and (4), 15 and 15B of the Income Support (Guernsey) Law, 1971<sup>b</sup> and all other powers enabling them in that behalf, hereby order:-

### **Amendment of the Income Support (Implementation) Ordinance, 1971.**

1. The Income Support (Implementation) Ordinance, 1971<sup>c</sup> is amended as follows.

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<sup>a</sup> Article IX of Billet d'État No. VII of 2016 and Article V of Billet d'État No. VIII of 2018.

<sup>b</sup> Ordres en Conseil Vol. XXIII, p. 26; as amended by Vol. XXVI, p. 292; Vol. XXXI, p. 278; Vol. XXXIX, p. 107; Order in Council No. XIII of 2014; No. VII of 2015; No. VI of 2016; the Income Support (Guernsey) Law, 2017; Recueil d'Ordonnances Tome XXVI, p. 177; Ordinance No. XXXIII of 2003; No. XXXIX of 2009; No. VII of 2010; No. IX of 2016; and No. XIII of 2017. The Law is applied to Alderney by Recueil d'Ordonnances Tome XVII, p. 168; as amended by Tome XXVI, p. 462; Ordinance Nos. XXVI and XLIX of 2014. The Income Support (Guernsey) Law, 2017 (Order in Council No. IV of 2018) is applied to Island of Alderney by the Alderney (Application of Legislation) (Income Support) Ordinance, 2018.

<sup>c</sup> Recueil d'Ordonnances Tome XVII, p. 139; as amended by Order in Council No. IV of 2014; the Income Support (Guernsey) Law, 2017; Recueil d'Ordonnances Tome XVIII, p. 119; Tome XXIV, pp. 471 and 495; Tome XXV, p. 49; No. XXXV of 2004; Nos. VIII and XXV of 2005; No. XLVII of 2006; No. XLV of 2007; Ordinance Nos. XXVI and XLI of 2012; No. XXXIX of 2013; Nos. XXV and XLVIII of 2014; No. XLVIII of 2015; Nos. IX, XXX and XLII of 2016; No. XIII of 2017 and the Income Support (Implementation) (Amendment) Ordinance, 2017. The Ordinance is applied to the Island of Alderney by Recueil d'Ordonnances Tome XVII, p. 168.

2. In section 24A(1) (suspension or reduction of payment of income support in respect of a relevant applicant) –

- (a) the definition of "**work requirements**" is repealed, and
- (b) after the definition of a "**relevant dependant**" a full stop is substituted for ", and".

3. In section 26(1) (interpretation), insert the following definitions in the appropriate places –

""**child**" has the same meaning as in section 2(1) of the Children (Guernsey and Alderney) Law, 2008 and related expressions shall be construed accordingly,"

""**child dependant**" means a child who is a dependant of an applicant,"

""**work requirements**" has the same meaning as in section 1 of the Law,".

4. In paragraph 1(a) (amount of income support and calculation of requirements and resources) of the First Schedule, for the hyphen and all the text thereafter to the end of item (a) substitute "shall be nil where the person's capital resources exceed the amount of capital resources which may be wholly disregarded under paragraph 13, and".

5. In paragraph 3 (limitation on amount of income support payable) of the First Schedule –

- (a) in subparagraph (3)(a), for "paragraphs 11, 13 or 14" substitute "paragraph 11", and
- (b) in subparagraph (4), for "paragraph" substitute "subparagraph".

6. In paragraph 4 (application of paragraphs 5 and 6) of the First Schedule –

- (a) for the heading substitute –

**"Application of paragraphs 5, 6 and 6A."**

- (b) in subparagraphs (1) and (2), for each reference to "paragraphs 5 and 6" substitute "paragraphs 5, 6 and 6A",
- (c) in subparagraph (1), after "paragraphs 7," insert "7A", and
- (d) in subparagraph (2), after "paragraph 7", insert ", 7A".

7. In paragraph 5 (normal requirements) of the First Schedule –

- (a) in subparagraphs (1) and (3), at the beginning insert "Subject to subparagraph (2A)",
- (b) after subparagraph (2) insert the following

subparagraphs –

"(2A) A person who falls within subparagraph (2B) shall, starting from the relevant date set out in subparagraph (2C), be treated for the purposes of subparagraph (2) as a person –

- (a) to whom income support has been payable for a continuous period of six months or more, and
- (b) whose requirements shall be, in respect of the relevant description of person set out in the first column of Table 3, the amount specified in the second column of Table 3,

provided that, for the avoidance of doubt, the claimant would otherwise meet all other applicable requirements under the Law for eligibility to income support.

(2B) A person falls within this subparagraph if the person or any other person with whom their requirements are aggregated in accordance with paragraph 2(1) -

- (a) is of pensionable age, or
- (b) is a disabled person who is deemed to be acting in compliance with all work requirements relating to them for the purposes of section 1(1)(b)(ii) of the Law by reason of their disability.

(2C) The relevant date referred to in subparagraph (2A) is –

(a) in the case of a person of pensionable age, the date that person attains pensionable age, or

(b) in the case of a person falling within subparagraph (2B)(b), the date of the determination made by the Administrator under the Law that it is appropriate that the person is deemed to be acting in compliance with all work requirements relating to them.",  
and

(c) in subparagraph (4), for all the words following item (b) substitute –

"the Administrator shall deem the claimant to be a person to whom income support has been payable for a continuous period of 6 months provided that, for the avoidance of doubt, the claimant would otherwise meet all other applicable requirements under the Law for eligibility to income support."

8. In paragraph 6 (rent) of the First Schedule –

(a) in subparagraph (1)(b), for "£15" substitute "£75",

(b) in subparagraph (2), for all the words following item (b) substitute –

"but excludes rent payable by a householder in occupation of a dwelling inscribed in Part A of the Open Market Housing Register required to be maintained under the Open Market Register (Guernsey) Law, 2016.", and

(c) after subparagraph (2) insert -

"(2A) In this paragraph the expression "**net rent**" means the rent less -

(a) an assumed contribution of £75 per week for each person aged 18 years or over living in the household who is not a dependant of the householder, and

(b) any proceeds of sub-letting any part of the premises in respect of which rent is paid or outgoings incurred as referred to in subparagraph (2)(b).", and

(d) for subparagraphs (3) and (4) substitute -

"(3) The amount of any increase under this paragraph for a person falling within subparagraph (1)(a) shall not exceed the maximum amount of rent determined, in accordance with subparagraph (4), for the relevant person by reference to the following descriptions of person -

(a) married couple or other persons falling within paragraph 2(1) ("**Couple**") with no child dependants,

- (b) person not falling within paragraph 2(1) who is directly responsible for household necessities and rent ("**Single householder**") with child dependants,
- (c) Couple or Single householder with one child dependant,
- (d) Couple or Single householder with two child dependants,
- (e) Couple or Single householder with three or more child dependants, or
- (f) person living in shared accommodation,

and where a person falls within item (f) and any other description of person by virtue of having one or more child dependants, a person making a determination under subparagraph (4) may determine which description is the most appropriate having regard to what is considered just in the circumstances of the particular case.

(4) The maximum amount of rent for the purposes of subparagraph (3) shall be –

- (a) the amount specified in the second column of Table 4 for the relevant description of person,  
or

- (b) such other amount as the Administrator may, if he considers it just in the circumstances of the particular case, determine."

9. After paragraph 6, insert –

**"Extra needs allowance.**

6A. (1) The amounts applicable under paragraph 5 shall, subject to the following provisions of this paragraph, be increased as set out in subparagraph (3), where a person applying for or in receipt of income support or whose requirements are aggregated with such a person under paragraph 2(1), is a disabled person who –

- (a) is not in receipt of severe disability benefit granted under the Severe Disability Benefit and Carer's Allowance (Guernsey) Law, 1984, and
- (b) has been assessed by the Administrator, having regard to the circumstances of that person, as having a disability which has reasonably resulted in that person incurring additional expenditure compared to a person without a disability in relation to –
  - (i) energy,
  - (ii) laundry or clothing, or

(iii) food or diet.

(2) For the purposes of this paragraph -

(a) "**expenditure in relation to energy**" means expenditure reasonably incurred on -

(i) electricity, gas, heating oil or solid fuel,

(ii) renewable energy or heat generated from a domestic renewable energy installation, or

(iii) such other form of energy or heat generation as the Administrator may determine for the purpose of this paragraph,

(b) "**expenditure in relation to laundry or clothing**" means expenditure reasonably incurred on -

(i) the cleaning of clothes,

(ii) the repair or replacement of clothes,

(iii) specialist or adapted clothing, or

(iv) such other expenditure in relation to

laundry or clothing as the Administrator may determine for the purposes of this paragraph, and

- (c) "**expenditure in relation to food or diet**" means expenditure reasonably incurred on –
- (i) nutritional supplements, particular food or a dietary regime, or
  - (ii) such other expenditure in relation to food or diet as the Administrator may determine for the purposes of this paragraph,

except that it does not include expenditure on an item supplied on presentation of a medical prescription within the meaning of the Health Service (Benefit) (Guernsey) Law, 1990.

(3) The amount of the increase shall be determined by the Administrator on the following basis and in accordance with the allowance per week for the points in question set out in Table 5 -

- (a) all assessed additional expenditure in relation to energy-2 points,
- (b) all assessed additional expenditure in relation to food or clothing-1 point, and

- (c) all assessed additional expenditure in relation to food or diet-1 point,

but subject to a maximum weekly additional increase of £20 a week.".

10. For paragraph 13 of the First Schedule, substitute -

"13. If the value of the capital resources taken into account under this Part would not exceed the amount set out in the second column of Table 6 for the description of person set out in the first column of Table 6, they shall be wholly disregarded.".

11. Paragraph 14 (calculation of income from capital resources) of the First Schedule is repealed.

12. In Paragraph 15(1) (earnings) of the First Schedule, for "£30" substitute "£35".

13. For Tables 2 and 3 set out in the Appendix to the First Schedule, substitute the Tables 2 to 6 set out in the Schedule to this Ordinance.

**Interpretation.**

14. (1) In this Ordinance -

"**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 this Ordinance 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>d</sup> applies to the interpretation of this Ordinance throughout the Islands of Guernsey, Alderney, Herm and Jethou.

**Repeals.**

15. (1) Section 1(3) of the Income Support (Implementation) (Amendment) Ordinance, 2016<sup>e</sup> is repealed.

(2) The following Ordinances are repealed –

(a) the Income Support (Implementation) (Amendment) Ordinance, 1989<sup>f</sup>,

(b) the Income Support (Implementation) (Amendment) (No. 2) Ordinance, 2000<sup>g</sup>,

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

<sup>e</sup> Ordinance No. XLII of 2016.

<sup>f</sup> Recueil d'Ordonnances Tome XXV, p. 49.

<sup>g</sup> Ordinance No. XVII of 2000.

- (c) the Income Support (Implementation) (Amendment) Ordinance, 2001<sup>h</sup>,
- (d) the Income Support (Implementation) (Amendment) Ordinance, 2002<sup>i</sup>,
- (e) the Income Support (Implementation) (Amendment) Ordinance, 2003<sup>j</sup>,
- (f) the Income Support (Implementation) (Amendment) (No. 2) Ordinance, 2003<sup>k</sup>, and
- (g) the Income Support (Classes of persons to whom the Law applies) (Amendment) Ordinance, 2013<sup>l</sup>.

**Extent.**

16. This Ordinance has effect in the islands of Guernsey, Alderney, Herm and Jethou.

**Citation.**

17. This Ordinance may be cited as the Income Support (Implementation) (Amendment) Ordinance, 2018.

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<sup>h</sup> Ordinance No. XVII of 2001.

<sup>i</sup> Ordinance No. XXIV of 2002.

<sup>j</sup> Ordinance No. VIII of 2003.

<sup>k</sup> Ordinance No. XXIV of 2003.

<sup>l</sup> Ordinance No. XIX of 2013.

**Commencement.**

18. This Ordinance shall come into force on the 6th July, 2018.

## SCHEDULE

Section 13

"Table 2 (Paragraph 5(1) and (2))

Short-term Weekly Requirements as from week commencing  
6<sup>th</sup> July 2018

<i>Description</i>	<i>Amount</i>
Married couple or other persons falling within paragraph 2(1) (" <b>Couple</b> ")	£180.19
Person not falling within paragraph 2(1) who is directly responsible for household necessities and rent (if any) (" <b>Single householder</b> ")	£102.96
Person who is not a householder (" <b>Non-householder</b> ")	£78.84
Member of a household -	
Aged 11 years or over;	£73.59
Aged 5 years or over but less than 11;	£55.19
Aged less than 5 years	£36.80

Table 3 (Paragraph 5(2) and (2A))

Long-term Weekly Requirements as from week commencing  
6<sup>th</sup> July 2018

<i>Description</i>	<i>Amount</i>
Married couple or other persons falling within paragraph 2(1) (" <b>Couple</b> ")	£296.84
Person not falling within paragraph 2(1) who is directly responsible for household necessities and rent (if any) (" <b>Single householder</b> ")	£179.17
Person who is not a householder (" <b>Non-householder</b> ")	£135.02
Member of a household -	
Aged 11 years or over;	£105.14
Aged 5 years or over but less than 11;	£78.85
Aged less than 5 years	£52.57

Table 4 (Paragraph 6(4))

Maximum Rent Allowances as from week commencing  
6<sup>th</sup> July 2018

<i>Description</i>	<i>Amount</i>
Married couple or other persons falling within paragraph 2(1) (" <b>Couple</b> ") with no child dependants	£217.50
Person not falling within paragraph 2(1) who is	£217.50

directly responsible for household necessities and rent (if any) (" <b>Single householder</b> ") with no child dependants	
Couple or Single householder with one child dependant	£260.14
Couple or Single householder with two child dependants	£332.40
Couple or Single householder with 3 or more child dependants	£407.17
Person living in shared accommodation	£174.97

Table 5 (Paragraph 6A)

Proposed Extra needs allowance as from week commencing 6<sup>th</sup> July 2018

<i>Points</i>	<i>Allowance per week</i>
1	£10
2	£15
3 plus	£20

Table 6 (Paragraph 13)

Proposed capital allowances to be wholly disregarded as from week commencing 6<sup>th</sup> July 2018

<i>Description</i>	<i>Allowance</i>
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Person not falling within paragraph 2(1) who is directly responsible for household necessities and rent (if any) (" <b>Single householder</b> ") with no child dependants	£13,000
Married couple or other persons falling within paragraph 2(1) (" <b>Couple</b> ") with no child dependants	£15,000
Couple or single householder with one child dependant	£17,000
Couple or single householder with two child dependants	£21,000
Couple or single householder with three or more child dependants	£23,000".

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