

**ORDINANCE  
OF THE STATES OF DELIBERATION**

ENTITLED

**The Income Support (Implementation) (Amendment)  
Ordinance, 2005 \***

*[CONSOLIDATED TEXT]*

**NOTE**

*This consolidated version of the enactment incorporates all amendments listed in the footnote below. However, while it is believed to be accurate and up to date, it is not authoritative and has no legal effect, having been prepared in-house for the assistance of the Law Officers. No warranty is given that the text is free of errors and omissions, and no liability is accepted for any loss arising from its use. The authoritative text of the enactment and of the amending instruments may be obtained from Her Majesty's Greffier, Royal Court House, Guernsey, GY1 2PB.*

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\* Recueil d'Ordonnances Tome XXX, p. 21; as amended by the Income Support (Guernsey) Law, 2017 (No. IV of 2018).

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ARRANGEMENT OF SECTIONS

1. Amendment of Ordinance.
2. Extent.
3. Citation.
4. Commencement.

*(Made on 29th June, 2005.)*

## **The [Income Support (Implementation) (Amendment) Ordinance, 2005]**

**THE STATES**, in pursuance of their Resolution of the 27<sup>th</sup> April, 2005<sup>a</sup>, and in exercise of the powers conferred on them by sections 3 and 15 of the [Income Support (Guernsey) Law, 1971], as amended<sup>b</sup>, and all other powers enabling them, hereby order: –

### **Amendment of Ordinance.**

1. Immediately after section 24 of the [Income Support (Implementation) Ordinance, 1971], as amended<sup>c</sup>, insert –

**"Suspension or reduction of a payment of [...] [income support] in respect of a person actively seeking employment.**

**24A.** (1) The following provisions of this section apply in

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

<sup>b</sup> Ordres en Conseil Vol. XXIII, p. 26; amended by Vol. XXVI, p. 292; Vol. XXXI, p. 278 and Order in Council No. VI of 1999; has effect in Alderney by Recueil d'Ordonnances Tome XVII, p. 168; Recueil d'Ordonnances Tome XXIV, p. 468 and Tome XXVI, pp. 177 and 317.

<sup>c</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; Ordinance No. 29 of 1996; No. 30 of 1997; No. XXXII of 1998; Nos. XIII and XXII of 1999; Nos. IV and XVII of 2000; Nos. XVII and XLVI of 2001; No. XXIV of 2002; Nos. VIII and XXIV of 2003 and No. XXXV of 2004. Has effect in Alderney, as amended from time to time, by Recueil d'Ordonnances Tome XVII, p. 168; and Tome XXVI, p. 462.

respect of an applicant (referred to hereinafter as a "**relevant applicant**") to whom the Law applies, because he is a person of a class described in section 1(1)(j) of the Supplementary Benefit (Classes of persons to whom the Law applies) Ordinance, 2005.

- (2) The Administrator may –
  - (a) suspend the payment of [...] [income support] to a relevant applicant, for such period not exceeding ten weeks,
  - (b) reduce the amount of [...] [income support] payable to a relevant applicant, by such amount and for such period as the Administrator may determine, or
  - (c) both suspend and reduce the payment and amount of [...] [income support] payable to a relevant applicant,

in any of the circumstances described in subsection (3).

- (3) The circumstances for the purposes of subsection (2) are –
  - (a) that the relevant applicant has –
    - (i) lost his employment through his misconduct, or

*Consolidated text*

- (ii) voluntarily left his employment without just cause,
- (b) that after a situation in any suitable employment has been notified to him as vacant or about to become vacant, he has –
  - (i) without good cause refused or failed to apply for that situation, or
  - (ii) refused to accept that situation when offered to him,
- (c) that he has neglected to avail himself of a reasonable opportunity of suitable employment,
- (d) that he has without good cause refused or failed to carry out any recommendations given to him in writing by an officer of, or other person acting on behalf of, the Department with a view to assisting him to find suitable employment, being recommendations which were reasonable having regard to his circumstances, or
- (e) that he has without good cause refused or failed to avail himself of a reasonable opportunity of receiving training approved by the Administrator in his case for the purpose of becoming or keeping fit for entry into, or

return to, regular employment: provided always that employment shall not be deemed to be employment suitable in the case of any person if it is employment in a situation vacant in consequence of a stoppage of work due to a trade dispute.

(4) In addition, or as an alternative, to the exercise of his powers under subsection (2), the Administrator may –

- (a) reduce the amount of [...] [income support] payable to a relevant applicant who has lost his employment by reason of a stoppage of work due to a trade dispute at his place of employment, for such period as the Administrator may determine, but in so doing the Administrator may continue to take into account the needs of the dependants of that applicant, or
- (b) in the particular circumstances of any relevant applicant –
  - (i) impose such reasonable conditions concerning the payment, or the amount, of [...] [income support] payable to that applicant, as may seem to the Administrator to be warranted by those circumstances, where it appears to him reasonably necessary for the purpose of

preventing inequality or injustice to the general body of employed persons, and

- (ii) on the breach whereof, he may suspend or reduce the payment or amount of [...] [income support] for such period, not exceeding ten weeks, as he may determine."<sup>1</sup>

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**NOTES**

*The title in square brackets of this Ordinance was substituted by the Income Support (Guernsey) Law, 2017, section 1(1), Schedule 1, paragraph 20, with effect from 6th July, 2018.<sup>2</sup>*

*The words in square brackets in the Preamble to this Ordinance were substituted by the Income Support (Guernsey) Law, 2017, section 1(2), Schedule 1, paragraph 1, with effect from 6th July, 2018.*

*In section 1,*

*the words in the first pair of square brackets were substituted by the Income Support (Guernsey) Law, 2017, section 1(2), Schedule 1, paragraph 4, with effect from 6th July, 2018;*

*the words "income support" in square brackets, wherever occurring, and the word omitted in square brackets immediately preceding those words, wherever occurring, were, respectively, substituted and repealed by the Income Support (Guernsey) Law, 2017, section 3(a) and section 3(b), with effect from 6th July, 2018.*

*The Supplementary Benefit (Classes of persons to whom the Law applies) Ordinance, 2005 has since been repealed by the Supplementary Benefit (Classes of persons to whom the Law applies) Ordinance, 2009, section 3, with effect from 8th January, 2010; the Supplementary Benefit (Classes of persons to whom the Law applies) Ordinance, 2009 has since been repealed by the Income Support (Guernsey) (Amendment) Law, 2014, section 17, with effect from 1st December, 2015.*

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**Extent.**

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

**[Citation.**

3. This Ordinance may be cited as the Income Support (Implementation) (Amendment) Ordinance, 2005.]

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**NOTE**

*Section 3 was substituted by the Income Support (Guernsey) Law, 2017, section 2, Schedule 2, paragraph 20, with effect from 6th July, 2018.<sup>3</sup>*

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**Commencement.**

4. This Ordinance shall come into force on the 30<sup>th</sup> June 2005.

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<sup>1</sup> For subsequent amendments, see the consolidated text of the Income Support (Implementation) Ordinance, 1971.

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<sup>2</sup> Prior to this substitution, the Ordinance was titled the "Supplementary Benefit (Implementation) (Amendment) Ordinance, 2005".

<sup>3</sup> Prior to this substitution, the Ordinance was cited as the Supplementary Benefit (Implementation) (Amendment) Ordinance, 2005.