

ORDINANCE
OF THE STATES OF DELIBERATION

ENTITLED

The Income Support (Residence Conditions) Ordinance,
2017 *

[CONSOLIDATED TEXT]

NOTE

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* No. I of 2017; as amended by the Income Support (Guernsey) Law, 2017 (No. IV of 2018).

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ARRANGEMENT OF SECTIONS

1. Residence condition relating to persons occupying Part D properties.
2. Interpretation.
3. Extent.
4. Citation.
5. Commencement.

(Made on 15th February, 2017.)

The [Income Support (Residence Conditions) Ordinance, 2017]

THE STATES, in pursuance of their Resolution of the 3rd November, 2016^a, and in exercise of the powers conferred on them by sections 1(1)(a)(iv) and 15 of the [Income Support (Guernsey) Law, 1971]^b as amended and all other powers enabling them in that behalf, hereby order: –

Residence condition relating to persons occupying Part D properties.

1. (1) A relevant person is not eligible for [...] [income support] under and in accordance with the Law, unless he or she –

- (a) satisfies the conditions for eligibility relating to his or her circumstances under the Law, and
- (b) subject to subsection (3), has at any time resided in Guernsey or Alderney for a continuous period of five years.

(2) For the avoidance of doubt, the continuous period of residence in Guernsey or Alderney referred to in subsection (1)(b) may comprise a period or periods of residence in Guernsey and a period or periods of residence in

^a Article 4 of Billet d'État No. XXVII of 2016.

^b Ordres en Conseil Vol. XXIII, p. 26; Vol. XXVI, p. 292; Vol. XXXI, p. 278 and Vol. XXXIX, p. 107; Order in Council No. XIII of 2014; has effect in Alderney by Recueil d'Ordonnances Tome XVII, p. 168; Tome XXIV, p. 468 and Tome XXVI, pp. 177 and 317 and as varied by Tome XXXIII, p. 649; Ordinance No. VII of 2010; No. XLIX of 2014 and No. IX of 2016.

Alderney.

(3) The Administrator may direct that subsection (1)(b) shall not apply where he or she is of the view that there are exceptional circumstances that apply in relation to the relevant person concerned.

(4) Where the Administrator makes a direction under subsection (3), he or she may award [...] [income support] of such amount and for such period as is, in the opinion of the Administrator, reasonable having regard to all the circumstances of the case.

NOTES

The title in square brackets of this Ordinance was substituted by the Income Support (Guernsey) Law, 2017, section 1(1), Schedule 1, paragraph 32, with effect from 6th July, 2018.¹

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 "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.

Interpretation.

2. (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,

"Housing Register" means the register of dwellings –

- (a) established under section 22(1) of the Housing (Control of Occupation) (Guernsey) Law, 1982^c,
- (b) maintained by the States Committee for Home Affairs under the Housing (Control of Occupation) (Guernsey) Law, 1994^d, and
- (c) to be known as the Open Market Housing Register and maintained by the States Committee for the Environment & Infrastructure under the Open Market Housing Register (Guernsey) Law, 2016,

"the Law" means the [Income Support (Guernsey) Law, 1971],

"relevant person" means a person –

- (a) whose resources are insufficient to meet his or her requirements, and
- (b) who –

^c Ordres en Conseil Vol. XXVII, p. 448; as amended by Vol. XXXI, p. 30; Vol. XXXII, p. 88; Recueil d'Ordonnances Tome XXII, pp. 369, 470 and 548; Tome XXIII, pp. 33, 255, 256 and 438; Tome XXIV, pp. 104 and 498; Tome XXV, pp. 30, 74 and 135; and Tome VI, p. 10 and 291.

^d Ordres en Conseil Vol. XXXV(1), p.75; as amended by Vol. XXXVIII, p. 193; Vol. XLII(1), p. 34; Order in Council No. VIII of 2007; No. I of 2009; Ordinance No. XXXIII of 2003; No. XVII of 2008; and No. VII of 2010.

- (i) occupies, or
- (ii) is otherwise resident in,

a property inscribed in Part D of the Housing Register,

"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.

NOTE

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

Extent.

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

[Citation.]

4. This Ordinance may be cited as the Income Support (Residence Conditions) Ordinance, 2017.]

NOTE

Section 4 was substituted by the Income Support (Guernsey) Law, 2017, section 2, Schedule 2, paragraph 32, with effect from 6th July, 2018.²

Commencement.

5. This Ordinance shall come into force on the same day as Part 1 of the Open Market Housing Register (Guernsey) Law, 2016 comes into force.

NOTE

The Open Market Housing Register (Guernsey) Law, 2016 was brought into force on 3rd April, 2017 by the Open Market Housing Register (Guernsey) Law, 2016 (Commencement) Ordinance, 2017, section 1.

¹ Prior to this substitution, the Ordinance was titled the "Supplementary Benefit (Residence Conditions) Ordinance, 2017".

² Prior to this substitution, the Ordinance was cited as the Supplementary Benefit (Residence Conditions) Ordinance, 2017.