

GUERNSEY STATUTORY INSTRUMENT

ENTITLED

The Carer's Allowance (Guernsey) Regulations, 1986 *

[CONSOLIDATED TEXT]

NOTE

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* G.S.I. No. 2 of 1986; as amended by the Severe Disability Benefit and Carer's Allowance (Guernsey) Law, 2013 (No. IV of 2014); the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003, Recueil d'Ordonnances Tome XXIX, p. 406); the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016 (No. IX of 2016); the Same-Sex Marriage (Consequential and Miscellaneous Amendments and Contrary Provisions) (Guernsey) Ordinance, 2017 (No. XIII of 2017); the Same-Sex Marriage (Consequential and Miscellaneous Amendments and Contrary Provisions) (Alderney) Ordinance, 2018 (Alderney Ordinance No. VIII of 2018); the Carer's Allowance (Amendment) Regulations, 1995 (G.S.I. No. 32 of 1995); the Carer's Allowance (Amendment) Regulations, 1997 (G.S.I. No. 2 of 1997); the Carer's Allowance (Guernsey) (Amendment) Regulations, 2014 (G.S.I. No. 17 of 2014).

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The Carer's Allowance (Guernsey) Regulations, 1986

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(Made on 6th January, 1986.)

The [Carer's Allowance (Guernsey) Regulations, 1986]

THE STATES INSURANCE AUTHORITY, in exercise of the powers conferred upon it by sections 2, 4, 5, 6, 9, 10, 13, 19 and 23 of the [Severe Disability Benefit and Carer's Allowance (Guernsey) Law, 1984]^a, hereby orders: –

PART I INTERPRETATION

Interpretation.

1. (1) In these Regulations, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say –

['approved care establishment' has the meaning assigned to it by section 34(1) of the Long-term Care Insurance (Guernsey) Law, 2002,]

'hospital' means any institution for the reception and treatment of persons suffering from illness or mental ailment, or a maternity home,

'illness' includes any injury or disability requiring medical treatment or nursing,

'in-patient' means a person admitted as an in-patient to a hospital,

'the Law' means the [Severe Disability Benefit and Carer's Allowance (Guernsey) Law, 1984],

'mental ailment' has the meaning assigned to it by Article I of the Mental Treatment Law (Guernsey) 1939^b,

^a Order in Council No. II of 1984.

^b Ordres en Conseil Vol. XI, p.405; No. IX of 1979.

and any other expressions have the same meanings as in the Law.

(2) Except where the context otherwise requires, any reference in these Regulations to any enactment or regulations shall be construed as including a reference to that enactment or those regulations, as the case may be, as amended, repealed, replaced or revoked by or under any other enactment or by any other regulations.

(3) The Interpretation (Guernsey) Law, 1948^c shall apply to the interpretation of these Regulations as it applies to the interpretation of a Guernsey enactment.

NOTES

The title in square brackets of these Regulations was substituted by the Severe Disability Benefit and Carer's Allowance (Guernsey) Law, 2013, section 1(1), First Schedule, paragraph 9, with effect from 1st May, 2014.¹

The words in square brackets in the Preamble to these Regulations were substituted by the Severe Disability Benefit and Carer's Allowance (Guernsey) Law, 2013, section 1(2), First Schedule, paragraph 1, with effect from 1st May, 2014.

In regulation 1,

the definition of the expression "approved care establishment" in paragraph (1) was inserted by the Carer's Allowance (Guernsey) (Amendment) Regulations, 2014, regulation 2, with effect from 1st May, 2014;

the words in square brackets in the definition of the expression "the Law" were substituted by the Severe Disability Benefit and Carer's Allowance (Guernsey) Law, 2013, section 1(2), First Schedule, paragraph 1, with effect from 1st May, 2014.

The Mental Treatment Law (Guernsey) 1939 has since been repealed by the Mental Health (Bailiwick of Guernsey) Law, 2010, section 105, Schedule 5, paragraph 2(b), with effect from 8th April, 2013, subject to, first, the savings and transitional provisions in section 104 of and Schedule 4 to the 2010 Law and, second, the transitional provisions in section 17 of the Mental Health (Miscellaneous Provisions) (Guernsey and Alderney) Ordinance, 2013.

^c Ordres en Conseil Vol. XIII, p. 355.

PART II
ENTITLEMENT TO [CARER'S ALLOWANCE]

Conditions of entitlement relating to residence and presence in Guernsey.

2. (1) Subject to the following provisions of this Regulation, a person shall not be entitled to [...] [carer's allowance] in respect of any day unless –

- (a) he is ordinarily resident in Guernsey, and
- (b) he is present in Guernsey on that day.

(2) For the purposes of paragraph (1)(b) of this Regulation, a person who is absent from Guernsey on any day shall be treated as being present in Guernsey –

- (a) if his absence is, and when it began was, for a temporary purpose and has not lasted for a continuous period of four weeks or such longer period as the Administrator may allow,
- (b) if his absence is temporary and for the specific purpose of caring for the severely disabled person who is also absent from Guernsey and where [...] [severe disability benefit] or an increase of industrial disablement benefit where constant attendance is needed under the Social Insurance Law is payable.

NOTES

The words in square brackets in the heading to Part II were substituted by the Severe Disability Benefit and Carer's Allowance (Guernsey) Law, 2013, section 3(a)(ii), with effect from 1st May, 2014.

In regulation 2,

the word omitted in the first pair of square brackets was revoked and the words in the second pair of square brackets were substituted by the Severe Disability Benefit and Carer's Allowance (Guernsey) Law, 2013, section 3, respectively paragraph (b) and paragraph (a)(ii), with effect from 1st May, 2014;

the word omitted in the third pair of square brackets was revoked and the words in the fourth pair of square brackets were substituted by the Severe Disability Benefit and Carer's Allowance (Guernsey) Law, 2013, section 3, respectively paragraph (b) and paragraph (a)(i), with effect from 1st May, 2014.

Circumstances in which persons are or are not to be treated as engaged or regularly and substantially engaged in caring for severely disabled persons.

3. (1) A person shall be treated as engaged and as regularly and substantially engaged in caring for a severely disabled person if, he is, or is likely to be, engaged and regularly engaged for at least thirty-five hours a week in caring for that severely disabled person; and a person shall not be treated as engaged or regularly and substantially engaged in caring for a severely disabled person unless he is, or is likely to be, engaged and regularly engaged for at least thirty-five hours a week in caring for that severely disabled person.

(2) A week in respect of which a person fails to satisfy the requirements of paragraph (1) of this Regulation shall be treated as a week in respect of which that person satisfies those requirements if he establishes –

- (a) that he has only temporarily ceased to satisfy them provided that the period during which he has ceased to satisfy those requirements has not exceeded four weeks; and for the purposes of this sub-paragraph two or more distinct periods separated by an interval not exceeding twenty-six weeks, or by two or more intervals, shall be treated as a continuous period equal in duration to the total of such distinct periods and ending on the last day of the later or last period, or
- (b) that he has only temporarily ceased to satisfy them by reason of the absence of the severely disabled person from his usual place of residence for the purpose of undergoing medical or other treatment in a hospital or similar institution, and for the purposes of this sub-paragraph two or more distinct periods separated by an

interval not exceeding twenty-eight days, or by two or more intervals shall be treated as a continuous period equal in duration to the total of such distinct periods and ending on the last day of the later or last such period:

Provided that –

- (i) such absence has not exceeded thirteen weeks,
- (ii) the absence of the severely disabled person was not intended to be permanent at the commencement of the absence.

(3) For the purposes of sub-paragraphs (a) and (b) of the last preceding paragraph [...] [carer's allowance] shall be payable only if such an allowance is not payable to another person in respect of any such week.

[4) Notwithstanding the provisions of paragraphs (1) and (2) of this Regulation, a person who has been in receipt of carer's allowance by virtue of being regularly and substantially engaged in caring for a severely disabled person immediately prior to the severely disabled person's death, or permanent admission to an approved care establishment or similar institution approved by the Administrator, shall continue to be entitled to carer's allowance for a period of –

- (a) eight weeks following the death of the severely disabled person for whom they were caring,
- (b) four weeks following the permanent admission of the severely disabled person for whom they were caring to an approved care establishment or similar institution.]

NOTES

In regulation 3,

the word omitted in the first pair of square brackets was revoked

and the words in the second pair of square brackets were substituted by the Severe Disability Benefit and Carer's Allowance (Guernsey) Law, 2013, section 3, respectively paragraph (b) and paragraph (a)(ii), with effect from 1st May, 2014;

paragraph (4) was inserted by the Carer's Allowance (Guernsey) (Amendment) Regulations, 2014, regulation 3, with effect from 1st May, 2014.

Circumstances in which persons are to be regarded as receiving full-time education.

4. (1) For the purposes of [...] [carer's allowance], a person shall not be treated as receiving full-time education for any period unless that period is one in respect of which [the Committee] is satisfied that he is receiving full-time education by attendance at an establishment [located outside the Bailiwick of Guernsey that is] recognised by [the Committee] as being, or as comparable to, a university, college or school.

(2) In determining the duration of a period of full-time education under paragraph (1) of this Regulation, any temporary interruption of that education may be disregarded.

NOTES

In regulation 4,

the word omitted in the first pair of square brackets was revoked and the words in the second pair of square brackets were substituted by the Severe Disability Benefit and Carer's Allowance (Guernsey) Law, 2013, section 3, respectively paragraph (b) and paragraph (a)(ii), with effect from 1st May, 2014;

the words "the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 4, with effect from 1st May, 2016;

the words in the fourth pair of square brackets were inserted by the Carer's Allowance (Guernsey) (Amendment) Regulations, 2014, regulation 4, with effect from 1st May, 2014.

The functions, rights and liabilities of the Social Security Department and of its Minister or Deputy Minister arising under or by virtue of these Regulations were transferred to and vested in, respectively, the Committee for Employment & Social Security ("the Committee") and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 13 and section 4, with

effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.²

Manner of electing the person entitled to [...] [carer's allowance] where more than one person would be entitled to the allowance.

5. (1) For the purposes of sub-section 5 of section 2 of the Law, an election shall be made by giving the Administrator a notice signed by the persons who but for that subsection would be entitled to [...] [carer's allowance] in respect of the same severely disabled person specifying one of them as the person to be entitled.

(2) An election under paragraph (1) of this Regulation shall not be effective to confer entitlement to [...] [carer's allowance] either for the day on which the election is made or for any earlier day if such day is one for which [...] [carer's allowance] has been paid in respect of the severely disabled person in question and has not been repaid or recovered.

NOTES

In regulation 5,

the word omitted in the first pair of square brackets in the marginal note thereto was revoked and the words in the second pair of square brackets therein were substituted by the Severe Disability Benefit and Carer's Allowance (Guernsey) Law, 2013, section 3, respectively paragraph (b) and paragraph (a)(ii), with effect from 1st May, 2014;

the words omitted in the first, third and fifth pairs of square brackets were revoked and the words in the second, fourth and sixth pairs of square brackets were substituted by the Severe Disability Benefit and Carer's Allowance (Guernsey) Law, 2013, section 3, respectively paragraph (b) and paragraph (a)(ii), with effect from 1st May, 2014.

Circumstances in which a person is not to be treated as gainfully employed.

6. ...

NOTE

Regulation 6 was revoked by the Carer's Allowance (Guernsey) (Amendment) Regulations, 2014, regulation 5, with effect from 1st May, 2014.³

Circumstances in which a person over the age of sixty-five years is to be treated as having been entitled to [...] [carer's allowance] immediately before attaining that age.

7. A person who has attained the age of sixty-five years shall, for the purposes of section 2(3)(b) of the Law, be treated as having been entitled to [...] [carer's allowance] immediately before attaining that age if immediately before attaining it he would have satisfied the conditions for entitlement to that allowance but for the provisions of paragraph (d) of sub-section (3) of section 2 of the Law.

NOTES

In regulation 7,

the word omitted in the first pair of square brackets in the marginal note thereto was revoked and the words in the second pair of square brackets therein were substituted by the Severe Disability Benefit and Carer's Allowance (Guernsey) Law, 2013, section 3, respectively paragraph (b) and paragraph (a)(ii), with effect from 1st May, 2014;

the word omitted in the first pair of square brackets was revoked and the words in the second pair of square brackets were substituted by the Severe Disability Benefit and Carer's Allowance (Guernsey) Law, 2013, section 3, respectively paragraph (b) and paragraph (a)(ii), with effect from 1st May, 2014.

Manner of determining income.

8. [(1) For the purposes of section 2(3)(c) of the Law, a person's current annual income for any year shall be –

- (a) his net assessable income under the Income Tax (Guernsey) Law, 1975^{cb} for the year of charge contemporaneous with that year less life assurance and retirement annuity relief, or
- (b) such amount as [the Committee] deems proper, having regard to all the circumstances of the case, in relation

^{cb} Ordres en Conseil Vol. XXV p. 124.

to the relevant year, where [the Committee] is satisfied that it is just and equitable to disregard the actual income.]

(2) For the purposes of paragraph (1) of this Regulation a person's current annual income shall be taken to include the income[...], of his spouse, where they are living together, or of any other person where those persons are living together as [if they were married].

(3) For the purposes of paragraph (2) of this Regulation a [married couple] shall be taken to be living together unless they are separated in pursuance of an order of a Court of competent jurisdiction.

NOTES

In regulation 8,

paragraph (1) was substituted and the words omitted in square brackets in paragraph (2) were revoked by the Carer's Allowance (Amendment) Regulations, 1997, regulation 1, respectively paragraph (a) and paragraph (b), with effect from 6th January, 1997;

the words "the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 4, with effect from 1st May, 2016;

the words in, first, the second pair of square brackets in paragraph (2) and, second, square brackets in paragraph (3) were substituted by, first (in relation to Guernsey), the Same-Sex Marriage (Consequential and Miscellaneous Amendments and Contrary Provisions) (Guernsey) Ordinance, 2017, section 1, Schedule 1, Part III, respectively paragraph 16(a) and paragraph 16(b), with effect from 2nd May, 2017 and, second (in relation to Alderney), by the Same-Sex Marriage (Consequential and Miscellaneous Amendments and Contrary Provisions) (Alderney) Ordinance, 2018, section 1, Schedule 1, Part III, respectively paragraph 16(a) and paragraph 16(b), with effect from 14th June, 2018.

PART III CLAIMS AND PAYMENTS

Manner in which claims are to be made.

9. Every claim for [...] [carer's allowance] shall be made in writing to [the Committee] on the form approved by [the Committee] for that purpose, or in

such other manner, being in writing, as [the Committee] may accept as sufficient in the circumstances of any particular case.

NOTES

In regulation 9,

the word omitted in the first pair of square brackets was revoked and the words in the second pair of square brackets were substituted by the Severe Disability Benefit and Carer's Allowance (Guernsey) Law, 2013, section 3, respectively paragraph (b) and paragraph (a)(ii), with effect from 1st May, 2014;

the words "the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 4, with effect from 1st May, 2016.

Information to be given when making a claim.

10. Every person who makes a claim for [...] [carer's allowance] shall furnish such certificates, documents, information and evidence for the purpose of determining the claim as may be required by or on behalf of [the Committee] and, if reasonably so required, shall for that purpose attend at such office or place as [the Committee] may direct.

NOTES

In regulation 10,

the word omitted in the first pair of square brackets was revoked and the words in the second pair of square brackets were substituted by the Severe Disability Benefit and Carer's Allowance (Guernsey) Law, 2013, section 3, respectively paragraph (b) and paragraph (a)(ii), with effect from 1st May, 2014;

the words "the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 4, with effect from 1st May, 2016.

Amendment of claim forms.

11. (1) If, owing to the absence of due signature, a claim is defective at the date of its receipt by [the Committee], [the Committee] shall refer the claim to the claimant, and if the form is returned duly signed within one month from the

date on which it is so referred, [the Committee] shall treat the claim as if it had been duly made in the first instance.

(2) If on receipt of a claim it is defective owing to the absence of due signature or further information is required and on request of [the Committee] it is not received within one month of the date of the request for such signature or such information, the claim shall be deemed to be made on the day the signed form or such information is received.

NOTE

In regulation 11, the words "the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 4, with effect from 1st May, 2016.

Time for making and entertaining claims.

12. Subject to the provisions of Regulation 11 of these Regulations, a claim shall be deemed to have been made on the day on which it is received at the office of [the Committee] and shall only be entertainable under these Regulations as from that date.

NOTE

In regulation 12, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 4, with effect from 1st May, 2016.

Time and manner of payment.

13. [...] [Carer's allowance] shall be payable on Mondays for the care provided during the week preceding and shall be payable in such manner as may be decided from time to time by [the Committee], or in such other manner as the Administrator may in any particular case determine.

NOTES

In regulation 13,

the word omitted in the first pair of square brackets was revoked and the words in the second pair of square brackets were substituted by the Severe Disability Benefit and Carer's Allowance (Guernsey) Law, 2013, section 3, respectively paragraph (b) and paragraph (a)(ii), with effect from 1st May, 2014;

the words in the third pair of square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 4, with effect from 1st May, 2016.

Payments on death.

14. (1) On the death of a person who has made a claim for [...] [carer's allowance] or who is alleged to have been entitled to [...] [carer's allowance], [the Committee] may appoint such person as it may think fit to proceed with or to make a claim for the allowance, and the provisions of these Regulations shall apply subject to the necessary modifications to any such claim.

(2) Subject to the provisions of paragraph (6) of this Regulation, any sum payable by way of [...] [carer's allowance] which is payable under an award on a claim proceeded with or made under paragraph (1) of this Regulation may be paid or distributed by [the Committee] to or amongst persons claiming as personal representatives, legatees, next of kin, or creditors of the deceased (or, where the deceased was illegitimate, to or amongst other persons).

(3) The receipt of any such person who has attained school-leaving age shall be a good discharge to [the Committee] for any sum so paid.

(4) Subject to the provisions of paragraph (5) of this Regulation, any sum payable by way of [...] [carer's allowance] to the deceased, payment of which he had not obtained at the date of his death, may, unless the right thereto was already extinguished at that date, be paid or distributed to or amongst such persons as are mentioned in the foregoing paragraphs of this Regulation.

(5) Paragraphs (2) and (4) of this Regulation shall not apply in any case unless written application for the payment of any such sum is made to [the Committee] within six months from the date of the deceased's death or within such longer period as [the Committee] may allow in any particular case.

(6) [The Committee] may dispense with strict proof of the title of any person claiming in accordance with the provisions of this Regulation.

NOTES

In regulation 14,

the words omitted in the first, third, sixth and tenth pairs of square brackets were revoked and the words in the second, fourth, seventh and eleventh pairs of square brackets were substituted by the Severe Disability Benefit and Carer's Allowance (Guernsey) Law, 2013, section 3, respectively paragraph (b) and paragraph (a)(ii), with effect from 1st May, 2014;

the words "T/the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 4, with effect from 1st May, 2016.

Notification of change of circumstances.

15. Any person to whom [...] [carer's allowance] is payable or by whom a claim for [carer's allowance] has been made shall inform [the Committee] in writing, as soon as reasonably practicable, if –

- (1) the person in respect of whom there is payable [...] [severe disability benefit] or an increase of industrial disablement for constant attendance and for whom the [carer's allowance] is payable or a claim has been made –
 - (a) no longer requires attention or supervision to the same extent as when the award was allowed or the claim made, or
 - (b) is admitted to hospital or commences to live in accommodation provided for him in circumstances in which the cost of the accommodation is or may be borne wholly or partly out of public funds [or is permanently admitted to an approved care establishment or similar institution approved by the Administrator], or

- (c) leaves Guernsey[,] [or
 - (d) dies.]
- (2) he leaves Guernsey and is not treated as being present in Guernsey in accordance with Regulation 2(2) of these Regulations, or
- (3) he undergoes any other change in circumstances which might reasonably be expected to affect his right to [...] [carer's allowance].

NOTES

In regulation 15,

the words omitted in the first, fifth and eleventh pairs of square brackets were revoked by the Severe Disability Benefit and Carer's Allowance (Guernsey) Law, 2013, section 3(b), with effect from 1st May, 2014;

the words "carer's allowance" in square brackets, wherever occurring, were substituted by the Severe Disability Benefit and Carer's Allowance (Guernsey) Law, 2013, section 3(a)(ii), with effect from 1st May, 2014;

the words "the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 4, with effect from 1st May, 2016;

the words in the sixth pair of square brackets were substituted by the Severe Disability Benefit and Carer's Allowance (Guernsey) Law, 2013, section 3(a)(i), with effect from 1st May, 2014;

the words in square brackets in paragraph (1)(b) were inserted by the Carer's Allowance (Guernsey) (Amendment) Regulations, 2014, regulation 6(a), with effect from 1st May, 2014;

the punctuation in paragraph (1)(c) was substituted, and paragraph (1)(d) and the word immediately after paragraph (1)(c) were inserted by the Carer's Allowance (Guernsey) (Amendment) Regulations, 2014, regulation 6, respectively paragraph (b) and paragraph (c), with effect from 1st May, 2014.

PART IV

DETERMINATION OF CLAIMS AND QUESTIONS

Application of certain provisions of the Social Insurance (Determination of Claims and Questions) (Guernsey) Regulations, 1978, in relation to the Tribunal.

16. The provisions of Regulations 2, 3, 7, 8 and 9 of the Social Insurance (Determination of Claims and Questions) (Guernsey) Regulations, 1978^e, shall apply in relation to the consideration and determination of any claim or question by the Tribunal under the Law as they apply in relation to the consideration and determination of any claim or question by the Tribunal under the Social Insurance Law.

PART V
MISCELLANEOUS

Modification of sections 81, 82 and 83 of the Social Insurance Law for the purposes of the Law.

17. (1) Section 81 of the Social Insurance Law shall have effect as provided by section 13 of the Law subject to the deletion of subsection (3) thereof and the substitution in subsection (6) thereof of the reference to subsection (2) of section 79 of that Law by a reference to subsection (2) of section 12 of the Law.

(2) Section 82 of the Social Insurance Law shall have effect as so provided as if for the reference in subsection (1) thereof to subsection (2) of section 79 of that Law there were substituted a reference to subsection (2) of section 12 of the Law.

(3) Section 83 of the Social Insurance Law shall have effect as so provided subject to the deletion of subsection (2) thereof.

Extent.

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

^e S.I. 1978, No. 20.

[Citation.]

19. These Regulations may be cited as the Carer's Allowance (Guernsey) Regulations, 1986.]

NOTE

Regulation 19 was substituted by the Severe Disability Benefit and Carer's Allowance (Guernsey) Law, 2013, section 2, Second Schedule, paragraph 10, with effect from 1st May, 2014.⁴

Commencement.

20. These Regulations shall come into force on the 6th day of January, 1986.

EXPLANATORY NOTE

*(This Note does not form part of the Regulations, but is intended to indicate their general purport)***

Part I of these Regulations deals with interpretation.

Part II provides for the conditions of entitlement to carer's allowance relating to residence and presence in Guernsey; the disqualification for receipt of severe disability benefit of hospital in-patients and persons accommodated elsewhere at the cost, wholly or partly, of public funds; and the manner of determining the income of a person for the purpose of section 2(3)(c) of the Severe Disability Benefit and Carer's Allowance (Guernsey) Law, 1984, (which excludes from entitlement to carer's allowance persons whose current annual income exceeds such amount as the States shall from time to time by Ordinance determine).

Part III contains provisions relating to claims for carer's allowance and the payment of carer's allowance.

Part IV and Part V contain provisions governing the determination of claims and questions by the Social Insurance Tribunal (which also acts as the appeals tribunal in relation to claims for invalid care allowances).

¹ Prior to this substitution, the Regulations were titled the Invalid Care Allowance (Guernsey) Regulations, 1986.

² The functions, rights and liabilities of the Social Security Department and its Minister arising under or by virtue of these Regulations were previously transferred to and vested in them, respectively, from the Social Security Authority ("the Authority") and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 26 and section 5, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.

** The text of this Explanatory Note is as it was when the Statutory Instrument was first made – that is to say that the Explanatory Note has not been updated to take account of any changes made by subsequent amending Statutory Instruments with their own Explanatory Notes. The text has, however, been updated to reflect changes made by the Severe Disability Benefit and Carer's Allowance (Guernsey) Law, 2013.

³ Prior to its revocation, regulation 6 was amended by the Carer's Allowance (Amendment) Regulations, 1995, regulation 1, with effect from 6th November, 1995.

⁴ Prior to this substitution, the Regulations were cited as the Invalid Care Allowance (Guernsey) Regulations, 1986.