

# ORDINANCE

## OF THE STATES OF DELIBERATION

ENTITLED

### **The Health Service (Benefit) Ordinance, 1990 \***

[CONSOLIDATED TEXT]

#### NOTE

*This consolidated version of the enactment incorporates all amendments listed in the footnote below. It has been prepared for the Guernsey Law website and is believed to be accurate and up to date, but it is not authoritative and has no legal effect. 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Recueil d'Ordonnances Tome XXV, p. 191; as amended (this Ordinance has frequently been amended by since-repealed Health Service (Benefit) (Amendment) Ordinances, references for all of which are not reproduced here) by the: Severe Disability Benefit and Carer's Allowance (Guernsey) Law, 2013 (No. IV of 2014); Social Insurance (Guernsey) (Amendment) Law, 2016 (No. III of 2016); Income Support (Guernsey) Law, 2017 (No. IV of 2018); Health Service Benefit (Amendment and Miscellaneous Provisions) (Guernsey) Law, 2021 (No. VIII of 2021); Health Service (Benefit) (Amendment) (No 2) Ordinance, 1996 (No. XXIII of 1996, Recueil d'Ordonnances Tome XXVII, p. 114); Misuse of Drugs (Bailiwick of Guernsey) Ordinance, 1997 (No. XVI of 1997, Recueil d'Ordonnances Tome XXVII, p. 247); Health Service (Benefit) (Amendment) Ordinance, 1997 (No. XXIX of 1997, Recueil d'Ordonnances Tome XXVII, p. 378); Health Service (Benefit) (Amendment) Ordinance, 1999 (No. XXV of 1999, Recueil d'Ordonnances Tome XXVIII, p. 262); Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003, Recueil d'Ordonnances Tome XXIX, p. 406); Health Service (Benefit) (Amendment) Ordinance, 2005 (No. VII of 2005, Recueil d'Ordonnances Tome XXX, p. 20); Health Service (Benefit) (Amendment) (No. 2) Ordinance, 2011 (No. VI of 2012); Health Service (Benefit) (Amendment) Ordinance, 2012 (No. XXXIX of 2012); Health Service (Benefit) (Nurse Prescribers) Ordinance, 2013 (No. XXXIV of 2013); Health Service (Benefit) (Amendment) Ordinance, 2013 (No. XXXVI of 2013); Health Service (Benefit) (Amendment) Ordinance, 2014 (No. XLVI of 2014); Health Service (Benefit) (Amendment) Ordinance, 2015 (No. XLVI of 2015); Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016 (No. IX of 2016); Health Service (Benefit) (Amendment) Ordinance, 2016 (No. XXXVIII of 2016); Health Service (Benefit) (Approved Prescribers) Ordinance, 2017 (No. XXV of 2017); Health Service (Benefit) (Amendment) Ordinance, 2017 (No. XXXIII of 2017); Health Service (Benefit) (Amendment) Ordinance, 2018 (No. XXXVII of 2018); Health Service (Benefit) (Amendment) Ordinance, 2019 (No. XXX of 2019); Machinery of Government (Transfer of Functions) Ordinance, 2020 (No. XVI of 2020); Health Service (Pharmaceutical Benefit and Medical Appliances) (Amendment) Regulations, 2021 (G.S.I. No 171 of 2021); Health Service (Pharmaceutical Benefit and Medical Appliances) (Amendment) Regulations, 2022 (G.S.I. No 102 of 2022); Health Service (Pharmaceutical Benefit and Medical Appliances) (Amendment) Regulations, 2023 (G.S.I. No 125 of 2023); Health Service (Pharmaceutical Benefit and Medical Appliances) (Amendment) Regulations, 2024 (G.S.I. No 107 of 2024); Health Service (Pharmaceutical Benefit and Medical Appliances) (Amendment) Regulations, 2025 (G.S.I. No 122 of 2025).

**ORDINANCE**  
**OF THE STATES OF DELIBERATION**

ENTITLED

**The Health Service (Benefit) Ordinance, 1990**

ARRANGEMENT OF SECTIONS

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3. Exception from liability to pay prescription charges.
4. Validity of medical prescriptions.
5. Health Service Advisory Committee.
6. Power of Authority to give effect to recommendations, etc.
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SCHEDULE I          Prescription Charges.

SCHEDULE II        Constitution of the Health Service Advisory Committee.

(Made on 13th December, 1990.)

## The Health Service (Benefit) Ordinance, 1990

THE STATES, in pursuance of their Resolutions of the 15<sup>th</sup> day of December, 1988 and 31<sup>st</sup> January, 1990, and in exercise of the powers conferred upon them by section 35 of the Health Service (Benefit) Law, 1990<sup>a</sup> and of all other powers enabling them in that behalf, hereby order: –

### Exclusions from the expression "consultation for a medical purpose".

1. ...]

#### NOTE

*Section 1 (which was previously substituted by the Health Service (Benefit) (Amendment) (No 2) Ordinance, 1996, section 1(1), with effect from 1st January, 1997) was repealed by the Health Service Benefit (Amendment and Miscellaneous Provisions) (Guernsey) Law, 2021, section 5(2), with effect from 1st January, 2022, subject to the transitional provisions and savings in section 8 of and Schedule 2 to that Law.<sup>1</sup>*

### Prescription charges.

2. (1) Subject to subsection (3), a person supplied with pharmaceutical benefit under the Law by an authorised supplier shall pay a prescription charge of the amount specified in Schedule I, unless he furnishes a declaration in the prescribed form to the effect that a certificate of exception is in force in respect of him.

(2) Subject to subsection (3), an authorised supplier is not obliged to supply pharmaceutical benefit under the Law unless –

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<sup>a</sup> Ordres en Conseil No. XXIV of 1990.

- (a) he is paid the prescription charge payable therefor under this section, or
- (b) he is furnished with a declaration described in subsection (1).

(3) [ The Committee for Health & Social Care] may direct that a prescription charge is not payable in respect of pharmaceutical benefit supplied, in accordance with regulations made under the Law, to two or more persons on the same medical prescription.

(4) For the purposes of this section, the supply of the same drug or medicine in more than one container on the same medical prescription shall be deemed to be the supply of one item of pharmaceutical benefit.

(5) A prescription charge payable to an authorised supplier may be recovered by him as a civil debt.

#### NOTES

*In section 2, the words in square brackets were substituted by the Machinery of Government (Transfer of Functions) Ordinance, 2020, section 2 and section 4, with effect from 1st June, 2020.<sup>2</sup>*

*The functions, rights and liabilities of the Committee for Employment & Social Security arising under Parts II to VI, sections 21 to 23, and Parts VIII to X of the Health Service (Benefit) (Guernsey) Law, 1990 were transferred to and vested in the Committee for Health & Social Care by the provisions of the Machinery of Government (Transfer of Functions) Ordinance, 2020, section 1(a) and section 4, with effect from 1st June, 2020 and subject to, first, the savings and transitional provisions in section 3 and, second, the exceptions in section 5 of the 2020 Ordinance.<sup>3</sup>*

#### **Exception from liability to pay prescription charges.**

3. (1) A person is not liable to pay a prescription charge under

section 2 if a certificate of exception has been granted in respect of him and is in force.

(2) The [Health Administrator] shall grant a certificate of exception –

- [ (a) to a person who has attained [pensionable age],
- (b) to any other person entitled to receive [...] [income support], and in this case the certificate shall –
  - (i) be granted in respect of that person and his dependants, and
  - (ii) remain in force while he is entitled to receive [...] [income support],
- (c) to a person who applies to him in that behalf if satisfied (having regard to any special circumstances which, in his opinion, affect the applicant's financial position) that it is just and equitable to do so, and in this case the certificate shall –
  - (i) be granted in respect of the applicant or any of his dependants, and
  - (ii) subject to subsection (6), remain in force for the period specified therein[,
- (d) to a person who is entitled to receive [severe disability benefit].]

(3) An application under subsection (2)(c) and certificate of exception shall be in the form approved by [the Committee for Health & Social Care], and any such certificate shall specify the names and addresses of the persons in respect of whom it is granted.

(4) A person who applies for or is granted a certificate of exception under subsection (2)(c) shall –

[(a) whenever so directed by the Health Administrator, furnish any information and evidence which the Administrator to the Committee for Employment & Social Security appointed or deemed to have been appointed under section 94 of the Social Insurance (Guernsey) Law, 1978 is empowered to demand under any Ordinance made under the Income Support Law, and]

(b) if such a certificate is granted to him, comply with any directions given by the [Health Administrator] as to reporting any change of circumstances which may, in the [Health Administrator]'s opinion, affect his financial position, including any change in the means of any of his dependants.

(5) A person to whom a certificate of exception is granted shall, provided that the certificate is in force –

(a) as soon as possible, notify the [Health Administrator] in writing of any change in the name or address of himself and (unless the certificate was granted under subsection

(2)(a) any of his dependants,

(b) if so directed by the [Health Administrator], return the certificate to him to enable him to vary it by deleting or inserting the name and address of any person who has ceased to be or has become a dependant or by altering the name or address of any person specified therein.

(6) The [Health Administrator] may at any time revoke a certificate of exception granted to any person under subsection (2)(c) –

(a) if satisfied (having regard to any change of circumstances which, in the [Health Administrator]'s opinion, affects his financial position) that he is no longer in need of a certificate of exception, or

(b) if he fails to comply with subsection (5) or with any direction given under subsection (4) or (5).

(7) For the purposes of this section, the expression "**dependants**" –

(a) in relation to a person entitled to receive [...] [income support], has the meaning given by section 4 of the [Income Support] Law,

(b) in relation to any other person, means the persons who would be dependants within the meaning of that Law if he were entitled to receive [...] [income support].

**NOTES**

In section 3,

*first, the words "Health Administrator" in square brackets, wherever occurring, and, second, subsection (4)(a) were substituted by the Health Service Benefit (Amendment and Miscellaneous Provisions) (Guernsey) Law, 2021, respectively section 5(3) and section 5(4), with effect from 1st January, 2022, subject to the transitional provisions and savings in section 8 of and Schedule 2 to that Law;*<sup>4</sup>

*paragraph (a) of subsection 2 was substituted by the Health Service (Benefit) (Amendment) Ordinance, 1991, section 1, with effect from 1st June, 1991;*

*the words in square brackets within paragraph (a) were substituted by the Social Insurance (Guernsey) (Amendment) Law, 2016. section 2(2), with effect from 4th April, 2016;*

*paragraph (d) of subsection (2) was inserted by the Health Service (Benefit) (Amendment) (No. 2) Ordinance, 2011, section 1(2), with effect from 1st January, 2012;*

*the words in square brackets within paragraph (d) of subsection (2) 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 subsection (3) were substituted by the Machinery of Government (Transfer of Functions) Ordinance, 2020, section 2 and section 4, with effect from 1st June, 2020;*<sup>5</sup>

*the words "I/income S/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.*

**Validity of medical prescriptions.**

4. Subject to [section 14 of the Misuse of Drugs (Bailiwick of Guernsey) Ordinance, 1997]<sup>b</sup>, an authorised supplier shall not supply pharmaceutical benefit on a medical prescription later than 13 weeks after the date specified in the prescription.

**NOTE**

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**b** No. XVI of 1997.

*In section 4, the words in square brackets were substituted by the Misuse of Drugs (Bailiwick of Guernsey) Ordinance, 1997, section 25(2), with effect from 1st June 1997.*

**Health Service Advisory Committee.**

5. (1) The Health Service Advisory Committee ("**the Committee**") shall be constituted in accordance with Schedule II and shall exercise the functions conferred by this section.

(2) Where it appears to [the Committee for Health & Social Care], after due enquiry, that –

- (a) by reason of the character or quantity of pharmaceutical benefit or medical appliances supplied or ordered to be supplied to any person under the Law, the cost thereof [...] is in excess of what was reasonably necessary for his proper treatment,
- (b) any substance supplied or ordered to be supplied to any person under the Law is not a drug or medicine within the meaning of the Law,
- (c) any appliance supplied or ordered to be supplied to any person under the Law is not a medical appliance within the meaning of the Law,
- (d) an authorised supplier or authorised appliance supplier –
  - (i) has contravened any provision of the Law or any term or condition of the undertaking furnished by him to [the Committee for Health

& Social Care] in pursuance of section 12(2)(b) or 17(2)(b) of the Law,

- (ii) has ceased to supply pharmaceutical benefit or medical appliances under the Law otherwise than by reason of a direction served under section 6,
  - (iii) has, by his conduct, prejudiced the efficient administration of the Law, or
  - (iv) has, by his conduct, created an unreasonable charge on [the general revenue], or
- (e) an approved medical practitioner, approved dentist, approved pharmacist[, approved nurse or approved prescriber] has, by his conduct –
- (i) prejudiced the efficient administration of the Law, or
  - (ii) created an unreasonable charge on [the general revenue],

[the Committee for Health & Social Care] may refer the case to the Committee for its consideration and, in that event, shall give to the person concerned notice in writing of the fact.

(3) In this Ordinance the expression "**the person concerned**" means the medical practitioner, pharmacist, dentist, nurse, authorised supplier or authorised appliance supplier in respect of whom the reference under subsection (2) is

made.

(4) Where a reference is made to the Committee under subsection (2) –

- (a) the Committee shall furnish the person concerned with a statement in writing indicating the matters on which an explanation is required and shall afford him a reasonable opportunity of appearing before and being heard by the Committee, or, if he prefers, of submitting to the Committee a statement in writing,
- (b) the Committee shall consider any representations made to it by [the Committee for Health & Social Care] and, where the person concerned appears before and is heard by the Committee, shall afford a reasonable opportunity to a representative of [the Committee for Health & Social Care] of appearing before and being heard by the Committee, and
- (c) in relation to medical prescriptions or appliance prescriptions issued by a medical practitioner or dentist as a deputy for another medical practitioner or dentist, the Committee may, to such extent as is considered material, require information concerning those prescriptions from the medical practitioner or dentist for whom he was deputising.

(5) The Committee shall, as soon as possible after considering any case referred to it under subsection (2), furnish [the Committee for Health & Social Care] with a statement in writing of its findings and the reasons therefor, and the

Committee may, where in its opinion the case is well-founded, include in that statement any one or more of the following recommendations –

- (a) where the case was referred to the Committee under subsection (2)(a), that the person concerned be required to pay to [the general revenue] such sum as, in the Committee's opinion, is a reasonable estimate of the cost to [the general revenue] incurred in excess of what was reasonably necessary for the proper treatment of the patient by or on behalf of the person concerned,
- (b) where the case was referred to the Committee under subsection (2)(b) or (c), and a payment has been made out of [the general revenue] in respect of the supply of the substance or medical appliance in question, that the person concerned be required to pay to [the general revenue] a sum equal to the amount of that payment,
- (c) where the case was referred to the Committee under subsection (2)(a), (b) or (c), that the person concerned, being a medical practitioner[, dentist or [approved prescriber] ], be prohibited from issuing medical prescriptions or appliance prescriptions under the Law indefinitely or for a specified period,
- (d) where the case was referred to the Committee under subsection (2)(d), that the authorisation of the person concerned under section 12(2) or 17(2) of the Law be withdrawn or suspended for a specified period and (where the case was referred under subsection (2)(d)(iv)) that he be required to pay to [the general

revenue] such sum as, in the Committee's opinion, is appropriate,

- (e) where the case was referred to the Committee under subsection (2)(e), that the person concerned shall cease to be approved for the purposes of sections 6(4), 10(2) and 15(2) of the Law[, or in the case of [an approved prescriber], that the person concerned shall cease to be authorised to issue medical prescriptions for the supply of pharmaceutical benefit for the purposes of section 10(2) of the Law,] indefinitely or for a specified period and (where the case was referred under subsection (2)(e)(ii)) that he be required to pay to [the general revenue] such sum as, in the Committee's opinion, is appropriate.

(6) [The Committee for Health & Social Care] shall, as soon as possible, send to the person concerned by recorded delivery service a copy of the statement furnished to it by the Committee under subsection (5) and, if he is dissatisfied with any finding or recommendation of the Committee under that subsection, he may give notice of appeal therefrom to [the Committee for Health & Social Care] within 28 days from the date on which he received the copy of the statement; and thereupon [the Committee for Health & Social Care] shall refer the case to referees appointed under subsection (11) to hear and determine the case.

(7) If [the Committee for Health & Social Care] is dissatisfied with any finding or recommendation of the Committee under subsection (5), it may, within 28 days from the date specified in subsection (6), refer the case to referees appointed under subsection (11) to hear and determine the case; and in that event [the Committee for Health & Social Care] shall give to the person concerned notice in writing that it has so referred the case.

(8) Where a case is referred to referees under subsection (6) or (7), they shall review the findings and recommendations of the Committee under subsection (5) and may –

- (a) quash, confirm or vary any finding,
- (b) quash or confirm any recommendation,
- (c) where they quash a recommendation or where no recommendation was made, make any recommendation which the Committee could have made under subsection (5) and which is appropriate to the case,

and the referees shall, as soon as possible, furnish [the Committee for Health & Social Care] and the person concerned with a statement in writing of their decision and of the reasons therefor and of any recommendations made or confirmed by them.

(9) The referees may determine any case referred to them by a majority.

(10) Subject to subsection (9), the referees shall regulate their own procedure.

(11) The States [Policy & Resources Committee] shall appoint as referees, for the purpose of determining any reference under subsection (6) or (7), at least three persons (not being members, officers, or servants of the States) one of whom shall be –

- (a) where the person concerned is a medical practitioner, a person who is a fully registered person within the

meaning of the Medical Act 1956,

- (b) where the person concerned is a dentist, a person registered in the Dentists Register under the Dentists Act 1957,
- (c) where the person concerned is a pharmacist, a person registered in the register of pharmaceutical chemists established in pursuance of the Pharmacy Act 1852 and maintained in pursuance of section 2(1) of the Pharmacy Act 1954,
- [(ca) ...]
- (d) where the person concerned is a nurse [...], a person whose name is inscribed on the Register of Nurses, Midwives and Health Visitors maintained under section 10(1) of the Nurses, Midwives and Health Visitors Act 1979,

and the [Policy & Resources Committee] shall designate one appointee to act as chairman.

**NOTES**

*In section 5,*

*the words "T/the Committee for Health & Social Care" in square brackets, wherever occurring, were substituted by the Machinery of Government (Transfer of Functions) Ordinance, 2020, section 2 and section 4, with effect from 1st June, 2020;<sup>6</sup>*

*first, the words omitted in square brackets in subsection (2)(a) were repealed and, second, third and fourth, the words "the general revenue" in square brackets, wherever occurring in subsection (2)(d)(iv), subsection*

*(2)(e)(ii) and subsection (5) were substituted by the Health Service Benefit (Amendment and Miscellaneous Provisions) (Guernsey) Law, 2021, respectively section 5(5), section 5(6)(a), section 5(6)(b) and section 5(6)(c), with effect from 1st January, 2022, subject to, first, the provisions of section 1 of the 2021 Law and, second, the transitional provisions and savings in section 8 of and Schedule 2 to that Law;*

*the words in square brackets in, first, subsection (5)(c) and, second, subsection (5)(e) were, respectively, substituted and inserted by the Health Service (Benefit) (Nurse Prescribers) Ordinance, 2013, section 5 and section 6, with effect from 1st January, 2014;*

*first, the words in square brackets in subsection (2)(e), second, the words in square brackets within the square brackets in subsection (5)(c) and, third, the words in square brackets within the square brackets in subsection (5)(e) were substituted, fourth, paragraph (ca) of subsection (11) (which paragraph was previously inserted by the Health Service (Benefit) (Nurse Prescribers) Ordinance, 2013, section 7(a), with effect from 1st January, 2014) was repealed and, fifth, the words omitted in square brackets in subsection (11)(d) (which words were originally inserted by the Health Service (Benefit) (Nurse Prescribers) Ordinance, 2013, section 7(b), with effect from 1st January, 2014) were repealed by the Health Service (Benefit) (Approved Prescribers) Ordinance, 2017, respectively section 5(a), section 5(b), section 5(c), section 5(d)(i) and section 5(d)(ii), with effect from 1st November, 2017;<sup>7</sup>*

*the words "Policy & Resources Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 10(a), with effect from 1st May, 2016.<sup>8</sup>*

*The functions, rights and liabilities of the Policy Council and of its Minister arising under or by virtue of this Ordinance were transferred to and vested in, respectively, the Policy & Resources Committee and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 10(a), with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.<sup>9</sup>*

**Power of Authority to give effect to recommendations, etc.**

6. (1) [ The Committee for Health & Social Care] may accept (in full or subject to such modifications as it thinks fit) –

- (a) any recommendation of the Committee under section 5(5), unless the recommendation has been referred to

referees under section 5(6) or (7),

- (b) any recommendation made or confirmed by referees under section 5(8),

and [the Committee for Health & Social Care] shall give effect to the recommendation by means of a direction served on the person concerned.

(2) A direction under subsection (1) shall state the decision of [the Committee for Health & Social Care] and the date on which the recommendation is to have effect.

(3) [The Committee for Health & Social Care] may, upon the application of the person concerned or of its own motion, by notice served on the person concerned, revoke or vary a direction under subsection (1).

(4) Where a person's authorisation under section 12(2) or 17(2) of the Law is withdrawn or suspended by a direction under subsection (1) –

- (a) he may not apply for such authorisation while the direction is in force, and
- (b) the authorisation is revived if the direction is revoked under subsection (3).

(5) Where, pursuant to a recommendation under section 5(5)(c) or (e), a direction under subsection (1) prohibits a medical practitioner[, dentist or [approved prescriber] ] from issuing medical prescriptions or appliance prescriptions under the Law, [the Committee for Health & Social Care] shall, by notice in writing, inform all authorised suppliers or authorised appliance suppliers (as the case may be) of the direction and its duration and of any subsequent variation or revocation thereof.

(6) No authorised supplier shall supply pharmaceutical benefit under the Law on a medical prescription issued by a medical practitioner[, dentist or [approved prescriber] ] prohibited from issuing medical prescriptions by a direction under subsection (1).

(7) No authorised appliance supplier shall supply medical appliances under the Law on an appliance prescription issued by a medical practitioner or dentist prohibited from issuing appliance prescriptions by a direction under subsection (1).

(8) [ The Committee for Health & Social Care] may withhold the payment of any sum payable under the Law to an authorised supplier or authorised appliance supplier in respect of pharmaceutical benefit or medical appliances supplied in contravention of subsection (6) or (7).

(9) Any sum which a person is required to pay to [the general revenue] by a direction under subsection (1) may be deducted from any sum payable to him under the Law.

(10) Where a person's approval [or authorisation] for the purposes of section 6(4), 10(2) or 15(2) of the Law is withdrawn or suspended by a direction under subsection (1) –

- (a) the [Committee for Health & Social Care] shall take any action necessary to implement the direction, and
- (b) the approval [or authorisation] is revived if the direction is revoked under subsection (3).

**NOTES**

*In section 6,*

*the words "T/the Committee for Health & Social Care" in square brackets, wherever occurring other than in subsection (10), were substituted by the Machinery of Government (Transfer of Functions) Ordinance, 2020, section 2 and section 4, with effect from 1st June, 2020;<sup>10</sup>*

*the words in, first, the first pair of square brackets in subsection (5) and the square brackets in subsection (6) and, second, the words in the first and third pairs of square brackets in subsection (10) were, respectively, substituted and inserted by the Health Service (Benefit) (Nurse Prescribers) Ordinance, 2013, section 8 and section 9, with effect from 1st January, 2014;*

*the words in square brackets within the first pair of square brackets in subsection (5) and within the square brackets in subsection (6) were substituted by the Health Service (Benefit) (Approved Prescribers) Ordinance, 2017, section 6, with effect from 1st November, 2017;*

*the words in square brackets in subsection (9) were substituted by the Health Service Benefit (Amendment and Miscellaneous Provisions) (Guernsey) Law, 2021, section 5(6)(d), with effect from 1st January, 2022, subject to, first, the provisions of section 1 of the 2021 Law and, second, the transitional provisions and savings in section 8 of and Schedule 2 to that Law;*

*the words in the second pair of square brackets in subsection (10) were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 5, with effect from 1st May, 2016.<sup>11</sup>*

*The functions, rights and liabilities of the Health and Social Services Department and of its Minister or Deputy Minister arising under or by virtue of this Ordinance were transferred to and vested in, respectively, the Committee for Health & Social Care and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 5, with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.<sup>12</sup>*

**Supply of benefit in relation to Alderney.**

7. ...

**NOTE**

*Section 7 was repealed by the Health Service (Benefit) (Amendment)*

*Ordinance, 1997, section 1(2), with effect from 1st January, 1998.*

**Service of Documents.**

8. Any document to be given or served under this Ordinance may (unless required by any provision of this Ordinance to be given or served in any other manner) be given or served in accordance with section 37 of the Law and, if sent by post, shall be deemed to have been received on the third day after the date of posting (excluding any day on which mail is not delivered in Guernsey or Alderney, as the case may be, in the ordinary course of business of the States Post Office).

**Interpretation.**

9. (1) In this Ordinance –

[ "**approved prescriber**" has the meaning given by section 1(3) of the Health Service (Benefit) (Approved Prescribers) Ordinance, 2017,]

[ "[**severe disability benefit**]" has the meaning given by section 1(1) of the [Severe Disability Benefit and Carer's Allowance (Guernsey) Law, 1984],]

"**the Law**" means the Health Service (Benefit) (Guernsey) Law, 1990<sup>c</sup>,

[ "**nurse prescriber**" has the meaning given by section 1(3) of the [Health Service (Benefit) (Approved Prescribers) Ordinance, 2017],]

[ "**pensionable age**" has the meaning given by section 121(1) of the Social Insurance (Guernsey) Law, 1978,]

"**the person concerned**" has the meaning given by section 5(3),

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<sup>c</sup> Ordres en Conseil No. XXIV of 1990.

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

(2) Any reference in this Ordinance to an enactment is, except where the context excludes, a reference thereto as amended, replaced, extended or applied.

(3) The Interpretation (Guernsey) Law, 1948<sup>d</sup> shall apply to the interpretation of this Ordinance throughout the Islands of Guernsey, Alderney, Herm and Jethou.

## NOTES

*In section 9,*

*first, the definition of the expression "approved prescriber" in subsection (1) and, second, the words in square brackets within the definition of the expression "nurse prescriber" therein were, respectively, inserted and substituted by the Health Service (Benefit) (Approved Prescribers) Ordinance, 2017, section 7(a) and section 7(b), with effect from 1st November, 2017;*

*the words in the second pair of square brackets were inserted by the Health Service (Benefit) (Amendment) (No. 2) Ordinance, 2011, section 1(3), with effect from 1st January, 2012;*

*the words in the first and second pairs of square brackets within the second pair of square brackets were substituted by the Severe Disability Benefit and Carer's Allowance (Guernsey) Law, 2013, respectively section 3(a)(i) and section 1(2), First Schedule, paragraph 1, with effect from 1st May, 2014;*

*the definition of the expression "nurse prescriber" in subsection (1) was inserted by the Health Service (Benefit) (Nurse Prescribers) Ordinance, 2013, section 10, with effect from 1st January, 2014;*

*the definition of the expression "pensionable age" in subsection (1) was inserted by the Social Insurance (Guernsey) (Amendment) Law, 2016, section 2(3), with effect from 4th April, 2016.*

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

*The Interpretation (Guernsey) Law, 1948 has since been repealed by the Interpretation and Standard Provisions (Bailiwick of Guernsey) Law, 2016, section 28(a), with effect from 1st October, 2018.*

**Extent.**

**10.** This Ordinance shall have effect in the Islands of Guernsey, Alderney, Herm and Jethou.

**Citation.**

**11.** This Ordinance may be cited as the Health Service (Benefit) Ordinance, 1990.

**Commencement.**

**12.** This Ordinance shall come into force on the 1<sup>st</sup> January, 1991.

[SCHEDULE I  
PRESCRIPTION CHARGES

Section 2(1)

WITH EFFECT FROM:	PER ITEM OF PHARMACEUTICAL BENEFIT SUPPLIED IN GUERNSEY:	PER ITEM OF PHARMACEUTICAL BENEFIT SUPPLIED IN ALDERNEY:
1 <sup>st</sup> January 2026	£5.40	£5.40

**NOTE**

*Schedule I was substituted by the Health Service (Pharmaceutical Benefit and Medical Appliances) (Amendment) Regulations, 2025, regulation 1, Schedule 1, with effect from 1st January, 2026.<sup>13</sup>*

SCHEDULE II

Section 5(1)

CONSTITUTION OF THE HEALTH SERVICE  
ADVISORY COMMITTEE

1. The States [Policy & Resources Committee] shall appoint panels (to be known as the Medical, Dental, Pharmaceutical and Nursing Panels) of not less than, respectively, five medical practitioners, five dentists, five pharmacists and five nurses, selected in each case by the said [Policy & Resources Committee] after consultation with organisations recognised by it as being representative of medical practitioners, dentists, pharmacists or nurses, as the case may be.

[ 1A. ...]

2. The composition of each panel shall be reviewed from time to time by the [Policy & Resources Committee], which may make additional appointments thereto and remove any person therefrom after consultation with the appropriate organisation.

3. The Health Service Advisory Committee shall, for the purpose of considering any case referred to it under section 5(2), consist of three persons selected by the [Policy & Resources Committee] –

- (a) where the person concerned is a medical practitioner, from the Medical Panel,
- (b) where the person concerned is a dentist, from the Dental Panel,
- (c) where the person concerned is a pharmacist, from the Pharmaceutical Panel,

- (d) where the person concerned is a nurse, from the Nursing Panel (from which two members shall be selected) and from the Medical Panel (from which the third member shall be selected),

and the [Policy & Resources Committee] shall designate one of them to act as chairman.

4. The Health Service Advisory Committee may determine any case referred to it by a majority.

5. Subject to paragraph 4, the Health Service Advisory Committee shall regulate its own procedure.

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**NOTES**

*In Schedule II,*

*the words "Policy & Resources Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 10(a), with effect from 1st May, 2016;<sup>14</sup>*

*paragraph 1A (which was originally inserted by the Health Service (Benefit) (Nurse Prescribers) Ordinance, 2013, section 11, with effect from 1st January, 2014) was repealed by the Health Service (Benefit) (Approved Prescribers) Ordinance, 2017, section 8, with effect from 1st November, 2017;<sup>15</sup>*

*The functions, rights and liabilities of the Policy Council and of its Minister arising under or by virtue of this Ordinance were transferred to and vested in, respectively, the Policy & Resources Committee and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 10(a), with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.<sup>16</sup>*

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<sup>1</sup> Prior to its repeal, section 1 was amended by the Health Service (Benefit) (Amendment) Ordinance, 1999, section 1(1), with effect from 1st November, 1999; the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 4, with effect from 6th May, 2004; the Health Service (Benefit) (Amendment) Ordinance, 2005, section 1, with effect from 26th May, 2005; the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 5, with effect from 1st May, 2016; and transfers of functions were made by the: Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003; Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016.

<sup>2</sup> These words were previously substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(3), Schedule 3, paragraph 4, with effect from 1st May, 2016.

<sup>3</sup> The functions, rights and liabilities of the Committee for Employment & Social Security and its President or Vice-President arising under or by virtue of the Health Service (Benefit) (Guernsey) Law, 1990 were previously transferred to and vested in them, respectively, from the Social Security Department and its Minister or Deputy Minister by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 13, with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance; the functions, rights and liabilities of the Social Security Department and its Minister arising under or by virtue of the Health Service (Benefit) (Guernsey) Law, 1990 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, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.

<sup>4</sup> Prior to its substitution, subsection (4)(a) was amended by the Income Support (Guernsey) Law, 2017, section 3(a), with effect from 6th July, 2018.

<sup>5</sup> These words were previously substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(3), Schedule 3, paragraph 4, with effect from 1st May, 2016.

<sup>6</sup> These words were previously substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(3), Schedule 3, paragraph 4, with effect from 1st May, 2016.

<sup>7</sup> The words in square brackets in subsection (2)(e) were previously substituted, in part, by the Health Service (Benefit) (Nurse Prescribers) Ordinance, 2013, section 4, with effect from 1st January, 2014.

<sup>8</sup> These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 1(a), Schedule 2, paragraph 1(a), with effect from 6th May, 2004.

<sup>9</sup> The functions, rights and liabilities of the Policy Council and its Minister

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arising under or by virtue of this Ordinance were previously transferred to and vested in them, respectively, from the Advisory and Finance Committee and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 1(a), Schedule 2, paragraph 1(a), with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.

**10** These words were previously substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(3), Schedule 3, paragraph 4, with effect from 1st May, 2016.

**11** These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 4, with effect from 6th May, 2004.

**12** The functions, rights and liabilities of the Health and Social Services Department and its Minister arising under or by virtue of this Ordinance were previously transferred to and vested in them, respectively, from the Board of Health and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 4, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.

**13** Schedule I was previously substituted by the following: Health Service (Benefit) (Amendment) Ordinance, 1997, section 1(1), with effect from 1st January, 1998; Health Service (Benefit) (Amendment) Ordinance, 2002, section 1, Schedule, with effect from 1st January, 2003; Health Service (Benefit) (Amendment) (No. 2) Ordinance, 2003, section 2, Schedule, with effect from 1st January, 2004; Health Service (Benefit) (Amendment) Ordinance, 2004, section 1, with effect from 1st January, 2005; Health Service (Benefit) (Amendment) (No. 2) Ordinance, 2005, section 1, with effect from 1st January, 2006; Health Service (Benefit) (Annual Grant and Amendment) Ordinance, 2006, section 2, Schedule, with effect from 1st January, 2007; Health Service (Benefit) (Annual Grant and Amendment) Ordinance, 2007, section 2, with effect from 1st January, 2008; Health Service (Benefit) (Amendment) Ordinance, 2008, with effect from 1st January, 2009; Health Service (Benefit) (Amendment) Ordinance, 2009, section 1, Schedule, with effect from 1st January, 2010; Health Service (Benefit) (Amendment) Ordinance, 2010, section 1, Schedule, with effect from 1st January, 2011; Health Service (Benefit) (Amendment) Ordinance, 2011, section 1, Schedule, with effect from 1st January, 2012; Health Service (Benefit) (Amendment) Ordinance, 2012, section 1, Schedule, with effect from 1st January, 2013; Health Service (Benefit) (Amendment) Ordinance, 2013, section 1, Schedule, with effect from 1st January, 2014; Health Service (Benefit) (Amendment) Ordinance, 2014, section 1, Schedule, with effect from 1st January, 2015; Health Service (Benefit) (Amendment) Ordinance, 2015, section 1, Schedule, with effect from 1st January, 2016; Health Service (Benefit) (Amendment) Ordinance, 2016, section 1, Schedule, with effect from 1st January, 2017; Health Service (Benefit) (Amendment) Ordinance, 2017, section 1, Schedule, with effect from 1st January, 2018; Health Service (Benefit) (Amendment) Ordinance, 2018,

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section 1, Schedule, with effect from 1st January, 2019; Health Service (Benefit) (Amendment) Ordinance, 2019, section 1, Schedule, with effect from 1st January, 2020; Health Service (Pharmaceutical Benefit and Medical Appliances) (Amendment) Regulations, 2021, regulation 1, Schedule 1, with effect from 1st January, 2022; Health Service (Pharmaceutical Benefit and Medical Appliances) (Amendment) Regulations, 2022, regulation 1, Schedule 1; Health Service (Pharmaceutical Benefit and Medical Appliances) (Amendment) Regulations, 2023, regulation 1, Schedule 1, with effect from 1st January, 2024; Health Service (Pharmaceutical Benefit and Medical Appliances) (Amendment) Regulations, 2024, regulation 1, Schedule 1, with effect from 1st January, 2025.

**14** These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 1(a), Schedule 2, paragraph 1(a), with effect from 6th May, 2004.

**15** Prior to its repeal, paragraph 1A was amended by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 10(a), with effect from 1st May, 2016.

**16** The functions, rights and liabilities of the Policy Council and its Minister arising under or by virtue of this Ordinance were previously transferred to and vested in them, respectively, from the Advisory and Finance Committee and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 1(a), Schedule 2, paragraph 1(a), with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.