

STATUTORY INSTRUMENTS LAID BEFORE THE STATES

The States of Deliberation have the power to annul the Statutory Instruments detailed below.

No.61 of 2016

THE SOCIAL INSURANCE (RESIDENCE AND PERSONS ABROAD) (GUERNSEY) (AMENDMENT) REGULATIONS, 2016

In pursuance of section 117 of the Social Insurance (Guernsey) Law, 1978, The Social Insurance (Residence and Persons Abroad) (Guernsey) (Amendment) Regulations, 2016, made by the Committee *for* Employment & Social Security, on 6th December 2016, are laid before the States.

EXPLANATORY NOTE

These Regulations set out the exceptions to the general disqualification for the receipt of maternal health allowance, newborn care allowance and parental allowance by reason of being absent from Guernsey, as provided for under section sixty-seven of the Social Insurance (Guernsey) Law, 1978.

These Regulations also substitute a reference to “maternity benefit” with “maternal health allowance”, which is one of the new parental benefits which will replace the current maternity benefits with effect from 1 January 2017.

These Regulations also replace a reference to “the age of 65 years” with the term “Pensionable age”. This change is necessary because Pensionable age, which is currently 65 years, will start to increase incrementally in 2020.

These Regulations come into force on the 1st day of January, 2017.

No.56 of 2016

THE SOCIAL INSURANCE (DETERMINATION OF CLAIMS AND QUESTIONS) (GUERNSEY) (AMENDMENT) REGULATIONS, 2016

In pursuance of section 117 of the Social Insurance (Guernsey) Law, 1978, The Social Insurance (Determination of Claims and Questions) (Guernsey) (Amendment) Regulations, 2016, made by the Committee *for* Employment & Social Security, on 6th December 2016, are laid before the States.

EXPLANATORY NOTE

With effect from 1st January 2017, the provisions of the Social Insurance (Guernsey) Law, 1978 (“the 1978 Law”) relating to maternity allowance will be repealed. From this date, maternity allowance will be replaced with the new benefits known as maternal health

allowance and newborn care allowance and an equivalent benefit, known as parental allowance, will be available to adoptive parents.

These Regulations replace a reference in the Social Insurance (Determination of Claims and Questions) Regulations, 1978 to “maternity allowance” with a reference to the new benefits “maternal health allowance, newborn care allowance and parental allowance”.

These Regulations come into force on the 1st day of January, 2017.

No.57 of 2016

THE SOCIAL INSURANCE (CONTRIBUTIONS) (AMENDMENT) REGULATIONS, 2016

In pursuance of section 117 of the Social Insurance (Guernsey) Law, 1978, The Social Insurance (Contributions) (Amendment) Regulations, 2016, made by the Committee *for* Employment & Social Security, on 6th December 2016, are laid before the States.

EXPLANATORY NOTE

With effect from 1st January 2017, the provisions of the Social Insurance (Guernsey) Law, 1978 (“the 1978 Law”) relating to maternity allowance will be repealed. From this date, maternity allowance will be replaced with the new benefits known as maternal health allowance and newborn care allowance and an equivalent benefit, known as parental allowance, will be available to adoptive parents.

These Regulations replace references in the Social Insurance (Contributions) Regulations, 2000 to “maternity allowance” with references to “maternal health allowance, newborn care allowance and parental allowance”. They provide for contribution credits to be awarded to people who do not satisfy the contribution conditions for the receipt of maternal health allowance, newborn care allowance or parental allowance. They also provide that where contributions are credited to a person who does not satisfy the contribution conditions for the receipt of maternal health allowance, newborn care allowance or parental allowance, they shall be deemed to be paid for the purpose of determining the period for which a newborn care allowance or parental allowance is payable, as appropriate.

These Regulations come into force on the 1st day of January, 2017.

No. 60 of 2016

THE HEALTH SERVICE (MEDICAL APPLIANCES) (AMENDMENT) REGULATIONS, 2016

In pursuance of section 35(4) of the Health Service (Benefit) (Guernsey) Law, 1990, The Health Service (Medical Appliances) (Amendment) Regulations, 2016, made by the Committee *for* Employment & Social Security on 6th December 2016, are laid before the States.

EXPLANATORY NOTE

These Regulations further amend the Health Service (Medical Appliances) Regulations, 1990, as amended, by increasing the charges payable to authorised appliance suppliers in Guernsey and Alderney by persons supplied with Part I, II or III medical appliances, who are not exempt from such charges. The increased charges amount to £3.80 for each appliance.

These Regulations also substitute a reference to “the age of 65 years” in Regulation 6 of the Health Service (Medical Appliances) Regulations, 1990, as amended, concerning the grant of a certificate of exception from liability to pay appliance charges, with a reference to “Pensionable age”. This change is required in preparation for the phased increase in Pensionable age which is due to commence in 2020.

These Regulations come into force on the 1st day of January, 2017.

No. 58 of 2016

THE STATES HOUSING (RENT AND REBATE SCHEME) (GUERNSEY) (AMENDMENT) REGULATIONS, 2016

In pursuance of Section 5(3) of the States Housing (Tenancies, Rent and Rebate Scheme) (Guernsey) Law, 2004, The States Housing (Rent and Rebate Scheme) (Guernsey) (Amendment) Regulations, 2016, made by the Committee *for* Employment & Social Security on 6th December 2016, are laid before the States.

EXPLANATORY NOTE

These Regulations amend the States Housing (Rent and Rebate Scheme) (Guernsey) Regulations, 2005 by making changes to the States Rental Formula and to the charges applied to non-dependent persons residing in the household of a statutory tenant, and to the allowances given to dependent children residing in the household of a statutory tenant.

These Regulations come into force on the 31st December, 2016.

No.59 of 2016

**THE STATES HOUSING (STATUTORY TENANCIES) (GUERNSEY) (AMENDMENT)
REGULATIONS, 2016**

In pursuance of Section 5(3) of the States Housing (Tenancies, Rent and Rebate Scheme) (Guernsey) Law, 2004, The States Housing (Rent and Rebate Scheme) (Guernsey) (Amendment) Regulations 2016, made by the Committee *for* Employment & Social Security on 6th December 2016, are laid before the States.

EXPLANATORY NOTE

These Regulations amend the States Housing (Statutory Tenancies) (Guernsey) Regulations, 2005, by replacing the requirement for 7 days' notice of termination of tenancy with a requirement for 28 days' notice of such termination, calculated from the Saturday following service of the notice.

In addition, these Regulations replace the requirement for 7 days' notice of variation of the Terms and Conditions of Statutory Tenancy (including variations to rent), with a requirement for 28 days' notice of such variation.

These Regulations also consequentially replace the reference to 7 days' notice, in the Notice for Amending, Modifying or Disapplying Terms, Conditions & Particulars of Statutory Tenancy in Schedule 4, with a reference to 28 days' notice.

Finally, these Regulations include transitional provisions to save the effect of a notice to vary or terminate the Statutory Tenancy given before these Regulations come into force.

No.64 of 2016

THE WATER CHARGES (AMENDMENT) REGULATIONS, 2016

In pursuance of section 5 of the Fees, Charges and Penalties (Guernsey) Law, 2007, "The Water Charges (Amendment) Regulations, 2016", made by the States' Trading Supervisory Board on 8th December, 2016, are laid before the States.

EXPLANATORY NOTE

These Regulations prescribe the charges which will be made for the supply of water for 2017.

These Regulations come into force on 1st January, 2017.

No.63 of 2016

THE WASTEWATER CHARGES (GUERNSEY) REGULATIONS, 2016

In pursuance of section 5 of the Fees, Charges and Penalties (Guernsey) Law, 2007, "The Wastewater Charges (Guernsey) Regulations, 2016", made by the States' Trading Supervisory Board on 8th December, 2016, are laid before the States.

EXPLANATORY NOTE

These Regulations prescribe new wastewater charges and rates applying under the Wastewater Charges (Guernsey) Law, 2009.

These Regulations come into force on 1st January, 2017.

No.62 of 2016

THE INCOME TAX (GUERNSEY) (VALUATION OF BENEFITS IN KIND) (AMENDMENT) REGULATIONS, 2016

In pursuance of section 203A of the Income Tax (Guernsey) Law, 1975, as amended, "The Income Tax (Guernsey) (Valuation of Benefits in Kind) (Amendment) Regulations, 2016" made by the Policy & Resources Committee on 22 November, 2016, are laid before the States.

EXPLANATORY NOTE

These Regulations amend the Income Tax (Guernsey) (Valuation of Benefits in Kind) Regulations, 2010 by increasing the value of the benefits from motor vehicles and accommodation and food benefits for the specified categories of taxpayer (for example, proprietary directors and proprietary employees) in a hotel or guesthouse for the years of charge 2017, 2018 and 2019 (and, unless further provision is made, any subsequent year).

These Regulations came into force on 1 January, 2017.

No.65 of 2016

WASTE DISPOSAL AND RECOVERY CHARGES REGULATIONS, 2016

In pursuance of sections 32(3)(c) and (4) and section 72 of the Environmental Pollution Law, 2004, "The Waste Disposal and Recovery Charges Regulations, 2016" made by the Waste Disposal Authority on 8th December, 2016, are laid before the States.

EXPLANATORY NOTE

These Regulations prescribe the charges, or rates of charge, payable in 2017 as a pre-condition of the acceptance of waste of particular descriptions by the Waste Disposal

Authority for disposal or recovery at specified public waste management sites (see Table 1 in Schedule 1). They also set out charges in 2017 for the reloading of waste which is not accepted at specified public waste management sites (see Table 2 in Schedule 1).

These Regulations come into force on 1st January, 2017.

The full text of the statutory instruments and other legislation included in this document can be found at: <http://www.guernseylegalresources.gg/article/151276/2016>

STATUTORY INSTRUMENTS LAID BEFORE THE STATES

The States of Deliberation have the power to annul the Statutory Instruments detailed below.

No. 53 of 2016

REGULATION OF HEALTH PROFESSIONS (MEDICAL PRACTITIONERS) (GUERNSEY AND ALDERNEY) REGULATIONS, 2016

In pursuance of section 25 of the Regulation of Health Professions (Medical Practitioners) (Guernsey and Alderney) Ordinance, 2016, the Regulation of Health Professions (Medical Practitioners) (Guernsey and Alderney) Regulations, 2015, made by the Committee for Health & Social Care on the 26th October, 2016, are laid before the States.

EXPLANATORY NOTE

Regulation 1 prescribes the form and manner, and information and application fee to be included, in an application for registration as a medical practitioner in the Register under the Regulation of Health Professions (Medical Practitioners) (Guernsey and Alderney) Ordinance, 2015 ("the Ordinance"), as amended by the Regulation of Health Professions (Medical Practitioners) (Guernsey and Alderney) (Amendment) Ordinance, 2015

Regulation 2 specifies the information to be entered and kept in the Register, while regulation 3 sets out the information that is to be made public.

Regulation 4 prescribes the registration year and the annual charges to be paid by practitioners in respect of each registration year.

Finally, regulation 5 prescribes events that are required to be notified by a registered practitioner to the Committee within seven days of the practitioner becoming or being made aware of their occurrence.

These Regulations came into force on the 27th October, 2016.

No. 75 of 2016

THE SOCIAL INSURANCE (BENEFITS) (AMENDMENT) (NO. 2) REGULATIONS, 2016

In pursuance of section 117 of the Social Insurance (Guernsey) Law, 1978, the Social Insurance (Benefits) (Amendment) (No.2) Regulations, 2016 made by the Committee for Employment & Social Security on 20th December, 2016, are laid before the States.

EXPLANATORY NOTE

The Social Insurance (Guernsey) Law (Amendment) Ordinance, 2016 ("the 2016 Ordinance") will come into force on 1st January, 2017. The 2016 Ordinance amends the Social Insurance (Guernsey) Law, 1978 ("the 1978 Law") in order to create four new benefits known as adop-

tion grant, maternal health allowance, newborn care allowance and parental allowance. Together with maternity grant, the benefits are referred to collectively as "parental benefit". The 2016 Ordinance also repeals the provisions of the 1978 Law relating to maternity allowance, which is in effect replaced with the new benefits known as maternal health allowance and newborn care allowance.

These Regulations amend the Social Insurance (Benefits) Regulations, 2003 ("the 2003 Regulations").

Regulation 2 makes various amendments to the "Arrangement of Regulations".

Regulation 3 inserts in regulation 1(1) of the 2003 Regulations the definitions of various expressions used in the newly inserted regulations.

Regulations 4 and 6 to 17 of these Regulations make a variety of amendments to the 2003 Regulations to substitute, at the relevant places, references to "maternity allowance" and "maternity benefit" with references to the appropriate new benefit(s) and the new collective term "parental benefit".

Regulation 5 inserts new paragraphs into regulation 3 of the 2003 Regulations setting out the evidence to be furnished in respect of a claim for newborn care allowance, adoption grant or parental allowance.

As well as making the necessary substitutions of benefit names, Regulation 7 inserts a new sub-paragraph in regulation 8(3) of the 2003 Regulations setting out the prescribed time for the making of a claim for adoption grant and parental allowance.

Regulation 18 inserts a new regulation into the 2003 Regulations numbered 41A. This regulation provides that a woman shall elect a date, within the confines set out in the 1978 Law, on which her claim to maternal health allowance is to commence and, in the event that no election is made by the woman, when it will commence.

Regulation 19 inserts new regulations into the 2003 Regulations numbered 42A to 42D. Inserted regulation 42A provides that an adopter who adopts more than one child shall, if the other conditions for the payment of an adoption grant are satisfied in respect of the adoption, be entitled to an adoption grant for each of them. Inserted regulation 42B provides for the persons who are, or are to be regarded as, a parent of a child to whom a claim for new-

born care allowance relates. Inserted regulation 42C provides for the persons who are, or are to be regarded as, an adopter of a child to whom a claim for parental allowance relates. Inserted regulation 42D sets out the circumstances in which a person is, or is to be regarded as, the primary care-giver of a child for the purposes of entitlement to newborn care allowance or parental allowance, as appropriate.

Regulation 21 inserts new regulations into the 2003 Regulations numbered 43A to 43D. Inserted regulation 43A prescribes a maximum number of transfers between parents or adopters in respect of a newborn care allowance or a parental allowance. Inserted regulation 43B prescribes modifications to the 1978 Law in relation to the period of a maternal health allowance, a newborn care allowance or a parental allowance payable in certain circumstances. These circumstances include stillbirth after 24 weeks, death of the child or the mother of the child in respect of whom a claim for maternal health allowance relates before the end of the compulsory maternity leave period and the taking of the child in respect of whom a claim for one of the three new allowance relates into voluntary care. Inserted regulation 43C prescribes modifications to the 1978 Law in respect of persons ordinarily resident in Alderney where the Maternity Leave and Adoption Leave (Guernsey) Ordinance, 2016 does not apply. Inserted regulation 43D prescribes the circumstances in which a parent or an adopter shall be exempted from the requirement to be the primary care-giver of the child in respect of a claim for newborn care allowance or parental allowance respectively.

Regulation 22 sets out the full and reduced rates of maternity allowance payable to a woman to whom section 17(1) of the 2016 Ordinance applies (i.e. a woman whose date of confinement was expected to fall before 1st January, 2017, and who gave birth to a child before 1st January, 2017).

With the exception of Regulation 22, which comes into force on 2nd day of January, 2017, these Regulations come into force on the 1st day of January, 2017.

No. 74 of 2016

THE SOCIAL INSURANCE (BENEFITS) (AMENDMENT) (NO.3) REGULATIONS, 2016

In pursuance of section 117 of the Social Insurance (Guernsey) Law, 1978, the Social Insurance (Benefits) (Amendment) (No.3) Regulations, 2016 made by the Committee *for* Employment & Social Security on 20th December, 2016, are laid before the States.

EXPLANATORY NOTE

These Regulations amend the schedules to the Social Insurance (Benefits) Regulations, 2003 and prescribe the reduced rates of benefit payable from 2nd January, 2017 to claimants

who do not satisfy the conditions for entitlement to payment of the maximum rate of benefit.

These Regulations come into force on the 2nd day of January, 2017.

No. 73 of 2016

THE SUPPLEMENTARY BENEFIT (GUERNSEY) (AMENDMENT) REGULATIONS, 2016

In pursuance of section 15B(1)(c) of the Supplementary Benefit (Guernsey) Law, 1971, the Supplementary Benefit (Guernsey) (Amendment) Regulations, 2016, made by the Committee *for* Employment & Social Security on 20th December, 2016, are laid before the States.

EXPLANATORY NOTE

With effect from 1st January 2017, the provisions of the Social Insurance (Guernsey) Law, 1978 (“the 1978 Law”) relating to maternity allowance will be repealed. From this date, maternity allowance will be replaced with the new benefits known as maternal health allowance and newborn care allowance and an equivalent benefit, known as parental allowance, will be available to adoptive parents.

These Regulations amend Regulation 11 of the Supplementary Benefit (Guernsey) Regulations, 2014 in order to remove maternity allowance and add maternal health allowance, newborn care allowance and parental allowance to the list of benefits, allowances and pensions payable under the 1978 Law that can be abated under the Supplementary Benefit (Guernsey) Law, 1971 (“the principal Law”), at the discretion of the States Committee for Employment & Social Security, in respect of supplementary benefit payable under the principal Law.

These Regulations come into force on 1st January, 2017.

No. 78 of 2016

THE HEALTH SERVICE (PAYMENT OF AUTHORISED APPLIANCE SUPPLIERS) (AMENDMENT) REGULATIONS, 2016

In pursuance of section 35(4) of the Health Service (Benefit) (Guernsey) Law, 1990, the Health Service (Payment of Authorised Appliance Suppliers) (Amendment) Regulations, 2016, made by the Committee *for* Employment & Social Security on 20th December, 2016, are laid before the States.

EXPLANATORY NOTE

These Regulations revoke and replace the Schedules to the Health Service (Payment of Authorised Appliance Suppliers) Regulations, 2003. The Schedules set out the payments which may be made out of the Health Service Benefit Fund for the supply of medical appliances.

These Regulations come into force on the 1st January, 2016.

No. 77 of 2016

THE HEALTH SERVICE (PAYMENT OF AUTHORISED SUPPLIERS) (AMENDMENT) (NO.2) REGULATIONS, 2016

In pursuance of section 35(4) of the Health Service (Benefit) (Guernsey) Law, 1990, the Health Service (Payment of Authorised Suppliers) (Amendment) (No.2) Regulations, 2016, made by the Committee *for* Employment & Social Security on 20th December, 2016, are laid before the States.

EXPLANATORY NOTE

These Regulations revoke and replace the Schedules to the Health Service (Payment of Authorised Suppliers) Regulations, 2003. The amendments have the effect of increasing the graduated fees paid out of the Guernsey Health Service Fund, in connection with the supply of certain pharmaceutical benefit, to pharmacists not employed by a medical practice.

These Regulations come into force on 1st January, 2017.

No. 76 of 2016

THE HEALTH SERVICE (PHARMACEUTICAL BENEFIT) (AMENDMENT) (NO.2) REGULATIONS, 2016

In pursuance of section 35(4) of the Health Service (Benefit) (Guernsey) Law, 1990, the Health Service (Pharmaceutical Benefits) (Amendment) (No.2) Regulations, 2016, made by the Committee *for* Employment & Social Security on 20th December, 2016, are laid before the States.

EXPLANATORY NOTE

These Regulations reduce the period during which an authorised supplier may provide pharmaceutical benefit in advance of the prescription date for persons who will be temporarily absent from Guernsey or Alderney on the date specified on the prescription, from 30 days to 28 days.

These Regulations come into force on the 20th day of December, 2016.

The full text of the statutory instruments and other legislation included in this document can be found at: <http://www.guernseylegalresources.gg/article/151276/2016>