

## **THE SOCIAL INSURANCE (GUERNSEY) LAW (AMENDMENT) ORDINANCE, 2017**

The States are asked to decide:-

Whether they are of the opinion to approve the draft Ordinance entitled "The Social Insurance (Guernsey) Law (Amendment) Ordinance, 2017", and to direct that the same shall have effect as an Ordinance of the States.

This proposition has been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications in accordance with Rule 4(1) of the Rules of Procedure of the States of Deliberation and their Committees.

### **EXPLANATORY MEMORANDUM**

The Ordinance is made under the Social Insurance (Guernsey) Law, 1978 and the Income Tax (Guernsey) Law, 1975.

Section 1 of this Ordinance amends the Social Insurance (Guernsey) Law, 1978 and the Social Insurance (Rates of Contributions and Benefits, etc.) Ordinance, 2016, by replacing each reference to "invalidity" with a reference to "incapacity". This is to reflect the renaming of invalidity benefits as incapacity benefits.

Section 2 of this Ordinance amends section 27(2)(c) of the Income Tax (Guernsey) Law, 1975 in a similar manner, replacing "invalidity" with "incapacity".

Section 3 of this Ordinance is the interpretation provision. Section 4 of this Ordinance states that this Ordinance extends to Alderney, Guernsey, Herm and Jethou. Sections 5 and 6 of this Ordinance are the citation and commencement provisions respectively.

This Ordinance will come into force on the 20<sup>th</sup> September, 2017.



# **The Social Insurance (Guernsey) Law (Amendment) Ordinance, 2017**

**THE STATES**, in pursuance of their Resolution of the 3<sup>rd</sup> November, 2016<sup>a</sup>, and in exercise of the powers conferred on them by sections 115A and 116 of the Social Insurance (Guernsey) Law, 1978<sup>b</sup>, sections 203A and 208C of the Income Tax (Guernsey) Law, 1975<sup>c</sup> and all other powers enabling them in that behalf, hereby order:-

## **Amendment of the Social Insurance (Guernsey) Law, 1978 and the Social Insurance (Rates of Contributions and Benefits, etc.) Ordinance, 2016.**

1. In both of the following enactments, for "invalidity", in each place where the word occurs, substitute "incapacity" –

(a) the Social Insurance (Guernsey) Law, 1978, and

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<sup>a</sup> Article IV of Billet d'État No XXVII of 2016.

<sup>b</sup> Ordres en Conseil Vol. XXVI, p. 292; amended by Vol. XXVII, pp. 238, 307 and 392; Vol. XXIX, pp. 24, 148 and 422; Vol. XXXI, p. 278; Vol. XXXII, p. 59; Vol. XXXIV, p. 510.; Vol. XXXV(1), p. 161; Vol. XXXVI, pp. 123 and 343; Vol. XXXVIII, p. 59; Vol. XXXIX, p. 107; Vol. XL, p. 351; Order in Council No. X of 2000; No. XXIV of 2003; No. XI of 2004; No. XVIII of 2007; No. V of 2012; No. IV of 2014; No. III of 2016; Recueil d'Ordonnances Tome XXV, p. 148; Ordinance No. XXXIII of 2003; No. XLIV of 2007; Nos. VII and XLII of 2009; No. XVII of 2011; No. XXXVIII of 2012; No. XXX of 2013; Nos. IX and XXX of 2016.

<sup>c</sup> Ordres en Conseil Vol. XXV, p. 124; amended by Vol. XXVII, p. 333. There are other amendments not relevant to this provision.

- (b) the Social Insurance (Rates of Contributions and Benefits, etc.) Ordinance, 2016<sup>d</sup>.

**Amendment of the Income Tax (Guernsey) Law, 1975.**

2. In section 27(2)(c) of the Income Tax (Guernsey) Law, 1975, for "invalidity", substitute "incapacity".

**Interpretation.**

3. (1) In this Ordinance –

"**enactment**" means any Law, Ordinance or subordinate legislation and includes any provision or portion of a Law, an Ordinance or any subordinate legislation, and

"**subordinate legislation**" means any regulation, rule, order, rule of court, resolution, scheme, byelaw or other instrument made under any statutory, customary or inherent power and having legislative effect, but does not include an Ordinance.

(2) Any reference in this Ordinance to an enactment is a reference thereto as from time to time amended, re-enacted (with or without modification), extended or applied.

**Extent.**

4. This Ordinance has effect in the Islands of Guernsey, Alderney, Herm and Jethou.

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<sup>d</sup> Ordinance No. XLI of 2016.

**Citation.**

5. This Ordinance may be cited as the Social Insurance (Guernsey) Law (Amendment) Ordinance, 2017.

**Commencement.**

6. This Ordinance shall come into force on the 20<sup>th</sup> September, 2017.