

## **THE INCOME SUPPORT (GUERNSEY) LAW, 2017**

The States are asked to decide:-

Whether they are of the opinion to approve the draft *Projet de Loi* entitled "The Income Support (Guernsey) Law, 2017", and to authorise the Bailiff to present a most humble petition to Her Majesty praying for Her Royal Sanction thereto.

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**

This Law makes amendments to supplementary benefit legislation to allow and reflect the change of name of supplementary benefit to income support. It does this by substituting the titles and citation provisions in supplementary benefit legislation so that they refer to income support and by amending references to supplementary benefit so that they refer to income support. Section 5 also includes a power for the Committee *for* Employment & Social Security to amend Schedule 1 or 2 of the Income Support Law or any enactment relating or referring to supplementary benefit in relation to the change of name of supplementary benefit to income support. This is to provide in particular for the amendment of the titles and citation clauses of any legislation made between the approval of the Law by the States and it coming into force after having received Royal Sanction.

As with former Laws relating to supplementary benefit, it applies to Guernsey, Herm and Jethou and will be applied to Alderney by an Ordinance under section 1 of the Alderney (Application of Legislation) Law, 1948.



# PROJET DE LOI

ENTITLED

## **The Income Support (Guernsey) Law, 2017**

**THE STATES**, in pursuance of their Resolution of the 8<sup>th</sup> November, 2017<sup>a</sup>, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Islands of Guernsey, Herm and Jethou.

### **Amendment of titles.**

1. (1) For the titles set out in the second column of Schedule 1 substitute the corresponding title set out in the same row in the third column of Schedule 1.

(2) For any reference in any enactment to a title set out in the second column of Schedule 1 substitute the corresponding title set out in the same row in the third column of Schedule 1.

### **Amendment of citation clauses.**

2. For the provisions of the enactments referred to in the second column of Schedule 2 substitute the corresponding provision set out in the same row in the third column of Schedule 2.

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<sup>a</sup> Article II of Billet d'État No. XXI of 2017.

**Amendment of words and phrases.**

3. In any enactment other than this Law –

- (a) for the words "supplementary benefit" or ""supplementary benefit"", wherever occurring, substitute "income support" or ""income support"" respectively, and
- (b) where those words are preceded by "a", delete "a".

**Amendment of 1971 Ordinance.**

4. In paragraph 18 of the First Schedule to the 1971 Ordinance (resources abandoned) for the words "or increase" substitute "or an increase in".

**Power to amend enactments by Regulations.**

5. (1) The Committee may by Regulations make any such amendment as it considers necessary or expedient to any enactment, including to this Law, in relation to the change of the name of supplementary benefit to income support including, without limitation, by amendment to –

- (a) Schedule 1 or 2,
- (b) any other enactment relating to supplementary benefit or income support, or
- (c) any enactment otherwise referring to supplementary benefit or income support.

**General provisions as to Regulations.**

6. (1) Regulations under this Law -
  - (a) may be amended or repealed by subsequent Regulations hereunder,
  - (b) may contain such consequential, incidental, supplemental and transitional provision as may appear to the Committee to be necessary or expedient, and
  - (c) shall be laid before a meeting of the States as soon as possible and shall, if at that or the next meeting the States resolve to annul them, cease to have effect, but without prejudice to anything done under them or to the making of new Regulations.
- (2) Any power conferred by this Law to make Regulations may be exercised -
  - (a) in relation to all cases to which the power extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified cases or classes of cases,
  - (b) so as to make, as respects the cases in relation to which it is exercised -

- (i) the full provision to which the power extends, or any lesser provision (whether by way of exception or otherwise),
- (ii) the same provision for all cases, or different provision for different cases or classes of cases, or different provision for the same case or class of case for different purposes,
- (iii) any such provision either unconditionally or subject to any conditions specified in the Regulations.

**Interpretation.**

7. (1) In this Law, unless the context requires otherwise -

**"the Committee"** means the States of Guernsey Committee for Employment & Social Security,

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

**"1971 Ordinance"** means the Supplementary Benefit (Implementation) Ordinance, 1971<sup>b</sup>,

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<sup>b</sup> Recueil d'Ordonnances Tome XVII, p. 139 to which there are amendments not relevant to this Law.

"**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, and

"**supplementary benefit**" means the benefit for which a person is eligible under and in accordance the Supplementary Benefit (Guernsey) Law, 1971<sup>c</sup> as in effect immediately before sections 1 to 3 of this Law come into force.

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

**Citation.**

8. This Law may be cited as the Income Support (Guernsey) Law, 2017.

**Commencement.**

9. This Law shall come into force on the day appointed by Regulations of the Committee; and different dates may be appointed for different provisions and for different purposes.

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<sup>c</sup> Ordres en Conseil Vol. XXIII, p. 26 to which there are amendments not relevant to this Law.

## SCHEDULE 1

### Section 1

### TITLES OF ENACTMENTS

	<i>Original title</i>	<i>New title</i>
1.	The Supplementary Benefit (Guernsey) Law, 1971	The Income Support (Guernsey) Law, 1971
2.	The Supplementary Benefit (Guernsey) (Amendment) Law, 2014 <sup>d</sup>	The Income Support (Guernsey) (Amendment) Law, 2014
3.	The Supplementary Benefit (Guernsey) (Amendment) (No. 2) Law, 2014 <sup>e</sup>	The Income Support (Guernsey) (Amendment) (No. 2) Law, 2014
4.	The Supplementary Benefit (Implementation) Ordinance, 1971	The Income Support (Implementation) Ordinance, 1971
5.	The Supplementary Benefit (Guernsey) Law, 1971 (Commencement) Ordinance, 1971 <sup>f</sup>	The Income Support (Guernsey) Law, 1971 (Commencement) Ordinance, 1971
6.	The Alderney (Application of Legislation) (Supplementary Benefit) Ordinance, 1971 <sup>g</sup>	The Alderney (Application of Legislation) (Income Support) Ordinance, 1971
7.	The Supplementary Benefit	The Income Support

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<sup>d</sup> Order in Council No. XIII of 2014.

<sup>e</sup> Order in Council No. VII of 2015.

<sup>f</sup> Recueil d'Ordonnances Tome XVII, p. 100.

<sup>g</sup> Recueil d'Ordonnances Tome XVII, p. 168.



	(Implementation) (Amendment) Ordinance, 1972 <sup>h</sup>	(Implementation) (Amendment) Ordinance, 1972
8.	The Supplementary Benefit (Implementation) (Amendment) Ordinance, 1989 <sup>i</sup>	The Income Support (Implementation) (Amendment) Ordinance, 1989
9.	The Alderney (Application of Legislation) (Supplementary Benefit) (Amendment) Ordinance, 1995 <sup>j</sup>	The Alderney (Application of Legislation) (Income Support) (Amendment) Ordinance, 1995
10.	The Supplementary Benefit (Implementation) (Amendment) Ordinance, 1999 <sup>k</sup>	The Income Support (Implementation) (Amendment) Ordinance, 1999
11.	The Supplementary Benefit (Implementation) (Amendment) Ordinance, 2000 <sup>l</sup>	The Income Support (Implementation) (Amendment) Ordinance, 2000
12.	The Supplementary Benefit (Duties of Appointees) Ordinance, 2000 <sup>m</sup>	The Income Support (Duties of Appointees) Ordinance, 2000
13.	The Supplementary Benefit (Implementation) (Amendment) (No. 2) Ordinance, 2000 <sup>n</sup>	The Income Support (Implementation) (Amendment) (No. 2) Ordinance, 2000
14.	The Supplementary Benefit	The Income Support

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<sup>h</sup> Recueil d'Ordonnances Tome XVIII, p. 119.

<sup>i</sup> Recueil d'Ordonnances Tome XXV, p. 49.

<sup>j</sup> Recueil d'Ordonnances Tome XXVI, p. 462.

<sup>k</sup> Recueil d'Ordonnances Tome XXVIII, p. 228.

<sup>l</sup> Ordinance No. IV of 2000.

<sup>m</sup> Ordinance No. XII of 2000.

<sup>n</sup> Ordinance No. XVII of 2000.

	(Implementation) (Amendment) Ordinance, 2001 <sup>o</sup>	(Implementation) (Amendment) Ordinance, 2001
15.	The Supplementary Benefit (Implementation) (Amendment) (No. 2) Ordinance, 2001 <sup>p</sup>	The Income Support (Implementation) (Amendment) (No. 2) Ordinance, 2001
16.	The Supplementary Benefit (Implementation) (Amendment) Ordinance, 2002 <sup>q</sup>	The Income Support (Implementation) (Amendment) Ordinance, 2002
17.	The Supplementary Benefit (Implementation) (Amendment) Ordinance, 2003 <sup>r</sup>	The Income Support (Implementation) (Amendment) Ordinance, 2003
18.	The Supplementary Benefit (Implementation) (Amendment) (No. 2) Ordinance, 2003 <sup>s</sup>	The Income Support (Implementation) (Amendment) (No. 2) Ordinance, 2003
19.	The Supplementary Benefit (Implementation) (Amendment) Ordinance, 2004 <sup>t</sup>	The Income Support (Implementation) (Amendment) Ordinance, 2004
20.	The Supplementary Benefit (Implementation) (Amendment)	The Income Support (Implementation) (Amendment)

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<sup>o</sup> Ordinance No. XVII of 2001.

<sup>p</sup> Ordinance No. XLVI of 2001.

<sup>q</sup> Ordinance No. XXIV of 2002.

<sup>r</sup> Ordinance No. VIII of 2003.

<sup>s</sup> Ordinance No. XXIV of 2003.

<sup>t</sup> Ordinance No. XXXV of 2004.

	Ordinance, 2005 <sup>u</sup>	Ordinance, 2005
21.	The Supplementary Benefit (Implementation) (Amendment) (No. 2) Ordinance, 2005 <sup>v</sup>	The Income Support (Implementation) (Amendment) (No. 2) Ordinance, 2005
22.	The Supplementary Benefit (Implementation) (Amendment) Ordinance, 2007 <sup>w</sup>	The Income Support (Implementation) (Amendment) Ordinance, 2007
23.	The Supplementary Benefit (Implementation) (Amendment) Ordinance, 2012 <sup>x</sup>	The Income Support (Implementation) (Amendment) Ordinance, 2012
24.	The Supplementary Benefit (Implementation) (Amendment) (No. 2) Ordinance, 2012 <sup>y</sup>	The Income Support (Implementation) (Amendment) (No. 2) Ordinance, 2012
25.	The Supplementary Benefit (Implementation) (Amendment) Ordinance, 2013 <sup>z</sup>	The Income Support (Implementation) (Amendment) Ordinance, 2013
26.	The Supplementary Benefit (Classes of	The Income Support (Classes of

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- <sup>u</sup> Ordinance No. VIII of 2005.
- <sup>v</sup> Ordinance No. XXV of 2005.
- <sup>w</sup> Ordinance No. XLV of 2007.
- <sup>x</sup> Ordinance No. XXVI of 2012.
- <sup>y</sup> Ordinance No. XLI of 2012.
- <sup>z</sup> Ordinance No. XXXIX of 2013.

	persons to whom the Law applies) (Amendment) Ordinance, 2013 <sup>aa</sup>	persons to whom the Law applies) (Amendment) Ordinance, 2013
27.	The Supplementary Benefit (Implementation) (Amendment) Ordinance, 2014 <sup>bb</sup>	The Income Support (Implementation) (Amendment) Ordinance, 2014
28.	The Alderney (Application of Legislation) (Supplementary Benefit) (Amendment) Ordinance, 2014 <sup>cc</sup>	The Alderney (Application of Legislation) (Income Support) (Amendment) Ordinance, 2014
29.	The Alderney (Application of Legislation) (Supplementary Benefit) (Amendment) (No. 2) Ordinance, 2014 <sup>dd</sup>	The Alderney (Application of Legislation) (Income Support) (Amendment) (No. 2) Ordinance, 2014
30.	The Supplementary Benefit (Implementation) (Amendment) Ordinance, 2015 <sup>ee</sup>	The Income Support (Implementation) (Amendment) Ordinance, 2015
31.	The Supplementary Benefit (Implementation) (Amendment) Ordinance, 2016 <sup>ff</sup>	The Income Support (Implementation) (Amendment) Ordinance, 2016

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<sup>aa</sup> Ordinance No. XIX of 2013.

<sup>bb</sup> Ordinance No. XXV of 2014.

<sup>cc</sup> Ordinance No. XXVI of 2014.

<sup>dd</sup> Ordinance No. XLIX of 2014.

<sup>ee</sup> Ordinance No. XLVIII of 2015.

<sup>ff</sup> Ordinance No. XLII of 2016.

32.	The Supplementary Benefit (Residence Conditions) Ordinance, 2017 <sup>gg</sup>	The Income Support (Residence Conditions) Ordinance, 2017
33.	The Supplementary Benefit (Implementation) (Amendment) Ordinance, 2017 <sup>hh</sup>	The Income Support (Implementation) (Amendment) Ordinance, 2017
34.	The Supplementary Benefit (Guernsey) Regulations, 2014 <sup>ii</sup>	The Income Support (Guernsey) Regulations, 2014
35.	The Supplementary Benefit (Guernsey) (Amendment) Regulations, 2016 <sup>jj</sup>	The Income Support (Guernsey) (Amendment) Regulations, 2016

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<sup>gg</sup> Ordinance No. I of 2017.

<sup>hh</sup> Approved by the States on 29<sup>th</sup> November, 2017.

<sup>ii</sup> G.S.I. No. 82 of 2014 to which there are amendments not relevant to this Law.

<sup>jj</sup> G. S. I. No. 73 of 2016.

## SCHEDULE 2

### Section 2

### CITATION CLAUSES

	<i>Original provision</i>	<i>New provision</i>
1.	Section 31 of the Supplementary Benefit (Guernsey) Law, 1971.	<b>"<u>Citation.</u></b> 31. This Law may be cited as the Income Support (Guernsey) Law, 1971."
2.	Section 19 of the Supplementary Benefit (Guernsey) (Amendment) Law, 2014.	<b>"<u>Citation.</u></b> 19. This Law may be cited as the Income Support (Guernsey) (Amendment) Law, 2014."
3.	Section 3 of the Supplementary Benefit (Guernsey) (Amendment) (No. 2) Law, 2014.	<b>"<u>Citation.</u></b> 3. This Law may be cited as the Income Support (Guernsey) (Amendment) (No. 2) Law, 2014."
4.	Section 29 of the Supplementary Benefit (Implementation) Ordinance, 1971.	<b>"<u>Citation.</u></b> 29. This Ordinance may be cited as the Income Support (Implementation) Ordinance, 1971."
5.	Section 2 of the Supplementary Benefit (Guernsey) Law, 1971 (Commencement) Ordinance, 1971.	<b>"<u>Citation.</u></b> 2. This Ordinance may be cited as the Income Support (Guernsey) Law, 1971 (Commencement) Ordinance, 1971."
6.	Section 3 of the Alderney (Application of Legislation) (Supplementary Benefit) Ordinance, 1971.	<b>"<u>Citation.</u></b> 3. This Ordinance may be cited as the Alderney (Application of Legislation) (Income Support) Ordinance, 1971."

7.	Section 3(1) of the Supplementary Benefit (Implementation) (Amendment) Ordinance, 1972.	<b><u>"Citation and collective title.</u></b> 3(1). This Ordinance may be cited as the Income Support (Implementation) (Amendment) Ordinance, 1972."
8.	Section 4 of the Supplementary Benefit (Implementation) (Amendment) Ordinance, 1989.	<b><u>"Citation.</u></b> 4. This Ordinance may be cited as the Income Support (Implementation) (Amendment) Ordinance, 1989."
9.	Section 2 of the Alderney (Application of Legislation) (Supplementary Benefit) (Amendment) Ordinance, 1995.	<b><u>"Citation.</u></b> 2. This Ordinance may be cited as the Alderney (Application of Legislation) (Income Support) (Amendment) Ordinance, 1995."
10.	Section 3 of the Supplementary Benefit (Implementation) (Amendment) Ordinance, 1999.	<b><u>"Citation.</u></b> 3. This Ordinance may be cited as the Income Support (Implementation) (Amendment) Ordinance, 1999."
11.	Section 3 of the Supplementary Benefit (Implementation) (Amendment) Ordinance, 2000.	<b><u>"Citation.</u></b> 3. This Ordinance may be cited as the Income Support (Implementation) (Amendment) Ordinance, 2000."
12.	Section 7 of the Supplementary Benefit (Duties of Appointees) Ordinance, 2000.	<b><u>"Citation.</u></b> 7. This Ordinance may be cited as the Income Support (Duties of Appointees) Ordinance, 2000."
13.	Section 4 of the Supplementary Benefit (Implementation) (Amendment) (No. 2) Ordinance,	<b><u>"Citation.</u></b> 4. This Ordinance may be cited as the Income Support (Implementation)

	2000.	(Amendment) (No. 2) Ordinance, 2000."
14.	Section 3 of the Supplementary Benefit (Implementation) (Amendment) Ordinance, 2001.	" <b><u>Citation.</u></b> 3. This Ordinance may be cited as the Income Support (Implementation) (Amendment) Ordinance, 2001."
15.	Section 3 of the Supplementary Benefit (Implementation) (Amendment) (No. 2) Ordinance, 2001.	" <b><u>Citation.</u></b> 3. This Ordinance may be cited as the Income Support (Implementation) (Amendment) (No. 2) Ordinance, 2001."
16.	Section 3 of the Supplementary Benefit (Implementation) (Amendment) Ordinance, 2002.	" <b><u>Citation.</u></b> 3. This Ordinance may be cited as the Income Support (Implementation) (Amendment) Ordinance, 2002."
17.	Section 3 of the Supplementary Benefit (Implementation) (Amendment) Ordinance, 2003.	" <b><u>Citation.</u></b> 3. This Ordinance may be cited as the Income Support (Implementation) (Amendment) Ordinance, 2003."
18.	Section 3 of the Supplementary Benefit (Implementation) (Amendment) (No. 2) Ordinance, 2003.	" <b><u>Citation.</u></b> 3. This Ordinance may be cited as the Income Support (Implementation) (Amendment) (No. 2) Ordinance, 2003."
19.	Section 3 of the Supplementary Benefit (Implementation) (Amendment) Ordinance, 2004.	" <b><u>Citation.</u></b> 3. This Ordinance may be cited as the Income Support (Implementation) (Amendment) Ordinance, 2004."
20.	Section 3 of the Supplementary Benefit (Implementation) (Amendment) Ordinance, 2005.	" <b><u>Citation.</u></b> 3. This Law may be cited as the Income Support (Implementation) (Amendment)



		Ordinance, 2005."
21.	Section 3 of the Supplementary Benefit (Implementation) (Amendment) (No. 2) Ordinance, 2005.	" <b><u>Citation.</u></b> 3. This Ordinance may be cited as the Income Support (Implementation) (Amendment) (No. 2) Ordinance, 2005."
22.	Section 4 of the Supplementary Benefit (Implementation) (Amendment) Ordinance, 2007.	" <b><u>Citation.</u></b> 4. This Ordinance may be cited as the Income Support (Implementation) (Amendment) Ordinance, 2007."
23.	Section 4 of the Supplementary Benefit (Implementation) (Amendment) Ordinance, 2012.	" <b><u>Citation.</u></b> 4. This Ordinance may be cited as the Income Support (Implementation) (Amendment) Ordinance, 2012."
24.	Section 5 of the Supplementary Benefit (Implementation) (Amendment) (No. 2) Ordinance, 2012.	" <b><u>Citation.</u></b> 5. This Ordinance may be cited as the Income Support (Implementation) (Amendment) (No. 2) Ordinance, 2012."
25.	Section 4 of the Supplementary Benefit (Implementation) (Amendment) Ordinance, 2013.	" <b><u>Citation.</u></b> 4. This Ordinance may be cited as the Income Support (Implementation) (Amendment) Ordinance, 2013."
26.	Section 4 of the Supplementary Benefit (Classes of persons to whom the Law applies) (Amendment) Ordinance, 2013.	" <b><u>Citation.</u></b> 4. This Ordinance may be cited as the Income Support (Classes of persons to whom the Law applies) (Amendment) Ordinance, 2013."
27.	Section 12 of the Supplementary Benefit (Implementation)	" <b><u>Citation.</u></b> 12. This Ordinance may be cited as the

	(Amendment) Ordinance, 2014.	Income Support (Implementation) (Amendment) Ordinance, 2014."
28.	Section 4 of the Alderney (Application of Legislation) (Supplementary Benefit) (Amendment) Ordinance, 2014.	<b>"Citation.</b> 4. This Ordinance may be cited as the Alderney (Application of Legislation) (Income Support) (Amendment) Ordinance, 2014."
29.	Section 2 of the Alderney (Application of Legislation) (Supplementary Benefit) (Amendment) (No. 2) Ordinance, 2014	<b>"Citation.</b> 2. This Ordinance may be cited as the Alderney (Application of Legislation) (Income Support) (Amendment) (No. 2) Ordinance, 2014."
30.	Section 4 of the Supplementary Benefit (Implementation) (Amendment) Ordinance, 2015.	<b>"Citation.</b> 4. This Ordinance may be cited as the Income Support (Implementation) (Amendment) Ordinance, 2015."
31.	Section 4 of the Supplementary Benefit (Implementation) (Amendment) Ordinance, 2016.	<b>"Citation.</b> 4. This Ordinance may be cited as the Income Support (Implementation) (Amendment) Ordinance, 2016."
32.	Section 4 of the Supplementary Benefit (Residence Conditions) Ordinance, 2017.	<b>"Citation.</b> 4. This Ordinance may be cited as the Income Support (Residence Conditions) Ordinance, 2017."
33.	Section 5 of the Supplementary Benefit (Implementation) (Amendment) Ordinance, 2017	<b>"Citation.</b> 5. This Ordinance may be cited as the Supplementary Benefit (Implementation) (Amendment) Ordinance, 2017."

34.	Regulation 14 of the Supplementary Benefit (Guernsey) Regulations, 2014.	<p><b><u>"Citation and commencement.</u></b></p> <p><b>14.</b> These Regulations may be cited as the Income Support (Guernsey) Regulations, 2014 and shall come into force on the 1<sup>st</sup> December, 2014."</p>
35.	Regulation 5 of the Supplementary Benefit (Guernsey) (Amendment) Regulations, 2016.	<p><b><u>"Citation and commencement.</u></b></p> <p><b>5.</b> These Regulations may be cited as the Income Support (Guernsey) (Amendment) Regulations, 2016 and shall come into force on the 1<sup>st</sup> January, 2017."</p>