

BILLET D'ÉTAT No. XXI, 2012

31st OCTOBER 2012

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PROJET DE LOI

ENTITLED

The Road Traffic (Compulsory Third-Party Insurance) (Amendment) (Guernsey) Law, 2012

THE STATES, in pursuance of their Resolution of the 27th day of January, 2010^a, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Island of Guernsey^b.

Amendment of the 1936 Law.

1. The principal Law is amended as follows.

2. In section 1(1) of the principal Law, immediately after the definition of "**assurance company**", insert the following definitions -

"**compensation payment**" means any payment made (whether or not with an admission of liability) by an insurer under or in consequence of a policy of insurance under this Law, in respect of the death or bodily injury of any person arising out of the use of a motor vehicle on a road, and

^a Article XVI of Billet d'État I of 2010.

^b This Amendment Law is given effect in Alderney, subject to modifications, by section (1) of Ordres en Conseil Vol. XIV, p. 209.

"insurer", for the avoidance of doubt, includes any authorised insurer and any assurance company, whether or not located in this Island."

3. Immediately after section 1(1A) of the principal Law, insert the following subsection -

"(1B) For the avoidance of doubt, any reference in this Law to a policy of insurance under this Law or a policy of insurance under section 3 of this Law -

- (a) means a policy of insurance of the kind required by section 3(1) of this Law, and
- (b) includes any policy of insurance, insurance card or other document which, by virtue of any other enactment, has effect as a policy of insurance for the purposes of this Law or any provision of this Law."

4. For section 3(2) of the principal Law, substitute the following subsections -

"(2) Where any payment is made (whether or not with an admission of liability) by an insurer under or in consequence of a policy of insurance under this Law, in respect of the death or bodily injury of any person arising out of the use of a motor vehicle on a road, and the person who has so died or been bodily injured has to the knowledge of the insurer received treatment at a hospital in this Island, whether as an in-patient or as

an out-patient in respect of the injury so arising, that insurer shall pay to the hospital in this Island the expenses described in subsection (2A) -

- (a) as determined in accordance with regulations made under section 13C of this Law,
- (b) within the time specified by or under those regulations, and
- (c) otherwise in accordance with those regulations.

(2A) Subject to subsections (2B) and (2C), the expenses to be paid by the insurer to the hospital are -

- (a) the expenses reasonably incurred by the hospital ("**Hospital A**") in the treatment of the person for bodily injury arising out of the use of the motor vehicle on the road, whether the treatment is administered by Hospital A or by another hospital ("**referred hospital**") to which Hospital A has referred that person for treatment, and
- (b) the expenses (if any) reasonably incurred by Hospital A in relation to the transportation of the person by ambulance to Hospital A and (if applicable) to any referred hospital,

after deducting from such expenses any moneys actually received by Hospital A in payment of a specific charge for such treatment or

transportation, not being moneys received by Hospital A under any contributory scheme.

(2B) The States Health and Social Services Department and the States Environment Department may jointly make regulations to prescribe limits on the amounts of expenses to be paid in respect of a person who dies or is bodily injured, being -

- (a) a maximum amount of expenses for each day, or part of a day, that the person is an in-patient,
- (b) a maximum amount of expenses for treatment of the person as an out-patient,
- (c) a maximum amount of expenses for transportation of the person, by ambulance, to a hospital, and
- (d) a maximum amount for the aggregate of the expenses referred to in paragraphs (a) to (c).

(2C) Until regulations are first made under subsection (2B)-

- (a) the maximum amount to be paid for each person treated as an in-patient shall be £50, and
- (b) the maximum amount to be paid for each person treated as an out-patient shall be £5.

(2D) A sum payable under subsection (2) shall be recoverable as if it were a simple contract debt from the insurer to the hospital concerned.

(2E) A payment made under subsection (2) to a hospital shall operate as a discharge to the extent of the amount paid, of any liability of the insurer, or of any other person, to pay any sum in respect of the expenses described in subsection (2A).

(2F) For the purposes of subsection (2A) and for the avoidance of doubt, the hospital that first provides treatment to a person for bodily injury arising out of the use of a motor vehicle on the road may refer that person to another hospital for treatment, whether or not the latter hospital is located in this Island.

(2G) For the purposes of subsections (2) to (2F) -

"ambulance", for the avoidance of doubt, includes road, air or marine ambulance, whether or not located in or operating on this Island,

"expenses reasonably incurred" means -

- (a) in relation to a person who receives treatment at a hospital as an in-patient, or who is referred by the hospital to another hospital for further treatment, an amount for each day such person is maintained in any such hospital representing the average daily cost for

each in-patient of the maintenance of that hospital and the staff thereof and the maintenance and treatment of the in-patients therein, and

- (b) in relation to a person who receives treatment at a hospital as an out-patient, reasonable expenses actually incurred, and

"**hospital**" means an institution, whether owned or controlled by the States of Guernsey or otherwise, which provides medical or surgical treatment for in-patients."

5. Repeal sections 3(3B), 10 and 11 of the principal Law.

6. Immediately after section 13B of the principal Law, insert the following section -

"Power to make regulations concerning payment of expenses by insurers and related matters.

13C. (1) The States Health and Social Services Department and the States Environment Department may jointly make regulations -

- (a) to require or authorise an insurer or any other person to notify, make an application to, or provide information to any person, in relation to or in connection with -

- (i) a compensation payment, or

- (ii) a claim for a compensation payment,
- (b) to prescribe the circumstances in which a payment made by an insurer is, or is not, to be regarded as a compensation payment,
- (c) to establish procedures for the recovery of expenses payable to a hospital under section 3(2) of this Law, including procedures for –
 - (i) determining, documenting and issuing or providing any other information in relation to those expenses,
 - (ii) reviewing or appealing any documentation or information issued or provided in relation to those expenses, and
 - (iii) specifying the time by which those expenses must be paid,
- (d) to specify treatment, services, expenses or other matters that are to be disregarded in determining an amount payable to a hospital under section 3(2) of this Law,
- (e) to provide for the amount payable to a hospital under section 3(2) of this Law to be reduced

where the death or bodily injury concerned is attributable to the negligence of more than one person,

- (f) to provide for repayment of monies paid by an insurer to a hospital in specified circumstances, and make provision for underpayment or overpayment by the insurer,
- (g) subject to subsection (2), to make provision in relation to the creation, trial (summarily or on indictment) and punishment of offences, and
- (h) in relation to any other matters necessary or expedient for giving full effect to regulations made under this section and for their due administration.

(2) A regulation under this section must not -

- (a) provide for offences to be triable only on indictment, or
- (b) authorise the imposition of a fine exceeding level 3 on the uniform scale or a term of imprisonment exceeding two months.

(3) For the avoidance of doubt, regulations made under this section may -

- (a) require the notification, application or information referred to in subsection (1)(a) to be given, made or provided by or to any person whether or not that person is located in this Island,
- (b) involve any person, whether or not that person is located in this Island, in the recovery of expenses payable to a hospital under section 3(2) of this Law, including authorising that person -
 - (i) to determine those expenses, or
 - (ii) to issue, provide or review any certificate or other documentation or information, and
- (c) provide for any person to whom functions are conferred under the regulations to arrange for his functions to be performed in his name by any other person, whether or not either person is located in this Island.

7. In section 14 of the principal Law, immediately after the words "prescribed under this Law", insert the words "(other than matters to be prescribed by regulations of any Department of the States of Guernsey)".

8. Immediately after section 14 of the principal Law, insert the following section -

"Departmental regulations.

14A. (1) Regulations made by any Department of the States of Guernsey under any provision of this Law -

- (a) may be amended or repealed by subsequent regulations made under the same provision,
- (b) may contain such consequential, incidental, supplemental and transitional provision as may appear to the Department 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 on any Department 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."

Transitional and savings.

9. (1) Nothing in this Law applies in respect of the treatment or transportation of any person who suffers death or bodily injury as a result of the use of a motor vehicle on a road, to the extent that the use of the motor vehicle concerned occurred before the commencement date.

(2) For the avoidance of doubt, any question as to liability for expenses in relation to treatment or transportation referred to in subsection (1) must be determined as if this Law had not been made.

Interpretation.

10. In this Law, unless the context requires otherwise -

"**commencement date**" means the date appointed by regulations under section 11 for this Law to come into force, and

"**principal Law**" means the Road Traffic (Compulsory Third-Party Insurance) (Guernsey) Law, 1936^c.

Citation.

11. This Law may be cited as the Road Traffic (Compulsory Third-Party Insurance) (Amendment) (Guernsey) Law, 2012.

Commencement.

12. This Law shall come into force on a date appointed by regulations made jointly by the States Health and Social Services Department and the States Environment Department.

^c Ordres en Conseil Vol. X, p. 388; Vol. XII, p. 380; Vol. XVIII, pp. 35 and 257; Vol. XX, p. 246; Vol. XXII, p. 560; Vol. XXIII, pp. 188 and 227; Vol. XXIV, p. 250; Vol. XXVII, pp. 76 and 415; Vol. XXVIII, p. 303; Vol. XXIX, p. 214; Vol. XXX, p. 243; Vol. XXXI, pp. 278 and 423; Vol. XXXIII, pp. 49 and 127; Vol. XLII(2), p. 766; Orders in Council No. XIX of 2007 and No. II of 2009; Recueil d'Ordonnances Tome XXVI, p. 90; Tome XXIX, p. 406. Modified by Recueil d'Ordonnances Tome XIX, p. 318; applied with modifications to the Island of Alderney by Ordres en Conseil Vol. XIV, p. 209.

The Income Tax (Guernsey) (Amendment) (No. 2) Ordinance, 2012

THE STATES, in pursuance of their Resolution of the 30th May, 2012^a, and in exercise of the powers conferred on them by sections 203A and 208C of the Income Tax (Guernsey) Law, 1975^b and all other powers enabling them in that behalf, hereby order:-

Amendment of 1975 Law.

1. The Income Tax (Guernsey) Law, 1975, as amended, is further amended as follows.

2. In section 68(1) for the words "accounting records required to be kept by a company under section 59 of the Companies (Guernsey) Law, 1994"^c substitute "accounting records, accounts and consolidated accounts required to be kept by a company under sections 238, 243 and 244 of the Companies (Guernsey) Law, 2008".

3. After section 68(1) insert the following subsection -

"(1AAA) The notice from the Director of Income Tax referred to in subsection (1) requiring a person to deliver a return as to his income may be given -

^a Article XIII of Billet d'État No. XI of 2012.

^b Ordres en Conseil Vol. XXV, p. 124; section 203A was inserted by Order in Council No. XVII of 2005 and section 208C was inserted by No. V of 2011.

^c Those words were inserted by Order in Council No. VI of 2011.

- (a) in accordance with the provisions of section 73A(1) (and the provisions of that section and of section 73B apply in relation to such a notice as they apply in relation to a notice of assessment required to be served under section 73(1)), or
- (b) by means of a publication (made in La Gazette Officielle and in such other manner as the Director of Income Tax thinks fit) addressed to persons generally or to any class or description of persons (and where the notice is given by means of a publication under this paragraph the notice is considered to be given to the persons concerned on the date of publication),

and references in this Law (however expressed) to the giving or receipt of such a notice shall be construed accordingly."

4. In section 68(2) for the words "Where any person chargeable with tax" substitute " Subject to subsection (1AAA), where any person chargeable with tax".

5. After section 68 insert the following section -

"Returns to be submitted in electronic form and by electronic means.

68AA. (1) Where under section 68 a return as to a person's income is required to be delivered to the Director of Income Tax, the return

and all accounts, statements and other documents accompanying it shall be submitted -

(a) in the case of an individual -

(i) in electronic form and by electronic means, or

(ii) if the individual so chooses, in non-electronic form and by non-electronic means,

(b) in the case of a company -

(i) in electronic form and by electronic means, or

(ii) in such non-electronic form and by such non-electronic means as the Director of Income Tax may in his absolute discretion determine in any particular case or class of cases.

(2) Subsection (1) is in addition to and not in derogation from the provisions of section 68."

6. In section 73A(1) -

(a) immediately before the definition of "posted" insert the following definition -

"**document**" and "**electronic form**" have the meanings given by section 75O, and references to the production of documents, however expressed, shall be construed accordingly,"

- (b) in the definition of "relevant address" after the words "its registered office" insert "and, in the case of any person, and for the avoidance of doubt, an electronic address (which includes, without limitation, an e-mail address and telecommunications address)", and
- (c) in the definition of "transmitted" after the words "by electronic communication" insert "(that is to say, in electronic form and by electronic means)".

7. In section 75B(3)^d after the words "the information in question" insert "voluntarily".

8. After section 75B(3) insert the following subsections -

"(3A) However, in respect of a person or body of persons, corporate or unincorporated, holding or deemed to hold a licence, registration or authorisation from the Guernsey Financial Services Commission under the regulatory Laws, subsection (3) applies as if for the word "must" there were substituted the word "may"; and accordingly there is no obligation pursuant to that subsection, before giving a notice under

^d Section 75B was inserted by Order in Council No. XVII of 2005.

subsection (2), to give such a person or body a reasonable opportunity to deliver or make available the documents in question or to furnish the information in question voluntarily.

(3B) In subsection (3A) the "**regulatory Laws**" means -

- (a) the Protection of Investors (Bailiwick of Guernsey) Law, 1987,
- (b) the Banking Supervision (Bailiwick of Guernsey) Law, 1994,
- (c) the Regulation of Fiduciaries, Administration Businesses and Company Directors, etc. (Bailiwick of Guernsey) Law, 2000,
- (d) the Insurance Business (Bailiwick of Guernsey) Law, 2002,
- (e) the Insurance Managers and Insurance Intermediaries (Bailiwick of Guernsey) Law, 2002,
- (f) the Registration of Non-Regulated Financial Services Businesses Law, 2008,
- (g) any other enactment or statutory instrument prescribed for the purposes of this section by

regulations of the Department." .

9. In section 75B(4) after the words "under subsection (2)" where first appearing insert "or who is, pursuant to subsection (3), given a reasonable opportunity to deliver or make available the documents in question or to furnish the information in question voluntarily".

10. In section 75B(4)(a) after the words "the notice" insert "or, as the case may be, the opportunity".

11. In section 75B(4)(b) after the words "the notice" insert "or, as the case may be, the opportunity".

12. In section 190(1)(ii) after the words "the penalty shall not exceed £50" insert ", but this paragraph does not apply in respect of a company required to complete certificate 1 of the return, unless the company has no income or profits in the period in respect of which the return of income is required to be delivered".

Citation.

13. This Ordinance may be cited as the Income Tax (Guernsey) (Amendment) (No. 2) Ordinance, 2012.

Commencement.

14. (1) This Ordinance, other than section 3, shall come into force on the 31st October, 2012.

(2) Section 3 shall come into force on the 1st January, 2013.

The Income Tax (Guernsey) (Approval of Agreement with Turkey) Ordinance, 2012

THE STATES, in exercise of the powers conferred on them by section 75C of the Income Tax (Guernsey) Law, 1975, as amended^a, and all other powers enabling them in that behalf, hereby order:-

Approval of Agreement.

1. The agreement providing for the obtaining and exchanging of information in relation to tax made between the States of Guernsey and the Government of Turkey, signed on the 13th March, 2012, is, pursuant to section 75C of the Income Tax (Guernsey) Law, 1975, as amended, hereby specified for the purposes of that Law.

Citation.

2. This Ordinance may be cited as the Income Tax (Guernsey) (Approval of Agreement with Turkey) Ordinance, 2012.

Commencement.

3. This Ordinance shall come into force on the 31st October 2012.

^a Ordres en Conseil Vol. XXV, p. 124; section 75C was inserted by section 5 of the Income Tax (Guernsey) (Amendment) Law, 2005 (No. XVII).

The Social Insurance (Rates of Contributions and Benefits, etc.) Ordinance, 2012

THE STATES, in pursuance of their Resolutions of the 26th September^a and 31st October, 2012^b and in exercise of the powers conferred upon them by sections 5, 5(1A), 6, 8, 19, 48(2), 49(4), 61, 101, 101A and 116 of the Social Insurance (Guernsey) Law, 1978, as amended^c and all other powers enabling them in that behalf, hereby order:-

Percentage rates of primary and secondary Class 1 contributions.

1. For the purposes of the Law -
 - (a) the percentage rate of a primary Class 1 contribution shall be 6.0%, and
 - (b) the percentage rate of a secondary Class 1 contribution shall be 6.5%.

Upper weekly and upper monthly earnings limits for the purpose of primary and secondary Class 1 contributions.

2. For the purposes of the Law -

^a Article XVI of Billet d'État No. XX of 2012.

^b Article ** of Billet d'État No. ** of 2012.

^c Ordres en Conseil Vol. XXVI, p. 292; Vol. XXVII, pp. 238, 307 and 392; Vol. XXIX, pp. 24, 148 and 422; Vol. XXXII, p. 59; Vol. XXXIV, p. 510; Vol. XXXV(1), p. 164; Vol. XXXVI, pp. 123 and 343; Vol. XXXIX, p. 107; Vol. XL, p. 351; Vol. XLI, p. 267; Vol. XLII(2), p. 1230 and Vol. XLIII(2), p. 813; Order in Council No. XI of 2004 and No. XVIII of 2007; Recueil d'Ordonnances Tome XXVI, p. 177; Tome XXXIII, p. 666 and Ordinance No. XVII of 2011.

- (a) the upper weekly earnings limit shall be £2,295 and the upper monthly earnings limit shall be £9,945 for the purpose of primary Class 1 contributions.
- (b) the upper weekly earnings limit shall be £2,496 and the upper monthly earnings limit shall be £10,816 for the purpose of secondary Class 1 contributions.

Lower income limit.

3. For the purposes of the Law, the lower income limit for Class 3 contributions shall be £16,250.

Percentage rate and amount of Class 2 contributions.

4. For the purposes of the Law -

- (a) the percentage rate of a Class 2 contribution shall be, in respect of any person other than a person to whom the following paragraph of this section applies, 10.5%, and
- (b) the amount of a Class 2 contribution shall be, in respect of an overseas voluntary contributor, being a person who is not resident in Guernsey and who, satisfying prescribed conditions, is desirous of paying Class 2 contributions under the Law, £94.32 per week.

Percentage rates and amount of Class 3 contributions.

5. (1) For the purposes of the Law -

- (a) the percentage rates of a Class 3 contribution shall be -

- (i) in respect of a voluntary contributor, being a person who is not liable to pay a Class 3 contribution but, satisfying prescribed conditions, is desirous of paying contributions in accordance with section 8(4) of the Law, 5.7%,
 - (ii) in respect of a person who has attained pensionable age, 2.9%, and
 - (iii) in respect of all other persons, 9.9%, and
- (b) the amount of a Class 3 contribution shall be, in respect of an overseas voluntary contributor, being a person who is not resident in Guernsey and who, satisfying prescribed conditions, is desirous of paying Class 3 contributions under the Law, £85.32 per week.

(2) The percentage of a minimum Class 3 contribution payable in accordance with section 8(5) of the Law by a person who is normally in employed contributor's employment shall be 100%.

Amount of the Class 3 income allowance.

6. For the purposes of the Law, the amount of the Class 3 income allowance shall be £6,895.

Rates and amounts of benefits.

7. (1) For the purposes of the Law, the weekly rate of each description of benefit set out in column 1 of Part I of the first schedule to this

Ordinance shall be the rate specified in relation thereto in column 2, and the amounts by which that rate may be increased in respect of an adult dependant shall be the amount specified in column 3.

(2) For the purposes of the Law, where the extent of the disablement is assessed for the period to be taken into account as amounting to 20% or more, industrial disablement benefit shall be payable for that period at the appropriate weekly rate specified in Part II of the first schedule to this Ordinance.

(3) For the purposes of the Law, the amounts of death grant, maternity grant and bereavement payment shall be the appropriate amounts specified in relation thereto in Part III of the first schedule to this Ordinance.

Guernsey Health Service Fund Allocation and Long-term Care Insurance Fund Allocation.

8. The percentages determined in respect of the contribution year for the purposes of sections 101 (the Guernsey Health Service Fund Allocation) and 101A (the Long-term Care Insurance Fund Allocation) of the Law are those specified in columns 2 and 3 of the second schedule to this Ordinance of the aggregate amount paid in respect of each of the classes of contribution specified in column 1 of that schedule.

Interpretation.

9. (1) In this Ordinance, except where the context otherwise requires, "**the Law**" means the Social Insurance (Guernsey) Law, 1978 as amended.

(2) The Interpretation (Guernsey) Law, 1948^d, shall apply to the interpretation of this Ordinance throughout the Islands of Guernsey, Alderney,

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

Herm and Jethou.

(3) Unless the context otherwise requires, references in this Ordinance to an enactment are references thereto as amended, re-enacted (with or without modification), extended or applied.

Repeals.

10. The Social Insurance (Rates of Contributions and Benefits, etc.) Ordinance, 2011^e is repealed.

Citation.

11. This Ordinance may be cited as the Social Insurance (Rates of Contributions and Benefits, etc.) Ordinance, 2012.

Extent.

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

Commencement.

13. (1) Section 7 of this Ordinance shall come into force on the 7th January, 2013.

(2) All other sections of this Ordinance shall come into force on the 1st January, 2013.

^e Ordinance No. XL of 2011.

FIRST SCHEDULE

RATES AND AMOUNTS OF BENEFITS

PART I

**Benefit, other than industrial disablement benefit, death grant,
maternity grant and bereavement payment**

Description of Benefit (1)	Weekly rate (2)	Increase for adult dependant (where payable) (3)
1. Industrial injury benefit	£141.89	Nil
2. Invalidity benefit	£170.59	Nil
3. Maternity allowance	£141.89	-
4. Old age pension:		
(a) payable to a woman by virtue of her husband's insurance while he is alive	£96.60	-
(b) in any other case	£192.85	£96.60

5. Sickness benefit	£141.89	Nil
6. Unemployment benefit	£141.89	Nil
7. Widowed parent's allowance	£202.79	-
8. Widow's pension/Bereavement allowance	£174.37	-

PART II

Industrial disablement benefit

Degree of disablement	Weekly rate
100%	£155.41
90%	£139.87
80%	£124.33
70%	£108.79
60%	£ 93.25
50%	£ 77.70
40%	£ 62.16
30%	£ 46.62
20%	£ 31.08

PART III

Death grant, maternity grant and bereavement payment

Description of grant	Amount
1. Death grant	£553
2. Maternity grant	£355
3. Bereavement payment	£1,750

SECOND SCHEDULE

GUERNSEY HEALTH SERVICE FUND ALLOCATION AND LONG-TERM
CARE INSURANCE FUND ALLOCATION

Class and sub-class of contribution (1)	Health Service Fund Allocation (2)	Long-term Care Insurance Fund Allocation (3)
Class 1 secondary contributions paid in respect of employed persons of pensionable age (6.5%)	24.62%	Nil
Class 1 primary (6.0%) and secondary (6.5%) contributions other than those referred to above	23.20%	10.40%
Class 2 contributions paid in respect of overseas voluntary contributors	Nil	Nil
Class 2 contributions other than those referred to above (10.5%)	25.71%	12.38%
Class 3 contributions paid in respect of voluntary contributors (5.7%)	Nil	Nil
Class 3 contributions paid in respect of overseas voluntary contributors	Nil	Nil
Class 3 contributions paid by persons over the age of 65 years (2.9%)	44.83%	55.17%
Class 3 contributions other than those referred to above (9.9%)	28.28%	14.14%

The Social Insurance (Guernsey) Law (Amendment) Ordinance, 2012

THE STATES, in pursuance of their Resolution of the 31st October, 2012^a, and in exercise of the powers conferred on them by sections 115A and 116 of the Social Insurance (Guernsey) Law, 1978, as amended^b, and all other powers enabling them in that behalf, hereby order:-

Amendment of the Social Insurance (Guernsey) Law, 1978.

1. Section 32(3)(a)(i) of the Social Insurance (Guernsey) Law, 1978 is repealed.

Interpretation.

2. (1) The Interpretation (Guernsey) Law, 1948^c shall apply to the interpretation of this Ordinance throughout the Islands of Guernsey, Alderney, Herm and Jethou.

(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.

3. This Ordinance shall have effect in the Island of Alderney as it has effect in the Islands of Guernsey, Herm and Jethou.

^a Article ** of Billet d'État No. ** of 2012.

^b Ordres en Conseil Vol. XXVI, p. 292; Vol. XXVII, pp. 238, 307 and 392; Vol. XXIX, pp. 24, 148 and 422; Vol. XXXII, p. 59; Vol. XXXIV, p. 510.; Vol. XXXV(1), p. 161; Vol. XXXVI, pp. 123 and 343; Vol. XXXIX, p. 107; Vol. XL, p. 351; Vol XLI, p. 267; Vol. XLII (2), p. 1230 and Vol. XLIII, p. 813; Order in Council No. XI of 2004 and No. XVIII of 2007; Recueil d'Ordonnances Tome XXVI, p. 177; Tome XXXIII, p. 666 and Ordinance No. XVII of 2011.

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

Citation.

4. This Ordinance may be cited as the Social Insurance (Guernsey) Law (Amendment) Ordinance, 2012.

Commencement.

5. This Ordinance shall come into force on the 31st October, 2012.

The Health Service (Benefit) (Amendment) Ordinance, 2012

THE STATES, in pursuance of their Resolution of the 31st October, 2012^a, and in exercise of the powers conferred upon them by sections 13 and 35 of the Health Service (Benefit) (Guernsey) Law, 1990 as amended^b and all other powers enabling them in that behalf, hereby order:-

Amendment of 1990 Ordinance.

1. For Schedule I to the Health Service (Benefit) Ordinance, 1990^c, substitute the schedule set out in the Schedule to this Ordinance.

Interpretation.

2. (1) Unless the context otherwise requires, references in this Ordinance to an enactment are references thereto as amended, re-enacted (with or without modification), extended or applied.

(2) The Interpretation (Guernsey) Law, 1948^d shall apply to the interpretation of this Ordinance throughout the Islands of Guernsey, Alderney,

^a Article ** of Billet d'État No. ** of 2012.

^b Ordres en Conseil Vol. XXXII, p. 192; Order in Council No. II of 2011; Recueil d'Ordonnances Tome XXVI, pp. 177, 483, and 495; Tome XXIX, pp. 182 and 305 and modified by Tome XXVI, pp. 484 and 491; Tome XXVII, p. 200; Tome XXVIII, p. 1; Tome XXIX, pp. 182, 196, 200, 210, 373 and 580; Tome XXXI, p. 628 and Tome XXXII, p. 628.

^c Recueil d'Ordonnances Tome XXV, pp. 191 and 310; Tome XXVI, pp. 185, 331, 447, 482 and 498; Tome XXVII, p. 114; Tome XXVIII, pp. 158 and 550; Tome XXIX, pp. 182, 305, 373, 426 and 590; Tome XXX, pp. 20 and 517; Tome XXXI, p. 628; Tome XXXII, p.628; Tome XXXIII, pp. 218 and 653; Ordinance No. XLVII of 2010 and No. XXXIX of 2011.

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

Herm and Jethou.

Repeal.

3. The Health Service (Benefit) (Amendment) Ordinance, 2011^e is repealed.

Citation.

4. This Ordinance may be cited as the Health Service (Benefit) (Amendment) Ordinance, 2012.

Extent.

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

Commencement.

6. This Ordinance shall come into force on the 1st January, 2013.

^e Ordinance No. XXXIX of 2011.

Section 1

SCHEDULE

"SCHEDULE I

Section 2(1)

PRESCRIPTION CHARGES

WITH EFFECT FROM:

PER ITEM OF
PHARMACEUTICAL
BENEFIT SUPPLIED IN
GUERNSEY:

PER ITEM OF
PHARMACEUTICAL
BENEFIT SUPPLIED IN
ALDERNEY:

1st January 2013

£3.20

£3.20".

The Long-term Care Insurance (Guernsey) (Rates) Ordinance, 2012

THE STATES, in pursuance of their Resolution of the 31st October, 2012^a and in exercise of the powers conferred on them by sections 5 and 31 of the Long-term Care Insurance (Guernsey) Law, 2002 as amended^b and all other powers enabling them in that behalf, hereby order:-

Rates of benefit.

1. (1) The maximum weekly rates of care benefit shall be -
 - (a) for persons resident in a residential home -
 - (i) £405.44, or
 - (ii) where also receiving EMI care, £534.24, and
 - (b) for persons resident in a nursing home or the Guernsey Cheshire Home, £756.98.
- (2) The maximum weekly rates of respite care benefit shall be -
 - (a) for persons receiving respite care in a residential home-

^a Article ** of Billet d'État No. ** of 2012.

^b Order in Council No. XXIII of 2002; Recueil d'Ordonnances Tome XXIX, p. 406 and Tome XXXII, p. 625.

- (i) £588.42, or
 - (ii) where also receiving EMI care, £717.22, and
- (b) for persons receiving respite care in a nursing home or the Guernsey Cheshire Home, £939.96.

Co-payment by way of contribution.

2. The weekly co-payment which a claimant shall make by way of contribution towards or for the cost of his care -

- (a) as a condition of the right to care benefit, and
- (b) which shall be taken into account for the purposes of determining the rate of care benefit,

shall be £182.98.

Interpretation.

3. (1) In this Ordinance unless the context requires otherwise -

"**EMI care**" means care which, in the opinion of the Authority, is necessary to meet the needs of a person who is assessed by the Panel as having the characteristics of an elderly and mentally infirm person,

"**nursing home**" and "**residential home**" have the meanings given by section 18(1) of the Nursing Homes and Residential Homes (Guernsey) Law, 1976^c,

"**the Law**" means the Long-term Care Insurance (Guernsey) Law, 2002, and

other words and expressions used in this Ordinance shall have the same meaning as in the Law.

(2) Unless the context requires otherwise, references in this Ordinance to an enactment are references thereto as amended, re-enacted (with or without modification), extended or applied.

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

Repeal and amendment.

4. The Long-term Care Insurance (Guernsey) (Rates) Ordinance, 2011^e is repealed.

Citation.

5. This Ordinance may be cited as the Long-term Care Insurance (Guernsey) (Rates) Ordinance, 2012.

^c Ordres en Conseil Vol. XXVI, p. 71; Vol. XXXI, p. 278 and Order in Council No. VI of 2007; Recueil d'Ordonnances Tome XXIX, p. 406.

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

^e Ordinance No. XLIII of 2011.

Extent.

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

Commencement.

7. This Ordinance shall come into force on the 7th January, 2013.

**The Supplementary Benefit (Implementation)
(Amendment) (No. 2) Ordinance, 2012**

THE STATES, in pursuance of their Resolution of the 31st October, 2012^a, and in exercise of the powers conferred on them by sections 3(2) and 15 of the Supplementary Benefit (Guernsey) Law, 1971 as amended^b and all other powers enabling them in that behalf, hereby order:-

Amendment of Supplementary Benefit (Implementation) Ordinance, 1971.

1. In section 26(1) of the Supplementary Benefit (Implementation) Ordinance, 1971^c immediately after the definition of "residential home", insert -

"**shared accommodation**" means a dwelling where the householder does not enjoy the exclusive occupation of, or right to use, any bathroom, kitchen or washing facilities which are associated with the dwelling in question;"

2. In the First Schedule to the Supplementary Benefit (Implementation)

^a Article ** of Billet d'État No. ** of 2012.

^b Ordres en Conseil Vol. XXIII, p. 26; Vol. XXVI, p. 292; Vol. XXXI, p. 278 and Vol. XXXIX, p. 107; has effect in Alderney by Recueil d'Ordonnances Tome XVII, p. 168; Tome XXIV, p. 468 and Tome XXVI, pp. 177 and 317 and as varied by Tome XXX, p. 25; Tome XXXIII, p. 610 and Ordinance No. VII of 2010.

^c Recueil d'Ordonnances Tome XVII, pp. 139 and 179; Tome XVIII, pp. 119 and 126; Tome XIX, pp. 23, 106, 216 and 280; Tome XX, pp. 81, 158, 359 and 392; Tome XXI, pp. 44, 72, 156, 283 and 452; Tome XXII, pp. 60, 185 and 537; Tome XXIII, pp. 48, 277, 314 and 453; Tome XXIV, pp. 88, 471 and 495; Tome XXV, pp. 49, 168 and 338; Tome XXVI, pp. 75, 194, 319, and 458; Tome XXVII, pp. 127 and 379; Tome XXVIII, pp. 168, 228, 255, 303, 341, 429 and 537; Tome XXIX, pp. 185, 299, 378 and 550; Tome XXX, pp. 30 and 520; Tome XXXI, p. 652; Tome XXXII, p. 640 and Tome XXXIII, pp. 233 and 644; Ordinance No. XLVI of 2010 and No. XLI of 2011 and the Supplementary Benefit (Implementation) (Amendment) Ordinance, 2012 approved by the States of Deliberation on the 27th June, 2012.

Ordinance, 1971 -

- (a) in paragraph 6(1) for "The", where it appears at the beginning, substitute "Subject to subparagraph (3), the",
- (b) immediately after paragraph 6(2), substitute the following subparagraphs -

"(3) The amount of any increase under this paragraph shall not, in respect of -

- (a) a single person or couple with no dependent children, or
- (b) any person living in shared accommodation,

exceed the maximum amount of rent for a person falling within those categories, or descriptions, of persons as determined under subparagraph (4).

(4) The amount for the purposes of subparagraph (3) shall be -

- (a) such amount as may be determined from time to time by -
 - (i) the Guernsey Housing Association, or
 - (ii) the States of Guernsey Housing Department,

as the case may be, or

(b) such other amount as the Administrator may, if he considers it just in the circumstances of the particular case, determine.", and

(c) for the numbered Tables set out in the appendix, substitute the numbered Tables set out in the Schedule to this Ordinance.

Interpretation.

3. (1) Unless the context otherwise requires, references in this Ordinance to an enactment are references thereto as amended, re-enacted (with or without modification), extended or applied.

(2) The Interpretation (Guernsey) Law, 1948^d shall apply to the interpretation of this Ordinance throughout the Islands of Guernsey, Alderney, Herm and Jethou.

Repeal.

4. The Supplementary Benefit (Implementation) (Amendment) Ordinance, 2011^e is repealed.

Citation.

5. This Ordinance may be cited as the Supplementary Benefit (Implementation) (Amendment) (No. 2) Ordinance, 2012.

Extent.

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

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

^e Ordinance No. XLI of 2011.

Commencement.

7. This Ordinance shall come into force on the 4th January, 2013.

SCHEDULE

"Table 1 (Paragraph 3)

Limitation of weekly benefit payable as from the week commencing
4th January 2013

<i>Community</i>	<i>Residential Home</i>	<i>Nursing Home, etc</i>	<i>Personal Allowance</i>	<i>UK Personal Allowance</i>
£500.00	£501.00	£720.00	£28.70	£48.34

Table 2 (Paragraph 5(1))

Short-term Weekly Requirements as from week commencing
4th January 2013

<i>Description</i>	<i>Amount</i>
Husband and wife or other persons falling within paragraph 2(1) (" Couple ")	£191.31
Person not falling within paragraph 2(1) who is directly responsible for household necessities and rent (if any) (" Single householder ")	£132.86
Person who is not a householder (" Non-householder ") -	
Aged 18 years or over;	£101.15

Aged 16 years but less than 18;	£68.81
Member of a household -	
Aged 18 years or over;	£101.15
Aged 16 years but less than 18;	£85.89
Aged 12 years but less than 16;	£53.20
Aged 5 years but less than 12;	£38.64
Aged less than 5 years	£28.14

Table 3

(Paragraph 5(2))

Long-term Weekly Requirements as from week commencing

4th January 2013

<i>Description</i>	<i>Amount</i>
Husband and wife or other persons falling within paragraph 2(1) (" Couple ")	£236.04
Person not falling within paragraph 2(1) who is directly responsible for household necessities and rent (if any) (" Single householder ")	£163.31
Person who is not a householder (" Non-householder ") -	
Aged 18 years or over;	£126.77
Aged 16 years but less than 18;	£68.81
Member of a household -	
Aged 18 years or over;	£126.77

Aged 16 years but less than 18;	£107.38
Aged 12 years but less than 16;	£66.43
Aged 5 years but less than 12;	£48.16
Aged less than 5 years	£35.49"

The Family Allowances Ordinance, 2012

THE STATES, in pursuance of their Resolution of the 13th October, 2012^a, and in exercise of the powers conferred upon them by sections 1 and 3 of, and paragraph 1 of the Schedule to, the Family Allowances (Guernsey) Law, 1950 as amended^b and all other powers enabling them in that behalf, hereby order:-

Amount of allowance.

1. The amount of allowance referred to in section 1(1) of the Family Allowances (Guernsey) Law, 1950, as amended ("**the Law of 1950**") in respect of each child in the family shall be at the rate of £15.90 a week.

Amount as to contribution to the cost of providing for a child.

2. The amount in respect of the contribution to the cost of providing for a child referred to in -

- (a) section 3(2) of the Law of 1950 shall be at the rate of £15.90 a week or more, and
- (b) the proviso to paragraph 1(1) of the Schedule to the Law of 1950 shall be at the rate of £15.90 a week.

Interpretation.

3. The Interpretation (Guernsey) Law, 1948^c shall apply to the interpretation of this Ordinance throughout the Islands of Guernsey, Alderney, Herm and Jethou.

^a Article ** of Billet d'État No. ** of 2012.

^b Ordres en Conseil Vol. XIV, p. 332; Vol. XVI, p. 280; Vol. XX, p. 63; Vol. XXI, p. 34; Vol. XXIII, pp. 3 and 238; and Vol. XXXIX, p. 107. See also Recueil d'Ordonnances Tome XXI, p. 460 and Tome XXVI, p. 177.

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

Repeal.

4. The Family Allowances Ordinance, 2011^d is repealed.

Citation.

5. This Ordinance may be cited as the Family Allowances Ordinance, 2012.

Extent.

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

Commencement.

7. This Ordinance shall come into force on the 7th January, 2013.

^d Ordinance No. XLII of 2011.

The Attendance and Invalid Care Allowances Ordinance, 2012

THE STATES, in pursuance of their Resolution of the 31st October, 2012^a, and in exercise of the powers conferred upon them by sections 1(4), 2(3)(b) and 3 of the Attendance and Invalid Care Allowances (Guernsey) Law, 1984, as amended^b and all other powers enabling them in that behalf, hereby order:-

Entitlement to attendance allowance.

1. The amount determined for the purposes of section 1(4) of the Law is £88,000.

Entitlement to invalid care allowance.

2. The amount determined for the purposes of section 2(3)(b) of the Law is £88,000.

Rates of allowances.

3. (1) The weekly rate of an attendance allowance determined for the purposes of section 3 of the Law is £94.99

(2) The weekly rate of an invalid care allowance determined for the purposes of section 3 of the Law is £76.79.

Interpretation.

4. (1) In this Ordinance the expression "**the Law**" means the Attendance and Invalid Care Allowances (Guernsey) Law, 1984, and expressions used in the Law shall, when used in this Ordinance, have the same meaning as they

^a Article ** of Billet d'État No. ** of 2012.

^b Ordres en Conseil Vol. XXVIII, p. 353; Vol. XXIX, p. 198; Vol. XXXIII, p. 238; Vol. XXXIV, p. 458; Vol. XXXIX, p. 107 and Vol. XLIII(1), p. 261; Recueil d'Ordonnances Tome XXVI, p. 177.

have under the Law.

(2) Unless the context requires otherwise, references in this Ordinance to an enactment are references thereto as amended, re-enacted (with or without modification), extended or applied.

(3) The Interpretation (Guernsey) Law, 1948^c shall apply to the interpretation of this Ordinance throughout the Islands of Guernsey, Alderney, Herm and Jethou.

Repeal.

5. The Attendance and Invalid Care Allowances Ordinance, 2011^d is repealed.

Citation.

6. This Ordinance may be cited as the Attendance and Invalid Care Allowances Ordinance, 2012.

Extent.

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

Commencement.

8. This Ordinance shall come into force on the 7th January, 2013.

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

^d Ordinance No. XXXVIII of 2011.