

THE LONG-TERM CARE INSURANCE (GUERNSEY) (RATES) ORDINANCE, 2016

The States are asked to decide:-

Whether they are of the opinion to approve the draft Ordinance entitled "The Long-term Care Insurance (Guernsey) (Rates) Ordinance, 2016", 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

This Ordinance amends rates of long-term benefit under the Long-term Care Insurance (Guernsey) Law, 2002 with effect on 2nd January, 2017.

The Long-term Care Insurance (Guernsey) (Rates) Ordinance, 2016

THE STATES, in pursuance of their Resolution of the ** ** 2016^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) £432.46, or
 - (ii) where also receiving EMI care, £569.80, and
 - (b) for persons resident in a nursing home or the Guernsey Cheshire Home, £807.38.

- (2) The maximum weekly rates of respite care benefit shall be -
 - (a) for persons receiving respite care in a residential home-
 - (i) £627.62, or
 - (ii) where also receiving EMI care, £764.96, and
 - (b) for persons receiving respite care in a nursing home or the Guernsey Cheshire Home, £1,002.54

^a Article ** of Billet d'État No. ** of 2016.

^b Ordres en Conseil Vol. XLII(2), p. 1230; Recueil d'Ordonnances Tome XXIX, p. 406; Tome XXXII, p. 625; Ordinance No. XXII of 2015; Ordinance No. XLVII of 2015; Ordinance No. IX of 2016.

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 £195.16.

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) 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.

^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.

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

Repeal.

4. The Long-term Care Insurance (Guernsey) (Rates) Ordinance, 2015^e is repealed.

Citation.

5. This Ordinance may be cited as the Long-term Care Insurance (Guernsey) (Rates) Ordinance, 2016.

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 2nd January, 2017.

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

^e Ordinance No. XLVII of 2015.