

THE LONG-TERM CARE INSURANCE (GUERNSEY) (RATES) ORDINANCE, 2017

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, 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

This Ordinance amends rates of long-term benefit (and the amount of the weekly co-payment which a claimant shall make by way of a contribution towards that claimant's care) under the Long-term Care Insurance (Guernsey) Law, 2002, with effect from 1st January, 2018.

The Long-term Care Insurance (Guernsey) (Rates)

Ordinance, 2017

THE STATES, in pursuance of their Resolution of the ** ** 2017^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) £444.57, or
 - (ii) where also receiving EMI care, £585.76, and
 - (b) for persons resident in a nursing home or the Guernsey Cheshire Home, £829.99.
- (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 2017.

^b Ordres en Conseil Vol. XLII(2), p. 1230 ; amended by Order in Council No. IV of 2014; Recueil d'Ordonnances Tome XXIX, p. 406; Ordinance No. XLII of 2007; and No. IX of 2016.

- (i) £645.19, or
 - (ii) where also receiving EMI care, £786.38, and
- (b) for persons receiving respite care in a nursing home or the Guernsey Cheshire Home, £1,030.61.

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 that claimants 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 £200.62.

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.

(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, 2016^e is repealed.

Citation.

5. This Ordinance may be cited as the Long-term Care Insurance (Guernsey) (Rates) Ordinance, 2017.

^c Ordres en Conseil Vol. XXVI, p. 71; amended by Ordres en Conseil Vol. XXXI, p. 278; Order in Council No. VI of 2007; Recueil d'Ordonnances Tome XXIX, p. 406 ; and Ordinance No. IX of 2016.

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

^e Ordinance No. XXXIX of 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 1st January, 2018.