

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

**THE INCOME SUPPORT (IMPLEMENTATION) (AMENDMENT) (NO. 3) ORDINANCE,
2021**

The States are asked to decide:-

Whether they are of the opinion to approve the draft Ordinance entitled "The Income Support (Implementation) (Amendment) (No. 3) Ordinance, 2021", and to direct that the same shall have effect as an Ordinance of the States.

EXPLANATORY MEMORANDUM

The Ordinance amends the benefit limitation rates (in effect the maximum amount of benefit a claimant can receive), the short-term and long-term requirement rates on which the calculation of income support is based, the level of maximum rent allowances added in calculating a claimant's requirements and the level of personal allowances payable to people in residential homes who are in receipt of income support under the Income Support (Guernsey) Law, 1971 with effect from the 7th January, 2022.

The benefit limitation for people living in the Community is increased to £930 and to £600 and £860 for persons living in residential homes and nursing home and similar residents respectively. The short-term and long-term requirement rates proposed are uprated by 2.3% in line with the annual rate of inflation (RPIX) for the year to June, 2021. Maximum rent allowances and personal allowances to people in residential homes who are in receipt of income support have also been increased by 2.3% in line with RPIX.

The Ordinance also amends paragraph 11 of the First Schedule to the Income Support (Implementation) Ordinance, 1971 so that any grant made by the Committee for Education, Sport & Culture in relation to a university or other further education course in respect of a person who is a dependant of a claimant for income support and the wages of any person in respect of whom such a grant is made are disregarded in calculating a claimant's resources for the purposes of an income support claim. Currently paragraph 11 only provides for such monies to be disregarded until the beginning of August following a student's nineteenth birthday i.e. whilst the student would be treated as a child for the purposes of the Family Allowances Law.

The Ordinance comes into force on the 7th January, 2022.

The Income Support (Implementation) (Amendment)

(No. 3) Ordinance, 2021

THE STATES, in pursuance of their Resolution of the ** November, 2021^a, and in exercise of the powers conferred on them by sections 3(2) and (4), 15 and 15B of the Income Support (Guernsey) Law, 1971^b, and all other powers enabling them in that behalf, hereby order:-

Amendment of Ordinance.

1. The Income Support (Implementation) Ordinance, 1971^c ("the **Ordinance**") is amended as follows.

^a Article II of Billet d'État No. XXI of 2021.

^b Ordres en Conseil Vol. XXIII, p. 26; amended by Ordres en Conseil Vol. XXVI, p. 292; Vol. XXXI p. 278; Vol. XXXIX, p. 107; Order in Council No. XIII of 2014; No. VII of 2015; No. VI of 2016; No. IV of 2018; Recueil d'Ordonnances Tome XXVI, p. 177; Ordinance No. XXXIII of 2003; ; No. VII of 2010; No. IX of 2016; No. XIII of 2017; and Alderney Ordinance No. VIII of 2018; applied to Alderney by Recueil d'Ordonnances Tome XVII, p. 168 as amended by Tome XXVI, p. 462 and Ordinance Nos. XXVI and XLIX of 2014. Order in Council No. IV of 2018 is applied to Alderney by Ordinance No. XIV of 2018.

^c Recueil d'Ordonnances Tome XVII, p. 139; amended by Order in Council No. IV of 2014; No. IV of 2018; Recueil d'Ordonnances Tome XVIII, p. 119; Tome XXIV, pp. 471 and 495; Tome XXV, p. 49; Tome XXVI, p. 177, Ordinance No. XXXV of 2004; Nos. VIII and XXV of 2005; No. XLVII of 2006; No. XLV of 2007; Nos. XXVI and XLI of 2012; No. XXXIX of 2013; Nos. XXV and XLVIII of 2014; No. XLVIII of 2015; Nos. IX, XXX and XLII of 2016; Nos. XIII and XXXVIII of 2017; Nos. XIII and XLI of 2018; No. XXXIII of 2019; Nos. I and XIV of 2021 and Alderney Ordinance No. VIII of 2018. The Ordinance is applied to the Island of Alderney by Recueil d'Ordonnances Tome XVII, p. 168.

2. In paragraph 6 (rent) of the First Schedule –
 - (a) in subparagraph (1)(b), for "£78.50" substitute "£80.50",
and
 - (b) in subparagraph (2A)(a), for "£78.50" substitute "£80.50".
3. In paragraph 11 of the First Schedule (resources wholly disregarded) –
 - (a) for item (b), substitute –

"(b) any grant made by the Committee for Education, Sport & Culture under section 49(2)(a) of the Education (Guernsey) Law, 1970 in respect of a person who is a dependant of the applicant," and
 - (b) for item (j) substitute –

"(j) the weekly earnings of any person –

 - (i) who would be treated as a child for the purposes of the Family Allowances (Guernsey) Law, 1950, or
 - (ii) who is a dependant of the applicant and in respect of whom a grant has been made by the Committee for Education, Sport & Culture under section 49(2)(a) of the Education

(Guernsey) Law, 1970,".

4. For Tables 1 to 4 set out in the Appendix to the First Schedule, substitute the numbered Tables 1 to 4 set out in the Schedule to this Ordinance.

Extent.

5. This Ordinance has effect in the islands of Guernsey, Alderney, Herm and Jethou.

Repeal.

6. The Income Support (Implementation) (Amendment) Ordinance, 2021^d and the Income Support (Implementation) (Amendment) (No. 2) Ordinance, 2021^e are repealed.

Citation.

7. This Ordinance may be cited as the Income Support (Implementation) (Amendment) (No. 3) Ordinance, 2021.

Commencement.

8. This Ordinance shall come into force on the 7th January, 2022.

^d Ordinance No. I of 2021.

^e Ordinance No. XIV of 2021.

SCHEDULE

Section 4

"Table 1

(Paragraph 3)

Limitation of weekly benefit payable as from the week commencing
7th January, 2022

<i>Community</i>	<i>Residential home</i>	<i>Nursing Home, etc</i>	<i>Personal Allowance</i>	<i>UK Personal Allowance</i>
£930.00	£600.00	£860.00	£40.92	£57.84

Table 2

(Paragraph 5(1) and (2))

Short-term Weekly Requirements as from week commencing

7th January 2022

<i>Description</i>	<i>Amount</i>
Married couple or other persons falling within paragraph 2(1) (" Couple ")	£198.96
Person not falling within paragraph 2(1) who is directly responsible for household necessities and rent (if any) (" Single householder ")	£113.88
Person who is not a householder (" Non-householder ")	£86.85
Member of a household -	
Aged 11 years or over;	£81.11
Aged 5 years or over but less than 11;	£61.00
Aged less than 5 years;	£40.90

Table 3

(Paragraph 5(2) and (2A))

Long-term Weekly Requirements as from week commencing

7th January 2022

<i>Description</i>	<i>Amount</i>
Married couple or other persons falling within paragraph 2(1) (" Couple ")	£326.47
Person not falling within paragraph 2(1) who is directly responsible for household necessities and rent (if any) (" Single householder ")	£197.18
Person who is not a householder (" Non-householder ")	£148.26
Member of a household -	
Aged 11 years or over;	£115.60
Aged 5 years or over but less than 11;	£86.86
Aged less than 5 years;	£58.13

Table 4

(Paragraph 6(4))

Maximum Rent Allowances as from week commencing

7th January 2022

<i>Description</i>	<i>Amount</i>
Married couple or other persons falling within paragraph 2(1) (" Couple ") with no child dependants	£239.38
Person not falling within paragraph 2(1) who is directly responsible for household necessities and rent (if any) (" Single householder ") with no child dependants	£239.38
Couple or Single householder with one child dependant	£278.07
Couple or Single householder with two child dependants	£354.01
Couple or Single householder with 3 or more child dependants	£432.75
Person living in shared accommodation	£185.33."