

# BILLET D'ÉTAT No. XVII, 2006

25<sup>th</sup> October, 2006

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# PROJET DE LOI

ENTITLED

## **The Housing (Control of Occupation) (Guernsey) (Amendment) Law, 2006**

**THE STATES**, in pursuance of their Resolution of 30<sup>th</sup> March, 2005<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 Island of Guernsey.

### **Amendment of Law of 1994.**

1. (1) In the Arrangement of Sections immediately following the reference to section 6 ("Procedure for consideration of applications."), insert -

"6A. Circumstances in which applications need not be considered."

(2) In section 6(1) of the Law of 1994 immediately after "shall" insert ", subject to section 6A,"

(3) Immediately after section 6 of the Law of 1994 insert -

### **"Circumstances in which applications need not be considered.**

**6A.** The Authority shall have no obligation to proceed to consider an application in accordance with section 6, where -

(a) the application is a further application (that is to say, an application which relates to a person in

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<sup>a</sup> Article III of Billet d'État No. III of 2005.

respect of whom a previous application has been received by the Authority),

(b) in the opinion of the Authority, that further application discloses no significant change in any material circumstances concerning that person, and

(c) either -

(i) an appeal under section 56, relating to a previous application concerning that person, has been commenced but not yet determined, or

(ii) within the period of 12 months immediately preceding receipt of the further application -

(aa) a previous application has been determined by the Authority, or

(bb) an appeal under section 56, relating to a previous application, has been determined."

(4) In section 56(1), and in section 56(4) of the Law of 1994 where first occurring, for "Royal Court" substitute "Ordinary Court".

**Interpretation.**

2. In this Law -

"**Arrangement of Sections**" means the arrangement of sections to the Law of 1994, and

"**the Law of 1994**" means the Housing (Control of Occupation) (Guernsey) Law, 1994, as amended<sup>b</sup>.

**Citation.**

3. This Law may be cited as the Housing (Control of Occupation) (Guernsey) (Amendment) Law, 2006.

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<sup>b</sup> Order in Council No. IV of 1994; amended by No. VI of 1998 and No. III of 2002; also amended by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003).

## **The Attendance and Invalid Care Allowances Ordinance, 2006**

**THE STATES**, in pursuance of their Resolution of the \*\* day of September, 2006<sup>a</sup>, 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<sup>b</sup>, and all other powers enabling them, hereby order:-

### **Entitlement to attendance allowance.**

1. The amount determined for the purposes of section 1(4) of the Law is £72,000.

### **Entitlement to invalid care allowance.**

2. The amount determined for the purposes of section 2(3)(b) of the Law is £72,000.

### **Rates of allowances.**

3. (1) The weekly rate of an attendance allowance determined for the purposes of section 3 of the Law is £77.80.

(2) The weekly rate of an invalid care allowance determined for the purposes of section 3 of the Law is £62.80.

### **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

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<sup>a</sup> Article XVI of Billet d'État No. XVI of 2006.

<sup>b</sup> Ordres en Conseil Vol. XXVIII, p. 353; Vol. XXIX, p. 198; Order in Council No. XIV of 1991; No. X of 1993 and No. VI of 1999 and Ordinance No. XIV of 1993 (Tome XXVI, p. 177).

have under the Law.

(2) 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.

(3) The Interpretation (Guernsey) Law, 1948<sup>c</sup> 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, 2005<sup>d</sup> is repealed.

**Citation.**

6. This Ordinance may be cited as the Attendance and Invalid Care Allowances Ordinance, 2006.

**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 1<sup>st</sup> day of January, 2007.

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<sup>c</sup> Ordres en Conseil Vol. XIII, p. 355.

<sup>d</sup> Ordinance No. XXVII of 2005.

## **The Family Allowances Ordinance, 2006**

**THE STATES**, in pursuance of their Resolution of the \*\* September, 2006<sup>a</sup>, 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<sup>b</sup> and all other powers enabling them, 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 £13.20 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 £13.20 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 £13.20 a week.

### **Interpretation.**

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

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<sup>a</sup> Article XVI of Billet d'État No. XVI of 2006.

<sup>b</sup> 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 Order in Council No. VI of 1999. See also Recueil d'Ordonnances Tome XXI, p. 460 and Tome XXVI, p. 177.

<sup>c</sup> Ordres en Conseil Vol. XIII, p. 355.

**Repeal.**

4. The Family Allowances Ordinance, 2005<sup>d</sup> is repealed.

**Citation.**

5. This Ordinance may be cited as the Family Allowances Ordinance, 2006.

**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 day of January 2007.

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<sup>d</sup> Ordinance No. XXIV of 2005.



## **The Health Service (Benefit) (Annual Grant and Amendment) Ordinance, 2006**

**THE STATES**, in pursuance of their Resolution of the \*\* September 2006<sup>a</sup>, and in exercise of the powers conferred upon them by sections 2, 6, 13, 35 and 39 of the Health Service (Benefit) (Guernsey) Law, 1990<sup>b</sup>, as amended and all other powers enabling them, hereby order:-

### **Amount of States Health Service Annual Grant.**

1. The percentage specified for the purposes of section 2 of the Health Service (Benefit) (Guernsey) Law, 1990 is 27 per centum.

### **Amendment of 1990 Ordinance.**

2. For Schedule 1 to the Health Service (Benefit) Ordinance, 1990<sup>c</sup>, substitute the schedule 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.

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<sup>a</sup> Article XVI of Billet d'État No. XVI of 2006.

<sup>b</sup> Ordres en Conseil Vol. XXXII, p. 192; amended by Ordinance No. XIV of 1993 (Tome XXVI, p. 177); Nos. XXXIV and XXXV of 1995 (Tome XXVI, pp. 177 and 483); No. XXII of 2002; and No. IX of 2003 and modified by Ord. Nos. XXXVI and XL of 1995; No. XI of 1997; and No. I of 1998.

<sup>c</sup> Recueil d'Ordonnances Tome XXV, p. 191; Ordinance No. XXIII of 1996; No. XXX of 1998; No. LIII of 2001; No. XXII of 2002; Nos. X and XXI of 2003; Nos. II and XLV of 2004 and Nos. VII and XXIII of 2005.

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

**Repeal.**

4. The Health Service (Benefit) (Amendment) (No. 2) Ordinance, 2005<sup>e</sup> is repealed.

**Citation.**

5. This Ordinance may be cited as the Health Service (Benefit) (Annual Grant and Amendment) Ordinance, 2006.

**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 1<sup>st</sup> January, 2007.

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<sup>d</sup> Ordres en Conseil Vol. XIII, p. 355.

<sup>e</sup> Ordinance No. XXIII of 2005.

## SCHEDULE

## "SCHEDULE 1

## PRESCRIPTION CHARGES

WITH EFFECT FROM:	PER ITEM OF PHARMACEUTICAL BENEFIT SUPPLIED IN GUERNSEY:	PER ITEM OF PHARMACEUTICAL BENEFIT SUPPLIED IN ALDERNEY:
1 <sup>st</sup> January 2006	£2.50	£2.50
1 <sup>st</sup> January 2007	£2.60	£2.60"

## **The Alderney eGambling (Operations in Guernsey) Ordinance, 2006**

**THE STATES**, in pursuance of their Resolution of the 1st June, 2006<sup>a</sup>, and in exercise of the powers conferred upon them by sections 2 and 8(2A) of the Gambling (Guernsey) Law, 1971, as amended<sup>b</sup> and of all other powers enabling them in that behalf, hereby order:-

### PART I LAWFUL eGAMBLING

#### **Lawful gambling: Alderney eGambling licensees.**

1. A gambling transaction effected with the holder of an eGambling licence issued by the Alderney Gambling Control Commission under the Alderney eGambling Ordinance, 2006<sup>c</sup> ("**the eGambling Ordinance**") is not unlawful gambling for the purposes of the Gambling (Guernsey) Law, 1971 ("**the Law**"), provided that the conditions set out in section 2(1) or (2) are met.

#### **Conditions of legality.**

2. (1) Where the gambling transaction is effected with an eGambling licensee who holds a full eGambling licence, the conditions are that -

- (a) it would be lawful in Alderney to effect the transaction by virtue of the provisions of the eGambling

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<sup>a</sup> Article XV of Billet d'État No. X of 2006.

<sup>b</sup> Ordres en Conseil Vol. XXIII, p. 109 as amended by Vol. XXIV, p. 400, Order in Council No. XXVII of 1997 and No. II of 2001.

<sup>c</sup> Alderney Ordinance No. VI of 2006.

Ordinance,

- (b) it would be lawful in Alderney for the licensee to effect the transaction, or to negotiate or enter into the transaction, by virtue of the provisions of the eGambling Ordinance and Regulations made thereunder,
- (c) the place in Guernsey at which the transaction is effected are approved premises controlled by the holder of a hosting certificate issued by the Alderney Gambling Control Commission under the eGambling Ordinance, and
- (d) the transaction is effected in Guernsey only by virtue of it being effected through a computer server which is located in Guernsey,

and if these conditions are not met the transaction is unlawful gambling for the purposes of the Law.

(2) Where the gambling transaction is effected with an eGambling licensee who holds a restricted use eGambling licence, the conditions are that -

- (a) it would be lawful in Alderney to effect the transaction by virtue of the provisions of the eGambling Ordinance,
- (b) it would be lawful in Alderney for the licensee to effect the transaction, or to negotiate or enter into the

transaction, by virtue of the provisions of the eGambling Ordinance and Regulations made thereunder,

- (c) the licensee at all times complies with the requirements imposed on the exercise of its licence by virtue of regulations made under section 18 of the eGambling Ordinance,
- (d) the place in Guernsey at which the transaction is effected are approved premises controlled by the holder of a hosting certificate issued by the Alderney Gambling Control Commission under the eGambling Ordinance, and
- (e) the transaction is effected in Guernsey only by virtue of it being effected through a computer server which is located in Guernsey,

and if these conditions are not met the transaction is unlawful gambling for the purposes of the Law.

**Gambling with strangers.**

3. Notwithstanding the provisions of section 8(1) of the Law, the holder of an eGambling licence issued by the Alderney Gambling Control Commission under the eGambling Ordinance may negotiate and enter into a gambling transaction, which is lawful by virtue of the provisions of section 1, with or on behalf of a stranger.

PART II

## MISCELLANEOUS

**Powers of Alderney Gambling Control Commission.**

4. The Alderney Gambling Control Commission may exercise the same functions in respect of the holder of an eGambling licence effecting a gambling transaction under the authority of this Ordinance as it would be able to exercise under the eGambling Ordinance and Regulations made thereunder, and under the Gambling (Alderney) Law, 1999<sup>d</sup>, if the transaction were effected in Alderney.

**Interpretation.**

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

"**approved premises**" has the meaning given by the eGambling Ordinance,

"**eGambling licence**", "**full eGambling licence**" and "**restricted use eGambling licence**" have the meanings given by the eGambling Ordinance,

"**eGambling Ordinance**" means the Alderney eGambling Ordinance, 2006,

"**gambling transaction**" has the meaning given by the eGambling Ordinance,

"**Guernsey**" means the island of Guernsey and includes the islands of Herm and Jethou,

"**hosting certificate**" has the meaning given by the eGambling

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<sup>d</sup> Order in Council No. XIV of 1999 as amended by No. XXVII of 2001.

Ordinance,

"**the Law**" means the Gambling (Guernsey) Law, 1971,

and other expressions have the same meanings as in the Law.

(2) In this Ordinance, unless the context requires otherwise, any reference to an enactment is a reference thereto as from time to time amended, re-enacted (with or without modification), extended or applied.

**Repeals.**

6. The Alderney Internet Gambling (Temporary Relocation) Ordinance, 2004<sup>e</sup> and the Alderney Internet Gambling (Location of Computer Servers) Ordinance, 2005<sup>f</sup> are repealed.

**Extent.**

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

**Citation.**

8. This Ordinance may be cited as the Alderney eGambling (Operations in Guernsey) Ordinance, 2006.

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<sup>e</sup> No. XIV of 2004.

<sup>f</sup> No. XIII of 2005.



## **The Long-term Care Insurance (Guernsey) (Annual Grant and Rates) Ordinance, 2006**

**THE STATES**, in pursuance of their Resolution of the \*\* September, 2006<sup>a</sup> and in exercise of the powers conferred on them by sections 2 and 5 of the Long-term Care Insurance (Guernsey) Law, 2002<sup>b</sup> and all other powers enabling them, hereby order:-

### **Amount of States Long-term Care Insurance Annual Grant.**

1. The percentage specified for the purposes of section 2 of the Long-term Care Insurance (Guernsey) Law, 1990 is 0 per centum.

### **Rates of benefit.**

2. (1) The maximum weekly rates of care benefit shall be -
- (a) for persons resident in a residential home, £322.00, and
  - (b) for persons resident in a nursing home or the Guernsey Cheshire Home, £602.00.
- (2) The maximum weekly rates of respite care benefit shall be -
- (a) for persons receiving respite care in a residential home, £469.00, and

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<sup>a</sup> Article XVI of Billet d'État No. XVI of 2006.

<sup>b</sup> Order in Council No. XXIII of 2002.

- (b) for persons receiving respite care in a nursing home or the Guernsey Cheshire Home, £749.00.

**Co-payment by way of contribution**

3. 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 £147.00.

**Interpretation.**

4. (1) In this Ordinance unless the context otherwise requires "nursing home" and "residential home" have the meanings given by section 18(1) of the Nursing Homes and Residential Homes (Guernsey) Law, 1976<sup>c</sup>.

(2) 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.

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

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<sup>c</sup> Ordres en Conseil Vol. XXVI, p. 71.

<sup>d</sup> Ordres en Conseil Vol. XIII, p. 355.

**Repeals.**

4. The following Ordinances are repealed -
- (a) the Long-term Care Insurance (Guernsey) (Rates) Ordinance, 2003<sup>e</sup>,
  - (b) the Long-term Care Insurance (Guernsey) (Rates) Ordinance, 2004<sup>f</sup>, and
  - (c) the Long-term Care Insurance (Guernsey) (Rates) Ordinance, 2005<sup>g</sup>.

**Citation.**

5. This Ordinance may be cited as the Long-term Care Insurance (Guernsey) (Annual Grant and Rates) Ordinance, 2006.

**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 1<sup>st</sup> January, 2007.

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<sup>e</sup> Ordinance No. XXII of 2003.

<sup>f</sup> Ordinance No. XXXVII of 2004.

<sup>g</sup> Ordinance No. XXVI of 2005.

**The Real Property (Housing Schemes and  
Miscellaneous Provisions) (Guernsey) (Amendment)  
Ordinance, 2006**

**THE STATES**, in pursuance of their Resolutions of the 26<sup>th</sup> September, 2003<sup>a</sup> and the 24<sup>th</sup> November, 2004<sup>b</sup>, and in exercise of the powers conferred on them by sections 1 and 4 of the Real Property (Housing Schemes, Leaseholds and Miscellaneous Provisions) (Guernsey) Law, 2004<sup>c</sup> and all other powers enabling them in that behalf, hereby order:-

**Amendment of Ordinance of 2006.**

1. After section 8 of the Real Property (Housing Schemes and Miscellaneous Provisions) (Guernsey) Ordinance, 2006 insert the following section-

**"Application of Ordinance to leasehold arrangements.**

**8A.** (1) Sections 3 to 8 apply in relation to a leasehold arrangement as they apply in relation to a partial ownership arrangement described in section 1(1).

(2) A leasehold arrangement is one whereby -

(a) a housing provider makes real property available for letting under a housing scheme,

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<sup>a</sup> Article XXI of Billet d'État No. XXI of 2003.

<sup>b</sup> Article IV of Billet d'État No. XX of 2004.

<sup>c</sup> Order in Council No. X of 2005.

- (b) pursuant to the scheme, a leasehold interest granted by the housing provider is held by a qualifying individual, and
- (c) the reversion immediately expectant on the term of that interest is vested in the housing provider or its successor in title.

(3) For the purposes of a leasehold arrangement, references in sections 3 to 8 -

- (a) to the qualifying individual, the housing provider, the real property and the housing scheme, are references to (respectively) the qualifying individual, the housing provider, the real property and the housing scheme mentioned in subsection (2),
- (b) to the original conveyance, are references to a leasehold interest granted by a housing provider to a qualifying individual for the purposes of a housing scheme,
- (c) to successors in title of the qualifying individual, are references to his assignees,
- (d) to the undivided share held by the housing provider or the qualifying individual, are references to their respective interests as reversioner and lessee,

- (e) to a mortgagee, include references to any person who has lent money to the qualifying individual to enable him to acquire the leasehold interest and which is secured in accordance with the terms of the housing scheme.

(4) In this section a "**leasehold interest**" means any interest in or in respect of real property which confers or vests rights of possession or enjoyment for a fixed term of 60 years or more and which, apart from the provisions of an Ordinance under section 2(b) of the Real Property (Housing Schemes, Leaseholds and Miscellaneous Provisions) (Guernsey) Law, 2004<sup>d</sup>, is treated by law as or is deemed to be personal or movable property.

For the avoidance of doubt, a "**leasehold interest**" does not include a periodic tenancy."

**Citation.**

2. This Ordinance may be cited as the Real Property (Housing Schemes and Miscellaneous Provisions) (Guernsey) (Amendment) Ordinance, 2006.

**Commencement.**

3. This Ordinance shall come into force on the 25<sup>th</sup> October, 2006.

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<sup>d</sup> Order in Council No. X of 2005.

**The Social Insurance**  
**(Rates of Contributions and Benefits, etc.)**  
**Ordinance, 2006**

**THE STATES**, in pursuance of their Resolution of the \*\* September, 2006<sup>a</sup> and in exercise of the powers conferred upon them by sections 5, 6, 8, 17(2), 19, 48(2), 49(4), 50(1), 57, 60, 61, 62, 101 and 101A of the Social Insurance (Guernsey) Law, 1978, as amended<sup>b</sup> and all other powers enabling them, 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 5.5%.

**Upper weekly and upper monthly earnings limits.**

2. For the purposes of the Law, the upper weekly earnings limit shall be £1,032 and the upper monthly earnings limit shall be £4,472.

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<sup>a</sup> Article XVI of Billet d'État No. XVI of 2006.

<sup>b</sup> 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; Orders in Council No. XII of 1993; No. V of 1994; No.'s VI and XIII of 1995; No. VI of 1999; No. X of 2000; No. IX of 2001 and No. XI of 2004 and Ordinance No. XIV of 1993 (Tome XXVI, p. 177).

**Lower annual income limit.**

3. For the purposes of the Law, the lower annual income limit shall be £13,000.

**Percentage rates of Class 2 contributions.**

4. For the purposes of the Law, the percentage rates of a Class 2 contribution shall be -

- (a) in respect of any person other than a person to whom the following paragraph of this section applies, 10.5%,
- (b) 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, 6.3%.

**Percentage rates of Class 3 contributions.**

5. (1) For the purposes of the Law, the percentage rates of a Class 3 contribution shall be -

- (a) 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(2) or (4) of the Law, 5.7%,
- (b) in respect of a person who has attained pensionable age, 2.6%,
- (c) in respect of a person who, having attained the age of



60 years, has elected not to be liable to pay a social insurance contribution, 4.2%, and

(d) in respect of all other persons, 9.9%.

(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%.

**Rates and amounts of benefits.**

6. (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 a child or children or an adult dependant, as the case may be, shall be the appropriate amounts specified in columns 3 and 4.

(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.**

7. 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.

**Variation of the Law as to the States' grant.**

8. In section 17(1) of the Law, for "fifty per centum" substitute "thirty six per centum".

**Interpretation.**

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

(2) The Interpretation (Guernsey) Law, 1948<sup>c</sup>, shall apply to the interpretation of this Ordinance throughout the Islands of Guernsey, Alderney, 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. (1) Section 7 of the Social Insurance (Rates of Contributions and Benefits, etc.) Ordinance, 2003<sup>d</sup> is repealed.

(2) The Social Insurance (Rates of Contributions and Benefits,

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<sup>c</sup> Ordres en Conseil Vol. XIII, p. 355.

<sup>d</sup> Ordinance No. XX of 2003.

etc.) Ordinance, 2005<sup>e</sup> is repealed.

**Citation.**

11. This Ordinance may be cited as the Social Insurance (Rates of Contributions and Benefits, etc.) Ordinance, 2006.

**Extent.**

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

**Commencement.**

13. This Ordinance shall come into force on the 1<sup>st</sup> January, 2007.

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<sup>e</sup> Ordinance No. XXII of 2005.

## 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 child (where payable)  (3)	Increase for adult dependant (where payable)  (4)
1. Industrial injury benefit	£111.58	Nil	Nil
2. Invalidity benefit	£135.94	Nil	Nil
3. Maternity allowance	£111.58	-	-
4. Old age pension:  (a) payable to a woman by virtue of her husband's insurance while he is alive	  £76.00	  -	  -

(b) in any other case	£151.50	Nil	£73.50
5. Sickness benefit	£111.58	Nil	Nil
6. Unemployment benefit	£111.58	Nil	Nil
7. Widowed parent's allowance	£159.50	Nil	-
8. Widow's pension	£137.00	-	-

## PART II

**Industrial disablement benefit**

Degree of disablement	Weekly rate
100%	£122.00
90%	£109.80
80%	£97.60
70%	£85.40
60%	£73.20
50%	£61.00
40%	£48.80
30%	£36.30
20%	£24.20

## PART III

**Death grant, maternity grant and bereavement payment**

Description of grant	Amount
1. Death grant	£434
2. Maternity grant	£280
3. Bereavement payment	£1,375

## 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 primary and secondary contributions paid in respect of employed persons of pensionable age	25.45%	Nil
Class 1 primary and secondary contributions other than those referred to above	24.35%	12.17%
Class 2 contributions paid in respect of overseas voluntary contributors (6.3%)	Nil	Nil
Class 2 contributions other than those referred to above (10.5%)	26.67%	13.33%
Class 3 contributions paid in respect of voluntary contributors (5.7%)	Nil	Nil
Class 3 contributions paid by persons over the age of 65 years (2.6%)	46.15%	53.85%
Class 3 contributions paid by a person over the age of 60 years who have elected not to pay social insurance contributions (4.2%)	66.67%	33.33%
Class 3 contributions other than those referred to above (9.9%)	28.28%	14.14%

## **The Supplementary Benefit (Implementation) (Amendment) Ordinance, 2006**

**THE STATES**, in pursuance of their Resolutions of the 1<sup>st</sup> March, 2001<sup>a</sup> and \*\* September, 2006<sup>b</sup>, and in exercise of the powers conferred upon them by sections 3(2) and 15 of the Supplementary Benefit (Guernsey) Law, 1971, as amended<sup>c</sup>, and all other powers enabling them, hereby order:-

### **Amendment of Supplementary Benefit (Implementation) Ordinance, 1971.**

1. (1) Section 3(2) of the Supplementary Benefit (Implementation) Ordinance, 1971<sup>d</sup> is repealed.

(2) In paragraph 1(a)(i) of Part I of the First Schedule to the Supplementary Benefit (Implementation) Ordinance, 1971, the words "who resides in a dwelling in which he has an interest and" are repealed.

(3) For the numbered Tables set out in the appendix to the First Schedule to the Supplementary Benefit (Implementation) Ordinance, 1971, substitute

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<sup>a</sup> Resolution 3 on Article VII of Billet d'État No. III of 2001.

<sup>b</sup> Article XVI of Billet d'État No. XVI of 2006.

<sup>c</sup> Ordres en Conseil Vol. XXIII, p. 26; amended by Vol. XXVI, p.292; Vol. XXXI, p. 278 and Order in Council No. VI of 1999; has effect in Alderney by Recueil d'Ordonnances Tome XVII, p. 168; Recueil d'Ordonnances, Tome XXIV, p. 468 and Tome XXVI, pp. 177 and 317 and as varied by Ordinance No. IX of 2005.

<sup>d</sup> 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 and Tome XXVI, pp. 75, 194, 319 and 458; Ordinances No. XXVI of 1996; No. XXX of 1997; No. XXXII of 1998; Nos. XIII and XXII of 1999; Nos. IV and XVII of 2000; Nos. XVII and XLVI of 2001; No. XXIV of 2002; Nos. VIII and XXIV of 2003; No. XXXV of 2004 and Nos. VIII and XXV of 2005.



the numbered Tables set out in the schedule to this Ordinance.

**Interpretation.**

2. 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.

**Repeal.**

3. Section 1(c) of, and the schedule to, the Supplementary Benefit (Implementation) (Amendment) (No. 2) Ordinance, 2005 are repealed.

**Citation.**

4. This Ordinance may be cited as the Supplementary Benefit (Implementation) (Amendment) Ordinance, 2006.

**Extent.**

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

**Commencement.**

6. This Ordinance shall come into force on the 5<sup>th</sup> January, 2007.

Section 1(3)

## SCHEDULE

"Table 1

(Paragraph 3)

Limitation of weekly benefit payable as from the week commencing 5  
January 2007

<i>Community</i>	<i>Residential Home</i>	<i>Nursing Home, etc</i>	<i>Personal Allowance</i>
£297.00	£410.00	£589.00	£23.00

Table 2

(Paragraph 5(1))

Short-term Weekly Requirements as from week commencing 5 January 2007

<i>Description</i>	<i>Amount</i>
Husband and wife or other persons falling within paragraph 2(1) (" <b>Couple</b> ")	£156.75
Person not falling within paragraph 2(1) who is directly responsible for household necessities and rent (if any) (" <b>Single householder</b> ")	£108.85
Person who is not a householder (" <b>Non-householder</b> ")	£82.90
Member of a household -	
Aged 16 years or over;	£70.40
Aged 12 years but less than 16;	£43.55
Aged 5 years but less than 12;	£31.60
Aged less than 5 years	£23.30

Table 3

(Paragraph 5(2))

Long-term Weekly Requirements as from week commencing 5 January 2007

<i>Description</i>	<i>Amount</i>
Husband and wife or other persons falling within paragraph 2(1) (“ <b>Couple</b> ”)	£193.35
Person not falling within paragraph 2(1) who is directly responsible for household necessities and rent (if any) (“ <b>Single householder</b> ”)	£133.85
Person who is not a householder (“ <b>Non-householder</b> ”)	£103.85
Member of a household -	
Aged 16 years or over;	£88.00
Aged 12 years but less than 16;	£54.45
Aged 5 years but less than 12;	£39.45
Aged less than 5 years	£29.15"

## **The Prison Administration (Guernsey) (Amendment) Ordinance, 2006**

**THE STATES LEGISLATION SELECT COMMITTEE**, in exercise of the powers conferred on the States by section 3 of the Prison Administration (Guernsey) Law, 1949<sup>a</sup> and all other powers enabling the States in that behalf, and on the Committee by Article 66(3) of the Reform (Guernsey) Law, 1948<sup>b</sup>, hereby orders:-

### **Amendment of the Ordinance of 1998.**

1. The Prison Administration (Guernsey) Ordinance, 1998, as amended<sup>c</sup> ("**the Ordinance of 1998**"), is further amended in accordance with the provisions of this Ordinance.

2. In the Arrangement of Sections to the Ordinance of 1998 -

(a) for the reference to section 31 ("Remission, migration and determination of disciplinary awards.") substitute -

"31. Review of adjudicator's award.", and

(b) immediately after the reference to section 31, as amended by paragraph (a), insert -

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<sup>a</sup> Ordres en Conseil Vol. XIV, p. 159; Vol. XVII, p. 234; Vol. XIX, p. 213; Order in Council No. I of 1999.

<sup>b</sup> Ordres en Conseil Vol. XIII, p. 288; there are amendments not material to this Ordinance.

<sup>c</sup> Ordinance No. XXIII of 1998 and No. XXXII of 2002.

"31A Remission and mitigation of awards of adjudicator and Governor"

3. For section 31 of the Ordinance of 1998, substitute -

**Review of adjudicator's award.**

31. (1) If an award is made by an adjudicator under section 28(3) or 29(2), a prisoner may request that the award be reviewed.

(2) Unless there are exceptional circumstances, a request under subsection (1) must be made within 14 days of an award by an adjudicator.

(3) A request under subsection (1) shall be in writing and made to the Governor who shall, within three working days of receipt of such a request, provide the Bailiff with a copy.

(4) Upon receipt of a copy request provided under subsection (3), the Bailiff shall appoint the Deputy Bailiff or a Lieutenant Bailiff ("**the reviewer**") to conduct the review requested by a prisoner.

(5) The reviewer may only review the award made by the adjudicator and for the avoidance of doubt, no review may be made of any finding of fact determined by the adjudicator when deciding whether the offence, for which the award was made, was proved.

(6) The reviewer may only consider the papers relating to the adjudicator's inquiry and any written representations concerning the award made by or on behalf of the prisoner.

(7) Following consideration of the documents referred to in subsection (6) the reviewer may -

- (a) confirm the award made by the adjudicator,
- (b) if he is of the opinion that the award made by the adjudicator was unduly lenient, quash the award and substitute any other award which could have been imposed by the adjudicator, or
- (c) if he is of the opinion that the award made by the adjudicator was excessive, quash the award, and -
  - (i) substitute any other award which could have been imposed by the adjudicator, or
  - (ii) impose no further award.

(8) Notice of the decision of the reviewer shall be served on the prisoner.

(9) Any award in respect of which a request is made under subsection (1) shall remain in effect unless, and until, quashed under subsection (7)(b) or (c)."

4. After section 31 of the Ordinance of 1998, insert the following section-

**"Remission and mitigation of awards of adjudicator and Governor.**

**31A.** Subject to any directions given by the Home Department, the Governor may, on the grounds of subsequent good behaviour, remit or mitigate any award made by an adjudicator or the Governor."

**Citation and Commencement.**

**5.** This Ordinance may be cited as the Prison Administration (Guernsey) (Amendment) Ordinance, 2006 and shall come into force on the 24<sup>th</sup> August 2006.

**The Machinery of Government  
(Transfer of Functions) (Guernsey) (No. 3)  
Ordinance, 2006**

**THE STATES LEGISLATION SELECT COMMITTEE**, in exercise of the powers conferred on the States by sections 1, 2 and 3 of the Public Functions (Transfer and Performance) (Bailiwick of Guernsey) Law, 1991<sup>a</sup> and all other powers enabling the States in that behalf, and on the Committee by Article 66(3) of the Reform (Guernsey) Law, 1948<sup>b</sup>, hereby orders:-

**Transfer of functions of departments.**

1. The functions, rights and liabilities of a department named in column 1 of the Schedule arising under or by virtue of an enactment specified in relation to that department in column 2 of the Schedule are transferred to and vested in the department named in column 3 of the Schedule.

**Amendment of statutory references to departments.**

2. For any reference in an enactment specified in column 2 of the Schedule to the department named in relation to that enactment in column 1 of the Schedule, however expressed, there is substituted a reference to the department named in column 3 of the Schedule.

**Savings and transitional provisions.**

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<sup>a</sup> Order in Council No. XXI of 1991.

<sup>b</sup> Ordres en Conseil Vol. XIII, p. 288; there are amendments not material to this Ordinance.



3. Anything done before the date of commencement of this Ordinance or in the process of being done on that date by or in relation to a department named in column 1 of the Schedule under or by virtue of an enactment specified in relation to that department in column 2 of the Schedule shall have effect as if done or (as the case may be) may be continued by or in relation to the department named in column 3 of the Schedule.

**Subordinate legislation.**

4. The provisions of sections 1, 2 and 3 apply in relation to any subordinate legislation made or having effect as if made under an enactment specified in column 2 of the Schedule as they apply in relation to the enactment itself; and the provisions of the enactment under which the subordinate legislation was made are varied insofar as is necessary to give effect to this section.

**Interpretation.**

5. (1) In this Ordinance -

"**department**" includes the Policy Council,

"**the Law of 2004**" means the Environmental Pollution (Guernsey) Law, 2004<sup>c</sup>, and

"**subordinate legislation**" means -

(a) any Ordinance made under a Law, and

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<sup>c</sup> Order in Council No. XIII of 2004.

- (b) any statutory instrument, regulation, rule, order, byelaw, scheme, code and other subordinate instrument of a legislative nature.

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

**Citation.**

6. This Ordinance may be cited as the Machinery of Government (Transfer of Functions) (Guernsey) (No. 3) Ordinance, 2006.

**Commencement.**

7. This Ordinance shall come into force on the 24<sup>th</sup> August, 2006.

## SCHEDULE

Section 1

TRANSFER OF FUNCTIONS  
UNDER ENACTMENTS

1. DEPARTMENT FROM WHICH FUNCTIONS ARE TRANSFERRED	2. ENACTMENT UNDER WHICH FUNCTIONS ARISE	3. DEPARTMENT TO WHICH FUNCTIONS ARE TRANSFERRED
Policy Council	Sections 4(2) and 8 of the Law of 2004	Treasury and Resources Department
Policy Council	Sections 5, 6(1)(a), 10(9) and (13) and 31(1) and (3) of the Law of 2004	Environment Department
Public Services Department	Sections 30(1)(b), (c) and (d) and 31(1), (2) and (3) of the Law of 2004	Environment Department