

# **BILLET D'ÉTAT No. XXIII, 2010**

**24<sup>th</sup> November 2010**

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# PROJET DE LOI

ENTITLED

## **The Tobacco Products (Enabling Provisions) (Guernsey) Law, 2010**

### ARRANGEMENT OF SECTIONS

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Schedule 1: Specific matters for which an Ordinance may be made.

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# PROJET DE LOI

ENTITLED

## **The Tobacco Products (Enabling Provisions) (Guernsey) Law, 2010**

**THE STATES**, in pursuance of their Resolutions of the 12<sup>th</sup> March, 2008<sup>a</sup> and the 1<sup>st</sup> July, 2010<sup>b</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 Islands of Guernsey, Herm and Jethou.

### **General power to make Ordinances relating to tobacco products.**

1. The States may by Ordinance make such provision as they think fit concerning all or any of the following matters –

- (a) the importation, advertisement, sale, supply or consumption of tobacco products,
- (b) any activity, practice, act or omission, related to or in any way associated with the importation, advertisement, sale, supply or consumption of tobacco products, and
- (c) access or admission to regulated places.

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<sup>a</sup> Article XIII of Billet d'État No. III of 2008.

<sup>b</sup> Article VI of Billet d'Etat No. XV of 2010.

**Specific matters for which Ordinances may make provision.**

2. Without limiting the generality of section 1, an Ordinance under that section may make provision in relation to all or any of the matters set out in Schedule 1.

**General provisions as to Ordinances, etc.**

3. (1) An Ordinance made under this Law –
- (a) may be amended or repealed by a subsequent Ordinance,
  - (b) may amend in any manner, repeal or revoke –
    - (i) an enactment specified in Schedule 2, or
    - (ii) any Ordinance or subordinate legislation made under such an enactment, and
  - (c) may contain such consequential, incidental, supplementary, transitional and savings provisions as may appear to be necessary or expedient (including, without limitation, provision making consequential amendments to this Law and any other enactment).
- (2) Any power to make an Ordinance under this Law may be exercised –
- (a) in relation to all cases to which the power extends, or in relation to all those cases subject to prescribed exceptions, or in relation to any prescribed cases or

classes of cases, and

(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 prescribed conditions, or

(iv) different provision for different classes or descriptions of –

(A) activities, practices, acts, or omissions,

(B) tobacco products,

(C) regulated places or other places, or

(D) persons.

(3) Without prejudice to the generality of the other provisions of this Law, an Ordinance under this Law –

- (a) may, subject to subsection (5), make provision in relation to the creation, trial (summarily or on indictment) and punishment of offences,
- (b) may empower the Department, any other department of the States, any other body or authority (including, without limitation, any court in the Island), or any person to –

- (i) make subordinate legislation, or

- (ii) issue codes or guidance,

in relation to any matter for which an Ordinance may be made under this Law,

- (c) may make provision for the purpose of dealing with matters arising out of or related to matters set out in section 1,
- (d) may provide that no liability is incurred by any person in respect of anything done or omitted to be done in the discharge or purported discharge of any of his functions unless the thing is done or omitted to be done in bad faith,
- (e) may make provision under the powers conferred by this Law despite the provisions of any enactment for the time being in force,

- (f) may repeal, replace, amend, extend, adapt, modify or disapply any rule of custom or law, and
- (g) without prejudice to the generality of the foregoing, may make any provision of any such extent as might be made by *Projet de Loi*, but may not provide that a person is to be guilty of an offence as a result of any retrospective effect of the Ordinance.

(4) Subordinate legislation (other than rules or an order of a court or tribunal) under this Law shall be laid before a meeting of the States as soon as possible after being made; and, if at that or the next meeting the States resolve that the subordinate legislation be annulled, then it shall cease to have effect, but without prejudice to anything done under that legislation or to the making of new subordinate legislation.

(5) An Ordinance under this Law may not –

- (a) provide for offences to be triable only on indictment,
- (b) authorise the imposition, on summary conviction of an offence, of a term of imprisonment or a fine exceeding the limits of jurisdiction for the time being imposed on the Magistrate's Court by section 9(1)(a) or (2) of the Magistrate's Court (Guernsey) Law, 2008<sup>c</sup>, or

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<sup>c</sup> Order in Council No. XVIII of 2009; as amended by Ordinance No. XXII of 2009.

- (c) authorise the imposition, on conviction on indictment of an offence, of a term of imprisonment exceeding 10 years.

**Meaning of "advertisement".**

4. (1) In this Law, the "**advertisement**" of tobacco products means the publication, distribution, display, issue, or sending or making (in any form or medium whatsoever) of a message or representation that meets the condition specified in subsection (2); and cognate expressions are to be construed accordingly.

(2) The condition is that a purpose or an effect (whether direct or indirect) of the message or representation is to advertise, publicise, or promote to people who see, hear, or otherwise receive it –

- (a) tobacco products in general,
- (b) tobacco products of any description,
- (c) any particular tobacco product,
- (d) any consumption of tobacco products, or
- (e) any activity, practice, act or omission, related to or in any way associated with the consumption of tobacco products.

(3) For the avoidance of doubt, a "**message**" or "**representation**" for the purposes of subsection (1) may be contained in or constituted by any of the following –



- (a) any form of communication, whether using printed or written words, designs, still or moving pictures or images, or any other devices, or otherwise,
  - (b) any medium of communication, whether tangible or intangible, by way of image projection or sound reproduction, computer communication, radio, television or similar broadcast, or otherwise,
  - (c) the use of a brand name, trade mark, emblem or other distinctive feature associated with a tobacco product, even if there is no mention of that product,
  - (d) invoices, letterheads, price lists and other documents ordinarily used in the course of a business, and
  - (e) inscriptions marked or exhibited on vehicles or business premises.
- (4) Nothing in subsection (3) limits the generality of subsection (1).

**Meaning of "tobacco product".**

**5. (1) In this Law, "tobacco product" –**

- (a) means any product intended or designed to be smoked, inhaled, sniffed, sucked, chewed, eaten, drunk, otherwise orally used, or otherwise consumed in any way, which has as a substantial ingredient -

- (i) tobacco, or
- (ii) a regulated ingredient, and
- (b) includes –
  - (i) any imitation tobacco product, and
  - (ii) any part, material, device or other product used or associated with, or in any way related to, a product described in paragraph (a), for example any packet or packaging, lighter, paper, pipe, filter, filter wrapper, over-wrapper, rod or portion pouch, even if sold separately,

if deemed by the States by Ordinance to be a "**tobacco product**" for the purposes of this Law.

- (2) In subsection (1)(a)(ii), "**regulated ingredient**" means –
  - (a) nicotine, or
  - (b) any substance, compound or chemical derived wholly or partly from tobacco or nicotine,

if deemed by the States by Ordinance to be a "**regulated ingredient**" for the purposes of this Law.

**Interpretation.**

6. (1) In this Law, unless the context requires otherwise -

"**advertisement**" has the meaning given by section 4,

"**consumption**", in relation to a tobacco product, includes smoking, inhaling, sniffing, sucking, chewing, eating, drinking, absorbing, and any form of oral or any other use; and cognate expressions are to be construed accordingly,

"**Department**" means the States of Guernsey Health and Social Services Department,

"**enactment**" means any Law, Ordinance or subordinate legislation,

"**functions**" includes powers and duties,

"**imitation tobacco product**" means any confectionery, food product, toy or other thing that resembles or is designed to resemble a tobacco product,

"**importation**" –

(a) means removal into the Island from any place outside the Island, and

(b) includes shipping as stores,

"**Island**" includes Herm and Jethou,

**"this Law"** includes –

- (a) any Ordinance made under this Law, and
- (b) any subordinate legislation made under any such Ordinance,

**"person"** includes any body or authority,

**"place"** includes vehicle, vessel or aircraft,

**"prescribed"** means prescribed in any manner (including by class or description) by or under an Ordinance,

**"regulated place"** means any place at or from which the importation, advertisement, sale, supply or consumption of tobacco products is prohibited, controlled, regulated or permitted, by or under an Ordinance made under this Law,

**"sale"** includes –

- (a) selling for resale (including as a constituent part of another article),
- (b) offering or attempting to sell,
- (c) receiving for sale,
- (d) displaying or otherwise exposing for sale,

- (e) having in possession for sale,
- (f) agreeing for sale,
- (g) sending or delivering for sale,
- (h) causing or permitting to be sold, offered, or exposed for sale,
- (i) barter,
- (j) supplying the article concerned under an agreement, together with other articles or services or both, in consideration of an inclusive charge for the article and the other articles or services,
- (k) offering as a public prize or reward, or giving away for the purpose of advertisement or in the furtherance of any trade or business, and
- (l) every other method of disposition for valuable consideration,

and cognate expressions are to be construed accordingly,

**"subordinate legislation" –**

- (a) means any regulation, rule, order, rule of court, resolution, scheme, byelaw or other instrument made under any enactment and having legislative effect in

the Island, and

- (b) includes any provision or portion of such an instrument,

**"supply"** includes –

- (a) sell, give, exchange, distribute, convey, consign, deliver, furnish, or transfer possession of or title to, or arrange, offer, or agree to do so, whether for a fee or other consideration or without charge,
- (b) have in one's possession for the purpose of doing any of the things specified in paragraph (a), and
- (c) doing any of the things specified in paragraph (a) by way or by use of a vending machine or other device, and

**"tobacco product"** has the meaning given by section 5.

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

**Citation.**

7. This Law may be cited as the Tobacco Products (Enabling Provisions) (Guernsey) Law, 2010.

**Commencement.**

**8.** This Law comes into force on the date appointed by Ordinance of the States; and the States may appoint different dates for different provisions of this Law and for different purposes.

## SCHEDULE 1

### Section 2

#### SPECIFIC MATTERS FOR WHICH AN ORDINANCE MAY BE MADE

1. The importation, advertisement, sale or supply of tobacco products –
  - (a) under licence,
  - (b) at or from prescribed places, or
  - (c) in prescribed circumstances.
2. The sale or supply of tobacco products –
  - (a) by prescribed persons,
  - (b) to prescribed persons, or
  - (c) at prescribed prices.
3. The possession or consumption of tobacco products –
  - (a) by prescribed persons,
  - (b) at prescribed places, or
  - (c) in prescribed circumstances.



4. Providing for an office, body or other authority, with functions in relation to all or any of the following –
  - (a) the importation, advertisement, sale, supply or consumption of tobacco products,
  - (b) the grant, renewal, suspension and revocation of licences for the importation, advertisement, sale or supply of tobacco products,
  - (c) the creation or variation of conditions of such licences,
  - (d) the holders of such licences,
  - (e) regulated places,
  - (f) the administration of this Law, and
  - (g) any related or incidental matters.
5. The imposition of levies, fees and charges.
6. The duties and obligations of –
  - (a) holders of licences,
  - (b) owners or occupiers of regulated places, or

- (c) any person who imports, advertises, sells, supplies or consumes tobacco products.
- 7. Powers of entry, inspection, testing and examination, search, seizure, forfeiture and disposal, arrest and detention, and any other powers considered necessary or expedient.
- 8. Any other matters necessary or expedient for giving full effect to this Law and for its due administration.

## SCHEDULE 2

Section 3(1)(b)(i)

### SPECIFIC ENACTMENTS THAT MAY BE AMENDED OR REPEALED

#### **Laws.**

Tobacco Advertising (Guernsey) Law, 1997<sup>d</sup>.

Smoking (Prohibition in Public Places and Workplaces) (Guernsey) Law, 2005<sup>e</sup>.

#### **Ordinances.**

The Ordinance entitled "Ordonnance portant défense de vendre ou de donner aux Mineurs du tabac, des cigares, des cigarettes ou du papier à cigarettes"<sup>f</sup>.

The Smoking (Prohibited Buildings and Vehicles) Ordinance, 1971<sup>g</sup>.

The Sale of Tobacco (Amendment) Ordinance, 1997<sup>h</sup>.

The Notice of Smoking in Public Places Ordinance, 2004<sup>i</sup>.

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<sup>d</sup> Ordres en Conseil Vol. XXXVII, p. 313; amended by Recueil d'Ordonnances Tome XXIX, p. 406.

<sup>e</sup> Order in Council No. V of 2006.

<sup>f</sup> Recueil d'Ordonnances Tome V, p. 225; as amended by Tome XXVII, p. 158 and Tome XXIX, p. 437; see also Ordres en Conseil Vol. XXXI, p. 278 and Recueil d'Ordonnances Tome XXXI, p. 542.

<sup>g</sup> Recueil d'Ordonnances Tome XVII, p. 337.

<sup>h</sup> Recueil d'Ordonnances Tome XXVII, p. 158.

<sup>i</sup> Recueil d'Ordonnances Tome XXIX, p. 435.

The Sale of Tobacco (Amendment) Ordinance, 2004<sup>j</sup>.

The Smoking (Prohibition in Public Places and Workplaces) (Guernsey) Law, 2005  
(Commencement) Ordinance, 2006<sup>k</sup>.

The Smoking (Prohibition in Public Places and Workplaces) (Exemptions and  
Notices) (Guernsey) Ordinance, 2006<sup>l</sup>.

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<sup>j</sup> Recueil d'Ordonnances Tome XXIX, p. 437.

<sup>k</sup> Recueil d'Ordonnances Tome XXXI, p. 538.

<sup>l</sup> Recueil d'Ordonnances Tome XXXI, p. 528.

## **The Misuse of Drugs (Bailiwick of Guernsey) Law, 1974 (Amendment) Ordinance, 2010**

**THE STATES**, in pursuance of their Resolutions of the 31<sup>st</sup> May, 2007<sup>a</sup> and 27<sup>th</sup> October, 2010<sup>b</sup>, and in exercise of the powers conferred on them by section 35 of the Misuse of Drugs (Bailiwick of Guernsey) Law, 1974<sup>c</sup>, hereby order:-

### **Amendments to the 1974 Law.**

1. The Misuse of Drugs (Bailiwick of Guernsey) Law, 1974 is amended as set out in the Schedule.

### **Interpretation.**

2. (1) The Interpretation (Guernsey) Law, 1948<sup>d</sup> applies to the interpretation of this Ordinance throughout the Bailiwick of Guernsey.

(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.

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<sup>a</sup> Article XX of Billet d'État No. XIV of 2007.

<sup>b</sup> Article V of Billet d'État No. XXI of 2010.

<sup>c</sup> Ordres en Conseil Vol. XXIV, p. 273; as amended by Vol. XXVIII, p. 307; Vol. XXXI, pp. 47 and 278; Vol. XXXIII, p. 217; Vol. XXXIV, p. 172; Vol. XXXVI, p. 396; Vol. XL, pp. 34 and 131; Order in Council No. IV of 2006; No. XIII of 2006; Recueil d'Ordonnances Tome XX, p. 271; Tome XXII, p. 483; Tome XXIV, p. 477; Tome XXV, pp. 38 and 325; Tome XXIX, p. 406; G.S.I. No. 19 of 1997; G.S.I. No. 5 of 2004; G.S.I. No. 42 of 2006; G.S.I. No. 20 of 2008; G.S.I. No. 22 of 2010; G.S.I. No. 33 of 2010; G.S.I. No 82 of 2010; see also Recueil d'Ordonnances Tome XXVII, p. 247.

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

**Extent.**

3. This Ordinance has effect throughout the Bailiwick of Guernsey.

**Citation.**

4. This Ordinance may be cited as the Misuse of Drugs (Bailiwick of Guernsey) Law, 1974 (Amendment) Ordinance, 2010.

**Commencement.**

5. This Ordinance comes into force on the 1<sup>st</sup> December, 2010.

## SCHEDULE

AMENDMENTS TO MISUSE OF DRUGS (BAILIWICK OF GUERNSEY)  
LAW, 1974

## Section 1

Provision	Amendment
Sections 3(1), 4(1), 5(1), 10(1), 12(1), 17(1) to (4), 21(b)(ii) and (c), 22(2) and (4)(a) and 29(1)	For the word "Order", substitute in each instance the words "Ordinance or Order".
Section 32(1)	<p>Insert in the appropriate alphabetical order the following definitions –</p> <p style="text-align: center;">" "<b>customs officer</b>" means an officer authorised under section 3 of the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law, 1972," and</p> <p style="text-align: center;">" "<b>this Law</b>" includes any Ordinance or Order made under it,".</p> <p>In the definition of "<b>officer of police</b>", substitute the first line with the following –</p> <p style="text-align: center;">" "<b>officer of police</b>", subject to subsection (1A), means –".</p>

Provision	Amendment
New section 32(1A)	<p>In section 32, immediately after subsection (1), insert the following subsection –</p> <p style="text-align: center;">"(1A) A reference in this Law to an officer of police is deemed to include a reference to a customs officer."</p>
Third Schedule, the entries relating to section 17(1), (2) and (3) respectively	For the word "Order" in the second column, substitute in each instance the words "Ordinance or Order".



## **The Income Tax (Guernsey) (Approval of Agreement with Portugal) Ordinance, 2010**

**THE STATES**, in exercise of the powers conferred on them by section 75C of the Income Tax (Guernsey) Law, 1975, as amended<sup>a</sup>, 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 Portuguese Republic, signed at London on the 9<sup>th</sup> July 2010, 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 Portugal) Ordinance, 2010.

### **Commencement.**

3. This Ordinance shall come into force on the 24<sup>th</sup> November, 2010.

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<sup>a</sup> 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 Attendance and Invalid Care Allowances Ordinance, 2010**

**THE STATES**, in pursuance of their Resolution of the 30<sup>th</sup> September, 2010<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 £83,000.

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

2. The amount determined for the purposes of section 2(3)(b) of the Law is £83,000.

### **Rates of allowances.**

3. (1) The weekly rate of an attendance allowance determined for the purposes of section 3 of the Law is £89.81

(2) The weekly rate of an invalid care allowance determined for the purposes of section 3 of the Law is £72.59.

### **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 V of Billet d'État No. XX of 2010.

<sup>b</sup> Ordres en Conseil Vol. XXVIII, p. 353; Vol. XXIX, p. 198; Vol. XXXIII, p. 238; Vol. XXXIV, p. 458 and Vol. XXXIX, p. 107 and 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<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, 2009<sup>d</sup> is repealed.

### **Citation.**

6. This Ordinance may be cited as the Attendance and Invalid Care Allowances Ordinance, 2010.

### **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 3<sup>rd</sup> January, 2011.

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

<sup>d</sup> Ordinance No. XXXVII of 2009.

## **The Supplementary Benefit (Implementation) (Amendment) Ordinance, 2010**

**THE STATES**, in pursuance of their Resolution of the 30<sup>th</sup> September, 2010<sup>a</sup>, and in exercise of the powers conferred on them by sections 3(2) and 15 of the Supplementary Benefit (Guernsey) Law, 1971<sup>b</sup>, and all other powers enabling them, hereby order:-

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

1. For the numbered Tables set out in the appendix to the First Schedule of the Supplementary Benefit (Implementation) Ordinance, 1971, as amended<sup>c</sup>, substitute the numbered Tables 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<sup>d</sup> shall apply to the

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<sup>a</sup> Article V of Billet d'État No. XX of 2010.

<sup>b</sup> 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 and Ordinance No. XXXIX of 2009.

<sup>c</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; 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 Ordinance No. XLVII of 2008 and No. XXXVIII of 2009.

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

interpretation of this Ordinance throughout the Islands of Guernsey, Alderney, Herm and Jethou.

**Repeal.**

3. The Supplementary Benefit (Implementation) (Amendment) Ordinance, 2009<sup>e</sup> is repealed.

**Citation.**

4. This Ordinance may be cited as the Supplementary Benefit (Implementation) (Amendment) Ordinance, 2010.

**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 7<sup>th</sup> January, 2011.

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<sup>e</sup> Ordinance No. XXXVIII of 2009.

## SCHEDULE

"Table 1

(Paragraph 3)

Limitation of weekly benefit payable as from the week commencing  
7<sup>th</sup> January 2011

<i>Community</i>	<i>Residential Home</i>	<i>Nursing Home, etc</i>	<i>Personal Allowance</i>	<i>UK Personal Allowance</i>
£405.00	£474.00	£680.00	£27.13	£45.70

Table 2

(Paragraph 5(1))

Short-term Weekly Requirements as from week commencing  
7<sup>th</sup> January 2011

<i>Description</i>	<i>Amount</i>
Husband and wife or other persons falling within paragraph 2(1) (" <b>Couple</b> ")	£180.88
Person not falling within paragraph 2(1) who is directly responsible for household necessities and rent (if any) (" <b>Single householder</b> ")	£125.58
Person who is not a householder (" <b>Non-householder</b> ") -	
Aged 18 years or over;	£95.62

Aged 16 years but less than 18;	£65.03
Member of a household -	
Aged 18 years or over;	£95.62
Aged 16 years but less than 18;	£81.20
Aged 12 years but less than 16;	£50.26
Aged 5 years but less than 12;	£36.47
Aged less than 5 years	£26.60

Table 3

(Paragraph 5(2))

Long-term Weekly Requirements as from week commencing

7<sup>th</sup> January 2011

<i>Description</i>	<i>Amount</i>
Husband and wife or other persons falling within paragraph 2(1) (" <b>Couple</b> ")	£223.16
Person not falling within paragraph 2(1) who is directly responsible for household necessities and rent (if any) (" <b>Single householder</b> ")	£154.42
Person who is not a householder (" <b>Non-householder</b> ") -	
Aged 18 years or over;	£119.84
Aged 16 years but less than 18 (if in payment at long-term rate prior to 8 January 2010);	£101.50
Aged 16 years but less than 18;	£65.03

Member of a household -	
Aged 18 years or over;	£119.84
Aged 16 years but less than 18;	£101.50
Aged 12 years but less than 16;	£62.79
Aged 5 years but less than 12;	£45.50
Aged less than 5 years	£33.60".



## **The Health Service (Benefit) (Amendment) Ordinance, 2010**

**THE STATES**, in pursuance of their Resolution of the 30<sup>th</sup> September, 2010<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:-

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

1. 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.**

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<sup>d</sup> shall apply to the interpretation of this Ordinance throughout the Islands of Guernsey, Alderney,

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<sup>a</sup> Article V of Billet d'État No. XX of 2010.

<sup>b</sup> Ordres en Conseil Vol. XXXII, p. 192; 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; Tome XXXII, p. 628.

<sup>c</sup> Recueil d'Ordonnances Tome XXV, p. 191; 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; No. XLIV of 2008 and XL of 2009.

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

Herm and Jethou.

**Repeal.**

3. The Health Service (Benefit) (Amendment) Ordinance, 2009<sup>e</sup> is repealed.

**Citation.**

4. This Ordinance may be cited as the Health Service (Benefit) (Amendment) Ordinance, 2010.

**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 1<sup>st</sup> January, 2011.

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<sup>e</sup> Ordinance No. XL of 2009.

Section 1

## SCHEDULE

"Section 2 (1)

## 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 2011

£3.00

£3.00".

## **The Social Insurance (Rates of Contributions and Benefits, etc.) Ordinance, 2010**

**THE STATES**, in pursuance of their Resolution of the 30<sup>th</sup> September, 2010<sup>a</sup> and in exercise of the powers conferred upon them by sections 5, 5(1A), 6, 8, 17(2), 19, 48(2), 49(4), 50(1), 57, 60, 61, 62, 101, 101A and 116 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 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) the upper weekly earnings limit shall be £1,767 and the

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<sup>a</sup> Article V of Billet d'État No. XX of 2010.

<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; Vol. XXIV, p. 510; Vol. XXXV(1), p. 164; Vol. XXXVI, pp. 123 and 343; Vol. XXXIX, p. 107; Vol. XL, p. 351; Order in Council No. IX of 2001; No. XXIII of 2002; No. XXIV of 2003; No. XI of 2004 and No. XVIII of 2007; Recueil d'Ordonnances Tome XXVI, p. 177 and Ordinance No. XLII of 2009.

upper monthly earnings limit shall be £7,657 for the purpose of primary Class 1 contributions.

- (b) the upper weekly earnings limit shall be £2,325 and the upper monthly earnings limit shall be £10,075 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 £15,210.

**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, £87.88 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(2) or (4) of the Law, 5.7%,
  - (ii) in respect of a person who has attained pensionable age, 2.9%,
  - (iii) 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
  - (iv) 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, £79.50 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 £6,451.

**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 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.**

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<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) The Social Insurance (Rates of Contributions and Benefits, etc.) Ordinance, 2009<sup>d</sup> is repealed.

### **Citation.**

11. This Ordinance may be cited as the Social Insurance (Rates of Contributions and Benefits, etc.) Ordinance, 2010.

### **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 3<sup>rd</sup> January, 2011.

(2) All other sections of this Ordinance shall come into force on the 1<sup>st</sup> January, 2011.

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

<sup>d</sup> Ordinance No. XLI of 2009.



## 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	Weekly rate	Increase for child (where payable)	Increase for adult dependant (where payable)
(1)	(2)	(3)	(4)
1. Industrial injury benefit	£132.23	Nil	Nil
2. Invalidity benefit	£161.04	Nil	Nil
3. Maternity allowance	£132.23	-	-
4. Old age pension:			
(a) payable to a woman by virtue of her husband's insurance while he is alive	£90.02	-	-
(b) in any other case	£179.69	Nil	£90.02

5. Sickness benefit	£132.23	Nil	Nil
6. Unemployment benefit	£132.23	Nil	Nil
7. Widowed parent's allowance	£188.93	Nil	-
8. Widow's pension/Bereavement allowance	£162.40	-	-

## PART II

**Industrial disablement benefit**

Degree of disablement	Weekly rate
100%	£144.83
90%	£130.35
80%	£115.86
70%	£101.38
60%	£86.90
50%	£72.42
40%	£57.93
30%	£43.45
20%	£28.97

## PART III

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

Description of grant	Amount
1. Death grant	£515
2. Maternity grant	£331
3. Bereavement payment	£1,630

## SECOND SCHEDULE

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

<b>Class and sub-class of contribution</b> (1)	<b>Health Service Fund Allocation</b> (2)	<b>Long-term Care Insurance Fund Allocation</b> (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 paid by a person over the age of 60 years who has 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 Family Allowances Ordinance, 2010**

**THE STATES**, in pursuance of their Resolution of the 30<sup>th</sup> September, 2010<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 £15.00 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 £15.00 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 £15.00 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 V of Billet d'État No. XX of 2010.

<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 Vol. XXXIX, p. 107. 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, 2008<sup>d</sup> is repealed.

**Citation.**

5. This Ordinance may be cited as the Family Allowances Ordinance, 2010.

**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 3<sup>rd</sup> January, 2011.

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<sup>d</sup> Ordinance No. XLIII of 2008.