

# ORDER IN COUNCIL

**VI  
2007**

ratifying a Projet de Loi

ENTITLED

## **The Nursing Homes and Residential Homes (Guernsey) (Amendment) Law, 2006**

(Registered on the Records of the Island of Guernsey  
on the 23rd April, 2007.)



---

2007

## ORDER IN COUNCIL



### IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

23<sup>rd</sup> day of April, 2007 before Richard John Collas, Esquire, Deputy Bailiff; present:- David Charles Lowe, OBE, Derek Martin Le Page, Stephen Edward Francis Le Poidevin, David Michael Jory, Keith Bichard, OBE, Esquires, The Reverend Peter Gerald Lane, Michael Henry De La Mare, Michael John Tanguy, Esquires, Susan Mowbray, and Barbara Jean Bartie, Jurats.

The Deputy Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 6<sup>th</sup> day of March, 2007 approving and ratifying the Projet de Loi of the States of Guernsey entitled “The Nursing Homes and Residential Homes (Guernsey) (Amendment) Law, 2006”, THE COURT, after the reading of the said Order in Council and after having heard Her Majesty’s Comptroller, thereon, ORDERED that the said Order in Council be registered on the records of this Island.



*At the Court at Buckingham Palace*

THE 6th DAY OF MARCH 2007

PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY  
IN COUNCIL

The following report from the Committee of Council for the Affairs of Jersey and Guernsey was today read at the Board:

"In accordance with Your Majesty's General Order of Reference of 22 February 1952 the Committee have considered a Petition of the States of Guernsey:

"That, in pursuance of their Resolutions of 26th April 2006, the States of Deliberation at a meeting on 29th November 2006 approved a *Projet de Loi* entitled *The Nursing Homes and Residential Homes (Guernsey) (Amendment) Law 2006* and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction to it. That the *Projet de Loi* is as set forth in the attached Schedule. The Petition most humbly prays that Your Majesty might be graciously pleased to sanction *The Nursing Homes and Residential Homes (Guernsey) (Amendment) Law 2006*, and to order that it shall have force of law in the Islands of Guernsey, Herm and Jethou.

"The Committee have considered the *Projet de Loi* and have agreed to report that it may be advisable for Your Majesty to approve and ratify it".

Her Majesty, having taken the report into consideration, was pleased, by and with the advice of Her Privy Council, to approve and ratify the *Projet de Loi* (a copy of which is annexed to this Order) and to order that it, together with this Order, shall have the force of law in the Islands of Guernsey, Herm and Jethou and shall be entered on the Register of the Island of Guernsey and observed accordingly.

Her Majesty's Officers in the Bailiwick of Guernsey, and all others whom it may concern, are therefore to take notice of Her Majesty's Order and to proceed accordingly.

*Christine Cook*

# PROJET DE LOI

ENTITLED

## **The Nursing Homes and Residential Homes (Guernsey) (Amendment) Law, 2006**

THE STATES, in pursuance of their Resolution of the 26<sup>th</sup> July, 2006<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 Islands of Guernsey, Herm and Jethou.

### **Amendment of the 1976 Law.**

1. The Nursing Homes and Residential Homes (Guernsey) Law, 1976<sup>b</sup> ("the 1976 Law") is amended as follows -

(a) immediately after section 1(5) of the 1976 Law, insert

-

"(6) Subject to subsection (7), there shall be payable in respect of a registration such annual renewal fee, payable on or before such date, as the States may, from time to time, by Ordinance prescribe.

(7) The Department may grant exemption from the

---

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

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

requirement of subsection (6) in respect of any home which is funded primarily by charitable means.",

- (b) immediately after "home" in the final line of section 2 of the 1976 Law, insert -

", or on the ground that any annual renewal fee payable under subsection 1(6) has not been paid on or before the due date", and

- (c) for section 13 ("Variation and repeal of Ordinances and orders"), substitute -

**"Ordinances and orders."**

- 13.** (1) An Ordinance or order under this Law -

- (a) may be amended or repealed by a subsequent Ordinance or order hereunder, and
- (b) may contain such transitional, consequential, incidental, supplementary and savings provisions as the States or Department, as the case may be, think fit.

- (2) Any power conferred by this Law to make an Ordinance or order may be exercised -

- (a) in relation to all cases to which the power extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified cases or classes of cases,

(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, and

(iii) any such provision either unconditionally or subject to any prescribed conditions.

(3) Any order made under this Law shall be laid before a meeting of the States as soon as may be after being made and if at that meeting or the next subsequent meeting the States resolve that the order be annulled, the order shall cease to have effect but without prejudice to anything done under the order or to the making of a new order."

**Citation.**

2. This Law may be cited as the Nursing Homes and Residential Homes (Guernsey) (Amendment) Law 2006.

M. A. TOSTEVIN,  
Her Majesty's Deputy Greffier

**Copies may be purchased from  
Her Majesty's Greffier, Royal Court House, Guernsey**

**PRICE £5.00**