



Jersey

# **HEALTH INSURANCE (JERSEY) LAW 1967**

## **Official Consolidated Version**

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Jersey

## HEALTH INSURANCE (JERSEY) LAW 1967

### Contents

#### Article

<b>PART 1</b>	<b>5</b>
INTRODUCTORY	5
1 Interpretation .....	5
2 General administration.....	8
<b>PART 2</b>	<b>8</b>
INSURED PERSONS	8
3 Insured persons .....	8
4 Child of the family.....	8
5 Dependant wife .....	8
<b>PART 3</b>	<b>8</b>
BENEFIT	8
6 Right to benefit.....	8
7 Descriptions of benefit .....	9
8 Qualifying period .....	9
9 Medical benefit.....	9
9A Registration with general medical practice.....	9
10 Medical services .....	10
11 Dental benefit.....	10
12 Dental services.....	10
13 Ophthalmic benefit.....	10
14 Ophthalmic services .....	11
15 Pharmaceutical benefit .....	11
15A Pharmaceutical Benefit Advisory Committee .....	12
16 Supply of pharmaceutical benefit by approved medical practitioners approved dentists or approved prescribing practitioners.....	13
17 Orders in relation to benefit.....	13
18 Money benefit to be inalienable .....	14
19 Limitation of amount of money benefit .....	14
20 Claims and notices sent by post .....	14

<b>PART 3A</b>	<b>14</b>
<hr/>	
CONTRACTS	14
20A	Extended meaning of “medical service” ..... 14
20B	Performance and governance of medical services – contracts..... 15
20C	Supply of vaccines – contracts..... 17
20D	Regulations ..... 17
<b>PART 4</b>	<b>17</b>
<hr/>	
HEALTH INSURANCE FUND	17
21	Health Insurance Fund..... 17
22	Actuarial reports..... 19
23	Civil proceedings to recover sums due to Health Insurance Fund ..... 19
24	Recovery of sums due to Health Insurance Fund by deductions from earnings ..... 19
25	Recovery in bankruptcy, etc. .... 20
<b>PART 5</b>	<b>21</b>
<hr/>	
APPROVAL OF MEDICAL PRACTITIONERS, DENTISTS, OPTICIANS, PRESCRIBING PRACTITIONERS AND SUPPLIERS OF PHARMACEUTICAL BENEFIT	21
26	Approval of medical practitioners, dentists, opticians, prescribing practitioners and suppliers of pharmaceutical benefit..... 21
27	Power to take disciplinary proceedings ..... 22
27AA	Health Services Disciplinary Tribunal ..... 23
<b>PART 5A</b>	<b>24</b>
<hr/>	
PERFORMERS LISTS	24
27A	Performers list for general medical practitioners ..... 24
27B	Regulations – establishment of further performers lists ..... 26
<b>PART 6</b>	<b>26</b>
<hr/>	
ADMINISTRATION	26
28	Determination of claims ..... 26
29	Expenses of persons required to attend proceedings ..... 27
30	Powers of inspection ..... 27
31	Information as to, and proof of, births, marriages and deaths..... 29
<b>PART 7</b>	<b>29</b>
<hr/>	
MISCELLANEOUS AND GENERAL	29
32	Supplementary schemes ..... 29
33	Power to modify or wind up existing schemes ..... 31
34	Reciprocal agreements with other countries ..... 31
35	General provisions as to offences and penalties..... 32
36	General provisions as to Acts, Regulations and Orders ..... 33
37	Saving..... 33
38	Citation ..... 33

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<b>SCHEDULE 1</b>	<b>34</b>
<b>SCHEDULE 2</b>	<b>34</b>
<hr/>	
HEALTH SERVICES DISCIPLINARY TRIBUNAL	34
<b>ENDNOTES</b>	<b>36</b>
<hr/>	
Table of Legislation History.....	36
Table of Renumbered Provisions.....	38
Table of Endnote References.....	40



Jersey

## HEALTH INSURANCE (JERSEY) LAW 1967<sup>1</sup>

A **LAW** to establish a system of insurance in relation to medical, dental, ophthalmic and other health services and pharmaceutical supplies required in connection therewith; to establish systems of governance of, and minimum standards for, persons providing a service or writing a prescription for pharmaceutical supplies for which the recipient is entitled to a benefit under the Law; to enable the funding, out of the system of insurance, of contracts for the provision of health services, in accordance with standards, or at levels of performance, determined by the contracts; and for purposes ancillary thereto<sup>2</sup>

Commencement [[see endnotes](#)]

### PART 1

#### INTRODUCTORY

#### 1 Interpretation

(1) In this Law, unless the context otherwise requires –

“appointed day” means 4th December 1967;<sup>3</sup>

“approved dentist” means a dentist for the time being approved under Article 26;

“approved medical practitioner” means a medical practitioner for the time being approved under Article 26;

“approved optician” means an optician for the time being approved under Article 26;

“approved prescribing practitioner” means a prescribing practitioner for the time being approved under Article 26;

“approved supplier” means a person lawfully conducting a retail pharmacy business or other person for the time being approved under Article 26 as a supplier of pharmaceutical benefit;

“benefit” means benefit under this Law;

“child” means a person below the upper limit of compulsory school age;

“child of the household” means, in relation to an insured person, any child who lives with the insured person as part of his or her household;

“compulsory insurance age” means a person’s pensionable age, determined in accordance with Article 1A of and Schedule 1AA to the Social Security Law;

“dental services” has the meaning assigned thereto by Article 12;

“dentist” has the same meaning as “registered dentist” in the [Dentistry \(Jersey\) Law 2015](#);

“determining officer” means the determining officer appointed in accordance with the provisions of Article 28(1);

“employee” means –

- (a) a person who works for another person under a contract of service; or
- (b) a person who performs personally work for another person under a contract for services, either between the first-mentioned person and the other person, or between a third person and the other person;

“entry into insurance” means, in relation to any person, the date on which the person becomes an insured person;

“general medical practice” shall be construed in accordance with paragraph (4);

“health care professional” means a person registered under the [Health Care \(Registration\) \(Jersey\) Law 1995](#);

“Health Insurance Fund” means the fund established and so called by virtue of Article 21;

“Health Services Disciplinary Tribunal” means the tribunal constituted and so called by virtue of Article 27AA;

“His Majesty’s dominions” includes British protectorates and protected states and any territory in respect of which a mandate has been accepted by His Majesty and is being exercised by the Government of any part of His Majesty’s dominions;

“insured person” means a person insured under this Law;

“insured person in Class A” and “insured person in Class B” have the meanings assigned thereto by Article 3;

“medical practitioner” has the same meaning as “registered medical practitioner” in the [Medical Practitioners \(Registration\) \(Jersey\) Law 1960](#);

“medical services” has the meaning assigned thereto by Article 10;

“Minister” means the Minister for Social Security;

“money benefit” means medical benefit, dental benefit or ophthalmic benefit;

“officer” means a States’ employee within the meaning of Article 2 of the [Employment of States of Jersey Employees \(Jersey\) Law 2005](#);

“ophthalmic services” has the meaning assigned thereto by Article 14;

“optician” has the same meaning as “registered optician” in the [Opticians \(Registration\) \(Jersey\) Law 1962](#);

“Order” means an Order made by the Minister under this Law;

“performers list” means the list for medical practitioners practising as general practitioners, established by Regulations made under Article 27A;

“person lawfully conducting a retail pharmacy business” shall be construed in accordance with Article 68(3) of the [Medicines \(Jersey\) Law 1995](#);

“personal data” has the same meaning as in the [Data Protection \(Jersey\) Law 2018](#);

“pharmaceutical benefit” has the meaning assigned thereto by Article 15;

“Pharmaceutical Benefit Advisory Committee” means the committee constituted and so called by virtue of Article 15A;

“pharmacist” means a person registered as a pharmacist under the [Pharmacists and Pharmacy Technicians \(Registration\) \(Jersey\) Law 2010](#);

“prescribed” means prescribed by Order;

“prescribing practitioner” means a person of a class specified by Order made under Article 57(1) of the [Medicines \(Jersey\) Law 1995](#), but does not include a veterinary surgeon;

“processing” has the same meaning as in the [Data Protection \(Jersey\) Law 2018](#);

“registrable occupation” has the same meaning as in the [Health Care \(Registration\) \(Jersey\) Law 1995](#);

“responsible officer” means the person appointed pursuant to an Order made under Article 10C of the [Medical Practitioners \(Registration\) \(Jersey\) Law 1960](#), to direct the arrangements described in paragraph (1) of that Article in relation to general medical practitioners;

“Social Security Law” means the [Social Security \(Jersey\) Law 1974](#);

“Social Security Tribunal” means the Tribunal constituted by Order under Article 33A of the [Social Security \(Jersey\) Law 1974](#);

“special category data” has the same meaning as in the [Data Protection \(Jersey\) Law 2018](#).<sup>4</sup>

(2) For the purposes of this Law –

(a) the upper limit of the compulsory school age means the age that is for the time being that limit by virtue of Article 2 of the [Education \(Jersey\) Law 1999](#);

(b) a person who at any time attains the upper limit of the compulsory school age shall not be treated as being under that limit at any time thereafter, notwithstanding any change in that limit.<sup>5</sup>

(3) For the purposes of this Law –

(a) a person shall be deemed to be over or under any age therein mentioned if the person has or has not attained that age;

(b) a person shall be deemed to be between 2 ages therein mentioned if the person has attained the first-mentioned age but has not attained the second-mentioned age;

(c) a person shall not be deemed to have attained the age of 18 years until the commencement of the eighteenth anniversary of the day of the person’s birth, and similarly with respect to any other age.<sup>6</sup>

- (4) For the purposes of this Law, a general medical practice is –
- (a) an approved medical practitioner practising as a sole practitioner;
  - (b) approved medical practitioners practising in partnership; or
  - (c) an entity of a prescribed description or class which provides the services of approved medical practitioners.<sup>7</sup>

## **2 General administration<sup>8</sup>**

The Minister shall ensure that a sufficient number of officers are appointed to assist the Minister in the discharge of his or her functions under this Law and generally for the purpose of carrying this Law into effect.

## **PART 2**

### **INSURED PERSONS**

## **3 Insured persons**

- (1) Subject to the provisions of this Law, every person who on or after the appointed day, being over the upper limit of the compulsory school age, is in Jersey and fulfils such conditions as may be prescribed as to residence in Jersey, shall become insured under this Law and thereafter continue throughout the person's life to be so insured.<sup>9</sup>
- (2) For the purposes of this Law, insured persons shall be divided into the following 2 classes –
- (a) Class A, which shall comprise insured persons not in Class B;
  - (b) Class B, which shall comprise –
    - (i) children of the household of insured persons,
    - (ii) insured persons over compulsory insurance age.<sup>10</sup>

## **4 Child of the family<sup>11</sup>**

## **5 Dependant wife<sup>12</sup>**

## **PART 3**

### **BENEFIT**

## **6 Right to benefit<sup>13</sup>**

- (1) An insured person may claim benefit for himself or herself and any child of the household.
- (2) However, no claim may be made unless the insured person –



- (a) has been entered into insurance for at least 6 months; and
- (b) has paid such contributions, if any, as the person is required to pay under the Social Security Law.

## **7 Descriptions of benefit**

The descriptions of benefit provided by this Law are as follows –

- (a) medical benefit;
- (b) dental benefit;
- (c) ophthalmic benefit;
- (d) pharmaceutical benefit.

## **8 Qualifying period<sup>14</sup>**

## **9 Medical benefit**

- (1) Subject to the provisions of this Law, where an insured person has paid fees to an approved medical practitioner for medical services provided to the person or any child of the household, he or she shall be entitled to medical benefit at such rate as the States shall by Regulations fix in respect of the fee charged for such services on each occasion when they have been provided.<sup>15</sup>
- (2) Regulations made by the States under paragraph (1) may provide that in such cases or classes of case as may be provided in the Regulations, an insured person shall be entitled to a different rate of medical benefit.
- (3) <sup>16</sup>
- (4) <sup>17</sup>

## **9A Registration with general medical practice<sup>18</sup>**

- (1) The Minister may, by Order, make it a condition of entitlement to medical benefit that the person to whom the medical services are provided is, at the time the services are provided, registered with one general medical practice as his or her main practice.
- (2) A condition imposed by an Order under this Article for a person to be registered with one general medical practice as his or her main practice shall not, of itself, prevent the payment of medical benefit for medical services provided by a general medical practice which is not the person's main practice.
- (3) An Order under this Article may further –
  - (a) specify circumstances in which a person is deemed to be registered with a general medical practice as his or her main practice; and
  - (b) make transitional and supplementary provisions.
- (4) This Article is without prejudice to the power to prescribe conditions, under Article 3(1), of becoming an insured person.

## 10 Medical services

- (1) In this Law, “medical service” means any proper and necessary service provided by a medical practitioner, but does not include any service falling within any of the following classes, namely –
  - (a) any medical service which involves the application of special skill and experience of a degree or kind which general medical practitioners as a class cannot reasonably be expected to possess;
  - (b) any medical service in respect of which a fee or other remuneration is payable to a medical practitioner out of the Social Security Fund under the Social Security Law;
  - (c) medical services provided by a medical practitioner in respect of which the medical practitioner would not be entitled to recover any fees from the insured person or any other person if this Law had not been passed;
  - (d) any medical service in respect of which any money benefit, other than medical benefit, is payable under this Law;
  - (e) medical services of such other classes as may be prescribed;
  - (f) medical services provided to persons of such classes as may be prescribed.<sup>19</sup>
- (2) The States may by Regulations amend this Law, in particular, this Article, to define what is or is not, for the purposes of this Law, or for the purposes of different provisions of this Law, a “medical service”.<sup>20</sup>

## 11 Dental benefit

- (1) Subject to the provisions of this Law, where an insured person has paid fees to an approved medical practitioner or an approved dentist for dental services provided to the person or any child of the household, he or she shall be entitled to dental benefit at such rate or rates as the States shall by Regulations fix in respect of such services.<sup>21</sup>
- (2) Regulations made by the States under paragraph (1) may provide that in such cases or classes of case as may be provided in the Regulations, an insured person shall be entitled to a different rate of dental benefit.

## 12 Dental services

In this Law, “dental service” means any such service as the States shall by Regulations specify, but does not include –

- (a) dental services provided by a medical practitioner or dentist in respect of which the medical practitioner or dentist would not be entitled to recover any fees from the insured person or any other person if this Law had not been passed;
- (b) dental services provided to persons of such classes as may be prescribed.

## 13 Ophthalmic benefit

- (1) Subject to the provisions of this Law, where an insured person has paid fees to an approved optician for ophthalmic services provided to the person or any child of

the household, the optician shall be entitled to ophthalmic benefit at such rate or rates as the States shall by Regulations fix in respect of such services.<sup>22</sup>

- (2) Regulations made by the States under paragraph (1) may provide that in such cases or classes of case as may be provided in the Regulations, an insured person shall be entitled to a different rate of ophthalmic benefit.

#### **14 Ophthalmic services**

In this Law, “ophthalmic service” means any such service as the States shall by Regulations specify, but does not include –

- (a) ophthalmic services provided by an optician in respect of which the optician would not be entitled to recover any fees from the insured person or any other person if this Law had not been passed;
- (b) ophthalmic services provided to persons of such classes as may be prescribed.

#### **15 Pharmaceutical benefit**

- (1) For the purposes of this Law “pharmaceutical benefit” means, in relation to an approved medical practitioner, an approved dentist or an approved prescribing practitioner, any medicine, drug, appliance or material for the time being approved under this Article.<sup>23</sup>
- (2) Subject to the provisions of this Law, an insured person shall be entitled to receive, for the treatment of the person and any child of the household, pharmaceutical benefit on prescription, that is to say, on a prescribed form given by an approved medical practitioner, an approved dentist or an approved prescribing practitioner.<sup>24</sup>
- (2A) A prescription for pharmaceutical benefit must only be given for treatment that is proper and necessary.<sup>25</sup>
- (3) An approved medical practitioner, an approved dentist or an approved prescribing practitioner shall not be entitled to pharmaceutical benefit on a prescription given by himself or herself for his or her own treatment.<sup>26</sup>
- (4) <sup>27</sup>
- (5) Subject to the provisions of Article 16, pharmaceutical benefit may be obtained from and supplied only by approved suppliers.
- (6) The Minister may by Order provide for the payment to an approved supplier by an insured person, in such manner as may be prescribed, of such amount as may be prescribed in respect of the supply by that approved supplier of pharmaceutical benefit (hereinafter referred to as a “prescription charge”) and different amounts may be prescribed for different descriptions of pharmaceutical benefit.
- (7) Any Order made under paragraph (6) may provide that in such cases or classes of case as may be prescribed, an insured person shall pay such different rate of prescription charge as shall be prescribed, or shall pay no prescription charge.
- (8) Any Order made under paragraph (6) may provide that, where an insured person is excepted from liability to pay a prescription charge, the amount of that charge may be recovered from the authority responsible for providing the person with assistance when in need.

- (9) The Minister shall by Order make provision for the remuneration of approved suppliers in respect of pharmaceutical benefit supplied by them in accordance with this Law and any such Order may –
- (a) specify the terms and conditions subject to which pharmaceutical benefit shall be supplied;
  - (b) specify the terms and conditions subject to which payment for pharmaceutical benefit supplied by approved suppliers will be made; and
  - (c) without prejudice to the generality of the power to prescribe terms and conditions under Article 26(2) and (3), require an approved supplier to make returns of information to the Minister, for the purposes of the administration of this Law, regarding the supply of pharmaceutical benefit.<sup>28</sup>
- (10) No Order made under paragraph (9) shall come into force until the expiration of at least one month from the date on which it is made.<sup>29</sup>
- (11) Subject to paragraph (12), the Minister –
- (a) shall approve medicines, drugs, appliances and materials as items of pharmaceutical benefit for the purposes of this Law;
  - (b) in so approving them, may make different provision for the medicines, drugs, appliances and materials that may be prescribed by, respectively, approved medical practitioners, approved dentists and approved prescribing practitioners as items of pharmaceutical benefit; and
  - (c) may at any time alter, revoke or vary any such approval.<sup>30</sup>
- (12) Before exercising his or her powers under paragraph (11) the Minister shall consult with the Pharmaceutical Benefit Advisory Committee.<sup>31</sup>
- (13) The Minister shall keep a list of items of pharmaceutical benefit.<sup>32</sup>
- (14) The Minister shall –
- (a) keep the list of items of pharmaceutical benefit open, at all reasonable times, to the inspection of any person, without fee; and
  - (b) publish that list in such manner as makes it generally accessible to the public.<sup>33</sup>
- (15) <sup>34</sup>

### **15A Pharmaceutical Benefit Advisory Committee<sup>35</sup>**

- (1) The Minister shall, by Order, establish a Pharmaceutical Benefit Advisory Committee.
- (2) An Order made under this Article shall provide for –
- (a) the constitution of the Committee;
  - (b) the appointment, term of office, retirement and removal of its members, including its chairman and any deputy chairmen;
  - (c) the eligibility of persons for appointment as a member;
  - (d) the circumstances in which persons are disqualified for being a member.

- (3) An Order made under this Article may provide for the conduct of proceedings of the Committee.
- (4) An Order made under this Article may contain savings and transitional provisions.
- (5) Subject to the requirements of an Order made under this Article and the requirements of any other enactment, the Committee shall determine its own proceedings.
- (6) The Minister shall provide secretarial support to the Committee.

## **16 Supply of pharmaceutical benefit by approved medical practitioners approved dentists or approved prescribing practitioners<sup>36</sup>**

Provision may be made by Order for enabling approved medical practitioners, approved dentists and approved prescribing practitioners to supply pharmaceutical benefit, at the cost of the Health Insurance Fund, in cases where it is required for the treatment of an insured person or any child of the household before the benefit can conveniently be obtained from an approved supplier.<sup>37</sup>

## **17 Orders in relation to benefit**

- (1) Provision may be made by Order for such purposes as appear to the Minister to be necessary or expedient for ensuring the due administration of this Law in relation to benefit and in particular but without prejudice to the generality of the foregoing –
  - (a) for the issue to insured persons of evidence of insurance and for requiring insured persons to produce such evidence to such persons and at such times as may be specified in the Order;
  - (b) for requiring the surrender to the Minister of such evidence on the happening of such events as may be specified in the Order;
  - (c) for disqualifying a person for the receipt of any money benefit unless the person makes a claim therefor in the prescribed manner and within the prescribed time and furnishes the prescribed information and evidence;
  - (d) for requiring approved medical practitioners, approved dentists and approved opticians to submit accounts to insured persons in the prescribed form and within the prescribed time;
  - (e) for entitling an insured person to recover from an approved medical practitioner, approved dentist or approved optician the amount of any money benefit which the insured person has become disqualified for receiving by reason of a failure on the part of the medical practitioner, dentist or optician to comply with any requirement made by virtue of sub-paragraph (d);
  - (f) for the payment to an approved medical practitioner, approved dentist or approved optician, in such circumstances as may be prescribed, of any benefit to which an insured person would be entitled in respect of medical, dental or ophthalmic services provided by the medical practitioner, dentist or optician to the insured person or any child of the household if the insured person had paid fees for those services;
  - (g) <sup>38</sup>

- (h) as to the information and evidence to be furnished by persons applying for the supply of pharmaceutical benefit.<sup>39</sup>
- (2) Provision may also be made by Order –
  - (a) for enabling a person to be appointed to exercise, on behalf of an insured person who may be or become unable for the time being to act, any right or power that the insured person may be entitled to exercise under this Law, and for authorizing a person so appointed to receive and deal with any sum payable by way of benefit on behalf of the insured person;
  - (b) in connection with the death of any person, for enabling a claim for money benefit to be made or proceeded with in the name of the deceased person, for authorizing the payment or distribution of such benefit to or amongst persons claiming as the personal representatives, legatees, heirs or creditors of the deceased person, or in cases of illegitimacy of deceased persons, to or amongst others, and for dispensing with strict proof of the title of persons so claiming;
  - (c) for extinguishing the right to any sum payable by way of benefit where payment thereof is not obtained within 6 months or such other period as may be prescribed from the time at which that sum is receivable in accordance with the Order.<sup>40</sup>

## **18 Money benefit to be inalienable**

Subject to the provisions of this Law, money benefit shall not be capable of being assigned, charged or attached, nor shall it pass to any other person by operation of law, nor shall any claim be set off against the same except in such cases and subject to such conditions as the States may by Regulations specify.<sup>41</sup>

## **19 Limitation of amount of money benefit**

Where the amount of the fee in respect of which any money benefit is payable is less than the amount of the benefit, the amount of the benefit shall be reduced to the amount of the fee.

## **20 Claims and notices sent by post**

For the purposes of this Part of the Law, any claim or notice sent by post shall be deemed to have been made or given on the day on which it was posted.

# **PART 3A<sup>42</sup>**

## **CONTRACTS**

### **20A Extended meaning of “medical service”**

In this Part, “medical service” includes –

- (a) a service that may be performed by a health care professional engaged in his or her registrable occupation as an employee of a general medical practice or of a person lawfully conducting a retail pharmacy business; and
- (b) a service that may be performed by a pharmacist practising as such in his or her own right or as an employee of a person lawfully conducting a retail pharmacy business.<sup>43</sup>

## **20B Performance and governance of medical services – contracts**

- (1) This Article is without prejudice to the generality of the Minister's power to enter into agreements, conferred by Article 26 of the [States of Jersey Law 2005](#).
- (2) The Minister may enter into contracts with general medical practices, pharmacists or persons lawfully conducting retail pharmacy businesses –
  - (a) for the provision of a medical service;
  - (b) for purposes associated with the delivery of a medical service.
- (3) The terms of a contract may in particular –
  - (a) provide for payments to be made to the contractor by reference to compliance with standards or the achievement of levels of performance;
  - (b) provide for the making of payments in respect of the provision, by the contractor, of the services of persons approved under Part 5 or health care professionals;
  - (c) provide that the whole or any part of a payment is subject to conditions, and that payments are payable to the contractor only if the Minister is satisfied as to certain conditions;
  - (d) require the contractor to comply with directions published by the Minister as to the drugs, medicines or other substances that may or may not be ordered for patients in the provision of a medical service to which the contract applies;
  - (da) require the contractor to use vaccines supplied under a contract entered into under Article 20C, where a medical service to which the contract applies is the administration of vaccines;
  - (e) require the contractor to make returns to the Minister of data concerning health as defined in Article 1(1) of the [Data Protection \(Jersey\) Law 2018](#);
  - (f) require that any information required to be provided relating to patients is anonymised;
  - (g) specify –
    - (i) the manner in which and the standards to which a medical service must be provided,
    - (ii) the descriptions or classes of persons who may perform a medical service,
    - (iii) the descriptions or classes of patients to whom a medical service will be provided,

- (iv) the power of the Minister to vary the terms of a contract (including a power to suspend or terminate any obligation of the contractor under a contract),
  - (v) rights of entry and inspection of the contractor's premises and rights of inspection of –
    - (A) documents (other than clinical records) that are in the possession or control of the contractor; and
    - (B) subject to paragraph (7), clinical records that are in the possession or control of the contractor,by an officer authorized by the Minister for the purpose,
  - (vi) the circumstances in which and the manner in which the contract may be terminated,
  - (vii) arrangements for and powers of enforcement, and
  - (viii) arrangements for the adjudication of disputes.<sup>44</sup>
- (4) The provisions referred to in paragraph (3)(g)(iii) may make provision as to the circumstances in which a contractor or contractors –
- (a) must or may accept a person as a patient to whom a medical service is provided under the contract;
  - (b) may decline to accept a person as a patient to whom a medical service is provided under the contract; or
  - (c) may terminate the contractor's responsibility for a patient to whom a medical service is provided under the contract.
- (5) A contract may make provision as to the rights of patients to choose the persons from whom they receive a medical service provided under the contract.
- (6) Information obtained in the exercise of rights of entry and inspection referred to in paragraph (3)(g)(v) that raises an issue regarding the fitness to practise of an approved medical practitioner shall be passed to –
- (a) the Minister for Social Security, for use only for the purposes of the discharge of his or her functions in connection approved medical practitioners under Part 5;
  - (b) the responsible officer, for use only for the purposes of the discharge of that officer's functions under an Order made under Article 10C of the [Medical Practitioners \(Registration\) \(Jersey\) Law 1960](#);
  - (c) a person maintaining and governing the performers list, for use only for the purposes of the discharge of that person's functions under Regulations made under Article 27A; and
  - (d) the Minister for Health and Social Services, for use only for the purposes of the discharge of his or her functions under the [Medical Practitioners \(Registration\) \(Jersey\) Law 1960](#).
- (7) Information obtained in the exercise of rights of entry and inspection referred to in paragraph (3)(g)(v) that raises an issue regarding the fitness to practise of a pharmacist shall be passed to the Minister for Health and Social Services, for use only the purposes of the discharge of his or her functions under the [Pharmacists and Pharmacy Technicians \(Registration\) \(Jersey\) Law 2010](#).



- (8) Information obtained in the exercise of rights of entry and inspection referred to in paragraph (3)(g)(v) that raises an issue regarding the fitness to practise of a health care professional shall be passed to the Minister for Health and Social Services, for use only for the purposes of the discharge of his or her functions under the [Health Care \(Registration\) \(Jersey\) Law 1995](#).
- (9) Nothing in a contract made under this Article requires or empowers any person to process personal data, including special category data, in a manner that is inconsistent with the [Data Protection \(Jersey\) Law 2018](#) and the enactments made under it.<sup>45</sup>
- (10) For the purposes of this Article information relating to a patient is anonymised if the identity of the patient is not ascertainable –
  - (a) from the information; or
  - (b) from the information and other information which is in the possession of, or is likely to come into the possession of, the person processing it.
- (11) In this Article “payments” includes fees, allowances, reimbursements, loans and repayments.

#### **20C Supply of vaccines – contracts<sup>46</sup>**

The Minister may enter into contracts for the supply of vaccines.

#### **20D Regulations<sup>47</sup>**

The States may, by Regulations, amend this Part.

### **PART 4**

#### **HEALTH INSURANCE FUND**

#### **21 Health Insurance Fund<sup>48</sup>**

- (1) For the purposes of this Law, there shall be a fund called the “Health Insurance Fund” which shall be under the control and management of the Minister and into which shall be paid the Health Insurance Fund Allocations specified in Article 30 of the Social Security Law and such other sums as the States may determine, and out of which shall be paid all claims for money benefit and all sums payable in respect of pharmaceutical benefit provided under this Law, and all expenses incurred by the Minister in carrying this Law into effect.
- (1A) In addition to the sums specified in paragraph (1) there shall be paid out of the Health Insurance Fund –
  - (a) all sums payable under contracts entered into pursuant to Part 3A and all expenses incurred by the Minister for Social Security in connection with such contracts, including, but not by way of limitation, such expenses as are incurred by the Minister for Social Security and, with the prior agreement of the Minister for Social Security, by the Minister for Health and Social Services, in connection with the governance and enforcement of such contracts;

- (b) such amounts as the Minister for Social Security and the Minister for Health and Social Services agree in respect of the expenses incurred by the Minister for Health and Social Services in connection with –
- (i) the maintenance and governance of the performers list, whether by the Minister for Health and Social Services or by a person appointed by that Minister for the purpose, and
  - (ii) the implementation, administration and enforcement of the requirements of an Order made under Article 10C of the [Medical Practitioners \(Registration\) \(Jersey\) Law 1960](#), to the extent that the requirements apply to general medical practitioners.<sup>49</sup>
- (2) Annual accounts shall be prepared in accordance with the accounting standards referred to in the Public Finances Manual issued under the [Public Finances \(Jersey\) Law 2019](#).<sup>50</sup>
- (3) Any monies forming part of the Health Insurance Fund may from time to time be paid over to –
- (a) the Treasurer of the States; or
  - (b) an investment manager,
- and may, by either of them, be invested in accordance with such directions as may be given by the Minister for Treasury and Resources.
- (4) The Minister for Treasury and Resources may, after consultation with the Minister, appoint one or more investment managers and may by Order make provisions in relation to the appointment of such managers.
- (5) An Order made under paragraph (4) shall include provisions –
- (a) to ensure –
    - (i) the appointment of a suitable person or persons,
    - (ii) that regard is paid to the need for diversification of investment of the assets of the fund;
  - (b) relating to the –
    - (i) suitability of investments which the manager proposes to make,
    - (ii) retention of control by the Minister for Treasury and Resources over the investments and over the application of the assets of the fund, and
    - (iii) terms and conditions of appointment of investment managers including the further delegation by such an investment manager of the powers of management and investment given by such appointment.
- (6) The Minister for Treasury and Resources, in giving any directions as to the application and investment or reinvestment of the monies of the Health Insurance Fund pursuant to paragraph (3), shall have regard to the –
- (a) need for diversification of investment of fund monies;
  - (b) suitability of investments of any description which are proposed to be made; and
  - (c) obtaining, at reasonable intervals, of proper advice.
- (7) In this Article –

- (a) “investment manager” means a person or persons reasonably believed by the Minister to be suitably qualified by ability in and practical experience of financial matters to make investment decisions on his or her behalf;
  - (b) the reference in paragraph (6)(c) to “proper advice” is a reference to the advice of a person or persons reasonably believed by the Minister for Treasury and Resources to be qualified by his or her ability in and practical experience of financial matters to give such advice.
- (8) <sup>51</sup>

## 22 Actuarial reports

- (1) An actuary, appointed for the purpose by the Minister, shall review the operation of this Law during the period ending with 31st December 1972 and thereafter during the period ending with 31st December in every fifth year and, on each such review, make a report to the Minister on the financial condition of the Health Insurance Fund and the adequacy or otherwise of the contributions payable under this Law to support the benefits thereunder having regard to its liabilities under this Law:
- Provided that the Minister may at any time reduce the period to be covered by a review and report under this paragraph and accelerate the making of that and subsequent reviews and reports accordingly.
- (2) A copy of every report under this Article shall be laid before the States as soon as may be after it is made.

## 23 Civil proceedings to recover sums due to Health Insurance Fund

Proceedings for the recovery of sums due to the Health Insurance Fund may be instituted by the Treasurer of the States, either in term or in vacation, and, notwithstanding any enactment or rule of law to the contrary, any such proceedings may be brought at any time within 10 years from the time when the matter complained of arose.<sup>52</sup>

## 24 Recovery of sums due to Health Insurance Fund by deductions from earnings

- (1) Where judgment has been obtained for the payment of any sum due to the Health Insurance Fund by any individual (in this Article referred to as the “judgment debtor”) then, notwithstanding any enactment or rule of law to the contrary and without prejudice to any other means of recovery, the sum payable under the judgment together with the recoverable costs (in this Article referred to as the “judgment debt”) may be recovered in accordance with the provisions of this Article.
- (2) Where it is desired to recover any judgment debt under this Article –
- (a) the Minister may serve notice on the employer for the time being of the judgment debtor requiring the employer to furnish the Minister, within such time (not being less than 7 days) as may be specified in the notice with a certificate of the amount earned by the judgment debtor in the employ of the employer during such past period or periods as may be so specified; and
  - (b) whether or not such a certificate as aforesaid has been required to be furnished, the Minister may serve notice on the employer for the time being of the judgment debtor requiring the employer to make such deductions from

the earnings of the judgment debtor as may, having regard to all the circumstances of the case, appear to the Minister to be reasonable and to pay the amounts so deducted to the Minister at such times as may be specified in the notice, and the amount so paid shall be applied towards the satisfaction of the judgment debt:

Provided that where the judgment debt has been ordered to be paid by instalments, the Minister shall not require such deductions to be made as would at any date reduce the judgment debt by a greater amount than that by which it would have been reduced had the instalments been paid.

- (3) Any employer who refuses or without lawful excuse fails to furnish a certificate which under paragraph (2)(a) the employer is required to furnish within such time as may be so required, or who furnishes a certificate which is false in a material particular, shall be liable to a fine not exceeding level 2 on the standard scale.<sup>53</sup>
- (4) Any notice under paragraph (2)(b) may at any time be varied by a subsequent notice under that sub-paragraph.
- (5) A copy of every notice served under paragraph (2)(b) or (4) shall be served also on the judgment debtor.
- (6) Where any employer fails to deduct any amount which the employer is required by virtue of paragraph (2)(b) to deduct, or to pay to the Minister any amount so deducted, the amount may be recovered from the employer as a debt due to the Health Insurance Fund.
- (7) Service of any notice under this Article may be effected by sending it by the recorded delivery service to the person on whom it is to be served at his or her usual or last-known place of abode or his or her principal place of business or, in the case of a company, at its registered office.

## 25 Recovery in bankruptcy, etc.

- (1) Where the Royal Court has granted –
  - (a) an application by any person to place the person's property under the control of the Court (*de remettre ses biens entre les mains de la Justice*); or
  - (b) an application for the holding of a *bénéfice d'inventaire* on the estate of any deceased person,

the *autorisés* or the Viscount, as the case may be, shall pay out of the property of such person or the estate of such deceased person any amount due to the Health Insurance Fund by such person or such deceased person at the time of the granting of the application.

- (2) In the event of any *dégrèvement, réalisation, désastre*, bankruptcy or composition with creditors, any amount due to the Health Insurance Fund shall rank for payment *pari passu* with other privileged debts and in priority to all other debts.

**PART 5****APPROVAL OF MEDICAL PRACTITIONERS, DENTISTS, OPTICIANS, PRESCRIBING PRACTITIONERS AND SUPPLIERS OF PHARMACEUTICAL BENEFIT<sup>54</sup>****26 Approval of medical practitioners, dentists, opticians, prescribing practitioners and suppliers of pharmaceutical benefit<sup>55</sup>**

(1) <sup>56</sup>

(1A) Every medical practitioner who –

- (a) is included in the performers list and not suspended from that list;
- (b) is not disqualified by reason of his or her approval having been withdrawn under Article 27(2);
- (c) complies with such conditions (if any) as the States may by Regulations specify; and
- (d) applies to the Minister for approval in the prescribed manner,

shall be approved by the Minister for the purposes of this Law.<sup>57</sup>

(1B) The Minister shall suspend a medical practitioner's approval upon the practitioner being suspended from the performers list.<sup>58</sup>

(1C) The Minister shall restore a medical practitioner's approval upon the practitioner's suspension from the performers list being ended.<sup>59</sup>

(1D) The Minister shall withdraw a medical practitioner's approval upon the practitioner being removed from the performers list.<sup>60</sup>

(1E) The Minister shall approve, for the purposes of this Law, every dentist, every optician and every prescribing practitioner who –

- (a) applies for such approval in the prescribed manner; and
- (b) satisfies the prescribed conditions for such approval.<sup>61</sup>

(1F) The conditions for approval prescribed under paragraph (1E)(b) may relate to any matter including (by way of example and not by way of limitation) –

- (a) the terms on which the dentist, optician or prescribing practitioner is working;
- (b) the nature of the entity in which or for which he or she is working;
- (c) the nature of the work being undertaken, or service provided, by him or her; and
- (d) whether he or she is approved for the purposes of this Law in another capacity.<sup>62</sup>

(1G) The Minister may further prescribe –

- (a) conditions with which any dentist, optician or prescribing practitioner must comply whilst approved for the purposes of this Law;
- (b) circumstances in which such approval shall be restricted, suspended, withdrawn or restored.<sup>63</sup>

- (1H) An Order made under paragraph (1G)(b) prescribing mandatory grounds for restricting, suspending, withdrawing or restoring approval does not derogate from the discretionary powers conferred by Article 27.<sup>64</sup>
- (2) Every person lawfully conducting a retail pharmacy business shall be approved by the Minister as a supplier of pharmaceutical benefit for the purposes of this Law if the supplier applies to the Minister for such approval in the prescribed manner and in the application undertakes to supply pharmaceutical benefit at the prices fixed, and in accordance with the terms and conditions prescribed, from time to time under this Law.<sup>65</sup>
- (3) The Minister may also approve any other person as a supplier of pharmaceutical benefit for the purposes of this Law if the Minister considers the supplier competent and if the supplier undertakes to supply the same at the prices fixed, and in accordance with the terms and conditions prescribed, from time to time under this Law.
- (4) The Minister shall keep a list of approved medical practitioners, approved dentists, approved opticians, approved prescribing practitioners and approved suppliers and such list shall be open at all reasonable times to the inspection of any person without fee.<sup>66</sup>

## **27 Power to take disciplinary proceedings**

- (1) Where it is represented to the Minister by any person that the conduct of any approved medical practitioner, approved dentist, approved optician, approved prescribing practitioner or approved supplier (hereafter in this Article referred to as a “practitioner”) has been such as to be prejudicial to the efficient administration of this Law or as to create an unreasonable charge on the Health Insurance Fund, the Minister shall refer the matter to the Health Services Disciplinary Tribunal and the said Tribunal shall enquire into the matter and, if of the opinion that the representation is well founded, shall make a recommendation to the Minister.<sup>67</sup>
- (1A) The Health Services Disciplinary Tribunal may make a recommendation –
  - (a) in every case, that the approval of the practitioner is withdrawn, restricted or made subject to conditions in addition to any imposed under or by virtue of Article 26; and
  - (b) in the case of a representation that the conduct of the practitioner has been such as to create an unreasonable charge on the Health Insurance Fund, that the practitioner be required to pay into the Fund an amount not exceeding the amount estimated by the said Tribunal to be that of the additional charges imposed on the Fund by reason of the conduct aforesaid.<sup>68</sup>
- (2) Where the Health Services Disciplinary Tribunal recommends to the Minister that the approval of a practitioner should be withdrawn, restricted or made subject to additional conditions, the Minister may withdraw or restrict such approval, or make it subject to additional conditions, either for a definite or an indefinite period.<sup>69</sup>
- (2A) The Minister may, at any time, if of the opinion that it is proper and equitable to do so –
  - (a) restore an approval withdrawn under paragraph (2);
  - (b) remove a restriction imposed on an approval under paragraph (2);
  - (c) remove any additional condition imposed under paragraph (2).<sup>70</sup>

- (3) Where the Health Services Disciplinary Tribunal recommends to the Minister that a practitioner should be required to pay an amount into the Health Insurance Fund, the Minister may confirm the recommendation and, in such a case, the practitioner shall pay the said amount to the Minister within the period of 28 days from the date of the communication to the practitioner of the decision of the Minister, or within such longer period as the Minister may allow and, if the practitioner fails to do so, the Minister shall withdraw the practitioner's approval and the provisions of paragraph (2) shall apply accordingly.
- (4) Where the approval of a practitioner is withdrawn, restricted or made subject to additional conditions in accordance with the provisions of paragraph (2) or where a practitioner is required to pay an amount into the Health Insurance Fund in accordance with the provisions of paragraph (3), the practitioner may appeal to the Inferior Number of the Royal Court, either in term or in vacation, against the decision of the Minister.<sup>71</sup>
- (5) Where a practitioner appeals against a decision of the Minister under paragraph (3) and the appeal is abandoned or dismissed, the said paragraph shall have effect as if for the reference therein to the period of 28 days there were substituted a reference to 28 days from the date on which the appeal was abandoned or dismissed.
- (6) The decision of the Inferior Number of the Royal Court on an appeal under this Article shall be final and without further appeal, but without prejudice to the right of the Inferior Number of the Royal Court to refer the matter to the Superior Number of the Royal Court.
- (7) Provision may be made by Order –
  - (a) as to the procedure to be followed in proceedings before the Health Services Disciplinary Tribunal; and
  - (b) for summoning persons to attend and give evidence or produce documents and for authorizing the administration of oaths to witnesses.

It is hereby declared that the power to prescribe procedure includes power to make provision as to the representation of a person, at any hearing of a case, by an advocate or solicitor.

### **27AA Health Services Disciplinary Tribunal<sup>72</sup>**

- (1) The Minister shall, by Order, establish a Health Services Disciplinary Tribunal.
- (2) An Order made under this Article shall provide for –
  - (a) the constitution of the Tribunal;
  - (b) the appointment, term of office, retirement and removal of its members, including its chairman and any deputy chairmen;
  - (c) the eligibility of persons for appointment as a member;
  - (d) the circumstances in which persons are disqualified for being a member.
- (3) Subject to the requirements of an Order made under Article 27(7) and the requirements of any other enactment, the Tribunal shall determine its own proceedings.
- (4) An Order made under this Article may contain savings and transitional provisions.
- (5) The Minister shall provide secretarial support to the Tribunal.

**PART 5A<sup>73</sup>****PERFORMERS LISTS****27A Performers list for general medical practitioners**

- (1) The States shall by Regulations provide for the establishment, maintenance and governance of a performers list for general medical practitioners.
- (2) The Regulations shall include provision for –
  - (a) the preparation, maintenance and publication of a performers list;
  - (b) eligibility for inclusion in the performers list;
  - (c) the procedure for applying for inclusion in the performers list and the documentation to be supplied in support of an application;
  - (d) the grounds on which an application for inclusion in the performers list may be granted or refused;
  - (e) the requirements with which a person included in the performers list must comply (which may include a requirement to declare financial interests and gifts and other benefits);
  - (f) suspension or removal of a person from the performers list (including provision for the grounds for, and the consequences of, suspension or removal and the procedure for suspension or removal);
  - (g) the criteria to be applied in making decisions under the Regulations;
  - (h) appeals against decisions made under the Regulations; and
  - (i) disclosure of information about applicants for inclusion in the performers list, the grant or refusal of applications for inclusion in the performers list and the suspension of persons on, or removal of persons from, the performers list.
- (3) The Regulations may, in particular, also provide for –
  - (a) circumstances in which a person included in the performers list may not withdraw from it;
  - (b) a person's inclusion in the performers list to be subject to conditions specified by a person maintaining and governing the list;
  - (c) a person maintaining and governing the performers list to vary the conditions of a person's inclusion in the list, or impose different conditions;
  - (d) the consequences of failing to comply with a condition of inclusion in the performers list (which may include suspension or removal from the performers list); and
  - (e) the review of decisions made, by virtue of the Regulations, by a person maintaining and governing the performers list.
- (4) The Regulations may also limit the number of persons who, at any time, may be included in the performers list and, for that purpose, specify how the number of hours that a person works in any specified period is to be determined and how persons are to be counted for the purposes of the limit, according to the number of hours that they work in a specified period.



- (5) Regulations making provision as to the matter referred to in paragraph (2)(h) may confer the right to hear appeals upon –
  - (a) a court; or
  - (b) a person, board or tribunal appointed under this Law or another enactment and, for that purpose –
    - (i) specify a procedure for the appointment of a person to hear appeals, or
    - (ii) establish a board or tribunal to hear appeals and provide for its constitution, powers, staff, accommodation and funding and for the appointment and remuneration of its members and any matter ancillary or supplemental to its establishment.
- (6) Regulations making provision as to the matters referred to in paragraph (2)(i) may require the disclosure of information or supply of any document that raises an issue regarding the fitness to practise of a person included in the performers list by a person maintaining and governing the performers list to –
  - (a) the Minister for Social Security, for use only for the purposes of the discharge of that Minister’s functions in connection with approved medical practitioners under Part 5;
  - (b) the Minister for Health and Social Services, for use only for the purposes of the discharge of that Minister’s functions under the [Medical Practitioners \(Registration\) \(Jersey\) Law 1960](#);
  - (c) the responsible officer for use only for the purposes of the discharge of that officer’s functions under an Order made under Article 10C of the [Medical Practitioners \(Registration\) \(Jersey\) Law 1960](#).
- (7) The Regulations may make provision for the disclosure of such information as is specified in the Regulations by any of the following persons to a person maintaining and governing the performers list, for use only for the purposes of the discharge of that person’s functions in respect of the performers list –
  - (a) the Minister for Social Security;
  - (b) the Minister for Health and Social Services; and
  - (c) the responsible officer.
- (8) The Regulations may provide for the inclusion, subject to such conditions as may be specified, of any specified class of medical practitioners in the performers list upon its establishment.
- (9) The Regulations may not make provision for or in connection with the processing of personal data, including sensitive personal data, in a manner that is inconsistent with the [Data Protection \(Jersey\) Law 2018](#) and any enactment made under it.<sup>74</sup>
- (10) The Minister for Health and Social Services may appoint one or more persons to maintain and govern the performers list.
- (11) If, at any time, the Minister for Health and Social Services has not appointed a person to maintain and govern the performers list, the Minister for Health and Social Services shall maintain and govern the list.
- (12) Only the Minister for Health and Social Services may lodge draft Regulations under this Article.

- (13) Before lodging draft Regulations under this Article the Minister for Health and Social Services shall –
- (a) consult with such body or bodies of persons as appear to the Minister to be representative of general medical practitioners; and
  - (b) consider any representations made in respect of the proposed Regulations.

## **27B Regulations – establishment of further performers lists**

- (1) The States may, by Regulations, amend this Part to provide for the establishment, maintenance and governance of performers lists for dentists, opticians, pharmacists, prescribing practitioners, suppliers of pharmaceutical benefit and health care professionals.<sup>75</sup>
- (2) Regulations made under paragraph (1) may also amend Part 3A and Article 21, and make ancillary and supplemental amendments to other provisions of this Law and to the [Dentistry \(Jersey\) Law 2015](#), the [Medical Practitioners \(Registration\) \(Jersey\) Law 1960](#), the [Health Care \(Registration\) \(Jersey\) Law 1995](#), the [Medicines \(Jersey\) Law 1995](#), the [Opticians \(Registration\) \(Jersey\) Law 1962](#) and the [Pharmacists and Pharmacy Technicians \(Registration\) \(Jersey\) Law 2010](#).<sup>76</sup>

## **PART 6**

### **ADMINISTRATION**

## **28 Determination of claims<sup>77</sup>**

- (1) Subject to this Law, provision shall be made by Order –
- (a) for the determination of any question arising under or in connection with this Law, including any claim for benefit, by one or more determining officers appointed by the Minister; and
  - (b) if the insured person is dissatisfied with any determination of a determining officer under this Law, for the matter to be redetermined by a second determining officer.
- (2) Orders under paragraph (1) shall provide for –
- (a) appeals to the Social Security Tribunal from any determination of a determining officer;
  - (b) the reference to the Inferior Number of the Royal Court for decision of any question of law arising in connection with the determination of a question by a determining officer or of an appeal by the Social Security Tribunal;
  - (c) appeals to the Inferior Number of the Royal Court from a decision of the Social Security Tribunal on any question of law.<sup>78</sup>
- (3) However, the Social Security Tribunal shall not have jurisdiction unless a second determining officer has first reconsidered the matter in accordance with an Order made under paragraph (1)(b).<sup>79</sup>
- (4) The decision of the Inferior Number of the Royal Court on any reference or appeal arising in connection with this Law shall be final and without further appeal, but

this is without prejudice to the right of the Inferior Number of the Royal Court to refer the question at issue to the Superior Number of the Royal Court.

- (5) Subject to this Article, any Order under this Article may, in relation to any consideration of a matter by a determining officer or the Social Security Tribunal in accordance with the Order, include provision –
  - (a) as to the procedure which is to be followed, the form which is to be used for any document, the evidence which is to be required and the circumstances in which any official record or certificate is to be sufficient or conclusive evidence;
  - (b) as to the time to be allowed for making any claim or appeal, for raising any question with a view to the review of any decision or for producing any evidence;
  - (c) for summoning persons to attend and give evidence or produce documents and for authorizing the administration of oaths to witnesses; or
  - (d) for the representation of one person, at any hearing of a case, by another person, whether or not that other person has professional qualifications.
- (6) Where, in any proceedings for an offence under this Law or for the recovery of any sums due to the Health Insurance Fund, any question arises that is required by an Order under this Article to be determined in accordance with the Order, provision may be made by Order –
  - (a) that the decision relating to that question shall be conclusive for the purpose of those proceedings;
  - (b) for obtaining such a decision when it has not been given; and
  - (c) for adjourning the proceedings until such a decision has been given.

## **29 Expenses of persons required to attend proceedings**

- (1) The Minister may pay such travelling and other allowances, including compensation for loss of remunerative time, as the Minister may determine –
  - (a) to any member of the Social Security Tribunal, the Health Services Disciplinary Tribunal or the Pharmaceutical Benefit Advisory Committee;
  - (b) to any person required to attend before the Social Security Tribunal or the Health Services Disciplinary Tribunal.<sup>80</sup>
- (2) The Minister may also pay to any such member any other expenses incurred in connection with the member's work as such which appear to the Minister to be reasonable.

## **30 Powers of inspection**

- (1) An inspector shall, for the purposes of the execution of this Law, be entitled, subject to the production by the inspector if so required of evidence of the inspector's authority, to do all or any of the following things, namely –
  - (a) to enter at all reasonable times any premises or place liable to inspection under this Article;

- (b) to make such examination and inquiry as may be necessary for ascertaining whether the provisions of this Law are being or have been complied with in any such premises or place;
  - (c) to examine, either alone or in the presence of any other person, as the inspector thinks fit, with respect to any matters under this Law on which the inspector may reasonably require information, every person whom the inspector finds in any such premises or place, or whom the inspector has reasonable cause to believe to be or to have been an insured person, and to require every such person to be so examined;
  - (d) to require the production of, and to inspect, examine and copy any record or other document kept in pursuance of any Order or used or issued for the purposes of this Law or any Order;
  - (e) to exercise such other powers as may be necessary for carrying this Law into effect.<sup>81</sup>
- (2) The occupier of any premises or place liable to inspection under this Article (being any such premises or place as are referred to in paragraph (4)(a)) and any person who is or has been employing any person, and the servants and agents of any such occupier or other person, and any insured person, shall furnish to an inspector all such information and produce for inspection all such documents as the inspector may reasonably require for the purpose of ascertaining whether any person is or was entitled to benefit.<sup>82</sup>
- (3) If any person –
- (a) wilfully delays or obstructs an inspector in the exercise of any power under this Article; or
  - (b) refuses or neglects to answer any question or to furnish any information or to produce any record or document when required to do so under this Article,
- the person shall be liable, in the case of a first offence, to a fine not exceeding level 2 on the standard scale and, in the case of a second or subsequent offence, to a fine not exceeding level 2 on the standard scale:
- Provided that no person shall be required under this Article to answer any question or to give any evidence tending to incriminate himself or herself.<sup>83</sup>
- (4) The premises and places liable to inspection under this Article are –
- (a) any premises or place where an inspector has reasonable grounds for supposing that any persons are employed, except that they do not include any private dwelling-house not used by or by permission of the occupier for the purposes of a trade or business;
  - (b) any premises or place used, or which during the preceding year have been used, by an approved supplier for the purposes of the supplier's business.
- (5) In this Article –
- (a) “inspector” means a person who is generally or specially authorized, in writing, by –
    - (i) the Minister for Health and Social Services, where the powers conferred by this Article are to be exercised for the purposes of Regulations made under Part 5A,

- (ii) the Minister for Social Security, where the powers conferred by this Article are to be exercised for the purposes of this Law, apart from Part 5A;
- (b) except in sub-paragraph (a), a reference to “this Law” is –
  - (i) in relation to an inspector appointed by the Minister for Health and Social Services, a reference to Regulations made under Part 5A, and
  - (ii) in relation to an inspector appointed by the Minister for Social Security, a reference to this Law, apart from Part 5A.<sup>84</sup>
- (6) A person may, under paragraph (5), be authorized by, at the same time, the Minister for Health and Social Services and the Minister for Social Security.<sup>85</sup>
- (7) Nothing in this Article authorizes the processing of personal data, including special category data, in a manner that is inconsistent with the [Data Protection \(Jersey\) Law 2018](#) or any enactment made under it.<sup>86</sup>

### **31 Information as to, and proof of, births, marriages and deaths**

- (1) The States may make Regulations to provide for the furnishing by the superintendent-registrar and registrars, subject to the payment of such fee as may be prescribed by the Regulations, of such information for the purposes of this Law, including copies or extracts from the registers in their custody, as may be so prescribed.
- (2) Where the age, marriage or death of a person is required to be ascertained or proved for the purposes of this Law, any person shall –
  - (a) on presenting to the superintendent-registrar, or to the registrar having the custody of the register wherein particulars of the birth, marriage or death, as the case may be, of the first-mentioned person are entered, a duly completed requisition in writing in that behalf; and
  - (b) on payment of a fee of £5,  
be entitled to obtain a certified copy of the entry of those particulars.<sup>87</sup>
- (3) Requisitions for the purposes of paragraph (2) shall be in such form and contain such particulars as may from time to time be specified by the Minister, and suitable forms thereof shall, on request, be supplied without charge by the Minister.
- (4) In this Article, “superintendent-registrar” and “registrar” mean respectively the Superintendent Registrar and a registrar appointed under the [Marriage and Civil Status \(Jersey\) Law 2001](#).<sup>88</sup>

## **PART 7**

### **MISCELLANEOUS AND GENERAL**

### **32 Supplementary schemes**

- (1) Any body of persons claiming to represent, or to be entitled to be treated as representing, insured persons of any class and (if in so far as the class is a class of employed persons) their employers may submit to the Minister a scheme (in this

Law referred to as a “supplementary scheme”) for supplementing the rights conferred on those insured persons by this Law, whether by providing for additional payments in respect of medical, dental and ophthalmic services or for the supply of additional medicines, drugs, appliances or materials, or by providing for payments in cases for which benefit is not provided by this Law, or otherwise.

- (2) The Minister may by Order approve, whether with or without amendment, any supplementary scheme if the Minister is satisfied that it is expedient that the scheme should come into operation:

Provided that the Minister, before approving a supplementary scheme, shall take steps to ascertain, so far as practicable, the views of any insured persons or employers affected thereby who in the opinion of the Minister are not represented by the body submitting the scheme.

- (3) Subject to the provisions of this Article, a supplementary scheme may –
- (a) apply for the purposes of the scheme (including in particular the purpose of determining any question as to the application of the scheme to any person or class of persons) any of the provisions of this Law or of any Orders, with or without modifications;
  - (b) make such provision for the constitution of a body to be charged with the administration of the scheme and with respect to the supervision of the administration of the scheme and accounts as the Minister considers to be necessary for the purpose of giving effect to the scheme (including provision for the making of returns to the Minister as to matters affecting the operation of the scheme);
  - (c) provide for the participation of the Minister in the administration of the scheme to such an extent and for such purposes as may be therein specified;
  - (d) provide for the defraying, out of any funds which may be available for the purposes of the scheme, of such fees and other charges as may be determined by the Minister, in respect of the participation of the Minister in the administration of the scheme as aforesaid;
  - (e) contain such other provisions as the Minister considers to be necessary for the purpose of giving effect to the scheme.
- (4) No part of the funds required for providing benefits under a supplementary scheme or otherwise in connection therewith shall be derived from monies provided by the States:

Provided that nothing in this paragraph shall prevent the making, in respect of persons whose remuneration is or may be defrayed out of monies provided by the States, of a scheme whereunder contributions are payable by employers.

- (5) The provisions (other than this Article) of this Law, and the provisions of any Orders shall not, except in so far as they are applied by a supplementary scheme, apply to or have effect in relation to or for the purposes of the scheme.
- (6) A supplementary scheme, when approved by the Minister, shall continue in force until determined in accordance with the provisions thereof.
- (7) The Minister may by Order –
- (a) vary or amend the provisions of a supplementary scheme in any manner and at any time if so requested by –

- (i) the body by whom it was submitted or any other body of persons which, in the opinion of the Minister, is concerned as representing insured persons or employers, or
  - (ii) the body charged with the administration of the scheme; and
- (b) where it appears to the Minister that, having regard to any periodic audit and valuation, the fund constituted under the scheme –
- (i) is or is likely to become, and is likely to continue to be, insufficient to discharge its liabilities, or
  - (ii) is and is likely to continue to be more than reasonably sufficient to discharge its liabilities,

after consultation with the last mentioned body, make such modifications in any of the rates of contribution or in relation to any benefit under the scheme as appear to the Minister to be required in order to make the fund, as the case may be, sufficient or no more than reasonably sufficient to discharge its liabilities,

and a supplementary scheme may empower the body charged with the administration of the scheme to make, if the Minister so directs, such temporary modification in any of the rates of contribution or in relation to any benefit under the scheme as are, in the opinion of the Minister, sufficient to secure the solvency of the fund constituted under the scheme.

### **33 Power to modify or wind up existing schemes<sup>89</sup>**

Provision for modifying or winding up, in connection with the enactment of this Law, any scheme for the provision of medical, dental or ophthalmic services or the supply of pharmaceutical requirements (including any scheme established by or under any enactment and any scheme evidenced only by one or more policies of insurance) may be made by order of such Minister as may be determined by the Minister for Treasury and Resources to be appropriate in relation to the scheme to which the order is to apply or, if the Minister for Treasury and Resources determines that there is no such appropriate Minister, by order of the Minister for Treasury and Resources personally.

### **34 Reciprocal agreements with other countries<sup>90</sup>**

- (1) For the purpose of giving effect to any agreement with the government of the United Kingdom or of any part of His Majesty's dominions or the government of any other country (including any agreement between the government of the United Kingdom and the government of any part of His Majesty's dominions or of any other country which has been extended or applies to Jersey) providing for reciprocity in matters relating to the treatment of sickness and bodily defects, the States may, by Act, provide for this Law to be read as modified or adapted, in its application to cases affected by the agreement, to the extent required by the agreement.<sup>91</sup>
- (2) Where the States have made an Act under paragraph (1), this Law shall be read as modified so as to include provision –
  - (a) for securing that acts, omissions and events having any effect for the purposes of the law of the country in respect of which the agreement is made

shall have a corresponding effect for the purposes of this Law (but not so as to confer a right to double benefit);

- (b) for making any provisions as to administration and enforcement contained in this Law, or in any enactment thereunder, applicable also for the purposes of the law of the said country;
- (c) for making any financial adjustments by payments into or out of the Health Insurance Fund.

### **35 General provisions as to offences and penalties**

- (1) If any person –
  - (a) for the purpose of obtaining any benefit or payment under this Law, whether for the person or some other person, or for any other purpose connected with this Law –
    - (i) knowingly makes any false statement or false representation or withholds any material information, or
    - (ii) produces or furnishes, or causes or knowingly allows to be produced or furnished, any document or information which the person knows to be false in a material particular; or
  - (b) with intent to deceive –
    - (i) forges or alters any document issued for the purposes of this Law,
    - (ii) uses, or lends to or allows to be used by any other person, any such document, or
    - (iii) has in the person's possession any document so closely resembling such a document as to be calculated to deceive,

the person shall be liable to imprisonment for a term not exceeding seven years or to a fine, or both.<sup>92</sup>

- (2) Provision may be made by Order for the recovery of monetary penalties in respect of any offence under this Law, being a contravention of or failure to comply with any provisions of the Order, so, however, that such penalties shall not exceed level 2 on the standard scale for each offence, together with, in the case of a continuing offence, a further level 2 on the standard scale for each day during which the offence continues after conviction thereof.<sup>93</sup>
- (3) Where any offence under this Law which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any negligence on the part of, any director, manager, secretary or other officer of the body corporate, he or she as well as the body corporate, shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.
- (4) Nothing in this Article shall be construed as preventing the recovery by means of civil proceedings of any sums due to the Health Insurance Fund.



**36 General provisions as to Acts, Regulations and Orders**

- (1) The Minister may make Orders for prescribing any matter which is to be prescribed under this Law.<sup>94</sup>
- (2) Except in so far as this Law otherwise provides, any power conferred thereby to make any Act, Regulations or Order may be exercised –
  - (a) either 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 case;
  - (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 less provision (whether by way of exception or otherwise),
    - (ii) the same provision for all cases in relation to which the power is exercised or different provision for different cases or classes of case, or different provision as respects the same case or class of case for different purposes of this Law,
    - (iii) any such provision either unconditionally or subject to any specified condition.
- (3) Without prejudice to any specific provision of this Law, any Act, Regulations or Order under this Law may contain such incidental or supplementary provisions as appear to the States or, as the case may be, the Minister making the Order, to be expedient for the purposes of the Act, Regulations or Order.
- (4)<sup>95</sup>

**37 Saving**

For the avoidance of doubt, it is hereby declared that nothing in this Law shall be deemed to authorize any person to undertake any work, provide any service or supply any goods which, under any other enactment, the person is prohibited from undertaking, providing or supplying.

**38 Citation**

This Law may be cited as the Health Insurance (Jersey) Law 1967.

**SCHEDULE 1** <sup>96</sup>**SCHEDULE 2**

(Articles 1 and 27)

**HEALTH SERVICES DISCIPLINARY TRIBUNAL**

- 1** In this Schedule, the “Tribunal” means the Health Services Disciplinary Tribunal.
- 2** The States, on the recommendation of the Minister, shall appoint from among the advocates and solicitors of the Royal Court of not less than 5 years standing, to hold office during such period as the States may direct, a chairman of the Tribunal to preside at sittings of the Tribunal and a deputy chairman of the Tribunal to preside at such sittings where the chairman is unable to preside or is an interested party to the matter before the Tribunal.
- 3** (1) The States, on the recommendation of the Minister, shall constitute a panel of not less than 5 persons who may be called upon to serve as members of the Tribunal.  
(2) The following persons shall be ineligible for inclusion in the said panel, namely, Jurats, members of the States, advocates and solicitors of the Royal Court, medical practitioners, dentists, opticians and pharmacists, and persons who hold any paid office or other place of profit under the Crown or the States or any administration of the States or any parochial authority.<sup>97</sup>  
(3) The constitution of the said panel may be reviewed from time to time, and the States, on the recommendation of the Minister, may make such additions thereto and deletions therefrom as they consider necessary.
- 4** (1) The Minister shall constitute 4 panels of persons who may be called upon to serve as members of the Tribunal, namely –
  - (a) a panel of not less than 4 medical practitioners;
  - (b) a panel of not less than 4 dentists;
  - (c) a panel of not less than 4 opticians; and
  - (d) a panel of not less than 4 pharmacists.<sup>98</sup>  
(2) In relation to the constitution of each of the panels mentioned in sub-paragraph (1), the Minister shall consult with such insular organization as the Minister may recognize as representative of the profession concerned.  
(3) The constitution of the said panels may be reviewed from time to time and, subject to sub-paragraph (2), the Minister may make such additions thereto or deletions therefrom as the Minister considers necessary.
- 5** The Tribunal shall consist of the chairman or deputy chairman and of 4 members selected by the Minister for each sitting, 2 from the panel constituted under paragraph 3 of this Schedule and 2 from a panel constituted under paragraph 4 of this Schedule, being persons belonging to the same profession as the person whose case is being investigated.

- 6** The Minister shall appoint a secretary of the Tribunal and there shall be paid to the secretary such remuneration and allowances as the Minister thinks fit.

## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement	*Projet No (where applicable)
Health Insurance (Jersey) Law 1967	<a href="#">L.12/1967</a>	30 June 1967	
Health Insurance (Amendment) (Jersey) Law 1968	<a href="#">L.1/1968</a>	1 March 1968	
Health Insurance (Amendment No. 2) (Jersey) Law 1969	<a href="#">L.27/1969</a>	17 November 1969	
Health Insurance (Amendment No. 3) (Jersey) Law 1970	<a href="#">L.17/1970</a>	6 November 1970	
Health Insurance (Amendment No. 4) (Jersey) Law 1973	<a href="#">L.13/1973</a>	6 July 1973	
Social Security (Jersey) Law 1974	<a href="#">L.22/1974</a>	7 October 1974	
Health Insurance (Amendment No. 5) (Jersey) Law 1984	<a href="#">L.22/1984</a>	14 September 1984	
Health Insurance (Amendment No. 6) (Jersey) Law 1985	<a href="#">L.13/1985</a>	12 April 1985	
Health Insurance (Amendment No. 7) (Jersey) Law 1987	<a href="#">L.20/1987</a>	27 November 1987	
Health Insurance (Amendment No. 8) (Jersey) Law 1994	<a href="#">L.15/1994</a>	1 February 1995 ( <a href="#">R&amp;O.8781</a> )	
Health Insurance (Amendment No. 9) (Jersey) Law 1996	<a href="#">L.6/1996</a>	1 January 1998 ( <a href="#">R&amp;O.9125</a> )	
Health Insurance (Amendment No. 10) (Jersey) Law 1996	<a href="#">L.7/1996</a>	1 June 1996 ( <a href="#">R&amp;O.8936</a> )	
Health Insurance (Amendment No. 11) (Jersey) Law 1996	<a href="#">L.25/1996</a>	19 July 1996	
Health Insurance (Amendment No. 12) (Jersey) Law 1997	<a href="#">L.35/1997</a>	12 April 1999 ( <a href="#">R&amp;O.9368</a> )	
Loi (1998) (Amendement) au sujet des témoins et informateurs	<a href="#">L.44/1998</a>	18 December 1998	<a href="#">P.115/1998</a>
Criminal Procedure (Prescription of Offences) (Jersey) Law 1999	<a href="#">L.23/1999</a>	23 July 1999	<a href="#">P.34/1999</a>
Education (Jersey) Law 1999	<a href="#">L.27/1999</a>	1 March 2000 except Articles 37, 38, 39 (3) and (4) and 40 to 44 which came into force on 1 January 2001 and Article 39 (1) and (2) which came into force on 1 September 2001 ( <a href="#">R&amp;O.9484</a> )	<a href="#">P.30/1999</a>

Legislation	Year and No	Commencement	*Projet No (where applicable)
Marriage and Civil Status (Jersey) Law 2001	<a href="#">L.31/2001</a>	1 May 2002 ( <a href="#">R&amp;O.13/2002</a> )	<a href="#">P.89/2001</a>
Health Insurance (Amendment No. 13) (Jersey) Law 2003	<a href="#">L.28/2003</a>	18 July 2003	<a href="#">P.222/2002</a>
States of Jersey (Amendments and Construction Provisions No. 8) (Jersey) Regulations 2005	<a href="#">R&amp;O.48/2005</a>	9 December 2005	<a href="#">P.62/2005</a>
Public Finances (Consequential Amendments) (Jersey) Regulations 2005	<a href="#">R&amp;O.126/2005</a>	9 December 2005	<a href="#">P.203/2005</a>
Employment of States of Jersey Employees (Consequential, Amendment, Repeal, Transitional and Savings Provisions) (Jersey) Regulations 2005	<a href="#">R&amp;O.155/2005</a>	9 December 2005	<a href="#">P.243/2005</a>
Income Support (Jersey) Law 2007	<a href="#">L.9/2007</a>	28 January 2008	<a href="#">P.102/2006</a>
Income Support (Consequential Amendments) (Jersey) Regulations 2007	<a href="#">R&amp;O.127/2007</a>	28 January 2008	<a href="#">P.102/2007</a>
Pharmacists and Pharmacy Technicians (Registration) (Jersey) Law 2010	<a href="#">L.6/2010</a>	16 May 2010	<a href="#">P.209/2009</a>
Health Insurance (Amendment No. 14) (Jersey) Law 2012	<a href="#">L.9/2012</a>	1 January 2013 (except Article 8) 1 October 2014 Article 8 ( <a href="#">R&amp;O.158/2012</a> )	<a href="#">P.136/2011</a>
Social Security (Amendment of Law No. 7) (Jersey) Regulations 2014	<a href="#">R&amp;O.73/2014</a>	18 July 2014	<a href="#">P.73/2014</a>
Comptroller and Auditor General (Jersey) Law 2014	<a href="#">L.25/2014</a>	17 November 2014	<a href="#">P.98/2014</a>
Dentistry (Jersey) Law 2015	<a href="#">L.17/2015</a>	24 February 2016 ( <a href="#">R&amp;O.22/2016</a> )	<a href="#">P.89/2015</a>
Health Insurance (Amendment No. 15) (Jersey) Law 2016	<a href="#">L.27/2016</a> *	2 December 2016 (except Article 16) 7 July 2017 Article 16(1) ( <a href="#">R&amp;O.63/2017</a> )	<a href="#">P.58/2016</a>
Data Protection (Jersey) Law 2018	<a href="#">L.3/2018</a>	25 May 2018	<a href="#">P.116/2017</a>
Mental Health and Capacity (Consequential Amendment and Transitional Provision) (Jersey) Regulations 2018	<a href="#">R&amp;O.49/2018</a>	1 October 2018 – the amendment was without effect	<a href="#">P.48/2018</a>
Public Finances (Jersey) Law 2019	<a href="#">L.10/2019</a>	23 July 2019 ( <a href="#">R&amp;O.67/2019</a> )	<a href="#">P.28/2019</a>

Legislation	Year and No	Commencement	*Projet No (where applicable)
Legislation (Jersey) Law 2021	<a href="#">L.8/2021</a>	28 September 2021 ( <a href="#">R&amp;O.112/2021</a> )	<a href="#">P.26/2021</a>
<p>*Article 18(5) of this Law makes the following transitional arrangement:</p> <p>Notwithstanding the amendments made by this Law removing provision from the Health Insurance (Jersey) Law 1967 for the payment of pharmaceutical benefit for a prescription given by a dentist who is registered, but not approved, under that Law –</p> <p>(a) pharmaceutical benefit shall continue to be paid for such a prescription; and</p> <p>(b) such a dentist who gives such a prescription shall continue to be liable to disciplinary proceedings, in accordance with Article 15(4) of the Health Insurance (Jersey) Law 1967 as it was in force immediately before the commencement of Article 4 of this Law,</p> <p>until the expiry of 3 months following the commencement of an Order made under Article 26 of the Health Insurance (Jersey) Law 1967 in respect of the approval of dentists.</p>			

\*Projets available at [www.statesassembly.gov.je](http://www.statesassembly.gov.je)

### Table of Renumbered Provisions

Original	Current
PART I	PART 1
1(4)	repealed by <a href="#">L.22/1974</a>
(5)	spent, omitted from this revised edition
PART II	PART 2
4A	repealed by <a href="#">L.27/1969</a> ; see also <a href="#">R&amp;O.5109</a>
6	repealed by <a href="#">L.22/1974</a>
7	repealed by <a href="#">L.22/1974</a>
8	repealed by <a href="#">L.22/1974</a>
9	repealed by <a href="#">L.22/1974</a>
10	repealed by <a href="#">L.22/1974</a>
PART III	spent, omitted from this revised edition
11	repealed by <a href="#">L.22/1974</a>
12	repealed by <a href="#">L.22/1974</a>
13	repealed by <a href="#">L.22/1974</a>
14	repealed by <a href="#">L.22/1974</a>
PART IV	PART 3
15	6
16	7
17	8
17(1) proviso	spent, omitted from this revised edition
17(1A), (2), (3)	spent, omitted from this revised edition; former 17(1A) inserted by <a href="#">L.1/1968</a>
18	9
19	10
20	11
21	12
22	13
23	14

Original	Current
24	15
(1A)	(2)
(1B)	(3)
(1C)	(4)
(2)	(5)
(3)	(6)
(4)	(7)
(5)	(8)
(6)	(9)
(7)	(10)
(8)	(11)
(9)	(12)
(10)	(13)
(11)	(14)
(12)	(15)
25	16
26	17
27	18
28	19
29	20
PART V	PART 4
30	21
(6)(i)	(6)(a)
(ii)	(b)
(iii)	(c)
31	22
32	23
33	24
34	25
PART VI	PART 5
35	26
36	27
PART VII	PART 6
37	28
(2)(b)	(2)(a)
(c)	(b)
(3)	repealed by <a href="#">L.22/1974</a>
(4)	(3)
(5)	(4)
(6)	(5)
(7)	(6)
(8)	(7)
(c)	(b)
38	29
39	30
40	31
PART VIII	PART 7

Original	Current
41	32
42	33
43	34
44	35
(1)(g)	(1)(a)
(h)	(b)
(4)	repealed by <a href="#">L.22/1974</a>
(5)	repealed by <a href="#">L.22/1974</a>
(6)	(4)
45(1)	repealed by <a href="#">L.23/1999</a>
(2)	repealed by <a href="#">L.23/1999</a>
(3)	repealed by <a href="#">L.44/1998</a>
46	36
(1)	(2)
(2)	(3)
(3)	(4)
47	repealed by <a href="#">L.22/1974</a>
48	37
49	spent, omitted from this revised edition
50	38
FIRST SCHEDULE	repealed by <a href="#">L.22/1974</a>
SECOND SCHEDULE	SCHEDULE 1
para. 9A, 10	para. 10, 11
THIRD SCHEDULE	SCHEDULE 2
FOURTH SCHEDULE	repealed by <a href="#">L.22/1974</a>

### Table of Endnote References

- <sup>1</sup> *This Law has been amended by the States of Jersey (Amendments and Construction Provisions No. 8) (Jersey) Regulations 2005. The amendments replace all references to a Committee of the States of Jersey with a reference to a Minister of the States of Jersey, and remove and add defined terms appropriately, consequentially upon the move from a committee system of government to a ministerial system of government*
- <sup>2</sup> *Long title*  
amended by L.9/2012, L.27/2016
- <sup>3</sup> *see R&O.5000*
- <sup>4</sup> *Article 1(1)*  
amended by L.27/1969, L.22/1974, L.6/1996, R&O.126/2005, R&O.155/2005, L.9/2007, R&O.127/2007, L.6/2010, L.9/2012, R&O.73/2014, L.17/2015, L.27/2016, L.3/2018, revised on 11 January 2024 by Law Revision Board item [2023/1](#)
- <sup>5</sup> *Article 1(2)*  
amended by L.27/1999
- <sup>6</sup> *Article 1(3)*  
amended by L.22/1974
- <sup>7</sup> *Article 1(4)*  
added by L.9/2012
- <sup>8</sup> *Article 2*  
substituted by R&O.48/2005
- <sup>9</sup> *Article 3(1)*  
amended by R&O.127/2007
- <sup>10</sup> *Article 3(2)*  
amended by L.9/2007
- <sup>11</sup> *Article 4*  
repealed by L.9/2007



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- <sup>12</sup> Article 5 *repealed by L.9/2007*
- <sup>13</sup> Article 6 *substituted by L.9/2007*
- <sup>14</sup> Article 8 *repealed by L.9/2007*
- <sup>15</sup> Article 9(1) *amended by L.9/2007*
- <sup>16</sup> Article 9(3) *repealed by L.9/2007*
- <sup>17</sup> Article 9(4) *repealed by L.9/2007*
- <sup>18</sup> Article 9A *inserted by L.9/2012*
- <sup>19</sup> Article 10(1) *amended by L.22/1974, L.9/2012*
- <sup>20</sup> Article 10(2) *inserted by L.9/2012, amended by L.27/2016*
- <sup>21</sup> Article 11(1) *amended by L.9/2007*
- <sup>22</sup> Article 13(1) *amended by L.9/2007*
- <sup>23</sup> Article 15(1) *substituted by L.27/2016*
- <sup>24</sup> Article 15(2) *substituted by L.15/1994, amended by L.9/2007, L.27/2016*
- <sup>25</sup> Article 15(2A) *inserted by L.27/2016*
- <sup>26</sup> Article 15(3) *substituted by L.15/1994, amended by L.27/2016*
- <sup>27</sup> Article 15(4) *deleted by L.27/2016*
- <sup>28</sup> Article 15(9) *substituted by L.27/2016*
- <sup>29</sup> Article 15(10) *substituted by L.15/1994*
- <sup>30</sup> Article 15(11) *substituted by L.25/1996, amended by L.27/2016; former paragraph inserted by L.15/1994 which provided that “Any medicine, drug, appliance or material which immediately before the commencement of this Law was prescribed in an Order made under paragraph (1) or (2) of Article 15 of the principal Law, as those paragraphs were in force before that commencement, shall for all purposes be deemed to have been approved by the Committee under paragraph (11) of that Article as amended by this Law”*
- <sup>31</sup> Article 15(12) *inserted by L.15/1994 and substituted by R&O.48/2005*
- <sup>32</sup> Article 15(13) *substituted by L.27/2016*
- <sup>33</sup> Article 15(14) *substituted by L.27/2016*
- <sup>34</sup> Article 15(15) *deleted by L.27/2016*
- <sup>35</sup> Article 15A *inserted by L.27/2016*
- <sup>36</sup> Article 16 *heading amended by L.27/2016*
- <sup>37</sup> Article 16 *amended by L.9/2007, L.27/2016*
- <sup>38</sup> Article 17(1)(g) *deleted by L.9/2007*
- <sup>39</sup> Article 17(1) *amended by L.9/2007*
- <sup>40</sup> Article 17(2) *amended by L.17/1970, L.9/2007*
- <sup>41</sup> Article 18 *amended by L.13/1973*
- <sup>42</sup> Part 3A *inserted by L.9/2012*
- <sup>43</sup> Article 20A *amended by L.27/2016*
- <sup>44</sup> Article 20B(3) *amended by L.27/2016, L.3/2018*
- <sup>45</sup> Article 20B(9) *amended by L.3/2018*
- <sup>46</sup> Article 20C *inserted by L.27/2016*
- <sup>47</sup> Article 20D *inserted by L.27/2016*
- <sup>48</sup> Article 21 *substituted by R&O.48/2005*
- <sup>49</sup> Article 21(1A) *inserted by L.9/2012, amended by L.27/2016*
- <sup>50</sup> Article 21(2) *substituted by L.25/2014, amended by L.10/2019*
- <sup>51</sup> Article 21(8) *deleted by L.10/2019*
- <sup>52</sup> Article 23 *amended by L.6/1996*
- <sup>53</sup> Article 24(3) *amended by L.22/1984, L.6/1996*
- <sup>54</sup> Part 5 *heading amended by L.27/2016*
- <sup>55</sup> Article 26 *heading amended by L.27/2016*

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- <sup>56</sup> Article 26(1) *deleted by L.27/2016*
- <sup>57</sup> Article 26(1A) *inserted by L.9/2012*
- <sup>58</sup> Article 26(1B) *inserted by L.9/2012*
- <sup>59</sup> Article 26(1C) *inserted by L.9/2012*
- <sup>60</sup> Article 26(1D) *inserted by L.9/2012*
- <sup>61</sup> Article 26(1E) *inserted by L.27/2016*
- <sup>62</sup> Article 26(1F) *inserted by L.27/2016*
- <sup>63</sup> Article 26(1G) *inserted by L.27/2016*
- <sup>64</sup> Article 26(1H) *inserted by L.27/2016*
- <sup>65</sup> Article 26(2) *amended by L.6/1996*
- <sup>66</sup> Article 26(4) *amended by L.27/2016*
- <sup>67</sup> Article 27(1) *amended by L.27/2016*
- <sup>68</sup> Article 27(1A) *inserted by L.27/2016*
- <sup>69</sup> Article 27(2) *substituted by L.27/2016*
- <sup>70</sup> Article 27(2A) *inserted by L.27/2016*
- <sup>71</sup> Article 27(4) *amended by L.27/2016*
- <sup>72</sup> Article 27AA *inserted by L.27/2016*
- <sup>73</sup> Part 5A *inserted by L.9/2012*
- <sup>74</sup> Article 27A(9) *amended by L.3/2018*
- <sup>75</sup> Article 27B(1) *amended by L.27/2016*
- <sup>76</sup> Article 27B(2) *amended by L.17/2017, L.27/2016*
- <sup>77</sup> Article 28 *substituted by L.9/2007*
- <sup>78</sup> Article 28(2) *amended by R&O.127/2007*
- <sup>79</sup> Article 28(3) *amended by R&O.127/2007*
- <sup>80</sup> Article 29(1) *amended by L.22/1974*
- <sup>81</sup> Article 30(1) *amended by L.9/2012*
- <sup>82</sup> Article 30(2) *amended by L.22/1974*
- <sup>83</sup> Article 30(3) *amended by L.6/1996*
- <sup>84</sup> Article 30(5) *added by L.9/2012*
- <sup>85</sup> Article 30(6) *added by L.9/2012*
- <sup>86</sup> Article 30(7) *added by L.9/2012, amended by L.3/2018*
- <sup>87</sup> Article 31(2) *amended by L.6/1996*
- <sup>88</sup> Article 31(4) *substituted by L.31/2001*
- <sup>89</sup> Article 33 *substituted by R&O.48/2005*
- <sup>90</sup> Article 34 *amended by L.9/2007*
- <sup>91</sup> Article 34(1) *revised on 11 January 2024 by Law Revision Board item [2023/1](#)*
- <sup>92</sup> Article 35(1) *amended by L.22/1974, L.22/1984, L.6/1996, L.28/2003*
- <sup>93</sup> Article 35(2) *amended by L.22/1984, L.6/1996*
- <sup>94</sup> Article 36(1) *inserted by L.13/1985*
- <sup>95</sup> Article 36(4) *deleted by L.8/2021*
- <sup>96</sup> Schedule 1 *repealed by L.27/2016*
- <sup>97</sup> Schedule 2 *paragraph 3, sub-paragraph (2) amended by L.6/1996*
- <sup>98</sup> Schedule 2 *paragraph 4, sub-paragraph (1) amended by L.6/1996*