P.2026/54

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

PROJET DE LOI

Entitled

THE LONG-TERM CARE INSURANCE (AMENDMENT) (GUERNSEY) LAW, 2026

The States are asked to decide:-

Whether they are of the opinion to approve the draft Projet de Loi entitled "The Long-term Care Insurance (Amendment) (Guernsey) Law, 2026", and to authorise the Bailiff to present a most humble petition to His Majesty praying for His Royal Sanction thereto.

EXPLANATORY MEMORANDUM

This Projet amends the Long-term Care Insurance (Guernsey) Law, 2002 ("the Principal Law").

Section 1(2)(a) amends the conditions for entitlement to benefit in section 3 of the Principal Law to provide that a person will need to have been ordinarily resident and present in Guernsey for an aggregate period of 20 years as an adult.

Section 1(2)(d) amends section 3 of the Principal Law to introduce a new condition for entitlement to benefit; that of having paid a user care cost contribution.

Section 1(3) also amends section 3 to provide that young people who need long term care will be deemed to satisfy the residence condition of 20 years if they have been ordinarily resident in Guernsey for an aggregate period of 20 years over their lifetimes.

Section 1(4) inserts a regulation making power into section 3 of the Principal Law. The regulations will set out the method for calculating the user care cost contribution, up to a maximum of £10,000. In particular, regulations may provide for there to be an assessment of a person’s finances in order to ascertain whether the user care cost contribution is payable by that person and if so in what amount.

Section 1(5) amends section 5 of the Principal Law to make clear that an Ordinance made under section 5(1) may amend the maximum amount of the user care cost contribution, and may provide for any matter for which regulations made under section 3(4A) of the Principal Law may provide.

Section 1(6) amends section 31 of the Principal Law to provide that regulations which amend the types of capital assets which are to be regarded or disregarded for the purposes of the financial assessment will not be able to come into force until approved by a resolution of the States.

Section 1(7) makes amendments to the interpretation section of the Principal Law.

Section 2 provides for the procedure for regulations made under the Projet, and Section 3 is the interpretation section.

The Projet will come into force on the day appointed by regulations of the Committee. Section 5 provides that those regulations may contain transitional provision as regards the new residence condition of 20 aggregate years, and may provide that a person who satisfies the residence condition immediately before the commencement of section 1(2)(a) of the Projet will satisfy the condition afterwards, in certain circumstances.

PROJET DE LOI

ENTITLED

The Long-term Care Insurance (Amendment) (Guernsey) Law, 2026

THE STATES, in pursuance of their Resolutions of the 20th February, 2025[a], have approved the following provisions which, subject to the Sanction of His Most Excellent Majesty in Council, shall have force of law in the Islands of Guernsey, Alderney, Herm and Jethou.

Amendment of Law.

1. (1) The Long-term Care Insurance (Guernsey) Law, 2002[b] (the "**Principal Law**") is amended as follows.

(2) In section 3(2) -

(a) for paragraph (c) substitute -

"(c) has been ordinarily resident and present in Guernsey, as an adult, for an aggregate period of 20 years since 1st January 2003,",

(b) in paragraph (d) -

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a Article III of Billet d'État No. V of 2025.

b Order in Council No. XXIII of 2002; this enactment has been amended.

(i) before "period" insert "continuous", and

(ii) at the end delete "and",

(c) at the end of paragraph (e), insert "and", and

(d) after paragraph (e), insert the following paragraph -

"(f) in the case of care benefit, has paid the user care cost contribution payable in relation to that person (if any), to be calculated and administered by reference to regulations under subsection (4A).".

(3) After section 3(2), insert the following subsection -

"(2A) A person who is under 38 years of age and who therefore does not satisfy the condition in subsection (2)(c) as to aggregate residence as an adult is deemed to satisfy that condition if they have been ordinarily resident and present in Guernsey for an aggregate period of 20 years.".

(4) After section 3(4), insert the following subsection -

"(4A) Regulations shall set out the method for calculating the amount of the user care cost contribution payable under subsection (2)(f), up to a maximum of £10,000, together with the administration and method of payment of the user care cost contribution, and without prejudice to the generality of the foregoing, regulations under this subsection may provide -

(a) for the amount payable in each case to vary depending on the person's financial circumstances,

(b) for the total amount payable to be paid in instalments by reference to the costs of the long-term care as it is received by the person,

(c) for certain categories of person to be entitled to care benefit while paying the user care cost contribution in instalments,

(d) for certain categories of person to be exempt from payment of the user care cost contribution,

(e) for there to be an assessment of a person's finances in order to ascertain whether the user care cost contribution is payable by that person and if so in what amount, and in this regard regulations may provide for -

  (i) the scope, detail and procedure of the financial assessment, and

  (ii) specified types and amounts of income and capital assets to be regarded or disregarded for the purposes of the financial assessment,

(f) for the reassessment of a person's finances at any time while they are receiving care benefit, in order to ascertain whether the user care cost contribution is payable, or continues to be payable, and if so in what amount, and

(g) for anti-divestment provision, that is, provision for treating a person as possessing resources of which the person has deprived themselves or disposed of for the purposes of decreasing the amount of the user care cost contribution payable by them (and, for the avoidance of doubt, decreasing the amount of the user care cost contribution need not be the primary purpose of the deprivation or disposal).".

(5) In section 5, after subsection (3), insert the following subsection -

"(4) For the avoidance of doubt, an Ordinance made under subsection (1) may make provision for the user care cost contribution and in particular may -

(a) amend the maximum amount of the user care cost contribution specified in section 3(4A), and

(b) without prejudice to section 3(4A), may provide for any matter detailed in that section for which regulations may provide.".

(6) In section 31 -

(a) in subsection (4), at the beginning, insert "Subject to subsection (5),",

(b) after subsection (4), insert the following subsection -

"(5) Regulations made under section 3(4A) which specify or amend the types of capital assets which are to be regarded or disregarded for the purpose of the financial assessment shall not have effect unless and until approved by a resolution of the States.".

(7) In section 34(1) -

(a) in the appropriate places, insert -

""**adult**" means a person aged 18 years or over", and

""**user care cost contribution**" means the sum that is payable as a condition of entitlement to benefit under section 3, to be calculated in each case in accordance with regulations under section 3(4A).",

(b) delete the definition of the Health Service Law,

(c) at the end of the definition of "**the States Long-term Care Insurance Annual Grant**" delete "and", and

(d) at the end of the definition of "the Tribunal" insert "and".

General provisions as to Regulations.

2. Regulations under this Law shall be laid before a meeting of the States as soon as possible, and shall, if at that or the next meeting the States resolve to annul them, cease to have effect, but without prejudice to anything done under them or to the making of new regulations.

Interpretation

3. In this Law, unless the context requires otherwise, "**the Committee**" means the Committee for Employment & Social Security.

Citation.

4. This Law may be cited as the Long-term Care Insurance (Amendment) (Guernsey) Law, 2026.

Commencement and transitional provision.

5. (1) This Law comes into force on the day appointed by regulations of the Committee; and different dates may be appointed for different provisions and for different purposes.

(2) Regulations made under subsection (1) may make transitional provision as regards the amendments made by section 1 of this Law, which may include (but is not limited to) providing that a person who satisfies the condition in section 3(2)(c) of the Principal Law immediately before the commencement of section 1(2)(a) of this Law will satisfy the condition as to aggregate residency after the commencement of that section, in circumstances specified in the regulations.