

GUERNSEY STATUTORY INSTRUMENT

1977 - NO. 5

The Family Allowances (Claims and Payments) (Guernsey) Regulations, 1977

Made ... .. 19 January 1977  
Laid before the States ... ..  
Coming into operation ... .. 19 January 1977

THE STATES INSURANCE AUTHORITY, in exercise of the powers conferred upon it by subsection (1) of section five, subsections (1) and (3) of section seven, and section fourteen of the Family Allowances (Guernsey) Law, 1950, as amended, and of all other powers enabling it in that behalf, hereby orders:-

PART I

Interpretation

Interpretation

1.(1) In these regulations, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:-

"allowance" means an allowance under the Law;

"allowance order" means an order for the payment of a weekly sum on account of an allowance;

"award or decision" includes any award or decision as revised by the Administrator;

"claim" means a claim for or in respect of an allowance;

"claimant" means any person making a claim for or in respect of an allowance;

"the Law" means the Family Allowances (Guernsey) Law, 1950;

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

(2) Except where the context otherwise requires, any reference in these regulations to any enactment or regulation shall be construed as including a

reference to that enactment or those regulations, as the case may be, as amended, repealed, replaced or revoked by or under any other enactment or by any other regulations.

(3) The Interpretation (Guernsey) Law, 1948, shall apply to the interpretation of these regulations as it applies to the interpretation of a Guernsey enactment.

## PART II

### Claims

#### Claims to be made to the Administrator in writing

2.(1) Every claim shall be made in writing to the Administrator on a form approved by him, or in such manner, being in writing, as the Administrator may accept as sufficient in the circumstances of any particular case.

(2) A claim shall be treated as having been made on the day on which it is received by the Administrator or any person appointed by him for that purpose.

#### Claims not on appropriate forms

3. Where a claim has been made on a form approved by the Administrator for certain purposes of the Law, but that form is not the form appropriate to the claim, the Administrator may treat the claim as if it had been made on the appropriate form:

PROVIDED that the Administrator may require the person making the claim to complete the appropriate form.

#### Information in support of a claim

4. Every person who makes a claim shall furnish such certificates, documents, information and evidence as the Administrator may require in connection with the claim and, if reasonably so required, shall for that purpose attend at such office or place as the Administrator may direct.

#### Incomplete claim forms and amendments thereto

5.(1) If, owing to the absence of due signature or other material particular a claim is defective at the date of its receipt by the Administrator or by any person appointed by him for that purpose, the Administrator may refer

the claim to the claimant, and if the form is returned duly signed or completed within one month from the date on which it is so referred, the Administrator may treat the claim as if it had been duly made in the first instance.

(2) Any person who has made a claim in accordance with the provisions of these regulations may amend that claim, at any time before a decision has been given thereon, by notice in writing sent or delivered to the Administrator or to any person appointed by him for that purpose, and any claim so amended may be treated as if it had been made as so amended in the first instance.

### PART III

#### Awards and Decisions

##### Notice of award or decision

6. The Administrator shall cause notice in writing of his award or decision in respect of an allowance to be sent or delivered to the person making the claim and any such notice shall be treated as duly sent to such person if sent to him by post at his usual or last known place of abode.

### PART IV

#### Payments

##### Payments of sums as on account of an allowance pending final determination

7. Where a claim has been duly made or any award or decision as to an allowance is the subject of an appeal and the claim or appeal has not been finally determined, the Administrator may, if he has prima facie grounds for believing that an allowance should be awarded but desires to obtain further information or to inspect any documents before making an award or giving a decision, authorise payment of a sum or sums as on account of an allowance for such period or periods as he may determine.

##### Accrual and termination of allowances

8.(1) An allowance awarded shall begin to accrue on a Tuesday.

(2) Where by reason of any of the provisions of the law or of any regulations made thereunder the date as from which an allowance could

accrue is a day of the week other than a Tuesday the allowance shall accrue as from the Tuesday next following that day.

(3) An allowance shall terminate on a Monday.

(4) Where by reason of any of the provisions of the Law or of any regulations made thereunder the date on which an allowance would terminate is a day of the week other than a Monday the allowance shall terminate on the Monday next following that day.

Method of payment, and time for obtaining payment

9.(1) Subject to the provisions of these regulations, sums on account of an allowance shall be paid weekly in advance by means of allowance orders payable to the person by whom such an allowance is receivable, at such place as the Administrator may from time to time determine after enquiry of the person (hereinafter in this regulation referred to as "the relevant person") --

- (i) to whom the allowance belongs, or
- (ii) by whom such an allowance is receivable, where a direction has been made under subsection (3) of section four of the Law, or
- (iii) appointed under regulation 11 of these regulations.

(2) In every case in which sums on account of an allowance are payable by means of allowance orders, the Administrator shall cause such arrangements to be made whereby, on furnishing such evidence as to identity and such other particulars as may be required, the relevant person may obtain a book of allowance orders, and the Administrator shall notify that person of the place at which the allowance will be payable, and the arrangements as far as they affect him.

(3) The Administrator shall arrange for the issue to the relevant person of a fresh book of allowance orders on the expiration of the previous book.

(4) Weekly sums on account of an allowance shall be payable on Tuesdays.

(5) A book of allowance orders issued to any person shall remain the property of the Authority.

(6) Any person having a book of allowance orders or any unpaid allowance order shall, on the termination of the allowance to which such book or order relates or when requested by the Administrator, deliver such book or order to the Administrator or to such person appointed by him for that purpose.

(7) Notwithstanding anything contained in the foregoing provisions of this regulation, the Administrator may in any particular case or class of cases arrange for the payment of an allowance otherwise than weekly in advance or otherwise than by means of allowance orders.

Further information and notification of change of circumstances

10. Every person to whom any allowance belongs or by whom or on whose behalf sums on account of any allowance are receivable shall furnish in such manner and at such times as the Administrator may determine such certificates and other documents and such information of facts affecting the right to the allowance as the Administrator may require (either as a condition on which any sum or sums shall be receivable or otherwise), and in particular shall notify the Administrator in writing of any change of circumstances affecting the right to an allowance or to the receipt thereof as soon as reasonably practicable after the occurrence thereof.

PART V

Miscellaneous Provisions

Persons unable to act

11. Where any person, being a person who is alleged to be entitled to make a claim or a person to whom an allowance belongs or a person by whom sums on account of an allowance are receivable, is or becomes unable for the time being to act and where such person has no guardian, the Administrator may appoint any person, whom he may consider suitable and who agrees to be so appointed, to exercise on behalf of the person unable to act any right or power to which that person may be entitled under the law and to receive any

sum on account of an allowance which may be receivable by that person:

PROVIDED that -

- (a) any such appointment by the Administrator shall terminate on the day immediately prior to the date on which the Administrator is notified that a guardian has been appointed;
- (b) a person who has not attained the age of eighteen shall not be capable of being appointed to act under this regulation;
- (c) the Administrator may at any time in his discretion revoke any appointment made under this regulation; and
- (d) any person appointed under this regulation may, on giving the Administrator notice in writing of his intention so to do, terminate his appointment.

(2) Anything required by these regulations to be done by or to any person who is for the time being unable to act may be done by or to the guardian, if any, or by or to the person appointed under this regulation to act on his behalf, and the receipt of any person appointed under this regulation shall be a good discharge to the Authority for any sum paid, notwithstanding that such person has not attained the age of twenty.

Claims and payments after death

12.(1) On the death of a person who had made a claim or who is alleged to have been entitled to make a claim, the Administrator may appoint such person as he may think fit to proceed with or to make a claim and the provisions of these regulations shall apply subject to the necessary modifications to any such claim.

(2) Subject to the provisions of paragraph (4) of this regulation, any sum payable on account of an allowance which is payable under an award on a claim proceeded with or made under the foregoing paragraph may be paid or distributed by the Administrator to or amongst persons claiming as personal

representatives, legatees, next of kin, or creditors of the deceased (or, where the deceased was illegitimate, to or amongst other persons), and the provisions of subsection (2) of section seven of the Law shall apply to any such payment or distribution.

PROVIDED that -

- (a) the receipt of any such person who has attained the age of sixteen shall be a good discharge to the Authority for any sum so paid; and
- (b) where the Administrator is satisfied that any such sum or part thereof is needed for the benefit of any person under the age of sixteen, he may obtain a good discharge therefor by paying the sum or part thereof to a person over that age (who need not be a person specified in this paragraph) who satisfies the Administrator that he will apply the sum so paid for the benefit of that person under the age of sixteen.

(3) Subject as aforesaid any sum payable on account of an allowance to the deceased payment of which he had not obtained at the date of his death, may, unless the right thereto was already extinguished at that date, be paid or distributed to or amongst such persons as are mentioned in the last foregoing paragraph, and the provisions of subsection (2) of section seven of the Law and of the proviso to the said paragraph shall apply to any such payment or distribution.

PROVIDED that, for the purpose of the said subsection (2), the period of twelve months shall be calculated from the date on which the sum was receivable by any such person, and not from the date on which it was receivable by the deceased.

(4) Paragraphs (2) and (3) of this regulation shall not apply in any case unless written application for the payment of such sum is made to the Administrator within six months from the date of the death of the deceased person or such longer period as the Administrator may allow in any particular case.

(5) The Administrator may dispense with strict proof of the title of any person claiming in accordance with the provisions of this regulation.

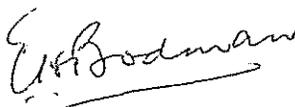
Repeal

13. The Family Allowances (Guernsey) (Making of Claims and Payments) Regulations, 1950, are hereby repealed.

Citation and commencement

14. These regulations may be cited as the Family Allowances (Claims and Payments) (Guernsey) Regulations, 1977 , and shall come into operation on the nineteenth day of January , nineteen hundred and seventy-seven

Dated this nineteenth day of January ,  
nineteen hundred and seventy-seven



President of the States Insurance Authority  
for and on behalf of the Authority.

## EXPLANATORY NOTE

(This Note is not part of the Regulations but is intended to indicate their general purport.)

These Regulations replace the Family Allowances (Guernsey) (Making of Claims and Payments) Regulations, 1950. They provide for the manner in which all claims for an allowance under the Family Allowances (Guernsey) Laws, 1950 to 1976 and the payment of such allowances shall be made. Part II contains provisions relating to the forms on which claims are to be made and the information to be given when claiming. Part III contains provisions relating to the method of notifying claimants of awards or decisions of the Administrator. Part IV contains provisions relating to the method of payment of allowances. Part V makes provisions for claims and payments in the case of persons unable to act and in the case of death.