

ORDINANCE OF THE STATES OF DELIBERATION

ENTITLED

The Alderney (Application of Legislation) (Income Support) Ordinance, 1971 *

[CONSOLIDATED TEXT]

NOTE

This consolidated version of the enactment incorporates all amendments listed in the footnote below. It has been prepared for the Guernsey Law website and is believed to be accurate and up to date, but it is not authoritative and has no legal effect. No warranty is given that the text is free of errors and omissions, and no liability is accepted for any loss arising from its use. The authoritative text of the enactment and of the amending instruments may be obtained from Her Majesty's Greffier, Royal Court House, Guernsey, GY1 2PB.

© States of Guernsey

* Recueil d'Ordonnances Tome XVII, p. 168; as amended by the Uniform Scale of Fines (Alderney) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 306); the Income Support (Guernsey) Law, 2017 (No. IV of 2018); the Alderney (Application of Legislation) (Income Support) (Amendment) Ordinance, 1995 (Recueil d'Ordonnances Tome XXVI, p. 462); the Alderney (Application of Legislation) (Income Support) (Amendment) Ordinance, 2014 (No. XXVI of 2014); the Alderney (Application of Legislation) (Income Support) (Amendment) (No. 2) Ordinance, 2014 (No. XLIX of 2014); the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016 (No. IX of 2016).

**ORDINANCE
OF THE STATES OF DELIBERATION**

ENTITLED

**The Alderney (Application of Legislation) (Income Support)
Ordinance, 1971**

ARRANGEMENT OF SECTIONS

1. Law and Ordinance to have effect in Alderney.
2. Repeal.
3. Citation.
4. Commencement.

FIRST SCHEDULE

SECOND SCHEDULE Ordinances Repealed.

(Made on 11th June, 1971.)

The [Alderney (Application of Legislation) (Income Support) Ordinance, 1971]

THE STATES LEGISLATION COMMITTEE, in exercise of the powers conferred upon them by paragraph (3) of Article sixty-six of the Reform (Guernsey) Law, 1948^a, and by section one of the Alderney (Application of Legislation) Law, 1948^b, and of all other powers enabling them in that behalf, hereby order: –

Law and Ordinance to have effect in Alderney.

1. The Law and Ordinance set out in the left-hand column of the First Schedule to this Ordinance shall, subject to the exceptions, adaptations and modifications set out in the right-hand column of that Schedule, have effect in the Island of Alderney as they have effect in the Island of Guernsey.

NOTE

The title in square brackets of this Ordinance was substituted by the Income Support (Guernsey) Law, 2017, section 1(1), Schedule 1, paragraph 6, with effect from 6th July, 2018.¹

Repeal.

2. The Ordinances set out in the Second Schedule to this Ordinance are hereby repealed.

^a Ordres en Conseil Vol. XIII, p. 288.

^b Ordres en Conseil Vol. XIII, p. 448.

[Citation.]

3. This Ordinance may be cited as the Alderney (Application of Legislation) (Income Support) Ordinance, 1971.]

NOTE

Section 3 was substituted by the Income Support (Guernsey) Law, 2017, section 2, Schedule 2, paragraph 6, with effect from 6th July, 2018.²

Commencement.

4. This Ordinance shall come into force on the eleventh day of June, nineteen hundred and seventy-one.

Law and Ordinance	Exceptions, Adaptations and Modifications
<p>The [Income Support (Guernsey) Law, 1971]^c [as amended by the [Income Support (Guernsey) (Amendment) Law, 2014]] [and the [Income Support (Guernsey) (Amendment) (No. 2) Law, 2014]].</p>	<p>[In section 1 immediately after "Guernsey", wherever appearing, insert "or Alderney".]</p> <p>In subsection (3) of section two and in subsection (2) of section three immediately after the word "States" there are hereby inserted the words "of Guernsey".</p> <p>Subsection (4) of section five is hereby deleted.</p> <p>[In section 6B(1) for "Guernsey", wherever appearing substitute "Alderney".</p> <p>In section 6B(2) –</p> <p>(1) for the definition of "a relevant person" substitute –</p> <p style="padding-left: 40px;">"a relevant person" means a person who is not ordinarily resident in Alderney", and</p> <p>(2) in the definition of "relevant circumstances" immediately after "Guernsey"</p>

^c Ordres en Conseil No. II of 1971.

	insert "or Alderney".]
	In section fourteen the words "Royal Court", where those words occur in that section, are hereby deleted and the words "the Court" are hereby substituted therefor.
	In section fifteen immediately after the word "States" there are hereby inserted the words "of Guernsey".
	[In sections 15A and 15B immediately after "States", wherever appearing, insert "of Guernsey".]
	<p>Subsections (2) to (6), both inclusive, of section nineteen are hereby deleted and the following subsections substituted therefor –</p> <p>" (2) If no affiliation order is in force the [Committee] may within three years from the date of the commencement of the payment of the [income support] make application to the Court for an affiliation order to be made in respect of that illegitimate child.</p> <p>(3) In any application under the provisions of the last preceding subsection the Court shall hear such evidence as the [Committee] may produce in addition to such other evidence as the Court may require and shall in all other respects, but subject to the provisions of the next succeeding subsection, proceed as on an application made by the mother for an affiliation order in respect of that illegitimate child.</p> <p>(4) An affiliation order</p>

	<p>may, on an application under subsection (2) of this section, be made so as to provide that the payments or a part of the payments to be made thereunder shall, in lieu of being made to the mother or a person appointed to have the custody of the child, be made to the [Committee] or to such other person as the Court may direct.</p> <p>(5) On an application by the [Committee] in any proceedings for an affiliation order brought by the mother of the child such an order may be so made so as to provide as aforesaid.</p> <p>(6) An affiliation order, whether made before or after the commencement of this Law may, on the application of the [Committee], be varied so as to provide as aforesaid; and any such order which provides as aforesaid may on the application of the mother of the child be varied so as to provide that the payments thereunder shall be made to the mother or a person appointed to have the custody of the child."</p>
	<p>[...]</p>
	<p>In section twenty-eight –</p> <p>(1) the definition of "affiliation order" is hereby deleted and the following definition substituted therefor –</p> <p>"affiliation order" means an order of the Court adjudging a man to be the putative father of an illegitimate child and ordering him to pay a sum of money</p>

	<p>periodically towards the maintenance and education of that child, ',</p> <p>(2) the definition of "the Court" is hereby deleted and the following definition substituted therefor –</p> <p style="text-align: center;">"the Court" means the Court of Alderney, ',</p> <p>(3) in the definition of the word "Guernsey" there is hereby inserted after the words "Islands of" the word "Alderney" and a comma;</p> <p>(4) in the definition of "matrimonial order" the words "under the provisions of the Law entitled "Loi relative à la Séparation de Mariés en Police Correctionnelle" registered on the twenty-first day of August, nineteen hundred and thirty" are hereby deleted and the words "Royal Court" are hereby deleted and the words "the Court" substituted therefor.</p>
The [Income Support (Implementation) Ordinance, 1971] ^d [as amended from time to time].	In subsection (2) of section fifteen the words "of the Court" are hereby deleted.
	In subsection (8) of section fifteen the word "Magistrate's" and the word "said" are hereby deleted.
	In subsection (1) of section twenty-six – (a) the definition of "advocate" is hereby deleted and the following

^d No. XXXVIII of 1971.

	<p>definition is substituted therefor –</p> <p>"advocate" means an Advocate of the Royal Court of the Island of Guernsey,'</p> <p>(b) in the definition of "the Court" the words "Royal Court" are hereby deleted and the words "the Court of Alderney" are hereby substituted therefor.</p>
	<p>In the Second Schedule the address on the notice of appeal form is hereby deleted and the following address substituted therefor –</p> <p>" To the Registrar of Appeals, States Office, Alderney."</p>

NOTES

In the First Schedule,

the words in the first pair of square brackets in the left-hand column were substituted by the Income Support (Guernsey) Law, 2017, section 1(1), Schedule 1, paragraph 1, with effect from 6th July, 2018;

the words in the second pair of square brackets in the left-hand column were inserted by the Alderney (Application of Legislation) (Income Support) (Amendment) Ordinance, 2014, section 2, with effect from 1st December, 2014;

the words in square brackets within the second pair of square brackets in the left-hand column were substituted by the Income Support (Guernsey) Law, 2017, section 1(2), Schedule 1, paragraph 2, with effect from 6th July, 2018;

the words in the third pair of square brackets in the left-hand column were inserted by the Alderney (Application of Legislation) (Income Support) (Amendment) (No. 2) Ordinance, 2014, section 1, with effect from

30th March, 2015;

the words in square brackets within the third pair of square brackets in the left-hand column were substituted by the Income Support (Guernsey) Law, 2017, section 1(2), Schedule 1, paragraph 3, with effect from 6th July, 2018;

the words in the fourth pair of square brackets in the left-hand column were inserted by the Alderney (Application of Legislation) (Income Support) (Amendment) Ordinance, 1995, section 1, with effect from 1st October, 1995;

the words in, first, the first, second, the second and, third, the third pairs of square brackets in the right-hand column were inserted by the Alderney (Application of Legislation) (Income Support) (Amendment) Ordinance, 2014, section 3, respectively paragraph (a), paragraph (b) and paragraph (c), with effect from 1st December, 2014;

the word "Committee" in square brackets, wherever occurring, was substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 4, with effect from 1st May, 2016;³

the words omitted in square brackets in the right-hand column were repealed by the Alderney (Application of Legislation) (Income Support) (Amendment) Ordinance, 2014, section 3(e), with effect from 1st December, 2014;⁴

first, the words in the fourth pair of square brackets in the left-hand column and, second, the words "income support" in square brackets in the right-hand column were substituted by the Income Support (Guernsey) Law, 2017, respectively section 1(1), Schedule 1, paragraph 4 and section 3(a), with effect from 6th July, 2018.

The functions, rights and liabilities of the Social Security Department ("the Department") and of its Minister or Deputy Minister arising under or by virtue of this Ordinance were transferred to and vested in, respectively, the Committee for Employment & Social Security and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 13, with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.

SECOND SCHEDULE
ORDINANCES REPEALED

Section two

The Alderney (Application of Legislation) (Non-Contributory Pensions) Ordinance, 1955^e.

The Alderney (Application of Legislation) (Non-Contributory Pensions) Ordinance, 1959^f.

The Alderney (Application of Legislation) (Non-Contributory Pensions) (No. 2) Ordinance, 1960^g.

The Alderney (Application of Legislation) (Non-Contributory Pensions) Ordinance, 1967^h.

The Alderney (Application of Legislation) (Non-Contributory Pensions) (Additional Classes of Persons) Ordinance, 1967ⁱ.

The Alderney (Application of Legislation) (Non-Contributory Pensions) (No. 2) Ordinance, 1969^j.

The Alderney (Application of Legislation) (Non-Contributory Pensions) Ordinance,

^e Recueil d'Ordonnances Vol. XI, p. 151.

^f Recueil d'Ordonnances Vol. XII, p. 193.

^g Recueil d'Ordonnances Vol. XII, p. 388.

^h Recueil d'Ordonnances Vol. XV, p. 223.

ⁱ Recueil d'Ordonnances Vol. XV, p. 260.

^j No. XIV of 1969.

1970^k.

¹ Prior to this substitution, the Ordinance was titled the "Alderney (Application of Legislation) (Supplementary Benefit) Ordinance, 1971".

² Prior to this substitution, the Ordinance was cited as the Alderney (Application of Legislation) (Supplementary Benefit) Ordinance, 1971.

³ This word was previously substituted by the Alderney (Application of Legislation) (Income Support) (Amendment) Ordinance, 2014, section 3(d), with effect from 1st December, 2014.

⁴ These words were previously amended by the Uniform Scale of Fines (Alderney) Law, 1989, section 2(2), with effect from 1st October, 1989.

^k No. XXXII of 1970.