

Island of  Guernsey

Ordinance of the States **XVI**  
1960

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Made .. .. 12th October, 1960.

Came into Operation .. 12th October, 1960.

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**The Non-Contributory Pensions  
(Implementation) (Amendment) (No. 2)  
Ordinance, 1960**

THE STATES, in pursuance of their Resolution of the seventeenth day of December, nineteen hundred and fifty-eight, and in pursuance of the powers conferred upon them by section three and section fourteen of the Non-Contributory Pensions (Guernsey) Law, 1955, as amended, and of all other powers enabling them in that behalf, hereby order:—

1. Before deciding any question in pursuance of the provisions of subsection (1) of section three of the Non-Contributory Pensions (Guernsey) Law, 1955, as amended (hereinafter referred to as "the Law") as to—

- (a) whether an applicant is a person to whom the Law applies;
- (b) whether a person to whom the Law applies is in need of a pension; and
- (c) the amount of any such pension to be paid to that person;

the Administrator may at any time make a provisional decision in relation to that question if, in his opinion, it is necessary or expedient so to do.

2. (1) Where the Administrator makes a provisional decision in pursuance of the provisions of the last preceding section he shall make a decision in pursuance of the provisions of subsection (1) of section three of the Law (hereinafter referred to as "a final decision") in relation to the question to which the provisional decision relates on or before the expiration of the six weeks commencing on the day next following the day on which the provisional decision commenced to have effect.

(2) A provisional decision shall commence to have effect on such date as shall be appointed by the Administrator.

(3) If the Administrator fails to make a final decision in relation to any such question in accordance with the provisions of subsection (1) of this section the provisional decision in relation to that question shall cease to have effect at the expiration of the six weeks commencing on the day next following the day on which that provisional decision commenced to have effect.

(4) A final decision in relation to any such question shall be deemed to have commenced to have had effect on the date on which the provisional decision in relation to that question commenced to have effect.

3. (1) Where in pursuance of a provisional decision a pension is paid to a person the amount of the pension so paid shall not exceed the amount which would have been paid if the provisional decision had been a final decision.

(2) Where the amount of a pension paid to a person in pursuance of a provisional decision is less than the amount of the pension paid to him in pursuance of a final decision or where a pension is not paid to a person in pursuance of a provisional decision, there shall be paid to that person as respects the period during which the provisional decision remained effective an amount equal to the difference between the total amount paid to him during that period in pursuance of the provisional decision and the total amount which would have been paid to him if the final decision had been effective during that period or an amount equal to the amount which would have been paid to him if the final decision had been effective during that period, as the case may be.

4. There shall be no appeal from a provisional decision.

5. Section two of the Non-Contributory Pensions (Implementation) (Amendment) Ordinance, 1960, is hereby repealed.

6. (1) This Ordinance shall be construed as one with the Non-Contributory Pensions (Implementation) Ordinance, 1955.

(2) This Ordinance may be cited as the Non-Contributory Pensions (Implementation) (Amendment) (No. 2) Ordinance, 1960.

(3) This Ordinance, the Non-Contributory Pensions (Implementation) (Amendment) Ordinance,

1960, and the Non-Contributory Pensions (Implementation) Ordinances, 1955 to 1959, may be cited together as the Non-Contributory Pensions (Implementation) Ordinances, 1955 to 1960.

R. H. VIDELO,

Her Majesty's Greffier.

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Her Majesty's Greffier, Royal Court House, Guernsey.

PRICE 6D.