

Island of  Guernsey

Ordinance of the States **XIII**
1969

Made 30th July, 1969.
Coming into Operation 5th September, 1969

**The Non-Contributory Pensions
(Implementation) (Amendment) (No. 2)
Ordinance, 1969**

THE STATES, in pursuance of their Resolution of the twenty-sixth day of March, nineteen hundred and sixty-nine, and in exercise of the powers conferred upon them by sections three and fourteen of the Non-Contributory Pensions (Guernsey) Law, 1955(*a*), and of all other powers enabling them in that behalf, hereby order:—

1. The Non-Contributory Pensions (Implementation) Ordinance, 1955, as amended(*b*) (hereinafter referred to as “the principal Ordinance”) is hereby further amended as follows:—

Amend-
ments to
Ordinance
of 1955.

(*a*) the marginal note to section one and section one thereof are hereby repealed and the

(*a*) Ordres en Conseil Vol. XVI, p. 227.

(*b*) Recueil d'Ordonnances Tome XI, p. 129 and No. I of 1969.

following marginal note and section are hereby substituted therefor—

“Determination of amount of pension. 1. Subject to the succeeding provisions of this Ordinance, the question of the amount of any pension to be paid to an applicant shall be determined by the Administrator on a weekly basis and shall be so determined in accordance with the provisions of the First Schedule to this Ordinance.”;

(b) the marginal note to section two and section two thereof are hereby repealed and the following marginal note and section are hereby substituted therefor—

“Adjustment of amount of pension. 2. The Authority may, notwithstanding the provisions of the last preceding section, direct the Administrator to increase or reduce the amount of any pension which would otherwise be payable if the Authority is satisfied that such an increase or reduction would be just and equitable in all the circumstances.”;

(c) section three thereof is hereby repealed and the following section is hereby substituted therefor—

“3. (1) Where the weekly amount of any pension determined in accordance with the provisions of this Ordinance would be less than two shillings, the pension shall not be payable.

(2) Where the weekly amount of any pension determined in accordance with the provisions of this Ordinance exceeds two shillings, but is not a multiple of one shilling, the amount by which it exceeds such a multiple shall, if it is sixpence or more, be treated as one shilling and, if it is less than sixpence, be disregarded.”;

(d) the First Schedule thereto is hereby repealed and the Schedule set out in the First Schedule to this Ordinance is hereby substituted therefor.

2. The enactments set out in the left hand column of the Second Schedule to this Ordinance are hereby repealed to the extent set out in the right hand column of that Schedule. Repeals.

3. (1) This Ordinance may be cited as the Non-Contributory Pensions (Implementation) (Amendment) (No. 2) Ordinance, 1969. Citation and collective title.

(2) This Ordinance, the Non-Contributory Pensions (Implementation) (Amendment) (No. 2) Ordinance, 1960, the Non-Contributory Pensions (Implementation) (Amendment) Ordinance, 1959, and the principal Ordinance may be cited together as the Non-Contributory Pensions (Implementation) Ordinances, 1955 to 1969.

4. This Ordinance shall come into force on the fifth day of September, nineteen hundred and sixty-nine. Commencement.

FIRST SCHEDULE Section one

“ FIRST SCHEDULE Section one

PART I

General provisions relating to calculation of pensions

Amount of pension and calculation of requirements and resources

1. Subject to the following provisions of this Part of this Schedule, the amount of any pension to which a person is entitled shall be the amount by which his resources fall short of his requirements, and for the purpose of ascertaining that amount:—

- (a) the weekly requirements of any person shall be taken to be the aggregate of such of the amounts specified in Part II of this Schedule as are applicable to his case; and
- (b) the resources of any person shall be calculated in accordance with Part III of this Schedule.

Aggregation of requirements and resources

2. (1) Where a husband and wife are members of the same household their requirements and resources shall be aggregated and similarly as regards two persons co-habiting as man and wife.

(2) Where a person has to provide for the requirements of another person (not falling within the preceding sub-paragraph) who is a member of the same household, his requirements shall be taken to include the requirements of that other person, and in that case their resources shall be aggregated.

Limitation on amount of pension payable

3. (1) The sum of a pension payable in any week to or in respect of a person and of any other income, if any, received by or in respect of that person in that week shall not exceed the limit of weekly income set out in sub-paragraph (2) of this paragraph and, where the sum of the said pension and the said income (if any) in any week exceeds the said limit of weekly income, the Administrator shall reduce the amount of the pension which would otherwise be payable, by an amount equal to that by which the said limit of weekly income is exceeded:

Provided that if the income of that person includes resources (including earnings and any amount treated as equivalent to a weekly income in accordance with paragraph 14 of this Schedule) which, under the provisions of this Ordinance have been wholly or partly disregarded, the limit of weekly income set out in the said sub-paragraph (2) shall be increased by adding thereto that part of the resource or the sum of those parts of the resources so disregarded up to, but not exceeding, an amount of forty shillings.

(2) For the purposes of the last preceding sub-paragraph the limit of weekly income shall be the amount of the basic wage to which a greenhouse worker over the age of eighteen years is in any week entitled to receive by virtue of any agreement for the time being in force between the Guernsey Growers' Association and the Guernsey Branch of the Transport and General Workers' Union.

(3) Any form of income mentioned in paragraphs 11, 13 or 14 of Part III of this Schedule and any amount by which any weekly earnings mentioned in paragraph 15 of the said Part III exceeds a multiple of a shilling, shall be disregarded for the purposes of this paragraph.

(4) The provisions of the last preceding paragraph shall, for the purposes of this paragraph, apply in like manner to the aggregation of the incomes of persons falling within the said preceding paragraph who are members of the same household.

PART II

Calculation of requirements

Application of paragraphs 5 and 6

4. (1) Subject to sub-paragraph (2) of this paragraph, the amounts specified in paragraphs 5 and 6 of this Schedule are not applicable to persons falling within any of paragraphs 7 to 9 thereof.

(2) Where one only of the persons falling within sub-paragraph (1) of paragraph 2 of this Schedule falls within paragraph 7 or 9 thereof, sub-paragraph (1) of this paragraph shall not exclude the application of the said amounts to the other, but the amount applicable to him under the said paragraph 5 shall be that specified in item (b) thereof.

Normal requirements

5. The requirements of persons shall be as follows, that is to say:—

	£	s.	d.
(a) For a husband and wife or other persons falling within sub-paragraph (1) of paragraph 2 of this Schedule	6	15	0
(b) For a person living alone or a householder not falling within item (a) of this paragraph who is directly responsible for household necessities and rent (if any)	4	5	0

	£	s.	d.
(c) Subject to the provisions of items (d) and (e) of this paragraph, for any other person—			
(i) aged twenty years or over	3	10	6
(ii) aged eighteen years or over but less than twenty years	2	3	6
(iii) aged sixteen years or over but less than eighteen years	1	16	0
(iv) aged eleven years or over but less than sixteen years	1	8	0
(v) aged less than eleven years	1	1	6
(d) For any other person, if he be a pensioner—			
(i) aged eighteen years or over but less than twenty years	2	18	0
(ii) aged sixteen years or over but less than eighteen years	2	8	0
(iii) over school-leaving age but less than sixteen years	1	17	6
(e) For any other person who, being the dependant of a pensioner, would for the purposes of the Family Allowances (Guernsey) Law, 1950, as amended, be the only child in the family of that pensioner and is—			
(i) aged eighteen years or over but less than twenty years	2	18	0
(ii) aged sixteen years or over but less than eighteen years	2	8	0
(iii) aged eleven years or over but less than sixteen years	1	17	6
(iv) aged less than eleven years	1	8	6

Rent

6. (1) The amounts applicable under the last preceding paragraph shall be increased as follows:—

- (a) where the person applying for or in receipt of a pension or a person whose requirements are aggregated with his under sub-paragraph (1) of paragraph 2 of this Schedule is a householder, by the amount of the net rent payable, or such lesser amount as may be thought reasonable by the Authority having regard to the circumstances of that person;
- (b) in any other case (unless there appears to the Authority to be special circumstances or the person is aged less than eighteen years) a reasonable share as determined by the Authority of the rent payable by the householder of whose household the applicant is a member, but not less than 2s. 6d. nor more than 15s. 0d.

(2) In this paragraph the expression "rent" means:—

- (a) the weekly rent, or a proportion thereof, appropriate to a week, excluding arrears thereof; and
- (b) the weekly proportion of outgoings borne by the householder including, in particular, rates and taxes, a reasonable allowance as determined by the Authority towards any necessary expenditure on repairs or insurance, and such portion as is for the time being attributable to interest in respect of a charge on the house in which the householder resides, or on any interest therein;

and the expression "net rent" means the rent less any proceeds of sub-letting any part of the premises in respect of which the said rent is paid or the outgoings incurred.

Persons in hospital, nursing home or home for old people

7. The requirements of a person who is residing in a hospital or nursing home as a patient or is residing in a home for old people shall be such amount, if any, as may be appropriate, having regard to all the circumstances.

Persons paying for board and lodging

8. The requirements of a person who is paying an inclusive charge for board and lodging shall be such amount as may be appropriate, not being less than the amount which would be applicable under paragraph 5 of this Schedule.

Persons in legal custody

9. The requirements of a person in prison or otherwise detained in legal custody shall be nil except for any amount applicable by virtue of paragraph 2 of this Schedule.

PART III

Calculation of resources

Disregard of capital value of dwelling

10. In taking into account the value to any person of an interest in the dwelling in which he resides, any sum which might be obtained by him by selling

that interest or borrowing money upon the security thereof shall be disregarded.

Resources wholly disregarded

11. There shall be wholly disregarded:—

- (a) any sums payable to any person as holder of the Victoria Cross or of the George Cross;
- (b) any allowances payable under the Family Allowances (Guernsey) Law, 1950(c), as amended;
- (c) any grant by the States Education Council in respect of a person who would be treated as a child for the purposes of the Family Allowances (Guernsey) Law, 1950, as amended;
- (d) the cash value of any free board or free lodging or both which a person may enjoy, not being board or lodging or both which that person is enjoying under and in pursuance of a contract of service.

12. Capital resources which consist of business premises or stock in trade or both which are wholly or partly used as the means of livelihood, other than by way of unearned income shall, if the Authority in its discretion so direct, be disregarded.

13. If the value of the capital resources taken into account would not exceed £300 they shall be wholly disregarded together with any income therefrom.

Calculation of income from capital resources

14. The capital resources taken into account, together with any income derived therefrom, shall be treated as equivalent to a weekly income of the following amounts, that is to say:—

(c) Ordres en Conseil Vol. XIV, p. 332.

- (a) so far as the value of the capital resources exceeds £300 but does not exceed £800, 1s. 0d. for each complete £25;
- (b) so far as their value exceeds £800, 2s. 6d. for each complete £25.

Earnings

15. (1) The weekly earnings of any person shall be taken to be his net weekly earnings reduced by 40s. 0d. and any amount by which those weekly earnings exceed a multiple of a shilling shall be disregarded.

(2) For the purposes of the last preceding sub-paragraph, there shall be included in the net weekly earnings of a person the cash value of any board or lodging or both which that person is enjoying under and in pursuance of a contract of service.

Disregard of 40s. 0d. a week on certain payments

16. There shall be disregarded 40s. 0d. a week of the income consisting of any one or more of the following, that is to say:—

- (a) any payments in respect of (and including any payment in respect of a dependant's allowance attached to any of the following payments or pensions):—
 - (i) wounds pensions granted to members of the naval, military or air forces of the Crown;
 - (ii) retired pay of disabled commissioned officers granted on account of medical unfitness attributable to or aggravated by naval, military or air force service;
 - (iii) disablement or disability pensions granted to members, other than commissioned

officers, of the naval, military or air forces of the Crown on account of medical unfitness attributable to or aggravated by naval, military or air force service;

(iv) disablement pensions granted to persons who have been employed in the nursing services of any of the naval, military or air forces of the Crown on account of medical unfitness attributable to or aggravated by naval, military or air force service;

(b) any industrial disablement benefit granted under the Social Insurance (Guernsey) Law, 1964(d), as amended.

Disregard of 20s. 0d. a week of other income

17. (1) There shall be disregarded, subject to subparagraph (2) of this paragraph, 20s. 0d. a week of the income taken into account (including any sum taken into account under paragraph 14 of this Schedule) except so far as it consists of any earnings or of any of the following, that is to say:—

- (a) any weekly benefit, other than industrial disablement benefit, payable under the Social Insurance (Guernsey) Law, 1964, as amended;
- (b) any weekly benefit payable under the social insurance legislation of any country, other than Guernsey;
- (c) any maintenance payable to a woman in respect of either herself or a child by her husband or a former husband;
- (d) any payment by a man in respect of a child of whom he is the putative father and any payment by that man to the mother of that child.

(d) Ordres en Conseil Vol. XIX, p. 286.

(2) Where any amount is disregarded under paragraph 16 of this Schedule then, if that amount equals 40s. Od. a week no further amount shall be disregarded under this paragraph and, if it is less than 40s. Od. a week, the amount disregarded under this paragraph shall not, together with that amount, exceed 40s. Od. a week.

Contribution towards household expenses

18. (1) Subject to the provisions of the next succeeding sub-paragraph, where the applicant is a householder, or the husband or wife of a householder, his resources shall be taken to include a contribution towards the expenses of the household from any member thereof who is not a dependant of his of an amount of 10s. Od. a week save that where the resources of the said member:—

- (a) amount to 150s. Od. a week or less but more than 120s. Od. a week, the amount of the contribution shall be taken to be 8s. Od. a week;
- (b) amount to 120s. Od. a week or less but more than 90s. Od. a week, the amount of the contribution shall be taken to be 6s. Od. a week;
- (c) amount to 90s. Od. a week or less, no contribution shall be taken to be so included.

(2) Where the members of the household of an applicant or of the husband or wife of an applicant are husband and wife and are not dependants of the applicant, instead of any contribution or contributions towards the expenses of the household from the husband or the wife or both of them which would be taken to be included in the resources of the applicant under sub-paragraph (1) of this paragraph, there shall be taken to be so included a joint

contribution from the husband and the wife of an amount equal to double the amount of the contribution, if any, which, but for the provisions of this paragraph, would have been taken to be so included:—

- (a) in the case where only the husband or the wife has any resources, in respect of the husband or the wife, as the case may be;
- (b) in the case where both the husband and the wife have resources, in respect of whichever of them has the greater amount of resources.

Resources deliberately abandoned

19. If a person has deprived himself of any resources for the purpose of securing a pension or increasing the amount thereof those resources may be taken into account as if they were still his.

Attribution of assets

20. (1) Subject to the following provisions of this paragraph, a person shall be deemed for the purpose of this Schedule to own an asset if he is absolutely entitled in possession to the whole beneficial interest therein and not otherwise.

(2) Where two or more persons are beneficially entitled in possession to any asset they shall be treated for the purposes of this Schedule as if each of them were entitled in possession to the whole beneficial interest in an equal share in the asset unless it appears that their respective beneficial interests are not equal; and in that case they shall be treated as respectively entitled in possession to the whole beneficial interest in such shares as appears to be just.”

SECOND SCHEDULE Section two

Ordinances	Extent of Repeal
The Non-Contributory Pensions (Implementation) (Amendment) Ordinance, 1959(e).	Paragraphs (b), (c), (d), (e) and (f) of section one.
The Non-Contributory Pensions (Implementation) (Amendment) Ordinance, 1963(f).	The whole Ordinance.
The Non-Contributory Pensions (Implementation) (Amendment) Ordinance, 1969(g).	The whole Ordinance.

R. H. VIDELO,

Her Majesty's Greffier.

(e) Recueil d'Ordonnances Tome XII, p. 191.

(f) Recueil d'Ordonnances Tome XIII, p. 266.

(g) No. 1 of 1969.