



Ordinance of the States

XXV
2002

Made 27th November, 2002.

The Central Outdoor Assistance Board Regulations (Amendment) Ordinance, 2002

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THE STATES, in pursuance of their Resolution of the 26th day of September 2002^a and in exercise of the powers conferred upon them by Article XXII of the Public Assistance Law, 1937, as amended^b, hereby order:-

Amendment to the Regulations of 1963.

1. The Regulations of 1963 are further amended as follows -

(a) in Regulation 1(1) -

(i) after paragraph (b) of the definition of “Relieving Official” insert -

“(c) a person who -

(i) has at any time, by virtue of paragraphs (a) or (b) of this definition, been a Relieving Official;

(ii) is a member of a Parochial Outdoor Assistance Board; and

^a Resolutions 1 to 6 on Article XI of Billet d’État No. XX of 2002.

^b Ordres en Conseil Vol. XI, p. 91; Vol. XIV, p. 363; Vol. XVI, p. 264; Vol. XVII, p. 255; Vol. XIX, p. 149; Vol. XXI, p. 34; Vol. XXII, p. 521; Vol. XXIX, p. 204; and Vol. XXXII, p. 50.

(iii) is nominated by the Chairman of that Board to act on behalf of a person who -

(aa) is a Relieving Official by virtue of paragraph (a) or (b) of this definition; and

(bb) is unable to discharge his duties;”;

(ii) delete the full stop after the definition of “requirements” and insert -

“**the Authority**” means the Public Assistance Authority constituted under the Public Assistance (Guernsey) Law, 1937.”;

(b) for Regulation 1A substitute –

“Application of Regulations.

1A (1) Subject to Regulation 1B, a person -

(a) whose resources are insufficient to meet his requirements;

(b) who applies to a Relieving Official for the Parish in which he resides in such manner as may, from time to time, be approved by the Authority; and

(c) who produces such information and documents in support of his application as may be required by the

Authority or, in any particular case, by the Relieving Official,

shall be entitled to outdoor assistance under and in accordance with these Regulations.

(2) No entitlement to outdoor assistance shall arise in respect of any week preceding the week in which an application is made in accordance with paragraph (1).

(3) Notwithstanding the provisions of paragraph (2) -

(a) a Relieving Official may, at his discretion, grant assistance in respect of a period of up to 7 days immediately preceding the week in which an application is made in accordance with paragraph (1); and

(b) the Authority may, at its discretion, grant assistance in respect of any period prior to that referred to in subparagraph (a).”;

(c) for Regulation 1B substitute -

“Requirement to register with Social Insurance Authority.

1B. (1) A Relieving Official may, by written notice given to an unemployed person who is entitled to outdoor assistance in accordance with these Regulations, require that person to register himself with the Guernsey Social Security Authority for the purposes of benefit under the Social Insurance (Guernsey) Law, 1978 within such period as is specified in

the notice.

(2) A person who fails unreasonably to comply with a requirement to register himself within the period specified in any notice given to him in accordance with paragraph (1) -

(a) shall no longer be entitled to assistance under these Regulations upon the expiry of that period; and

(b) shall remain no longer entitled until such time as he registers himself with the Guernsey Social Security Authority for the purposes of benefit under the Social Insurance (Guernsey) Law, 1978.”;

(d) after Regulation 6A, insert –

“Recovery of overpayments.

6B. Where the Authority is satisfied that there has been an overpayment of assistance through error, misrepresentation or failure to disclose a material fact, such overpayment shall, whether or not subject to criminal proceedings, be recoverable as a civil debt due to the Authority,”

Amendment to the Schedule to the Regulations of 1963.

2. The schedule to the Regulations of 1963 is further amended as follows -

- (a) in paragraph 2(2), for "£208.00" substitute "£250.00";
- (b) in paragraph 4 for "one thousand" substitute "two thousand";
- (c) for paragraph 10, substitute the following -

"10. The ordinary maximum rates of outdoor assistance shall be -

- (a) for two persons living together as husband and wife, £132.20;
- (b) for a person living alone or a householder not falling within subparagraph (a) who is directly responsible for household necessities and rent (if any), £85.95;
- (c) for any other person who is not a householder, £70.10;
- (d) for a member of a household -
 - (i) aged 16 years or over, £59.40;
 - (ii) aged 12 years or over but less than 16 years, £36.70;
 - (iii) aged 5 years or over but less than 12 years, £26.60;
 - (iv) aged less than 5 years, £19.65."

Interpretation.

3. (1) In this Ordinance, unless the context otherwise requires -
- (a) “**the Regulations of 1963**” means the Central Outdoor Assistance Board Regulations, 1963 set out in the Schedule to the Central Outdoor Assistance Board Regulations Ordinance, 1963^c; and
 - (b) references to an enactment are references thereto as amended, re-enacted (with or without modification), extended or applied.

Repeal

4. The Central Outdoor Assistance Board Regulations (Amendment) Ordinance, 2001^d is repealed.

Citation.

5. This Ordinance may be cited as the Central Outdoor Assistance Board Regulations (Amendment) Ordinance, 2002.

Commencement.

6. (1) This Ordinance (except section 2) shall come into force on the 1st day of January, 2003.

^c Recueil d'Ordonnances, Tome XIII, p. 274; Tome XXII, p. 163; No. XXXIX of 1991; No. XXXI of 1993; No. XXXIV of 1994; No. XXIV of 1995; No. XVIII of 1996; No. XXXIII of 1997; No. XXIX of 1998; No. XVIII of 2000; No. XLIII of 2001.

^d Ordinance No. XLIII of 2001.

(2) Section 2 of this Ordinance shall come into force on the 10th day of January, 2003.