

ORDER IN COUNCIL

XI

1976

ratifying a Projet de Loi

ENTITLED

The Family Allowances (Guernsey) (Amendment) Law, 1976

(Registered on the Records of the Island of Guernsey
on the 30th November, 1976.)



1976

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 30th day of November, 1976, before Sir John Loveridge, Kt., C.B.E., Bailiff; present:—Claude Fortescue Nason, Esquire, Stanley Walter Gavey, Esquire, O.B.E., D'Arcy George Le Tissier, Esquire, Edward James Lainé, Esquire, C.B.E., D.F.C., Walter Francis Robin, Esquire, Harry Wall Poat, Esquire, D.S.O., M.C., A.D.C., Richard Brook Sutcliffe, Richard Oliver Symons, Albert Richard McCartney Straw, Esquires, Frederick William Winslow Chandler, Esquire, D.S.O., D.F.C., and Lionel Walter Sarre, Esquire, M.B.E., K.P.M., Jurats.

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 27th day of October, 1976, ratifying a *Projet de Loi* entitled "The Family Allowances (Guernsey) (Amendment) Law, 1976", the Court, after the reading of the said Order in Council and after having heard Her Majesty's Procureur thereon, ordered that the said Order in Council be registered on the records of this Island and that an extract of this present Act, together with a copy of the said Order in Council, be sent by Her Majesty's Greffier to the Clerk of the Court of Alderney for registration on the records of that Island, of which Order in Council the tenor followeth:—

At the Court at Buckingham Palace

The 27th day of October 1976

PRESENT,

The Queen's Most Excellent Majesty in Council

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 21st day of September 1976, in the words following, viz.:—

“YOUR MAJESTY having been pleased, by Your General Order of Reference of the 22nd day of February 1952, to refer unto this Committee the Humble Petition of the States of the Island of Guernsey, setting forth:—

‘1. That, in pursuance of their Resolution of the 31st day of March 1976, the States of Deliberation at a meeting held on the 29th day of April 1976, approved a Bill or “Projet de Loi” entitled “The Family Allowances (Guernsey) (Amendment) Law, 1976”, and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. 2. That the said Bill or “Projet de Loi” is in the words and figures set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or “Projet de Loi” of the States of Guernsey entitled “The Family Allowances (Guernsey) (Amendment) Law, 1976”, and to order that the same shall have force of law in the Islands of Guernsey, Alderney, Herm and Jethou.’

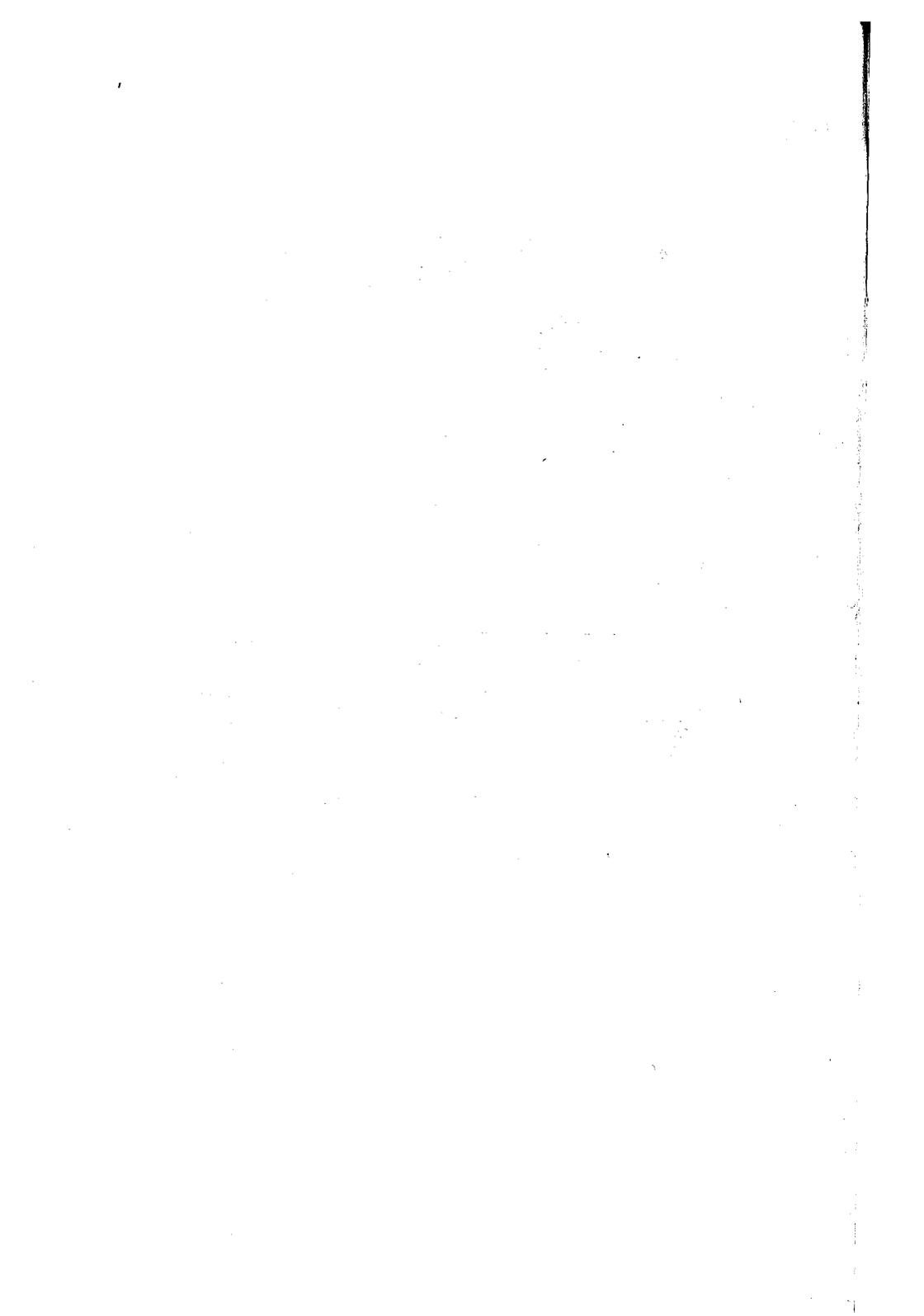
“THE LORDS OF THE COMMITTEE, in obedience to Your Majesty’s said Order of Reference, have taken the said Petition and the said Projet de Loi into consideration, and do this day agree humbly to report, as their opinion, to Your Majesty, that it may be advisable for Your Majesty to comply with the prayer of the said Petition and to approve of and ratify the said Projet de Loi.”

HER MAJESTY having taken the said Report into consideration is pleased, by and with the advice of Her Privy Council, to approve of and ratify the said Projet de Loi, and to order, as it is hereby ordered, that the same shall have the force of Law within the Islands of Guernsey, Alderney, Herm and Jethou.

AND HER MAJESTY doth hereby further direct that this Order, and the said Projet de Loi (a copy whereof is hereunto annexed), be entered upon the Register of the Island of Guernsey and observed accordingly.

AND the Lieutenant Governor and Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other Her Majesty’s Officers for the time being in the said Island, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

N. E. Leigh



Projet de Loi referred to in the foregoing
Order in Council.

PROJET DE LOI

ENTITLED

The Family Allowances (Guernsey) (Amendment) Law, 1976

THE STATES, in pursuance of their Resolution of the thirty-first day of March, nineteen hundred and seventy-six, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Islands of Guernsey, Alderney, Herm and Jethou.

1. The Family Allowances (Guernsey) Law, 1950(*a*), as amended(*b*) (hereafter in this Law referred to as "the principal Law"), is hereby further amended as follows, that is to say:—

Amend-
ment of
principal
Law.

(*a*) section two thereof is hereby repealed and the following section is hereby substituted therefor—

"2. (1) A person shall be treated for the purposes of this Law as a child—

(*a*) during any period whilst he is under the upper limit of the compulsory school age within the meaning of the Education (Guernsey) Law, 1970(*c*); and

(*a*) Ordres en Conseil Vol. XIV, p. 332.

(*b*) Ordres en Conseil Vol. XV, p. 212; Vol. XVI, p. 280; Vol. XVIII, p. 367; Vol. XX, pp. 11 and 63; Vol. XXI p. 34; Vol. XXII, p. 318; and Vol. XXIII, p. 238.

(*c*) Ordres en Conseil Vol. XXII, p. 318.

(b) during any period before the first day of August next following the day on which he attains the age of nineteen years whilst he is receiving full-time education by attendance at a recognised educational establishment.

(2) For the purposes of this section, a person who at any time attains the upper limit of the compulsory school age as aforesaid shall not be treated as being under that limit at any time thereafter, notwithstanding any subsequent change in that limit.”;

(b) subsection (1) of section three thereof is hereby repealed and the following subsection is hereby substituted therefor—

“ (1) Subject to the provisions of this Law, for the purposes of this Law each of the following shall be treated as constituting a family, that is to say—

(a) a man and his wife living together, any child or children being issue of theirs, his or hers, and any child or children being maintained by them;

(b) a man not having a wife or not living together with his wife (and not being a man cohabiting with a woman as mentioned in paragraph (d) of this subsection), any child or children being issue of his, and any child or children being maintained by him;

(c) a woman not having a husband or not living together with her hus-

band (and not being a woman cohabiting with a man as mentioned in the next succeeding paragraph), any child or children being issue of hers, and any child or children being maintained by her;

- (d) a man and a woman cohabiting as husband and wife, any child or children being issue of theirs, his or hers, and any child or children being maintained by them, him or her;

and the expression "issue" means issue of the first generation.";

- (c) in subsection (2) of section three thereof—
- (i) immediately after the words and comma "or one of them," there are hereby inserted the words and comma "of the man and woman cohabiting as husband and wife or one of them,"; and
 - (ii) for the reference to paragraph (a), (b) or (c) of subsection (1) of that section there is hereby substituted a reference to paragraph (a), (b), (c) or (d) of that subsection;
- (d) in subsection (3) of section three thereof, immediately after the words and comma "living together," there are hereby inserted the words and comma "a man and a woman cohabiting as husband and wife,";
- (e) subsection (1) and subsection (2) of section four thereof are hereby repealed and the following subsections are hereby respectively substituted therefor—

“(1) Subject to the provisions of subsection (2) and subsection (3) of this section, allowances for any family shall belong—

- (a) in the case of the family of a man and his wife living together, to the wife;
- (b) in the case of the family of such a man as is mentioned in paragraph (b) of subsection (1) of the last preceding section, to him;
- (c) in the case of the family of such a woman as is mentioned in paragraph (c) of subsection (1) of the last preceding section, to her;
- (d) in the case of the family of a man and woman cohabiting as husband and wife, to the woman.

(2) Sums to be paid on account of an allowance for the family of a man and his wife living together shall be receivable by the man or by the wife, and sums to be paid on account of an allowance for the family of a man and woman cohabiting as husband and wife shall be receivable by the man or by the woman.”;

- (f) in subsection (3) of section four thereof, immediately after the words “living together”, there are hereby inserted the words “or of a man and woman cohabiting as husband and wife”;
- (g) paragraph (b) of subsection (2) of section six thereof is hereby repealed and the following two paragraphs are hereby substituted therefor—

“(b) if the claim was not made within three months from the date of entitlement

and the claimant shows to the satisfaction of the Administrator that he had good cause for the delay in making the claim, on the date of entitlement or at the beginning of the period of twelve months immediately preceding the date on which the claim was made, whichever is the later; or

- (c) in any other case, at the beginning of the period of three months immediately preceding the date on which the claim was made:";
- (h) in subsection (2) of section seven thereof, for the words "three months" there are hereby substituted the words "twelve months";
- (i) in section eight thereof, immediately after subsection (2), there is hereby inserted the following subsection—
 - " (2A) In the case of a sum paid as on account of an allowance for the family of a man and woman cohabiting as husband and wife which the woman could under subsection (1) of this section be required to repay, the man may be required to repay it.";
- (j) in section nine thereof, for the words "fifty pounds" there are hereby substituted the words "four hundred pounds";
- (k) in section fourteen thereof—
 - (i) paragraph (c) of subsection (1) is hereby repealed; and
 - (ii) in subsection (2), for the words "ten pounds" there are hereby substituted the words "fifty pounds";

(l) in subsection (2) of section fifteen thereof, the words "or section twenty-three" are hereby repealed;

(m) in section nineteen thereof—

(i) in subsection (5), immediately after the word "father", there are hereby inserted the words "except where the child's father and mother are cohabiting as husband and wife";

(ii) in subsection (7), for the word "school", wherever it occurs, there are hereby substituted the words "recognised educational establishment"; and

(iii) in subsection (8), for the words "sixteen" and "sixteenth" there are hereby respectively substituted the words "nineteen" and "nineteenth";

(n) in subsection (1) of section twenty-one thereof—

(i) the definition of the expression "apprentice" is hereby repealed; and

(ii) for the full-stop at the end of that subsection there is hereby substituted a semi-colon, and immediately thereafter there is hereby inserted the following definition—

" "recognised educational establishment" means an establishment recognised by the Administrator as being or as comparable to, a university, college or school, and regulations may prescribe the circumstances in which a person is or is not to be treated for the purposes of this Law

as receiving full-time education by attendance at such an establishment.”;

(o) in section twenty-two thereof—

(i) in subsection (1), for the words from the beginning of that subsection to the end of paragraph (b) thereof there are hereby substituted the following words and paragraphs—

“ It shall be a condition of the right to any allowance for the family of a man and his wife living together, or of a man and woman cohabiting as husband and wife, that—

(a) the man or his wife, or the man or woman cohabiting as aforesaid, as the case may be, was born in Guernsey; or

(b) such requirements as to residence, place of birth or other matters as may be prescribed are satisfied as respects the man or his wife or the man or woman cohabiting as aforesaid, as the case may be, according to such rules as may be prescribed.”;

(ii) immediately after subsection (2), there is hereby inserted the following subsection—

“ (2A) It shall be a condition of the right to any allowance for the family of a man and woman cohabiting as husband and wife that each or one of them is in Guernsey.”; and

(iii) in subsection (4), for the words “two last preceding subsections” there are

hereby substituted the words "three last preceding subsections";

- (p) in subsection (1) of section twenty-three thereof, for the words "it shall be lawful for the Authority by regulation to" there are hereby substituted the words "the States of Guernsey may by Ordinance";
- (q) sub-paragraph (2) of paragraph 1 of the Schedule thereto is hereby repealed and the following sub-paragraph is hereby substituted therefor—

" (2) For the purposes of this paragraph, a man and his wife living together or a man and woman cohabiting as husband and wife shall be treated as one person and amounts contributed by them respectively shall be aggregated accordingly, and references to a person shall be construed as references to such persons as are mentioned in paragraphs (a), (b), (c) or (d) respectively of subsection (1) of section three of this Law, that is to say, a man and his wife living together, such a man as is mentioned in the said paragraph (b), such a woman as is mentioned in the said paragraph (c), and a man and a woman cohabiting as husband and wife."

Saving.

2. The amendment by this Law of subsection (1) of section twenty-three of the principal Law shall not affect any arrangements or regulations made under that section immediately before the coming into force of this Law, but any such regulations shall remain in force as if this Law had not been passed until the arrangements to which they relate are terminated or until the regulations are revoked

by an Ordinance of the States of Guernsey under this section.

3. The Laws mentioned in the first column of the Schedule to this Law are hereby repealed to the extent specified in the second column of that Schedule. Repeals.

4. (1) This Law may be cited as "The Family Allowances (Guernsey) (Amendment) Law, 1976". Citation,
collective
title and
commence-
ment.

(2) This Law, the Family Allowances (Guernsey) Law, 1950, the Family Allowances (Amendment) Law, 1955, and the Family Allowances (Amendment) (No. 2) Law, 1965, may be cited together as the Family Allowances (Guernsey) Laws, 1950 to 1976.

(3) This Law shall come into force on such day as shall be appointed in that behalf by Ordinance of the States.

SCHEDULE Section three
Laws repealed

Law	Extent of repeal
The Family Allowances (Guernsey) (Amendment) Law, 1951	The whole Law
The Family Allowances (Amendment) Law, 1955	Section two
The Family Allowances (Amendment) Law, 1961	The whole Law
The Family Allowances (Amendment) Law, 1965	The whole Law
The Family Allowances (Amendment) (No. 2) Law, 1965	Paragraph (a) of section one, section three and subsection (2) of section four

R. H. VIDELO,
Her Majesty's Greffier.