

ORDER IN COUNCIL

XI

Ratifying a Projet de Loi entitled

1950

“The Family Allowances (Guernsey) Law, 1950”.

(Registered on the Records of the Island of Guernsey on
the 6th day of May, 1950.)



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1950.

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 6th day of May, 1950, before Sir Ambrose James Sherwill, C.B.E., M.C., Bailiff, present: Osmond Priaulx Gallienne, Esquire, Ernest de Garis, Esquire, O.B.E., Sir John Leale, James Frederick Carey, Arthur Falla, Pierre de Putron, Quartier Le Pelly, Walter John Sarre, Esquires, Richard Henry Johns, Esquire, O.B.E., William Robert Freake Clark, Walter John Gavey and Ernest Francis Lainé, Esquires, Jurats.

The Bailiff having this day placed before the Court an Order of His Majesty in Council dated the 25th day of April, 1950, ratifying a *Projet de Loi* entitled "The Family Allowances (Guernsey) Law, 1950",—the Court, after the reading of the said Order in Council and after having heard his 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 His 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 25th day of April, 1950

Present,

The King's Most Excellent Majesty.

LORD PRESIDENT
LORD PAKENHAM
MR. BARNES
MR. TOMLINSON

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 11th day of April, 1950, in the words following, viz. :—

“YOUR MAJESTY having been pleased, by Your General Order of Reference of the 18th day of December, 1936, 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 22nd day of June, 1949, the States of Deliberation at a meeting held on the 15th day of February, 1950, approved a Bill or Projet de Loi entitled “The Family Allowances (Guernsey) Law, 1950,” 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) Law, 1950” 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.”

HIS MAJESTY having taken the said Report into consideration is pleased, by and with the the advice of His 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 HIS 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 His 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.

E. C. E. Leadbitter.

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

PROJET DE LOI

ENTITLED

“The Family Allowances (Guernsey) Law, 1950”.

ARRANGEMENT OF SECTIONS.

GRANT OF FAMILY ALLOWANCES

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- 2 Meaning of “child”.
- 3 Meaning of “family”.
- 4 Persons to whom allowances are to be paid.

CLAIMS, DURATION OF ALLOWANCES, AND PAYMENT.

- 5 Determination of questions as to right to allowances.
- 6 Period for which allowances are to accrue.
- 7 Method of payment, and time for obtaining payment.
- 8 Adjustment of overpayments.
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- 11 Exclusion of children removed from control of parents.
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PROJET DE LOI

ENTITLED

“The Family Allowances (Guernsey) Law, 1950.”

THE STATES, in pursuance of their resolution of the 22nd day of June, 1949, have approved the following provisions which, subject to the Sanction of His Most Excellent Majesty in Council, shall have force of law in the Island of Guernsey and in the Islands of Alderney, Herm and Jethou.

GRANT OF FAMILY ALLOWANCES.

Payment and
amount of
allowances.

1.—(1) Subject to the provisions of this Law, there shall be paid by the Authority, out of monies provided by the States, for every family which includes two or more children and for the benefit of the family as a whole, an allowance in respect of each child in the family other than the elder or eldest at the rate of five shillings a week.

(2) Notwithstanding the provisions of the last preceding subsection, the States may by Ordinance preceded by a resolution vary any of those provisions as to—

- (a) the children in respect of whom an allowance is to be paid;
- (b) the families for which an allowance is to be paid;
- (c) the amount of any such allowance.

(3) Any Ordinance of the States made under the provisions of this section shall not be effective until the lapse of three months from the date of its passing.

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

- (a) during any period whilst he is under the upper age limit below which education is compulsory by law and being below that age limit is not a person who has been excused from attendance at a Public Elementary School in accordance with the provisions of subparagraph (ii) of paragraph (b) of subsection (3) of section sixteen of the Education Law (Guernsey), 1935, to enable that person to enter full-time employment either with his parents or otherwise; and
- (b) during any period before the first day of August next following the day on which he attains the age of sixteen years whilst he is undergoing full-time instruction in a school, or is an apprentice.

(2) For the purposes of this section—

- (a) a person who at any time attains the upper age limit below which education is compulsory by law shall not be treated as being under that limit at any time thereafter, notwithstanding any subsequent change in that limit; and
- (b) a person who becomes an apprentice after an interval of not more than one month from attaining the upper age limit below which education is compulsory by law, or from ceasing to undergo full-time instruction in a school, shall be treated as having been an apprentice throughout the interval.

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

- (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, any child or children being issue of his, and any child or children being maintained by him; and
- (c) a woman not having a husband or not living together with her husband, any child or children being issue of hers, and any child or children being maintained by her.

In this law the expression "issue" means issue of the first generation.

(2) It shall be a condition of a child's being treated as included in a family as being issue of the man and his wife or one of them, of the man, or of the woman (according as the family falls within paragraph (a), (b) or (c) of subsection (1) of this section) that the child is living with them, with him or with her, as the case may be, or, if not, that the cost of providing for the child is contributed to by them taken together, by him, or by her, as the case may be, at the rate of five shillings per week or more.

(3) The provisions of the Schedule to this Law shall have effect as to the circumstances in which a man and his wife living together, or such a man or woman as is mentioned in paragraph (b) or (c) of subsection (1) of this section, is to be treated as maintaining a child; and for determining as between parents and persons maintaining children, or as between one parent of a child and the other, in what family a child is to be treated as included.

Persons to whom allowances are to be paid.

4.—(1) Allowances for any family shall belong—

- (a) in the case of the family of a man and his wife living together, to the wife, subject

however to the provisions of subsections (2) and (3) of this section;

- (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.

(2) Sums to be paid on account of an allowance for the family of a man and his wife living together shall be receivable either by the man or by the wife.

(3) If the Administrator is satisfied in the case of a man and his wife living together that the recipient of the allowances is not a proper person as against the other to receive them, he may order that sums on account of allowances for their family becoming receivable after the expiration of fourteen days from the date of the order shall, notwithstanding anything in the last preceding subsection, be receivable, as between them, by the other only.

CLAIMS, DURATION OF ALLOWANCES, AND PAYMENT.

5.—(1) Subject to the provisions of this Law and in accordance with regulations made thereunder, all claims for or in respect of allowances shall be made to the Administrator, and any question as to the right to an allowance in respect of any person for any family shall be decided by him.

Determina-
tion of
questions as
to right to
allowances.

(2) Any person aggrieved by the award or decision of the Administrator in respect of an allowance (whether as made or given or as revised under subsection (6) of this section) may appeal from that award or decision to a tribunal (hereinafter referred to as "the tribunal"), which said tribunal shall be appointed by the Royal Court either generally or in respect of a

particular appeal and shall consist of a Chairman and Deputy Chairman appointed by the Royal Court and such other members as the Royal Court may decide :

PROVIDED that this subsection shall not apply to a decision given by the Administrator as respects any matter which by this Law is to be within his discretion, or to be certified by him, or for deciding an issue which by this Law depends on any facts being shown to his satisfaction.

(3) The tribunal may refer to the Royal Court for decision any question of law arising in connection with the determination of an appeal to the tribunal under this section in such manner and within such period as shall be laid down by Order of the Royal Court.

(4) Any person aggrieved by a decision of the tribunal on any question of law may appeal from that decision to the Royal Court in such manner and within such period as shall be laid down by Order of the Royal Court.

(5) The decision of the Administrator or the tribunal, as the case may be, on any claim or question in respect of which there has been no appeal under this section within the time prescribed or laid down by Order of the Royal Court, as the case may be, shall be final.

(6) The Administrator may at any time and from time to time revise any award made or decision given by him under this Law, if it appears to him that the award or decision was erroneous either in view of further information which has been brought to his notice since the date on which it was made or given as to the circumstances existing at the time by reference to which it was made or given, or by reason of some mistake having been made with respect to those circumstances or to the law :

PROVIDED that this subsection shall not apply to an award or decision relating to a matter which is the subject of an appeal to the tribunal under this section, or until the time prescribed for bringing such an appeal under this Law has expired, unless the person who brought the appeal, or is entitled to bring the appeal, as the case may be, consents, and this subsection shall not apply to an award made by the Administrator for the purpose of giving effect to a decision given by the tribunal or by the Royal Court, as the case may be, unless the person to whom the allowance in question belongs consents.

(7) If in any case in which a decision has been given by the tribunal with respect to a matter which has formed the subject of an appeal to the tribunal under this section it appears to the Administrator that the decision might properly be reconsidered in view either of further information which has been brought to his notice since the date on which it was given as to the circumstances existing at the time by reference to which it was given, or of any apparent inconsistency between the decision and any other decision subsequently given either by the Royal Court or by the tribunal, he may cause the decision to be referred to the tribunal for reconsideration and the tribunal may revise the decision.

(8) If in any case in which a decision has been given by the Royal Court with respect to a matter which has formed the subject of an appeal to the Royal Court under this section it appears to the Administrator that the decision might properly be reconsidered in view of further information which has been brought to his notice since the date on which it was given as to the circumstances existing at the time by reference to which it was given, he may cause the deci-

sion to be referred to the Royal Court for reconsideration and the Royal Court may revise the decision.

Period for which allowances are to accrue.

6.—(1) An allowance shall be for a continuous period ascertained under the subsequent provisions of this section, and any award of an allowance shall be made accordingly.

(2) Subject to the provisions of the next succeeding section, an allowance awarded shall begin to accrue—

- (a) if the claim was made within three months from the date of entitlement, on the date of entitlement; or
- (b) if the claim was not made within three months from the date of entitlement, then at the beginning of the period of three months immediately preceding the date on which the claim was made:

PROVIDED that, if the award is a revised award made by the Administrator in view of further information brought to his notice or an award made for giving effect to a revised decision given by the tribunal in view of such information, or an award made for giving effect to a revised decision given by the Royal Court in view of such information, this subsection shall have effect as if the claim had been made on the date on which that information was brought to his notice, and the Administrator may for the purposes of this proviso certify the date on which information was brought to his notice.

In this subsection the expression "date of entitlement" means, in relation to an allowance awarded in respect of any person as being a child included in any family, the date on which all the requirements of this

Law and of any relevant regulations for the existence of a right to an allowance in respect of that person for that family became satisfied, or if when the award was made those requirements had become satisfied more than once, the date on which they last became satisfied.

(3) An allowance awarded in respect of any person as being a child included in the family of a man and his wife shall be awarded not only for their family but also, with effect after the death of either of them whilst they are living together, for any family for the time being of the survivor, or of the survivor and a spouse of his or hers.

(4) Subject to the provisions of the next succeeding section, an allowance awarded in respect of any person shall terminate when any of the requirements of this Law or of any relevant regulations for the existence of a right to an allowance in respect of that person ceases to be satisfied, or that person is no longer included in a family for which the allowance was awarded, or any of the requirements of this Law or of any relevant regulations for the existence of a right to an allowance for such a family in which that person is included ceases to be satisfied, whichever first occurs.

(5) When it appears to the Administrator that an allowance awarded is about to terminate, or has terminated, under this section, he shall take all necessary steps for stopping payments on account thereof on its termination or so soon as may be practicable thereafter, and the stopping of payments on account of an allowance under this subsection shall be treated for the purposes of the last preceding section as a decision of the Administrator that the allowance has terminated.

7.—(1) Allowances shall be payable by sums on account thereof receivable at such times, in such manner, and subject to such conditions as may be prescribed.

Method of payment, and time for obtaining payment.

(2) The right to so much of an allowance as is payable by a sum on account thereof made receivable (whether unconditionally or subject to satisfaction of any prescribed conditions) on any day shall be extinguished at the expiration of three months from that day if payment thereof has not been obtained during that period.

(3) The regulations to be made for the purposes of this section may make provision for securing that the beginning of accruer of allowances shall coincide with a day in the week on which sums on account of allowances made receivable weekly are to become receivable, and that the termination of allowances shall coincide with a day next before such a day.

Adjustment
of overpay-
ments.

8.—(1) If it is found at any time that a sum has been paid as on account of an allowance being a sum which was not properly payable, the Administrator may require it to be repaid,—

- (a) if it was paid to a person as in his own right, by that person, or
- (b) if it was paid to a person as on behalf of another, either by that person or by that other person:

PROVIDED that the Administrator shall not require repayment by a person who is shown to his satisfaction to have acted in good faith in all respects as to the obtaining and receipt of the sum in question.

(2) In the case of a sum paid as on account of an allowance for the family of a man and his wife living together which the wife could under the preceding subsection be required to repay, the husband may be required to repay it.

(3) If it is found at any time that a sum properly payable on account of an allowance has been paid to

a person not being a person by whom it was properly receivable, the Administrator may require it to be repaid by the person to whom it was paid:

PROVIDED that the Administrator shall not require repayment by a person who is shown to his satisfaction to have acted in good faith in all respects as to the obtaining and receipt of the sum in question.

(4) In case of the death of a person who could be required to repay a sum under this section, the Administrator may require it to be repaid by his personal representative.

(5) Any sum which a person is required under this section to repay to the Administrator may be recovered by the Administrator as a debt due to the States and proceedings for the recovery of any such sum may be brought at any time within twelve months from the time when that sum was paid, or, where the proceedings are for the recovery of a consecutive series of sums, within twelve months from the date on which the last sum of the series was paid.

(6) Any sum which a person is required under this section to repay to the Administrator may, without prejudice to any other remedy, be recovered by means of deductions from any other sum receivable on account of any allowance by the person to whom the sum was paid, unless it was paid to that person as on behalf of another, and in that case it may, without prejudice to any other remedy, be recovered by means of deductions from any other sum receivable on account of any allowance by that other person.

(7) If, after an allowance in respect of a child has been awarded for one family, facts are brought to the Administrator's notice from which it appears that the child was in fact not included in that family, but was included in another family, during a period for which sums have been paid as on account of the

allowance awarded, and a subsequent award is made of an allowance in respect of the child for that other family so as to accrue during that period or any part thereof, sums on account of the allowance awarded for that other family shall be payable only—

- (a) for the period after such date as may be certified by the Administrator as being the earliest reasonably practicable for taking the necessary action in view of the said facts for stopping payments as on account of the allowance for the first-mentioned family; and
- (b) for any period before that date in respect of which payment of sums as on account of the allowance for the first-mentioned family has not been made, or in respect of which payment has been so made but of sums which have been repaid or recovered under this section.

Penalty for obtaining or receiving payment wrongfully.

9. If any person—

- (a) with intent to obtain any sum as on account of an allowance, either as in that person's own right or as on behalf of another, furnishes any information which he knows to be false in a material particular, or recklessly furnishes any information which is false in a material particular, or withholds any material information; or
- (b) obtains or receives any sum as on account of an allowance, either as in that person's own right or as on behalf of another, knowing that it was not properly payable, or not properly receivable by him;

that person shall be liable on conviction to imprisonment for a term not exceeding three months or to a fine not exceeding fifty pounds or to both such imprisonment and such fine.

10.—(1) Every assignment of, attachment of or charge on, and every agreement to assign or charge, an allowance or any part of an allowance or any sum to be paid on account of an allowance, shall be void, and on the bankruptcy of a person to whom an allowance belongs or by whom sums on account of an allowance are receivable, no rights in respect of the allowance or of any sum to be paid on account thereof shall pass to any trustee or other person acting on account of the creditors.

Allowances
to be
inalienable.

(2) Sums receivable by any person on account of an allowance shall not be included in calculating his means for the purpose of Article three of the Law entitled "Loi ayant rapport aux Débiteurs et à la Renonciation" registered on the Records of the Island of Guernsey on the 2nd day of August, 1929.

EXCLUSION AND ADJUSTMENTS IN CERTAIN CIRCUMSTANCES.

11. A child shall not, for the purposes of this Law, be treated as included in any family as respects any period during which he is—

Exclusion of
children
removed
from control
of parents.

- (a) detained by virtue of the provisions of the "Loi ayant rapport à l'Asile des Enfants", registered on the Records of this Island on the 24th day of November, 1928, in any institution and is not boarded out in a private house under the provisions of Article five of the said Law;
- (b) detained by virtue of the provisions of the "Loi ayant rapport à la Protection des Enfants et des Jeunes Personnes", registered on the Records of this Island on the 10th day of February, 1917, in any approved school and is not absent from the school on licence; or

- (c) detained by virtue of an order made under the provisions of Articles twenty-six, thirty-three, thirty-four or thirty-five of the said "Loi ayant rapport à la Protection des Enfants et des Jeunes Personnes".

Adjustment in case of children for whom equivalent benefits are provided under provisions relating to the services and to war injury in force in the United Kingdom.

12.—(1) The following provision shall have effect as respects allowances under this Law which apart from such provision would accrue during any period before such date as may be certified by the Treasury in the United Kingdom as the date on which a revision has taken effect of the scales of emoluments and other benefits to be paid in respect of the service of a member of the naval, military or air forces of the Crown (including such nursing or other auxiliary service as may be prescribed under this Law), that is to say, if the Authority is satisfied that provision has been made, by an authority in the United Kingdom by whom allowances or other additions to emoluments in respect of that period are payable in respect of any children by reference to such service as aforesaid, for the giving in respect of those children and of that period of benefits, in addition to those allowances or other additions to emoluments, equivalent to the benefits conferred by this Law in respect of those children and of that period, the Authority may make regulations for withholding the allowances under this Law which would otherwise accrue in respect of those children during that period.

(2) The preceding subsection shall apply in relation to a revision of the scales of benefits to be paid—

- (a) in respect of the disablement or death of persons who have served in any of the said forces, or
- (b) under any scheme made by virtue of the Injuries in War (Compensation) Act, 1914, the Injuries in War Compensation Act, 1914, (Session 2), the Injuries in War

(Compensation) Act, 1915, the Government War Obligations Acts, 1914 to 1916, the Personal Injuries (Emergency Provisions) Act, 1939, or the Pensions (Navy, Army, Air Force and Mercantile Marine) Act, 1939, either as originally enacted or as amended by the Pensions (Mercantile Marine) Act, 1942,

with the substitution, for references to allowances or other additions to emoluments payable by reference to such service as is mentioned in the preceding subsection, of references to allowances or other additions payable by reference to such disablement or death as aforesaid, or under any such scheme as aforesaid, as the case may be.

13.—(1) Where—

- (a) outdoor relief under the Public Assistance Law, 1937, is granted to or on account of any person in respect of any period, and
- (b) that person subsequently becomes entitled to receive in respect of the same period sums on account of an allowance under this Law,

Adjustments
in respect of
outdoor
relief.

the Authority may in its discretion treat the said sums as reduced for the purposes of this Law by an amount not exceeding the amount of any reduction which the authority granting the relief under the said Law certify that they would have made in the relief if those sums had been receivable by that person during that period.

(2) Where under this section the Authority treats sums on account of an allowance as reduced in respect of outdoor relief, it may pay to the authority granting the relief, out of the monies referred to in section one of this Law, an amount equal to that by which those sums are treated as reduced.

ADMINISTRATIVE PROVISIONS.

Regulations
of the
Authority.

14.—(1) The Authority may make regulations for prescribing anything which under this Law is to be prescribed and generally for carrying this Law into effect, and in particular, but without prejudice to the generality of this subsection—

- (a) for prescribing the manner in which the Administrator shall be supplied by claimants with certificates of births, marriages, deaths and of copies of final decrees of dissolution of marriages, or shall be furnished with such information by His Majesty's Greffier as may be necessary, or shall be permitted to search the registers of births, marriages, deaths and the records of final decrees of dissolution of marriages maintained by His Majesty's Greffier;
- (b) for prescribing the manner in which claims to allowances may be made;
- (c) for specifying the circumstances in which a person is to be treated for the purposes of this Law as undergoing full-time instruction in a school or full-time training;
- (d) for authorising in such cases as may be prescribed the payment of any sum as on account of an allowance during any period intervening between the making of any claim or the raising of any question and the final determination of the claim or question;
- (e) for enabling a person to be appointed to exercise, on behalf of a claimant, or of a person to or by whom an allowance belongs or is receivable, who may be or may become unable for the time being to act, any right or power which that claimant

- or person may be entitled to exercise under this Law and any amendment or modification thereof from time to time in force, and for authorising a person so appointed to receive any sum on account of an allowance on behalf of that claimant or person;
- (f) for imposing upon persons to whom allowances belong or by whom or on whose behalf sums on account of allowances are receivable the duty to furnish to the Administrator information of facts affecting the right thereto;
 - (g) for making provision, in connection with the death of persons who had made claims for allowances or to whom allowances belonged or by whom sums on account of allowances were receivable, for enabling such claims to be proceeded with, for extending the period limited by section seven of this Law for obtaining payment of such sums, for authorising payment or distribution of such sums to or amongst persons claiming as personal representatives, legatees, next of kin or creditors of such persons (or, in cases of illegitimacy of deceased persons, to or amongst others), and for dispensing with strict proof of the title of persons so claiming;
 - (h) for regulating the procedure to be followed in the case of any appeal under section five of this Law from the decision of the Administrator to the tribunal;
 - (i) as to the time to be allowed for making an appeal to the tribunal; and
 - (j) for regulating the procedure to be followed on any reference by the Administrator to the tribunal under section five of this Law.

(2) If any person contravenes or fails to comply with any requirement of regulations made under this Law, he shall be liable on conviction to a fine not exceeding ten pounds.

Regulations
to be laid
before the
States.

15.—(1) Subject to the next succeeding subsection, all regulations made by the Authority under this Law shall be laid before the States forthwith after the making thereof in such manner as the States may by general resolution from time to time direct and if, at the meeting of the States in the course of which any regulations so made are laid before them or at the next subsequent meeting, the States resolve that the regulations be annulled, the regulations shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder or to the making of any new regulations.

(2) No regulations shall be made under section twelve of this Law unless a draft of such regulations has been laid before the States and has been approved by a resolution of the States.

Administra-
tive and
other
expenses.

16. The Authority may pay out of monies provided by the States—

- (a) any expenses incurred by the Authority in carrying this Law into effect;
- (b) to any person charged under this Law with the duty of hearing appeals or references from the Administrator to the tribunal under this Law, such sums by way of recompense for such duty in accordance with the rate and under the conditions from time to time laid down by resolution of the States;
- (c) to any person required to attend at any proceedings on any award, decision or appeal under this Law, such travelling and other allowances as the Authority may determine; and

- (d) such other expenses incurred in connection with the work of any person referred to in the last but one preceding paragraph.

17.—(1) Proceedings for an offence under this Law shall not be instituted except with the consent of the Authority or of the Administrator authorised in that behalf by special or general directions of the Authority.

Provisions as to legal proceedings.

(2) Notwithstanding any provision in any Law prescribing the period within which proceedings may be commenced, proceedings for an offence under this Law may be commenced at any time within the period of three months from the date on which evidence, sufficient in the opinion of the Authority to justify a prosecution for the offence, comes to its knowledge, or within the period of twelve months from the date on which the offence was committed, whichever period last expires, and for the purposes of this subsection a certificate purporting to be signed by or on behalf of the Authority as to the date on which such evidence as aforesaid came to its knowledge, shall be conclusive evidence thereof.

18. Stamp duty shall not be chargeable upon a draft or order for the payment of a sum on account of an allowance, or upon a receipt given for, or on the payment of, any such sum.

Exemption from stamp duty.

INTERPRETATION.

19.—(1) A man and his wife shall not be deemed for the purposes of this Law to be living otherwise than together unless they are permanently living in separation either by agreement or under an order of a court, or one of them has deserted the other and the separation which is incident to the desertion has not come to an end.

Provisions as to certain special circumstances affecting the operation of s.3.

(2) For the purposes of this Law, a child being legitimate issue of a deceased spouse of any person

by an earlier marriage of the deceased spouse to another shall be treated as issue of that person, and a child being illegitimate issue of a deceased spouse of any person shall be treated as issue of that person so far as regards any period during which the child is living with that person :

PROVIDED that the preceding provisions of this subsection shall not have effect in a case in which the marriage between the person in question and his or her deceased spouse was terminated otherwise than by the deceased spouse's death.

(3) Where a child born before the marriage of the child's parents has been legitimated by virtue of the subsequent marriage of the parents, the child shall, for the purposes of this Law, be deemed to be issue of the marriage.

(4) For the purposes of this Law, an adopted child shall be treated as if the child were legitimate issue of the adopter, or, if the child was adopted by two spouses jointly, or by one of two spouses after their marriage, as if the child were legitimate issue of their marriage, and shall not be treated as being issue of any other person.

(5) An illegitimate child shall not be treated for the purposes of this Law as being issue of the child's father.

(6) References in this Law to the parents, a parent, the father, or the mother of a child, or to an illegitimate child, shall be construed in accordance with the provisions of the four last preceding subsections.

(7) Subject to the provisions of section eleven of this Law, a child shall not be deemed for the purposes of this Law to have ceased to live with a person by reason of any temporary absence, and in particular by reason of absence at any school, and a person who

has been contributing at any rate to the cost of providing for a child, or has been maintaining a child, shall not be treated as having ceased so to contribute, or to maintain the child, by reason of any temporary interruption or reduction of his contribution to the cost of providing for the child, and the question whether any such absence (other than at a school), interruption or reduction is or is not to be treated as temporary for the said purposes shall be determined by reference to such rules as may be prescribed.

(8) For the purposes of this Law, a person shall be deemed not to have attained the age of sixteen until the commencement of the sixteenth anniversary of the day of his birth, and similarly with respect to other ages.

20.—(1) In this Law the expression “providing for” a child means making available for the child food, clothing, lodging, education and all other things reasonably required for the child’s benefit having regard to all the circumstances.

Meaning of
“providing
for” a
child.

(2) For the purposes of this Law—

- (a) the making available in kind of anything used for providing for a child shall be treated as a contribution to the cost of providing for the child of an amount equal to the value thereof;
- (b) money paid or a thing made available in kind shall be treated as contributed by any person so far, and so far only, as it is paid or made available at that person’s own expense or out of property belonging to that person beneficially.

21.—(1) In this Law, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

Definitions.

“Administrator” means the person for the

time being holding the office of Administrator under the Contributory Pensions Laws, 1935 to 1949;

“allowance” means an allowance under this Law;

“apprentice” means a person undergoing full-time training for any trade, business, profession, office, employment or vocation, and not in receipt of earnings which provide him, wholly or substantially, with a livelihood;

“Authority” means the States Insurance Authority constituted under the provisions of the Contributory Pensions Laws, 1935 to 1949; and

“Guernsey” includes the Islands of Alderney, Herm and Jethou.

(2) This Law shall be interpreted in the Islands of Alderney and Jethou as if the Interpretation (Guernsey) Law, 1948, applied to those Islands.

EXTENT, REPEALS AND COMMENCEMENT.

Limitation
of extent of
application
of Law.

22.—(1) It shall be a condition of the right to any allowance for the family of a man and his wife living together that either—

- (a) the man is a British subject whose place of birth is in Guernsey, or, if not,
- (b) such requirements as to nationality, residence, place of birth or other matters as may be prescribed are satisfied as respects the man, or his wife, or either or both of them, according as may be provided by regulations;

and the like condition shall apply in the case of the family of such a man as is mentioned in paragraph (b) of subsection (1) of section three of this Law subject to the limitation that requirements may be prescribed

as respects the man only, and in the case of the family of such a woman as is mentioned in paragraph (c) of that subsection with the substitution for the reference to the man in paragraph (a) of this subsection of a reference to the woman and subject to the limitation that requirements may be prescribed as respects the woman only.

(2) It shall be a condition of the right to any allowance for the family of a man and his wife living together that each or one of them is in Guernsey, and the like condition shall apply in the case of the family of such a man as is mentioned in paragraph (b) of subsection (1) of section three of this Law as respects the man, and in the case of the family of such a woman as is mentioned in paragraph (c) of that subsection as respects the woman.

(3) It shall be a condition of a child's being treated as a member of any family that the child is in Guernsey.

(4) For the purposes of the two last preceding subsections the temporary presence of a person in Guernsey or the temporary absence of a person therefrom shall be disregarded, and the question whether the presence or absence of a person is or is not to be treated as temporary for the said purposes shall be determined by reference to such rules as may be prescribed.

(5) Sums to be paid on account of allowances shall be payable only in Guernsey.

23.—(1) Where any scheme of family allowances appearing to the Authority to be one substantially corresponding to the scheme established by this Law is in force by virtue of legislative enactment in Great Britain, Northern Ireland, or in any other country being a part of His Majesty's dominions, the Authority may, with the consent of the States, make reciprocal arrangements with the authority administering the scheme of that other country as respects the condi-

Provisions as to reciprocal arrangements with Great Britain, Northern Ireland and His Majesty's dominions.

tions mentioned in the last preceding section on the one hand and any conditions limiting the extent of the scheme of that other country on the other hand.

(2) Any such arrangements may include provision for the modification or adaptation of the respective schemes in relation to or in connection with persons affected by the arrangements, and regulations made under this Law may provide for such modification or adaptation of the provisions of this Law as may appear to the Authority to be requisite for giving effect to the arrangements or in consequence thereof, and for any necessary financial adjustments.

(3) For the purposes of this section, the expression "His Majesty's dominions" includes British Protectorates and Protected States and any territory in respect of which a mandate has been accepted by His Majesty and is being exercised by the Government of any part of His Majesty's dominions.

Instruments
made or
issued by the
Authority.

24.—(1) Every document purporting to be an instrument made or issued by the Authority and to be signed by any person authorised by the Authority shall be received in evidence and be deemed to be so made or issued without further proof unless the contrary is shown.

(2) A certificate signed by the President of the Authority on behalf of that Authority that any instrument purporting to be made or issued by it was so made or issued shall be conclusive evidence of that fact.

Repeals and
savings.

25. The Family Allowances Law, 1947, is hereby repealed on and after a day to be appointed by the Authority under the next succeeding section, and no person shall, whether on his own behalf or on behalf of another, on and after that day be treated as receiving or claiming any allowance under the said Law:

PROVIDED that, without prejudice to the provisions of section nineteen of the Interpretation (Guernsey) Law, 1948,—

- (a) nothing in this repeal shall affect any decision given or thing done under the said Law and every such decision shall remain in force and shall, so far as it could have been given under this Law, have effect as if made or given under the corresponding enactment of this Law;
- (b) any document referring to the enactment repealed by this Law shall be construed as referring to the corresponding enactment of this Law;
- (c) references in this Law to persons claiming or in receipt of allowances shall, so far as necessary for the purpose of preserving any accruing right, be construed as including references to persons so claiming or in receipt of allowances under the enactment repealed by this Law.

26. This Law shall come into force on such date as may be appointed by Ordinance and different days may be appointed for different purposes and for different provisions of this Law. Commence-
ment.

SCHEDULE. Section 3.

CIRCUMSTANCES IN WHICH A PERSON IS TO
BE TREATED AS MAINTAINING A CHILD.

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

- (a) if that person is the only person who con-

tributes to the cost of providing for the child, or if that person contributes to the said cost an amount greater than any other one person contributes thereto;

- (b) if two or more persons of whom that person is one each of them contribute to the said cost an equal amount that is greater than any other one person contributes thereto, and it is agreed between the said two or more persons, or in default of agreement the Administrator in his discretion decides, that, as between them, that person is to be preferred;

and not otherwise :

PROVIDED that a person who under the preceding provisions would be treated as maintaining a child shall not be so treated if his contribution to the cost of providing for the child is at a rate less than five shillings a week, unless the child is living with that person.

(2) For the purposes of this paragraph, a man and his wife living together 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) and (c) 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) and such a woman as is mentioned in the said paragraph (c).

DETERMINATION OF THE FAMILY IN WHICH A CHILD CAPABLE OF BEING TREATED AS INCLUDED IN MORE THAN ONE FAMILY IS TO BE INCLUDED.

2. Where a child could otherwise be treated under section three of this Law as included at the same time in one family as being issue of his parents or either of them, and in another family as being maintained by a person other than his parents or either of them, the child shall be treated as then included in that family only in which he can be treated as included as being issue of the parents or parent.

3. Where a child could otherwise be treated under section three of this Law as included at the same time in one family on the ground of the child's being issue of his father, and in another family on the ground of the child's being issue of his mother, the child shall be treated as then included in one of those families to the exclusion of the other as may be agreed between the father and the mother, or in default of agreement as the Administrator may in his discretion decide.

JAMES E. LE PAGE,

H.M. Greffier.