

Island of  Guernsey

Ordinance of the States **XXII**

1977

Made ... .. 25th May, 1977.  
Deemed to have come into  
Operation ... .. 4th April, 1977.

**The Family Allowances (Reciprocal  
Agreement with Great Britain, Northern  
Ireland and the Isle of Man) (Guernsey)  
Ordinance, 1977**

THE STATES, in exercise of the powers conferred upon them by section twenty-three of the Family Allowances (Guernsey) Law, 1950(a), as amended(b), section two of the Family Allowances (Guernsey) (Amendment) Law, 1976(c), and of all other powers enabling them in that behalf, hereby order:—

1. The provisions contained in the Agreement on Family Allowances set out in the First Schedule to this Ordinance shall have full force and effect and the Family Allowances (Guernsey) Law, 1950, as amended, shall have effect subject to such modifications as may be required therein for the purpose of giving effect to any such provisions.

Modifica-  
tion of  
Law.

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

(b) Ordres en Conseil Vol. XXI, p. 34; Vol. XXII, p. 318; Vol. XXIII, p. 238; and No XI of 1976.

(c) No. XI of 1976.

Regulations  
revoked.

2. The regulations specified in the Second Schedule to this Ordinance are hereby revoked.

Citation,  
extent and  
commence-  
ment.

3. (1) This Ordinance may be cited as the Family Allowances (Reciprocal Agreement with Great Britain, Northern Ireland and the Isle of Man) (Guernsey) Ordinance, 1977.

(2) This Ordinance shall have effect in the Islands of Guernsey, Alderney, Herm and Jethou.

(3) This Ordinance shall be deemed to have come into force on the fourth day of April, nineteen hundred and seventy-seven.

## FIRST SCHEDULE Section one

AGREEMENT ON FAMILY ALLOWANCES BETWEEN THE SECRETARY OF STATE FOR SOCIAL SERVICES, THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES FOR NORTHERN IRELAND AND THE LIEUTENANT-GOVERNOR OF THE ISLE OF MAN, WITH THE ADVICE AND CONSENT OF THE ISLE OF MAN BOARD OF SOCIAL SECURITY CONSTITUTED UNDER THE ISLE OF MAN BOARD OF SOCIAL SECURITY ACT 1970, OF THE FIRST PART, AND THE STATES INSURANCE AUTHORITY, WITH THE CONSENT OF THE STATES OF GUERNSEY, OF THE SECOND PART.

## PART I: DEFINITIONS AND SCOPE

## ARTICLE 1

For the purpose of this Agreement, unless the context otherwise requires—

(a) "Party" means, the United Kingdom of Great Britain and Northern Ireland and also the Isle of Man, or Guernsey, as the case may require;

(b) "territory" means, in relation to the United Kingdom, England, Scotland, Wales, Northern Ireland and also the Isle of Man and, in relation to Guernsey, the Islands of Guernsey, Alderney, Herm and Jethou;

(c) "competent authority" means, in relation to the territory of the United Kingdom, the Secretary of State for Social Services, the Department of Health and Social Services for Northern Ireland or the Isle of Man Board of Social Security, as the case may require, and, in relation to Guernsey, the States Insurance Authority;

(d) "legislation" means the legislation specified in Article 2 of this Agreement which is in force in the territory of one (or the other) Party or in any part of that territory;

(e) "family allowance" means, in relation to the territory of the United Kingdom, child benefit payable under the legislation of that Party;

(f) other expressions have the meanings respectively assigned to them in the legislation of the territory of the United Kingdom or Guernsey, as the case may require.

## ARTICLE 2

(1) The provisions of this Agreement shall apply—

(a) in relation to the territory of the United Kingdom, to:—

the Child Benefit Act 1975, the Child Benefit (Northern Ireland) Order 1975 and the Child Benefit Act 1975 (an Act of Parliament) as applied to the Isle of Man by the Social Security Legislation (Application) (Child Benefit) Order 1976, an order made by virtue of section 1 of the Social Security Legislation (Application) Act 1974 (an Act of Tynwald);

(b) in relation to the territory of Guernsey, to:—

the Family Allowances (Guernsey) Law 1950.

(2) Subject to the provisions of paragraph (3) of this Article, this Agreement shall apply also to any legislation which supersedes, replaces, amends, supplements or consolidates the legislation specified in paragraph (1) of this Article.

(3) This Agreement shall not apply to any agreement on family allowances which either Party has concluded with a third party or to any laws or regulations which amend the legislation specified in paragraph (1) of this Article for the purposes of giving effect to such an agreement.

## PART II: GENERAL PROVISIONS

### ARTICLE 3

(1) For the purpose of any claim for family allowance under the legislation of one Party, a person who either—

- (a) has moved his place of permanent residence from the territory of the other Party to the territory of the former Party; or
- (b) has been temporarily resident in the territory of the former Party for a continuous period of not less than 26 weeks or a period of not less than 183 consecutive days in the period immediately preceding the date of claim,

shall be treated as if any period of residence or presence, as the case may be, completed by him in the territory of the other Party were a period of residence or presence, as the case may be, completed by him in the territory of the former Party.

(2) For the purpose of any claim for family allowance under the legislation of Guernsey, a person whose place of birth is in the territory of the United Kingdom shall be treated as if his place of birth were in the territory of Guernsey.

(3) Where, but for the provisions of this paragraph, family allowance would be payable for the same period in respect of the same child—

- (a) under the legislation of both Parties by virtue of this Agreement; or
- (b) under the legislation of one Party by virtue of this Agreement and under the legislation of the other Party otherwise than by virtue of this Agreement,

family allowance shall be payable only under the legislation of the Party in whose territory the child is ordinarily resident.

(4) Where, but for the provisions of this paragraph, family allowance would be payable for the same period in respect of the same child under the legislation of both Parties otherwise than by virtue of this Agreement, payment shall be made only by the Party under whose legislation the amount of the allowance is the greater.

(5) Where but for the provisions of this paragraph family allowance would be payable in respect of a child under the legislation of one Party and account is taken of the same child for the purposes of entitlement to family allowance for the same period under the legislation of the other Party, whether by virtue of this Agreement or otherwise, account shall be taken of that child only under the legislation of the former Party.

### PART III: MISCELLANEOUS PROVISIONS

#### ARTICLE 4

(1) Any overpayment which is recoverable by deduction from family allowance under the legislation of

one Party may be recovered by deduction from family allowance under the legislation of the other Party as if the overpayment had been under the legislation of the latter Party.

(2) Where a person has received any sum by way of family allowance under the legislation of one Party and it is found that he was not entitled to that sum but was entitled to family allowance for the same period under the legislation of the other Party, the sum so received shall be treated as having been paid on account of the family allowance due under the legislation of the latter Party.

(3) Any claim, notice or appeal which should, for the purposes of the legislation of one Party, have been submitted within a prescribed period to the competent authority of that Party, shall be treated as if it had been submitted to that authority, if it is submitted within the same period to the competent authority of the other Party.

(4) In any case to which the provisions of paragraph (3) of this Article apply, the competent authority to which the claim, notice or appeal has been submitted shall transmit it without delay to the competent authority of the other Party.

## ARTICLE 5

(1) The competent authorities shall make such financial and administrative arrangements as may appear to them necessary for the purpose of giving effect to this Agreement.

(2) The competent authorities shall assist one another on any matter relating to the application of

this Agreement as if the matter were one affecting the application of their own legislation.

#### PART IV: FINAL PROVISIONS

##### ARTICLE 6

(1) Upon the entry into force of this Agreement the Memoranda of Reciprocal Arrangements relating to Family Allowances made between—

(a) the Minister of National Insurance with the consent of the Treasury, of the one part, and the States Insurance Authority, with the consent of the States of Guernsey of the other Part on 25 June 1951 and on 28 August 1952; and

(b) the Ministry of Labour and National Insurance for Northern Ireland with the consent of the Ministry of Finance for Northern Ireland, of the one part, and the States Insurance Authority with the consent of the States of Guernsey, of the other part on 1 October 1951; and

(c) the States Insurance Authority with the consent of the States of Guernsey, of the one part, and the Lieutenant-Governor of the Isle of Man with the advice and consent of the Isle of Man Board of Social Security, of the other part on 22 March 1952,

shall be terminated and shall be replaced by this Agreement.

(2) Notwithstanding the provisions of paragraph (1) of this Article any claim for family allowance made or any question relating thereto raised in respect of a period before the date of entry into force of this agreement shall be determined in accordance with the provisions of the Memoranda of Reciprocal Arrangements referred to in paragraph (1) of this Article.

(3) Any right to family allowance acquired by a person in accordance with the provisions of the former Memoranda of Reciprocal Arrangements referred to in paragraph (1) of this Article shall be maintained, and any rights in course of acquisition under those Memoranda shall be determined in accordance with the provisions of this Agreement.

(4) This Agreement shall enter into force on 4 April 1977 and shall remain in force for an indefinite period. Either Party may denounce it by giving six months notice in writing to the other.

Signed on 23rd March, 1977.

DAVID ENNALS,  
Secretary of State for Social Services.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland this 25th day of March, 1977.

N. DUGDALE,  
Secretary.

Given under the hand of the Lieutenant-Governor of the Isle of Man this 28th day of March, 1977.

JOHN PAUL,  
Lieutenant-Governor.

The consent of the Isle of Man Board of Social Security is hereby given to this Agreement.

NOWELL Q. CRINGLE,  
Chairman,  
Isle of Man Board of Social Security.

Signed on behalf of the States of Guernsey by the President of the States Insurance Authority this 25th day of March, 1977.

E. H. BODMAN,  
President,  
States Insurance Authority.

SECOND SCHEDULE Section two

*Regulations revoked*

The Family Allowances (Guernsey) (Great Britain Reciprocal Arrangements) Regulations, 1951.

The Family Allowances (Guernsey) (Northern Ireland Reciprocal Arrangements) Regulations, 1951.

The Family Allowances (Guernsey) (Isle of Man Reciprocal Arrangements) Regulations, 1952.

The Family Allowances (Guernsey) (Great Britain Reciprocal Arrangements) Regulations, 1952.

R. H. VIDELO,

Her Majesty's Greffier.