

# ORDER IN COUNCIL

**IV**  
**1990**

ratifying a Projet de Loi

ENTITLED

## **The Public Assistance (Amendment) (Guernsey) Law, 1990**

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(Registered on the Records of the Island of Guernsey  
on the 20th March, 1990.)

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1990

# ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

*The 20th day of March, 1990 before Sir Charles Frossard, Kt., Bailiff; present:— Harry Wilson Bisson, Herbert Nicolle Machon, James de Sausmarez Carey, Geoffrey Ernest Le Page, Stanley Walter John Jehan, Raymond Arthur Heaume, Esquires, Mrs. Dorothy Winifred Le Pelley, Leonard Arthur Moss, Charles Anthony Spensley and Kenneth John Rowe, Esquires, Jurats.*

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 14th February, 1990, approving and ratifying a *Projet de Loi* entitled "The Public Assistance (Amendment) (Guernsey) Law 1990", THE COURT, after the reading of the said Order in Council and after having heard Her Majesty's Comptroller thereon, ordered that the said Order in Council be registered on the records of this Island, of which Order in Council the tenor followeth:—

## At the Court of Saint James

The 14th day of February 1990

PRESENT,

### The Counsellors of State in Council

WHEREAS Her Majesty, in pursuance of the Regency Acts 1937 to 1953, was pleased, by Letters Patent dated the 18th day of January 1990, to delegate to the six Counsellors of State therein named or any two or more of them full power and authority during the period of Her Majesty's absence from the United Kingdom to summon and hold on Her Majesty's behalf Her Privy Council and to signify thereat Her Majesty's approval for anything for which Her Majesty's approval in Council is required:

AND 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 19th day of January 1990 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 1st day of June 1989 the States of Deliberation at a meeting held on the 27th day of September 1989 approved a Bill or “Projet de Loi” entitled “The Public Assistance (Amendment) (Guernsey) Law, 1990”, 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 Public Assistance (Amendment) (Guernsey) Law, 1990", and to order that the same shall have force of Law in the Island of Guernsey.'

"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."

NOW, THEREFORE, Her Majesty Queen Elizabeth, The Queen Mother and His Royal Highness The Prince Charles, Prince of Wales, being authorised thereto by the said Letters Patent, have taken the said Report into consideration and do hereby, by and with the advice of Her Majesty's Privy Council, on Her Majesty's behalf, approve of and ratify the said Projet de Loi, and order, and it is hereby ordered, that the same shall have the force of Law within the Island of Guernsey.

AND do 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.

*G. I. de Deney.*

# PROJET DE LOI

ENTITLED

## **The Public Assistance (Amendment) (Guernsey) Law, 1990**

THE STATES, in pursuance of their Resolution of the 1st day of June, 1989, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Island of Guernsey.

1. The Public Assistance Law, 1937, as amended<sup>(a)</sup> Amend-  
ment of  
Law of 1937. (hereinafter referred to as "the principal Law"), is hereby further amended as follows:—

(a) paragraphs (2) and (3) of Article I thereof are repealed and the following paragraphs numbered "(2)", "(3)", "(4)" "(5)" are substituted therefor—

" (2) On such date as the States shall by Ordinance specify, all the powers and duties of the Central Outdoor Assistance Board and the Stranger Poor Assistance Committee under this Law shall be transferred to and, thereafter, all such powers and duties shall be exercised by the States Public Assistance Authority constituted under this Law.

(3) The States Public Assistance Authority constituted under this Law (hereinafter referred to as "the Authority") shall be composed of seven members elected by the States as follows:—

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(a) Ordres en Conseil Vol. XI, p. 91; Vol. XIV, p. 363; Vol. XVI, p. 264; Vol. XVII, p. 255; Vol. XIX, p. 149; Vol. XX, p. 135; Vol. XXI, p. 34; Vol. XXII, p. 521; No. XI of 1986.

- (a) a President who shall be for the time being a sitting member of the States of Deliberation;
- (b) three members who shall be for the time being sitting members of the States of Deliberation; and
- (c) three members who shall be for the time being Douzeniers of any of the Parishes of the Island.

(4) Except as expressly provided in paragraph (3) of this Article, the constitution of the Authority shall be such as shall, from time to time, be prescribed by the States by Resolution.

(5) The cost of the Public Assistance Service administered in accordance with the provisions of this Law by the Authority and the Parochial Outdoor Assistance Boards shall be borne out of monies provided by the States.”;

- (b) Articles II and V thereof are repealed;
- (c) Article VI thereof is repealed and the following Article is substituted therefor—

#### ARTICLE VI

#### POWERS AND DUTIES OF THE AUTHORITY

The Authority shall be responsible for carrying out the provisions of this Law and for overseeing the work of the Parochial Outdoor Assistance Boards.”;

- (d) in Article VII thereof immediately after paragraph (13) there is inserted the following additional paragraph numbered "(14)"—
- “(14) Except as expressly provided in paragraphs (1) to (13) (both paragraphs inclusive) of this Article, the constitution of a Parochial Outdoor Assistance Board of any Parish shall be such as shall, from time to time, be prescribed by the States by Resolution.”;
- (e) sub-paragraphs (a), (b), (c) and (h) of paragraph (1) of Article VIII thereof are repealed.
- (f) sub-paragraph (e) of paragraph (1) of Article VIII thereof is repealed and the following sub-paragraph is substituted therefor—
- “(e) shall, in accordance with any directions which may, from time to time, be given by the Authority in that behalf, generally oversee and administer outdoor assistance in its Parish.”;
- (g) in sub-paragraph (f) of Article VIII thereof the words “the Central Outdoor Assistance Board” are repealed and the words “the Authority” are substituted therefor and the words “that Board” are repealed and the words “the States, by Ordinance” are substituted therefor;
- (h) in sub-paragraph (g) of Article VIII thereof the words “the Central Outdoor Assistance Board” are repealed and the words “the Authority” are substituted therefor;
- (i) paragraph (2) of Article VIII thereof is repealed;

- (j) Articles XI and XII thereof are repealed;
- (k) in Article XIII thereof the words "the Stranger Poor Assistance Committee" are repealed and the words "the Authority" are substituted therefor;
- (l) in Article XIV the words "or Committee" are repealed where they thrice occur;
- (m) Article XV thereof is repealed;
- (n) Article XVI thereof is repealed and the following Article is substituted therefor—

“ ARTICLE XVI

SUB-COMMITTEES

- (1) The Authority shall have power to appoint such sub-committees as may, from time to time, be deemed necessary or expedient.
- (2) Each Parochial Outdoor Assistance Board shall have powers to appoint from amongst its Members such sub-committees as may, from time to time, be deemed necessary or expedient.”;
- (o) in paragraph (2) of Article XVII thereof the word "regulation of the Central Outdoor Assistance Board" are repealed and the words "by the States, by Ordinance" are substituted therefor;
- (p) in paragraph (8) of Article XVII thereof the words "it shall be lawful for the Central Outdoor Assistance Board to make regulations" are repealed and the words "the States may, by Ordinance, make provision" are substituted therefor;

- (q) in paragraph (13) of Article XVII thereof the words "the Central Outdoor Assistance Board" are repealed and the words "the States by Ordinance," are substituted therefor;
- (r) in paragraph (14) of Article XVII thereof the words "the Central Outdoor Assistance Board" are repealed and the words "the Authority" are substituted therefor, the words "that Board" where it occurs firstly are repealed and the words "the Authority" are substituted therefor and the words "that Board" where it occurs secondly are repealed and the words "the States, by Ordinance" are substituted therefor;
- (s) Article XVIII thereof is repealed;
- (t) Article XXII thereof is repealed and the following Article is substituted therefor—

"                   ARTICLE XXII

ORDINANCES OF THE STATES

(1) The States may, by Ordinance, make such provisions as they deem necessary or expedient for carrying out this Law into effect and, without prejudice to the generality of the foregoing, they may, by Ordinance, in particular, make provision—

- (a) for the proper administration of outdoor assistance; and
- (b) for prescribing the ordinary maximum rates of outdoor assistance payable by the Authority and the

Parochial Outdoor Assistance Boards so as to ensure a uniform basis of such assistance throughout the Island.

(2) Any power conferred by this Law to make any Ordinance shall be construed as including a power exercisable in like manner to vary or repeal the Ordinance."

Savings for Ordinances and regulations.

2. Any Ordinance or Regulations made under the provisions of the principal Law and in force immediately before the coming into force of this Law shall continue in force as though it were made under the provisions of the principal Law as amended by this Law until repealed or varied by Ordinance made under the provisions of the principal Law as amended by this Law.

Construction.

3. This Law and the principal Law shall be construed as one.

Citation.

4. This Law may be cited as the Public Assistance (Amendment) (Guernsey) Law, 1990.

Commencement.

5. (1) This Law shall come into force on such day as the States may by Ordinance appoint.

(2) Any powers conferred by any provisions of this Law to make any Ordinance may be exercised at any time after the registration of this Law and before the day on which the provisions of this Law under which such Ordinance is made shall come into force:

Provided that such Ordinance shall not come into force until such aforesaid provisions of this Law under which it is made shall come into force.

K. H. TOUGH,  
Her Majesty's Greffier.