

ORDER IN COUNCIL

XI
2006

ratifying a Projet de Loi

ENTITLED

**The Public Assistance
(Amendment)
Law, 2006**

(Registered on the Records of the Island of Guernsey
on the 19th December, 2006.)



2007

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 19th day of December, 2006 before Geoffrey Robert Rowland, Esquire, Bailiff; present:- Derek Martin Le Page, Stephen Edward Francis Le Poidevin, Alan Cecil Bisson, Keith Bichard, OBE, Esquires, The Reverend Peter Gerald Lane, Michael Henry De La Mare, Esquire, Susan Mowbray, and Barbara Jean Bartie, Jurats.

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 14th day of December, 2006 approving and ratifying a Projet de Loi of the States of Guernsey entitled "The Public Assistance (Amendment) Law, 2006", 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.

At the Court at Buckingham Palace

The 14th DAY OF DECEMBER 2006

PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY
IN COUNCIL

The following report from the Committee of Council for the Affairs of Jersey and Guernsey was today read at the Board:

“In accordance with Your Majesty’s General Order of Reference of 22 February 1952 the Committee have considered a Petition of the States of Guernsey:

“That, in pursuance of their Resolutions of 28th April 2005 and 26th January 2006, the States of Deliberation at a meeting on 31st May 2006 approved a *Projet de Loi* entitled “The Public Assistance (Amendment) Law, 2006” and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction to it. That the *Projet de Loi* is as set forth in the attached Schedule. The Petition most humbly prays that Your Majesty might be graciously pleased to sanction “The Public Assistance (Amendment) Law, 2006”, and to order that it shall have force of law in the Island of Guernsey.

“The Committee have considered the *Projet de Loi* and have agreed to report that it may be advisable for Your Majesty to approve and ratify it.”

Her Majesty, having taken the report into consideration, was pleased, by and with the advice of Her Privy Council, to approve and ratify the *Projet de Loi* (a copy of which is annexed to this Order) and to order that it, together with this Order, shall have the force of law in the Bailiwick of Guernsey and shall be entered on the Register of the Island of Guernsey and observed accordingly.

Her Majesty’s Officers in the Bailiwick of Guernsey, and all others whom it may concern, are therefore to take notice of Her Majesty’s Order and to proceed accordingly.

A. K. Galloway

PROJET DE LOI

ENTITLED

The Public Assistance (Amendment) Law, 2006

THE STATES, in pursuance of their Resolutions of the 28th April, 2005^a and 26th January, 2006^b, 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.

Amendment of Law of 1937.

1. The Public Assistance Law, 1937^c (referred to hereinafter as "**the Law of 1937**") is amended in the manner set out in the schedule to this Law.

Interpretation.

2. (1) In the schedule to this Law, except where the context otherwise requires, a reference to a numbered Article, or paragraph of an Article, is a reference to the Article, or paragraph of the Article, of the Law of 1937 which is so numbered.

(2) Unless the context otherwise requires, references in this Law to an enactment are references thereto as amended, re-enacted (with or without modification), extended or applied.

Repeals.

^a Article VIII of Billet d'État No. IV of 2005.

^b Article VI of Billet d'État No. II of 2006.

^c 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; Vol. XXIX, p. 204 and Vol. XXXII, p. 50.

3. The Public Assistance (Guernsey) Law, 1955^d is repealed.

Citation.

4. This Law may be cited as the Public Assistance (Amendment) Law, 2006.

^d Ordres en Conseil Vol. XVI, p. 264.

SCHEDULE

Section 1

AMENDMENT OF THE LAW OF 1937

Amendment of Article I.

1. In Article I -

- (a) paragraphs (3) and (4), and
- (b) the words "and the Parochial Outdoor Assistance Boards" in paragraph (5),

are repealed.

Amendment of Article VI.

2. In Article VI the words "and for overseeing the work of the Parochial Outdoor Assistance Boards" are repealed.

Repeal of Articles VII, VIII, XIII, XIV, XVI, XIX, XX and XXI.

3. Articles VII, VIII, XIII, XIV, XVI, XIX, XX and XXI are repealed.

Substitution of Article XVII.

4. For Article XVII substitute -

"ARTICLE XVII PROCUREURS OF THE POOR

(1) The Douzaine of any Parish may upon, and from time to time after, the coming into force of this Article, by written resolution determine the manner in which, and by whom, all or any of the functions of the office of Procureur of the Poor, shall be carried out at any time upon and after the 1st January 2007.

(2) Without limiting the generality of paragraph (1), the Douzaine of any Parish may, by written resolution made under that paragraph -

- (a) establish in respect of the Parish one or two offices under this Law which shall be called, or styled, "**Procureur**" and qualified by the name of the Parish concerned, and
- (b) determine that all, or such as may be specified in the resolution, of the functions of the office of Procureur of the Poor shall be carried out by the holder, or holders, of that, or those, office or offices,

in which case the provisions of the First Schedule to this Law shall apply in respect of the office, or offices, so established.

(3) A written resolution made under paragraph (1) (the "prior resolution") may be revoked, amended or supplemented by a subsequent written resolution, but without prejudice to anything done in good faith under the prior resolution.

(4) Where no resolution has been made under paragraph (1) the Constables, for the time being of the Parish to which the functions of the office of Procureur of the Poor relate, may carry out those functions."

Substitution of Article XXII.

5. For Article XXII substitute -

"ARTICLE XXII
ORDINANCES OF THE STATES

(1) The States may by Ordinance make such provision as they think necessary or expedient for carrying this Law into effect.

(2) An Ordinance under this Law -

(a) may be amended or repealed by a subsequent Ordinance hereunder,

(b) may contain such transitional, consequential, incidental, supplementary and savings provisions as the States think fit, including (without limitation) provision repealing, amending or disapplying any enactment (including any provision of this Law) or any rule of law (including customary law), and

(c) may make any such provision of any such extent as might be made by Projet de Loi.

(3) Any power conferred by this Law to make an Ordinance may be exercised -

(a) in relation to all cases to which the power extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified cases or classes of cases,

(b) so as to make, as respects the cases in relation to which it is exercised -

(i) the full provision to which the power extends, or any lesser provision (whether by way of exception or otherwise),

- (ii) the same provision for all cases, or different provision for different cases or classes of cases, or different provision for the same case or class of case for different purposes,
- (iii) any such provision either unconditionally or subject to any prescribed conditions."

Amendment of Article XXV.

6. In Article XXV, insert "Second" immediately before the words "Schedule".

Insertion of First Schedule to the Law of 1937.

7. Immediately before the Schedule to the Law of 1937, insert the following schedule -

"FIRST SCHEDULE

Article XVII

PROVISIONS APPLICABLE WHERE DOUZAINES ESTABLISH OFFICE
OR OFFICES UNDER ARTICLE XVII

Functions and responsibility.

1. (1) The functions of the office, or offices, shall be such as the Douzaine may determine under Article XVII.

(2) An office holder shall be responsible for the discharge of his functions to the Douzaine of the Parish in respect of which those functions relate.

Election to and tenure of office.

2. The provisions of the Reform (Guernsey) Law, 1948^e relating to

(a) the election of persons to the office of Constable, and

(b) tenure of the office of Constable after election,

shall, subject to any modifications contained in this Schedule, apply to the election to, and tenure of, an office, or offices, established under Article XVII.

Term of office.

3. The term of office of an office holder shall be 2 years commencing on the 1st January following his election; PROVIDED THAT if an office holder notifies the Dean of his Parish's Douzaine before the end of October in his first year of office that he so wishes, then his term of office shall expire at the end of that year.

Re-election and tenure of other offices.

4. For the avoidance of doubt, an office holder -

(a) may stand for re-election, and

(b) shall not be disqualified from standing for election, or re-election, solely because he holds

^e Ordres en Conseil Vol. XIII, p. 288; Vol. XIV, p. 407; Vol. XV, p. 279; Vol. XVI, p. 178; Vol. XVIII, p. 275; Vol. XIX, pp. 84 and 140; Vol. XXII, p. 122; Vol. XXIII, p. 476; Vol. XXV, p. 326; Vol. XXVI, p. 255; Vol. XXIX, p. 56; Vol. XXX, p. 16; Vol. XXXI, pp. 164 and 278; Vol. XXXII, p. 41; No. V of 1993; No. II of 1996; No. III of 1998; No. X of 1998; No. XIII of 2003; No. III of 2004; the Reform (Guernsey) (Amendment) Law, 2004; and Ordinances XXXIII of 2003 and III of 2004.

any other parochial office.

Accounts.

5. (1) An office holder shall, at least once in each year of his tenure of office, produce to the Dean of his Parish a written account of the administration of any funds, of whatever origin, for which he is responsible.

(2) Any account produced under subparagraph (1) shall, be audited by 2 parishioners appointed for the purpose by the electorate for the Parish at a Parish Meeting."

Amendment to title of Schedule to Law of 1937.

7. Re-title the Schedule to the law of 1937 as the "Second Schedule".