

ORDER IN COUNCIL

XXI

ratifying a *Projet de Loi*

1955

ENTITLED

The Public Assistance (Guernsey) Law, 1955.

(Registered on the Records of the Island of Guernsey
on the 19th day of November, 1955.)



1955.

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 19th day of November, 1955, before Sir Ambrose James Sherwill, C.B.E., M.C., Bailiff; present :— Sir John Leale, Arthur Falla, Walter John Sarre, William Robert Freake Clark, Ernest Francis Lainé, Bertram Bartlett, Esquires, Donald Carey Brock, Esquire, C.B.E., Osmond Priaulx, Stephen James Falla, Esquires, Wilfred John Corbet, Esquire, O.B.E., Théophile Le Messurier Allez and Bertram Guy Blampied, Esquires, Jurats.

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 28th day of October, 1955, ratifying a Projet de Loi entitled "The Public Assistance (Guernsey) Law, 1955",—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 at Buckingham Palace,

The 28th day of October, 1955.

PRESENT,

The Queen's Most Excellent Majesty.

LORD PRESIDENT
MR. PEAKE
MR. THORNEYCROFT
MR. HOPKINSON

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 September, 1955, 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 20th day of April, 1955, the States of Deliberation at a meeting held on the 27th day of July, 1955, approved a Bill or “Projet de Loi” entitled “The Public Assistance (Guernsey) Law, 1955” 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 (Guernsey)

Law, 1955" and to order that the same shall have the 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."

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 Island of Guernsey.

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.

W. G. AGNEW.

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

PROJET DE LOI

ENTITLED

The Public Assistance (Guernsey) Law, 1955.

THE STATES, in pursuance of their Resolution of the twentieth day of April, nineteen hundred and fifty-five, 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. In this Law the following expressions have the meanings hereby respectively assigned to them, that is to say— Interpreta-
tion.

“the principal Law” means the Public Assistance Law, 1937, as amended by the Public Assistance (Guernsey) Amendment Law, 1950;

“Relieving Official” means—

- (a) as respects the Parish of Saint Peter Port, an Overseer of the Poor;
- (b) as respects any other Parish, a Procureur of the Poor.

2. Where a person applying for, or in receipt of, outdoor assistance is aggrieved by a decision of a Parochial Outdoor Assistance Board or of a Relieving Official with respect to any of the following matters, that is to say— Appeals.

- (a) a refusal to give outdoor assistance;
- (b) the amount of an outdoor assistance grant;

- (c) the issuing of an outdoor assistance grant to a person other than the applicant therefor;
- (d) any condition subject to which an outdoor assistance grant is made;
- (e) the giving of outdoor assistance in kind or the nature or extent of outdoor assistance in kind;

he may appeal from that decision to a tribunal (hereafter in this Law referred to as "the tribunal"), which said tribunal shall be constituted by the Royal Court and shall consist of a Chairman, a Deputy Chairman and three other members appointed from time to time by the Royal Court, any three of whom shall form a quorum.

Notices to be displayed.

3. A notice stating the effect of section two of this Law shall be conspicuously displayed in every office where grants of outdoor assistance are made.

Notice of appeal.

4. An appeal under the provisions of this Law shall be entered by a notice of appeal, which shall state the grounds of the appeal, given in writing to the President of the States Public Assistance Authority, who shall arrange for the appeal to be considered by the tribunal within the fourteen days next following the receipt by him of the said notice.

Powers of tribunal.

5. (1) Subject to the provisions of this section, on an appeal under this Law, the tribunal may confirm the decision of the Parochial Outdoor Assistance Board or of the Relieving Official appealed against, or substitute therefor any decision which the Parochial Outdoor Assistance Board or the Relieving Official could have made under or by virtue of the principal Law.

(2) Where any question of law arises in connection with the determination by the tribunal of an

appeal under this Law, that question shall not be determined by the tribunal but shall be referred by the tribunal to the Royal Court for decision.

(3) The decision of the Royal Court or of the tribunal, as the case may be, in relation to any appeal under this Law shall be final.

6. (1) This Law shall be construed as one with the principal Law. Construction
and citation.

(2) This Law may be cited as the Public Assistance (Guernsey) Law, 1955, and the Public Assistance (Guernsey) Laws, 1937 and 1950, and this Law may be cited together as the Public Assistance (Guernsey) Laws, 1937 to 1955.

JAMES E. LE PAGE,

Her Majesty's Greffier.