

ORDER IN COUNCIL

II
1971

ratifying a Projet de Loi

ENTITLED

The Supplementary Benefit (Guernsey) Law, 1971

(Registered on the Records of the Island of Guernsey
on the 4th day of May, 1971.)



1971

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 4th day of May, 1971, before John Henry Loveridge, Esquire, C.B.E., Deputy Bailiff; present:—Bertram Guy Blampied, Esquire, O.B.E., Claude Fortescue Nason, Stanley Walter Gavey, Esquires, Gilbert Carey de Jersey, Esquire, C.B., Laurence Francis de Vic Carey, Esquire, C.B., C.B.E., D'Arcy George Le Tissier, William Burton Fox, Esquires, Edward James Lainé, Esquire, C.B.E., D.F.C., Jean Le Pelley, Walter Francis Robin and Richard Alan Kinnersly, Esquires, Jurats.

The Deputy Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 5th day of April, 1971, ratifying a Projet de Loi entitled "The Supplementary Benefit (Guernsey) Law, 1971", the Court, after the reading of the said Order in Council and after having heard Her Majesty's Procureur 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 Windsor Castle

The 5th day of April 1971

PRESENT,

The Queen's Most Excellent Majesty

LORD PRESIDENT
LORD CARRINGTON
MR. SECRETARY WALKER
MR. WOOD
SIR MICHAEL ADEANE
SIR BLANSHARD STAMP

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 31st day of March 1971, 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 Resolutions of the 26th day of March 1969 and of the 24th day of June 1970, the States of Deliberation at a meeting held on the 16th day of December 1970 approved a Bill or “Projet de Loi” entitled “The Supplementary Benefit (Guernsey) Law, 1971” and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction there-to. 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 Supplementary Benefit (Guernsey) Law, 1971" and to order that the same shall have force of law in the Islands of Guernsey, 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."

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 Islands of Guernsey, Herm and Jethou.

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 Supplementary Benefit (Guernsey) Law, 1971

ARRANGEMENT OF SECTIONS

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*Determination of need for a supplementary
benefit*

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2. Persons to whom the Law applies.
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Section

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PROJET DE LOI

ENTITLED

The Supplementary Benefit (Guernsey) Law, 1971

THE STATES, in pursuance of their Resolutions of the twenty-sixth day of March, nineteen hundred and sixty-nine, and of the twenty-fourth day of June, nineteen hundred and seventy, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Islands of Guernsey Herm and Jethou.

PART I

Determination of need for a supplementary benefit

1. A person to whom this Law applies whose resources are insufficient to meet his requirements and who applies to the Administrator in the prescribed manner shall be entitled to a supplementary benefit under and in accordance with the provisions of this Law (hereinafter referred to as "a supplementary benefit"). Right to receive supplementary benefit.

2. (1) This Law shall apply to a person who is ordinarily resident in Guernsey and is— Persons to whom the Law applies.
 - (a) a handicapped person;
 - (b) a person who has attained school-leaving age and who has suffered a loss of income in order to undergo treatment for tuberculosis of the respiratory system;
 - (c) a person who has attained school-leaving age and who is temporarily incapacitated

by illness or injury when such person has been so incapacitated for a continuous period of six months, periods during which he is not so incapacitated which amount in the aggregate to not more than four weeks being disregarded;

- (d) a woman who has attained the age of sixty years;
- (e) a widow who is incapable of supporting herself by reason of physical or mental infirmity and is likely to remain so incapable for a prolonged period;
- (f) a handicapped woman;
- (g) a man who has attained the age of sixty-five years;
- (h) a woman who is pregnant, other than such a woman who is living with her husband or is, or is deemed by the Authority to be, co-habiting with a man as his wife;
- (i) a woman who is the mother of an illegitimate child—
 - (i) during the period of seven weeks commencing with the week in which the confinement occurs and for this purpose the expression “confinement” shall mean labour resulting in the issue of a living child or labour after twenty-eight weeks of pregnancy resulting in the issue of a child whether alive or dead;
 - (ii) during any other period if she is wholly or partly maintaining that child and the child is a member of the same household;

other than such a woman who is living with her husband or is, or is deemed by

the Authority to be, co-habiting with a man as his wife.

(2) For the purposes of this section the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“handicapped woman” means a widow who is wholly or partly maintaining a child being a member of the same household and includes a woman who is wholly or partly maintaining a child being a member of the same household and whose marriage has been dissolved by divorce and who has not remarried or who is judicially separated from, or who is deserted by, her husband;

“child” means a person who would be treated as a child for the purposes of the Family Allowances (Guernsey) Law, 1950(a).

(3) The States may, from time to time, by Ordinance vary the classes of persons to whom this Law applies.

3. (1) The question whether an applicant for a supplementary benefit is a person to whom this Law applies, whether a person to whom this Law applies is in need of a supplementary benefit, and the amount of any such supplementary benefit to be paid to him, shall, subject to the provisions of this Law or of any Ordinance made hereunder, be decided by the Administrator.

Determina-
tion of need
for a supple-
mentary
benefit.

(2) The States shall, from time to time, make provision by Ordinance for the computation of requirements and resources for the purposes of this Law.

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

(3) An Ordinance made under the provisions of this section may make different provisions for the different classes of persons to whom this Law applies and may make different provisions for different categories of persons within those classes.

(4) An Ordinance made under the provisions of this section may provide that certain assets set out therein shall, to the extent and subject to the conditions set out therein, be disregarded in computing resources.

Aggregation
of require-
ments and
resources.

4. (1) Where it appears to the Administrator that an applicant for a supplementary benefit is providing for the requirements of some other person being a member of the same household, the Administrator shall, subject to the provisions of this Law, in determining the need for and the amount of a supplementary benefit take into account the aggregate requirements and aggregate resources of the applicant and the said other person.

(2) Where in determining the amount of a supplementary benefit to be paid to an applicant therefor the requirements of another person are taken into account, that other person is in this Law referred to as a dependant of the applicant.

(3) Where a husband and wife are members of the same household, their requirements and resources shall in all cases be aggregated for the purposes of this Law.

(4) Notwithstanding anything in the foregoing provisions of this section, the Authority may direct the Administrator that, in determining the need for and the amount of a supplementary benefit to be paid to an applicant therefor, he shall not treat as

a dependant of that applicant any person who has attained school-leaving age.

(5) An Ordinance made under the provisions of section three of this Law shall provide, in the case of a person being a member of a household, that the resources of any other member of the household, not being the husband or wife, or a dependant, of the said person, shall not be treated as resources of the said person.

PART II

Payment of supplementary benefit and provision of welfare arrangements by the Authority

5. (1) Subject to the provisions of this Part of this Law, the Authority shall be charged with the duty of paying a supplementary benefit by weekly or other periodic payments of the amount determined by the Administrator or by the tribunal, as the case may be, under the provisions of this Law or of any Ordinance made thereunder.

Payment of supplementary benefit.

(2) Where it appears to the Authority that it is necessary for protecting the interests of an applicant for a supplementary benefit or his dependants that the whole or any part of the supplementary benefit should be paid to some person other than the applicant, the Authority may pay the supplementary benefit accordingly.

(3) Every assignment of, attachment of or charge on, and every agreement to assign or charge, a supplementary benefit shall be void and, in the event of the insolvency of a person in receipt of a supplementary benefit, the supplementary benefit shall not pass to any trustee or other person acting on behalf of his creditors.

(4) Any sums received by any person by way of a supplementary benefit shall not be included in calculating his means for the purposes of Article III of the Law entitled "Loi ayant rapport aux Débiteurs et à la Renonciation" registered on the second day of August, nineteen hundred and twenty-nine(b).

Special
payments.

6. (1) The Authority may make a grant in money by way of a single payment to meet an exceptional need to a person to whom this Law applies whose resources are insufficient to meet his requirements; such payment being such a sum as is in the opinion of the Authority reasonable having regard to all the circumstances of the case.

(2) The Authority may pay the whole or any part of the expenses incurred in connection with the burial or cremation—

(a) of any person who was immediately before his death a person to whom this Law applied;

(b) of the spouse or of a dependant of any person who was at the time of the death of his spouse or dependant, as the case may be, a person to whom this Law applied.

(3) The provisions of this Law, other than this section, shall apply to a payment made in accordance with the provisions of this section, as they apply to the payment of a supplementary benefit but with the substitution for references to the amount of the supplementary benefit of references to the amount of the payment.

Disqualifi-
cation for a
supple-
mentary
benefit.

7. (1) The Authority may direct the Administrator not to proceed with the determination of the

(b) Ordres en Conseil Vol. VIII, p. 310.

question whether a person is in need of a supplementary benefit and the amount of any supplementary benefit to be paid to him or the Authority may withhold the payment of a supplementary benefit to a person if it is of opinion that that person's need of a supplementary benefit is the result of incapacity due to his own misconduct or that that person has failed without good cause to take steps to improve his physical or mental condition or has refused or neglected to apply for or to take steps to enforce any matrimonial order or affiliation order which that person is entitled to apply for or to take steps to enforce or has refused or neglected to take such other steps towards the improvement of his financial circumstances as the Authority may reasonably direct.

(2) Notwithstanding the provisions of section two of this Law, a person shall not be entitled to a supplementary benefit in respect of any period during which that person is absent from Guernsey: Provided that the Authority may, if it thinks fit, pay a supplementary benefit to or in respect of any person who is temporarily absent from Guernsey for so long as, and subject to such conditions as, the Authority may direct.

8. (1) Where it appears to the Authority that by reason of special circumstances the requirements of an applicant for a supplementary benefit or of a person who is receiving a supplementary benefit can best be met by the giving of assistance in kind to the value of the whole or part of the supplementary benefit, the Authority may so give that assistance instead of paying a supplementary benefit.

Payment of supplementary benefit in kind.

(2) Any reference in this Part of this Law to the giving of assistance in kind under the provisions of the last preceding subsection shall include a

reference to the issuing of orders for the free provision of goods or services.

(3) The provisions of this Law, other than this section, shall apply to assistance given in accordance with the provisions of the last two preceding subsections as they apply to the payment of a supplementary benefit but with the substitution for references to the amount of the supplementary benefit of references to the value of the assistance.

Prevention of
duplication
of payments.

9. (1) Where, in determining the amount of any supplementary benefit, the requirements of any person have been taken into account for a period for which he is entitled to payments in respect of unemployment, sickness, maternity, industrial disablement or widow's benefit, guardian's allowance, child's special allowance or old age pension under the Social Insurance (Guernsey) Law, 1964 (hereinafter referred to as "the Law of 1964")(c), the payments of the said benefit, allowance or pension may, at the discretion of the Authority, be abated by the amount by which the amounts under this Law exceed what the Authority determines they would have been had the payments of the said benefit, allowance or pension been made before the amount of the supplementary benefit was determined.

(2) Where the liabilities of the Guernsey Insurance Fund established under the provisions of the Law of 1964, are reduced by virtue of the last foregoing subsection, there shall be paid out of that Fund into the General Revenue of the States of Guernsey an amount equal to the reduction.

Welfare
arrange-
ments for
handi-
capped
persons.

10. (1) The Authority shall have power to make such arrangements as it may deem necessary or

(c) Ordres en Conseil Vol. XIX, p. 286.

expedient for promoting the welfare of handicapped persons, and for that purpose it shall not be necessary that any such person shall be in receipt of a supplementary benefit.

(2) Without prejudice to the generality of the provisions of the last foregoing subsection arrangements may, in particular, be made thereunder—

- (a) for enabling handicapped persons to receive instruction in their homes or elsewhere in methods of overcoming their disabilities,
- (b) for finding suitable work for handicapped persons,
- (c) for aiding handicapped persons to dispose of the result of their work,
- (d) for providing handicapped persons with medical or surgical assistance and medical or surgical requisites necessary to relieve or remove their disability.

(3) The Authority may pay an inducement allowance of such amount and subject to such conditions as the Authority may determine to a handicapped person or to his employer for the purpose of encouraging that person to train for, obtain and remain in, suitable employment.

(4) The Authority may recover from persons availing themselves of any service provided under this section such charge (if any) as, having regard to the cost of the service, the Authority may determine, whether generally or in the circumstances of any particular case.

(5) In this section the expression "handicapped person" means a person who is blind, deaf or dumb and any other person who is substantially and permanently handicapped by illness, injury or congenital deformity.

Voluntary organisations for welfare of handicapped persons.

11. The Authority may employ any voluntary organisation as its agent for the purpose of helping and caring for handicapped persons.

Duty of Authority to provide temporary protection for property of persons.

12. (1) Where a person to whom this Law applies—

- (a) is admitted as a patient to any hospital, or
- (b) is admitted to any nursing home, or
- (c) is temporarily living in other accommodation,

and it appears to the Authority that there is danger of loss of, or damage to, any moveable property of his by reason of his temporary or permanent inability to protect or deal with the property, and that no other suitable arrangements have been or are being made for the purposes of this subsection, it shall be the duty of the Authority to take reasonable steps to prevent or mitigate the loss or damage.

(2) For the purpose of discharging the duty under the last foregoing subsection, the Authority or any person appointed for that purpose by the Authority shall have power at all reasonable times to enter any premises which, immediately before the person was admitted or took up temporary accommodation, as aforesaid, were his place of residence or usual place of residence, and to deal with any moveable property of his in any way which is reasonably necessary to prevent or mitigate loss thereof or damage thereto.

(3) The Authority may recover as a civil debt from a person to whom subsection (1) of this section applies, or from any person who for the purposes of this Law is liable to maintain him, any expenses reasonably incurred by the Authority in relation to him under the provisions of this section.

(+) A person who proposes to exercise any power of entry conferred by virtue of the provisions of subsection (2) of this section shall, if so required, produce some duly authenticated document showing his authority to exercise that power and any person who obstructs the exercise of any such power shall be guilty of an offence and liable, on conviction, to a fine not exceeding five pounds in the case of a first offence or twenty pounds in the case of a second or subsequent offence.

PART III

Appeals

13. There shall be no appeal from any direction, determination, or decision of the Authority made under any of the provisions of this Law or of any Ordinance made thereunder. Authority decisions to be final.

14. (1) Subject to the provisions of any Ordinance made under this Law, where a person applying for, or in receipt of, a supplementary benefit is aggrieved by a decision of the Administrator with respect to any of the following matters, that is to say— Appeals against decisions of the Administrator.

- (a) a decision of the Administrator that that person is not a person to whom this Law applies,
- (b) a decision of the Administrator that that person is not in need of a supplementary benefit,
- (c) a decision of the Administrator as to the amount of any supplementary benefit to be paid to him,

he may appeal, within the time prescribed, to a tribunal (hereinafter referred to as "the tribunal") which shall be appointed by the Royal Court either

generally or in respect of a particular appeal and shall be constituted as the Royal Court may decide.

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

(3) 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 directed by Order of the Royal Court.

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

PART IV

General and Supplemental Provisions

Power of the States to make Ordinances.

15. (1) The States may, from time to time, by Ordinance make such provision as they may deem necessary or expedient for the purposes of carrying Parts I, II and III of this Law into effect and any such Ordinance may, without prejudice to the generality of the foregoing, in particular, provide:—

- (a) for the manner in which an application for a supplementary benefit is to be made;
- (b) for the evidence to be adduced of matters relevant to the paying of a supplementary benefit and for the manner of the adduction of such evidence;

- (c) for the procedure to be followed on the consideration and determination of applications and matters to be considered and determined by the Administrator or by the tribunal;
- (d) for the manner in which any question may be raised as to the continuance of the receipt by a person of a supplementary benefit and as to the disqualification of a person to continue to receive a supplementary benefit;
- (e) for enabling the Administrator to appoint a person to exercise on behalf of any person applying for a supplementary benefit or on behalf of any person receiving a supplementary benefit who is by reason of any mental or other incapacity unable to act, any right to which that applicant or person receiving a supplementary benefit may be entitled under this Law, and to authorise any person so appointed to receive on behalf and for the benefit of that applicant or person receiving a supplementary benefit, any supplementary benefit;
- (f) for the time to be allowed for making an appeal to the tribunal;
- (g) for the manner in which a supplementary benefit is to be paid;
- (h) for such incidental and supplementary matters for which the States deem it necessary or expedient for any such Ordinance to provide.

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

Limitation on payment of supplementary benefit.

16. A sum shall not be paid on account of a supplementary benefit if payment of the sum is not obtained within three months after the date on which it became payable.

Liability to maintain wife or husband and children.

17. (1) For the purposes of this Law—

- (a) a man shall be liable to maintain his wife and his children, and
- (b) a woman shall be liable to maintain her husband and her children.

(2) The reference in paragraph (a) of the last foregoing subsection to a man's children shall include a reference to any child of whom he has been adjudged to be the putative father, and the reference in paragraph (b) of that subsection to a woman's children shall include a reference to any illegitimate children of that woman.

Recovery of cost of a supplementary benefit from persons liable for maintenance.

18. (1) Where a supplementary benefit is paid or applied for by reference to the requirements of any person (in this section referred to as "a beneficiary"), the Authority may apply to the Court for an order under the next succeeding subsection against any other person who is liable to maintain wholly or partly the beneficiary; an order as aforesaid shall not be made by the Court unless the person against whom the order is sought has been served with notice of the Authority's intention to apply for such an order and has had an opportunity of being heard thereon.

(2) On an application under the last foregoing subsection the Court shall have regard to all the circumstances and in particular to the resources of the defendant, and may order the defendant to pay such sum, weekly or otherwise, as the Court may consider appropriate.

(3) For the purposes of the application of the last foregoing subsection to payments in respect of a supplementary benefit paid before the application under the provisions of subsection (1) of this section was made, a person shall not be treated as having at the time when that application is heard any greater resources than he had at the time when the supplementary benefit was paid.

(4) Payments under subsection (2) of this section shall be made—

- (a) to the Authority in respect of the cost of a supplementary benefit, whether paid before or after the making of the order, or
- (b) to a beneficiary, or
- (c) to such other person as appears to the Court expedient in the interest of the beneficiary,

or as to part in one such manner and as to part in another, as may be provided by the order.

19. (1) The following provisions of this section shall have effect where a supplementary benefit is paid under the provisions of this Law by reference to the requirements of an illegitimate child and the provisions of the last foregoing section shall not apply in relation to the father of the child.

Affiliation orders.

(2) If no affiliation order is in force the Authority may within three years from the date of the commencement of the payment of the supplementary benefit make application to the Court for a sum-

mons to be served under Article 1 of the Law entitled "Loi relative à l'Entretien des Enfants Illégitimes, 1927" (hereinafter referred to as "the Illegitimacy Law")^(d).

(3) In any application under the provisions of the last foregoing subsection the Court shall hear such evidence as the Authority may produce in addition to the evidence required by the Court under Article 2 of the Illegitimacy Law and shall in all other respects, but subject to the provisions of the next succeeding subsection, proceed as on an application made by the mother under the said Article 1.

(4) An order made under Article 2 of the Illegitimacy Law may, on an application under subsection (2) of this section, be made so as to provide that the payments or a part of the payments to be made thereunder shall, in lieu of being made to the mother or a person appointed to have the custody of the child, be made to the Authority or to such other person as the Court may direct.

(5) On an application by the Authority in any proceedings under the said Article 1 brought by the mother of the child an order under the said Article 2 may be made so as to provide as aforesaid.

(6) An order made under the said Article 2, whether made before or after the commencement of this Law may, on the application of the Authority, be varied so as to provide as aforesaid; and any order under the said Article 2 which provides as aforesaid may on the application of the mother of the child be varied so as to provide that the payments thereunder shall be made to the mother or a person appointed to have the custody of the child.

(d) Ordres en Conseil Vol. VIII, p. 130.

20. (1) A person who applies for or obtains, or attempts to apply for or obtain, assistance under and by virtue of the Public Assistance Law, 1937 (hereinafter referred to as "the Law of 1937")^(e), without disclosing that he is receiving a supplementary benefit or any person who applies for or obtains, or attempts to apply for or obtain, a supplementary benefit without disclosing that he is receiving assistance under and by virtue of the provisions of the Law of 1937, shall be guilty of an offence and liable, on conviction, to a fine not exceeding twenty-five pounds or to imprisonment for a term not exceeding one month or to both such fine and such imprisonment.

Duplication with assistance from Public Assistance Authority.

(2) The amount of any assistance under and by virtue of the provisions of the Law of 1937, or of a supplementary benefit obtained by any person in contravention of the last foregoing subsection may be recovered by the States Public Assistance Authority or by the Authority, as the case may be, as a civil debt.

21. In calculating the means of a person for the purposes of the Pensions Law in so far as they continue to have effect, no account shall be taken of a supplementary benefit.

Duplication with Pensions Law.

22. If, whether fraudulently or otherwise, any person misrepresents or fails to disclose any material fact, and in consequence of the misrepresentation or failure—

Recovery in cases of misrepresentation or non-disclosure.

- (a) the Authority incurs any expenditure under any of the provisions of this Law; or
- (b) any sum recoverable under this Law by the Authority is not recovered,

(e) Ordres en Conseil Vol. XI, p. 91.

the Authority shall be entitled to recover the amount thereof from the said person as a civil debt.

Failure to
maintain.

23. (1) Where a person persistently refuses or neglects to maintain any person whom he is liable to maintain and in consequence of his refusal or neglect a supplementary benefit under the provisions of this Law is paid to any other person, he shall be guilty of an offence.

(2) A person guilty of an offence under this section shall be liable, on conviction, to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

False
statements.

24. Any person—

- (a) who, for the purposes of obtaining any supplementary benefit or any other benefit whatsoever under Part II of this Law whether in kind or otherwise, either for himself or for some other person, or for the purposes of avoiding or reducing any liability under this Law, or for any other purpose whatsoever connected with this Law or any Ordinance made thereunder, knowingly makes any false statement or false representation or recklessly makes any statement or representation which is false in a material particular; or
- (b) who fails to disclose, produce, deliver or furnish anything which he is required to disclose, produce, deliver or furnish under the provisions of this Law or of any Ordinance made thereunder; or
- (c) who fails to comply with any direction or demand given or made under the provisions of this Law or of any Ordinance made thereunder;

shall be guilty of an offence and liable, on conviction, to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment.

25. (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.

Instruments
made or
issued by
the
Authority.

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

26. Notwithstanding the provisions of this Law, any function conferred on the Authority by or under this Law may be exercised by the President or any other member of the Authority or by the Administrator, if authorised in that behalf by the Authority.

Delegation
of
functions.

27. Subject to the provisions of this Law, any expense incurred by the Authority in carrying out its functions under any of the provisions of this Law shall be paid for out of monies provided by the States.

Expenses.

28. (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:—

Interpreta-
tion.

“the Administrator” means the Administrator to the Authority;

“affiliation order” means an order made under Article 2 of the Illegitimacy Law;

- “the Authority” means the States Insurance Authority;
- “blind person” means a person so blind as to be unable to perform any work for which eyesight is essential;
- “the Court” means the Magistrate’s Court constituted under the Magistrate’s Court (Guernsey) Law, 1954(f);
- “dependant” has the meaning assigned to it by section four of this Law;
- “disability” includes mental as well as physical disability;
- “functions” includes powers and duties;
- “Guernsey” includes the Islands of Herm and Jethou;
- “handicapped person” means a person who has attained school-leaving age and who is blind, deaf or dumb and any other person who has attained that age and who is substantially and permanently handicapped by illness, injury or congenital deformity;
- “the Law of 1955” means the Non-Contributory Pensions (Guernsey) Law, 1955(g);
- “matrimonial order” means an order for the payment of a weekly sum to an applicant personally or for her use or the use of herself and her children to a third person on her behalf under the provisions of the Law entitled “Loi relative à la Séparation de Mariés en Police Correctionnelle” registered on the twenty-first day of August, nineteen hundred and thirty(h), and includes an order

(f) Ordres en Conseil Vol. XVI, p. 103.

(g) Ordres en Conseil Vol. XVI, p. 227; Vol. XVIII, p. 85; Vol. XIX, p. 286 Vol. XXI, p. 119; and Recueil d’Ordonnances Tome XV, p. 259.

(h) Ordres en Conseil Vol. VIII, p. 452.

made under Article 43 or Article 47 of the Matrimonial Causes Law (Guernsey) 1939⁽ⁱ⁾, and a separation agreement sanctioned by the Royal Court;

“the Pensions Laws” means the Old Age and Blindness Pensions (Guernsey) Laws, 1950 and 1951^(j);

“the Pensions tribunal” means the tribunal appointed under and by virtue of section eight of the Old Age and Blindness Pensions (Guernsey) Law, 1950;

“prescribed” means prescribed by Ordinance under this Law;

“school-leaving age” means the age below which education is compulsory by law;

“voluntary organisation” means a body the activities of which are carried on otherwise than for profit.

(2) Any reference in this Law to any other enactment shall, except where the context otherwise requires, be construed as including a reference to that enactment as amended, repealed or replaced, extended or applied by or under any other enactment including this Law.

29. The Laws set out in the first column of the First Schedule to this Law are hereby repealed to the extent specified in the second column of that Schedule. Repeals.

30. This Law shall have effect subject to the savings and transitional provisions contained in the Second Schedule to this Law. Savings and transitional provisions.

(i) Ordres en Conseil Vol. XI, p. 318.

(j) Ordres en Conseil Vol. XIV, p. 214 and Vol. XV, p. 20.

Citation. 31. This Law may be cited as the Supplementary Benefit (Guernsey) Law, 1971.

Commencement. 32. This Law shall come into force on such day as shall be appointed in that behalf by Ordinance of the States.

FIRST SCHEDULE Section twenty-nine.

Laws Repealed

Law	Extent of Repeal
The Non-Contributory Pensions (Guernsey) Law, 1955(<i>k</i>).	The whole Law.
The Non-Contributory Pensions (Guernsey) (Amendment) Law, 1959(<i>l</i>).	The whole Law.
The Social Insurance (Guernsey) Law, 1964(<i>m</i>).	In the Sixth Schedule, the reference in the first and second columns thereof to the Non-Contributory Pensions (Guernsey) Law, 1955.
The Non-Contributory Pensions (Amendment) Law, 1967(<i>n</i>).	The whole Law.

(*k*) Ordres en Conseil Vol. XVI, p. 227.

(*l*) Ordres en Conseil Vol. XVIII, p. 85.

(*m*) Ordres en Conseil Vol. XIX, p. 286.

(*n*) Ordres en Conseil Vol. XXI, p. 119.

SECOND SCHEDULE

Section thirty.

Savings and Transitional Provisions

1. (1) Notwithstanding the repeal of the Pensions Laws by virtue of the provisions of the Law of 1955 nothing in this Law contained shall, subject to the provisions of the next succeeding sub-paragraph, be taken to affect the operation of the Pensions Laws in relation to any person who at the date of the repeal of those Laws was in receipt of any pension thereunder.

(2) Any person who, but for the repeal of the Pensions Laws, would have had a right of appeal from a decision of the Administrator or of the Pensions Tribunal under the provisions of section eight of the Old Age and Blindness Pensions (Guernsey) Law, 1950, or of any regulations made thereunder shall continue to have such a right save that any appeal from a decision of the Administrator shall be determined by the tribunal appointed under section fourteen of this Law, which tribunal for this purpose shall have all the powers and may perform all the duties of the Pensions Tribunal under the provisions of the Pensions Laws.

2. Any application for assistance under the Law of 1955 which is pending at the commencement of this Law shall be dealt with as if it had been an application for supplementary benefit made under this Law; and any person aggrieved by a decision of the Administrator under this paragraph shall have the like right of appeal as he would have had under section thirteen of the Law of 1955 and paragraph 3 of this Schedule.

3. Any appeal which, but for the operation of this Law, could have been brought against a decision of the Administrator to a tribunal constituted under section thirteen of the Law of 1955 may be brought to a tribunal constituted under section fourteen of this Law.

4. The tribunal constituted immediately before the commencement of this Law under section thirteen of the Law of 1955 shall be deemed to have been constituted under section fourteen of this Law, but without prejudice to any proceedings pending at the commencement of this Law; and the provisions of any Ordinance or Order of the Royal Court made under the provisions of the Law of 1955 and in force immediately before the commencement of this Law shall have effect as if made under the provisions of this Law until repealed by an Ordinance or Order of the Royal Court, as the case may be, made under the provisions of this Law.

5. In so far as any direction or decision given or any document made or issued or anything done under any of the provisions of the Law of 1955 could have been given or made or issued or done under a corresponding provision of this Law, it shall not be invalidated by the repeal of the Law of 1955 but shall have effect as if given or made or issued or done under that corresponding provision.

6. Where any Law or any document refers, either expressly or by implication, to any of the provisions of the Law of 1955 the reference shall, except where the context otherwise requires, be construed as, or as including, a reference to the corresponding provision of this Law.

7. (1) Subject to the provisions of this Law, any person who, immediately before the day on which this Law comes into force, was in receipt of a pension payable under the Law of 1955 shall, on that day, have that pension converted into a supplementary benefit at the same rate.

(2) Any application for a pension under the Law of 1955, including any subsequent declaration of means or other information made by a person to whom the foregoing sub-paragraph applies, shall be treated as if it were an application for a supplementary benefit under this Law.

R. H. VIDELO,
Her Majesty's Greffier.