

Island of  Guernsey

Ordinance of the States **XXXVIII**  
1971

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Made ... ..	11th June, 1971.
Came into Operation ...	11th June, 1971.
Laid before the States ...	30th June, 1971.

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**The Supplementary Benefit  
(Implementation) Ordinance, 1971**

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## **The Supplementary Benefit (Implementation) Ordinance, 1971**

THE STATES LEGISLATION COMMITTEE,  
in exercise of the powers conferred upon them by  
paragraph (3) of Article sixty-six of the Reform  
(Guernsey) Law, 1948(a), and by sections three and  
fifteen of the Supplementary Benefit (Guernsey) Law,  
1971(b), and of all other powers enabling them in  
that behalf, hereby order:—

### PART I

#### *Amount of supplementary benefit*

Determina-  
tion of  
amount of  
supple-  
mentary  
benefit.

1. Subject to the succeeding provisions of this Ordinance, the question of the amount of any supplementary benefit to be paid to an applicant shall be determined by the Administrator on a weekly basis and shall be so determined in accordance with the provisions of the First Schedule to this Ordinance.

Adjustment  
of amount of  
supple-  
mentary  
benefit.

2. The Authority may, notwithstanding the provisions of the last preceding section, direct the Administrator to increase or reduce the amount of any supplementary benefit which would otherwise be payable if the Authority is satisfied that such an increase or reduction would be just and equitable in all the circumstances.

Minor  
adjustments.

3. (1) Where the weekly amount of a supplementary benefit determined in accordance with the provisions of this Ordinance would be less than ten new pence, the supplementary benefit shall not be payable.

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(a) Ordres en Conseil Vol. XIII, p. 288.

(b) Ordres en Conseil No. II of 1971.

(2) Where the weekly amount of a supplementary benefit determined in accordance with the provisions of this Ordinance exceeds ten new pence, but is not a multiple of five new pence, the amount by which it exceeds such a multiple shall, if it is two and one half new pence or more, be treated as five new pence and, if it is less than two and one half new pence, be disregarded.

4. (1) Before deciding any question in pursuance of the provisions of subsection (1) of section three of the Law as to—

Provisional  
and final  
decisions of  
the  
Adminis-  
trator.

- (a) whether an applicant is a person to whom the Law applies;
- (b) whether a person to whom the Law applies is in need of a supplementary benefit; and
- (c) the amount of any such supplementary benefit to be paid to that person;

the Administrator may at any time make a provisional decision in relation to that question if, in his opinion, it is necessary or expedient so to do.

(2) Where the Administrator makes a provisional decision in pursuance of the provisions of the last preceding subsection he shall make a decision in pursuance of the provisions of subsection (1) of section three of the Law (hereinafter referred to as “a final decision”) in relation to the question to which the provisional decision relates on or before the expiration of the six weeks commencing on the day next following the day on which the provisional decision commenced to have effect.

(3) A provisional decision shall commence to have effect on such date as shall be appointed by the Administrator.

(4) If the Administrator fails to make a final decision in relation to any such question in accordance with the provisions of subsection (2) of this section the provisional decision in relation to that question shall cease to have effect at the expiration of the six weeks commencing on the day next following the day on which that provisional decision commenced to have effect.

(5) A final decision in relation to any such question shall be deemed to have commenced to have had effect on the date on which the provisional decision in relation to that question commenced to have effect.

(6) Where in pursuance of a provisional decision a supplementary benefit is paid to a person the amount of the supplementary benefit so paid shall not exceed the amount which would have been paid if the provisional decision had been a final decision.

(7) Where the amount of a supplementary benefit paid to a person in pursuance of a provisional decision is less than the amount of the supplementary benefit paid to him in pursuance of a final decision or where a supplementary benefit is not paid to a person in pursuance of a provisional decision, there shall be paid to that person as respects the period during which the provisional decision remained effective an amount equal to the difference between the total amount paid to him during that period in pursuance of the provisional decision and the total amount which would have been paid to him if the final decision had been effective during that period or an amount equal to the amount which would have been paid to him if the final decision had been effective during that period, as the case may be.

(8) There shall be no appeal from a provisional decision of the Administrator given under the provisions of subsection (1) of this section.

## PART II

### *Administration of supplementary benefit*

5. (1) Every application shall be made in writing on the form approved by the Administrator and shall be given or sent to the Administrator or to such other person as the Administrator may appoint in that behalf. Applica-  
tions.

(2) A person shall be treated as having made an application on the date on which the application is received by the Administrator or such other person as aforesaid.

6. (1) The Administrator may at any time demand for his inspection and information the production by an applicant of all bank pass books, certificates, statements, books of account and other documents whatsoever in the possession of or under the control of that applicant containing or likely to contain evidence of the means of that applicant. Information  
to be given  
on applica-  
tion or on  
change of  
circum-  
stances.

(2) Every applicant shall comply with any directions which may be given by the Administrator as to reporting to him any change of circumstances affecting that applicant's need of a supplementary benefit or the amount thereof.

(3) Every applicant shall furnish to the Administrator at least once in every year and oftener if the Administrator requires, in the form approved by the Administrator, a declaration of his means declaring in particular whether—

(a) there has been any change in his means;

- (b) the spouse of that applicant is alive and is living with him and whether there has been any change in the means of that spouse; and
- (c) there has been any change in the means of any dependant of that applicant;

since a supplementary benefit was first granted to that applicant or since a declaration was last made by him under this section, as the case may be.

(4) The Authority may from time to time authorise any person to exercise any of the powers conferred upon the Administrator by this section.

Effective date of decision.

7. Subject to the provisions of section four of this Ordinance, a decision shall have effect from the date specified in the notice of decision relating thereto and may be reviewed at any time save that—

- (a) no decision on an application shall have effect from a date earlier than the date on which the applicant is treated in accordance with subsection (2) of section five of this Ordinance as having made the application;
- (b) the decision of the tribunal on an appeal against a decision of the Administrator shall not take effect earlier than the earliest date on which the decision which is the subject of appeal could have been made to take effect.

Notice of decision of the Administrator.

8. Notice of the decision of the Administrator shall be given in writing to the person to whom the decision relates:

Provided that where the decision is on an application which is made in person, notice thereof need not be given in writing unless the applicant so requests.

9. (1) Orders issued by the Authority to enable a person to obtain payment of a supplementary benefit shall remain the property of the Authority. Orders for payment.

(2) Any person having such an order as aforesaid shall, on ceasing to be entitled to the receipt of a supplementary benefit to which the order relates, or when so required by the Administrator, deliver the order to the Administrator or to such person as he may direct.

### PART III

#### *Appeals*

10. The Authority shall appoint a Registrar and one or more deputy Registrars who shall perform such duties in connection with appeals to which this Ordinance refers as the Authority may direct subject to the provisions of this Ordinance. Appointment of Registrar.

11. (1) Where notice of appeal has been given in accordance with the provisions of the Law and of this Ordinance, the Registrar shall, if a tribunal has been appointed by the Court with authority to determine such appeal, convene that tribunal for the determination of that appeal; if there is no such tribunal, or if the tribunal is unwilling to determine such appeal, the Registrar shall so inform Her Majesty's Procureur who shall apply to the Court to appoint a tribunal for the determination of that appeal, and on such appointment being made the Registrar shall convene that tribunal for the determination of that appeal. Convening of the tribunal.

(2) Different tribunals may be convened for deciding in accordance with the provisions of this Ordinance whether notice of appeal given after the expiration of the period prescribed by this Ordinance shall be entertained, and for determining the appeal.

Notice of  
appeal.

12. (1) Notice of appeal under subsection (1) of section fourteen of the Law by any person who is aggrieved by a decision of the Administrator shall be in writing in the form set out in the Second Schedule to this Ordinance, shall contain a statement of the facts and contentions upon which the appellant relies in support of his appeal and there shall be attached thereto a copy of the Administrator's decision to which such appeal relates.

(2) Such notice shall be sent to the Registrar within twenty-eight days after the date of the notice of the decision, provided that notice sent after the expiry of that period may, with the consent of the tribunal, be accepted.

(3) The Registrar shall furnish a copy of such notice to the Administrator and within seven days thereafter the Administrator shall send to the Registrar a statement setting out the facts and grounds on which he relies in support of the decision and a copy of such statement shall be sent by the Registrar to the appellant.

(4) Such notice may be withdrawn at any time by sending to the Registrar a notice of withdrawal in writing, and the Registrar shall thereupon send notice thereof to the Administrator.

Further  
particulars.

13. The tribunal may at any time require the appellant or the Administrator to furnish it with further particulars in writing and within such time as it may direct with regard to any appeal, and may at any stage of the proceedings allow the amendment of any notice of appeal, statement or particulars and extend the time for furnishing any statement or particulars.

14. The Chairman shall as soon as may be practicable fix a date and place for the hearing, and the Registrar shall send not less than seven days' notice thereof to the Administrator and to the appellant. Notice of hearing.

15. (1) The Registrar shall be present at all sittings of the tribunal and the appellant, who in the case of a woman may be accompanied by another person, and the Administrator shall be entitled to be present during the hearing: Procedure at hearing.

Provided that for the purpose of discussing its decision on any matter the tribunal may order all persons, not being members of the tribunal or the Registrar, to withdraw from the sitting of the tribunal.

(2) The appellant shall be entitled to be heard at the hearing, either personally or through a member of his family, an advocate of the Court or, with the consent of the tribunal, any other person.

(3) The Administrator shall be entitled to be heard at the hearing, either personally or by Her Majesty's Procureur or such other person as the Administrator may appoint for the purpose.

(4) The Administrator and the appellant shall, subject to any legal objection, submit to be examined by the tribunal on oath or affirmation in relation to the matters in dispute and shall, subject as aforesaid, produce before the tribunal all books, deeds, papers, accounts, writings and documents within their possession or power respectively which may be required or called for, and do all other things which during the proceedings on the appeal the tribunal may require.

(5) The tribunal may adjourn the hearing from time to time as it may think fit.

(6) The tribunal may, if it thinks fit, admit any duly authenticated written statement or other material as prima facie evidence of any fact or facts in any case in which it thinks it just and proper so to do.

(7) The tribunal may, if it thinks fit, call for such documents and examine such witnesses, on oath, affirmation or otherwise, as appear to it likely to afford evidence relevant and material to the issue although not tendered by either the appellant or the Administrator.

(8) The Chairman or any party to any appeal may cause a summons to be served on any person, in the same manner as a summons may be served upon any person in respect of a civil action in the Magistrate's Court, summoning that person to attend any hearing by the tribunal for the purposes of giving evidence or of producing any document, and a person so summoned shall be under a like obligation as to the giving of any evidence and the production of any document as if he were so summoned in respect of a civil action before the said Court.

(9) If, after notice of the hearing has been duly given, the appellant or the Administrator fails to appear at the hearing, the tribunal may proceed to determine the matter as to which appeal is made notwithstanding the absence of both or either of them, or may give such directions with a view to the determination of the appeal as it thinks just and proper.

Decision of  
the tribunal.

16. The decision on any matter of the majority of the tribunal shall be the decision of the tribunal and the decision of the tribunal shall be in writing and signed by the Chairman and shall be sent by

the Registrar as soon as may be practicable to the Administrator and to the appellant; the Chairman may correct in any decision of the tribunal any clerical error or mistake arising from any accidental slip or omission.

17. Subject to the provisions of the Law and of this Ordinance, the procedure on any matter shall be such as the Chairman of the tribunal may determine.

General provisions as to proceedings before the tribunal.

18. (1) If, at the hearing of any appeal under the provisions of subsection (1) of section fourteen of the Law, the tribunal decides that a question of law has arisen in connection with the determination of such appeal which it ought properly to refer to the Court for decision under subsection (2) of that section, it may refer such question to the Court in the manner prescribed by Order of the Court and the Chairman shall announce such decision of the tribunal to the appellant and to the Administrator, if either of them is present at the hearing, whereupon he shall forthwith adjourn the hearing.

References by the tribunal to the Court.

(2) In the case of a decision by the tribunal being made in respect of any appeal under the last preceding subsection, the Registrar shall in every case notify in writing the Administrator and the appellant of the decision.

(3) Where the tribunal has decided to refer a question of law to the Court, no further hearings of the appeal to which that question relates shall take place until the Court has notified the tribunal of its decision on that question, unless the Court shall request the tribunal to continue such hearing.

19. The Chairman shall, as soon as may be after the receipt by him of the notification of a decision

Reopening of hearing by the tribunal.

by the Court on a question of law referred to the Court, reopen the hearing of the appeal to which the decision relates, and the tribunal shall proceed to determine the appeal in accordance with the provisions of the Law and of this Ordinance.

Costs of proceedings.

20. (1) The costs of any appeal shall be in the discretion of the tribunal, who may direct to and by whom and in what manner those costs or any part thereof shall be paid, and may determine the amount of costs to be so paid or any part thereof.

(2) In determining the amount of costs to be paid under the provisions of the last preceding subsection the tribunal may include in such amount such portion of the fee of an advocate employed for the purposes of the appeal by the person to whom the costs are directed to be paid as is in the opinion of the tribunal reasonable.

Disqualification of persons sitting on the tribunal.

21. A person shall not sit as a member of the tribunal during the consideration of a matter—

- (a) in which he appears as a representative of or accompanies the appellant; or
- (b) by which he is or may be affected;

and it is hereby declared that should any person so sit, the proceedings of the tribunal on the consideration of that matter shall be null and void.

Authentication of copies of decisions of the Administrator and the tribunal.

22. (1) A copy of a decision of the Administrator shall be authenticated by the signature of an officer of the Authority, and a copy purporting to be signed by such officer shall, unless the contrary is proved, be deemed to be so signed.

(2) A copy of the decision of the tribunal on any appeal under section fourteen of the Law shall be authenticated by the signature of the Chairman

and a copy purporting to be so signed shall, unless the contrary is proved, be deemed to be so signed.

## PART IV

### *General and supplemental provisions*

23. Where an applicant refuses or neglects without reasonable cause to comply with any of the provisions of Part II of this Ordinance, the Administrator may suspend the payment of a supplementary benefit to that applicant during the continuance of such refusal or neglect and the decision of the Administrator to that effect shall be notified in writing by the Administrator to that applicant.

Suspension  
of payment  
of a supple-  
mentary  
benefit for  
non-com-  
pliance with  
this Ordin-  
ance.

24. (1) In the case of any person who is, or who is alleged to be, in need of a supplementary benefit under the Law, or by whom or on whose behalf, an application has been made, and who is unable for the time being to act, where no guardian has been appointed, the Administrator may, upon written request being made to him, appoint a person to exercise on behalf of the person who is unable to act any right to which that person may be entitled under the Law and to receive and deal with any sums payable or assistance given in kind under the provisions of Part II of the Law to or by such person save that—

Persons  
unable to  
act.

- (a) any such appointment by the Administrator shall terminate immediately on his being notified that a guardian has been so appointed;
- (b) a person who has not attained the age of twenty years shall not be capable of being appointed to act under this section;

- (c) the Administrator may at any time in his absolute discretion revoke any appointment made under this section; and
- (d) any person appointed under this section may, on giving the Administrator one month's notice in writing of his intention so to do resign his office.

(2) Anything required by this Ordinance to be done by or to any such person as aforesaid who is unable to act may be done by or to the guardian, if any, or by or to the person appointed under this section to act on his behalf, and the receipt of any person appointed under this section shall be a good discharge to the Authority for any sum paid, notwithstanding that such person has not attained the age of twenty years.

Service of notices.

25. Any notice or other document required or authorised to be given or sent to any person or to the Authority or to the Administrator under the provisions of this Ordinance shall be deemed to have been given or sent if it was sent by post, in the case of any person, to that person at his ordinary or last known address, or, in the case of the Authority or the Administrator, to the office of the Authority.

Interpretation.

26. (1) In this Ordinance, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“advocate” means Advocate of the Court;

“application” means an application for a supplementary benefit;

“applicant” means a person who has made an application and includes a person in receipt of supplementary benefit;

“the Chairman” means the Chairman of the tribunal and includes the Deputy Chairman of the tribunal;

“the Court” means the Royal Court;

“decision” means a decision of the Administrator or of the tribunal, as the case may be, with respect to any of the matters mentioned in subsection (1) of section fourteen of the Law and includes a decision on review;

“hearing” means oral hearing;

“Her Majesty’s Procurer” includes Her Majesty’s Comptroller;

“the Law” means the Supplementary Benefit (Guernsey) Law, 1971;

“net weekly earnings” means the net remuneration or profit, calculated on a weekly basis, derived by a person from any gainful occupation or occupations, and, in particular, in so far as the earnings consist of salary or wages, there shall be deducted—

(a) any sum the deduction of which from salary or wages is authorised by any enactment for the time being in force;

(b) the reasonable expenses, if any, incurred by the said person in connection with his employment;

“the Registrar” means the Registrar of Appeals appointed in accordance with the provisions of this Ordinance and includes a Deputy Registrar so appointed;

“the tribunal” means the tribunal appointed in accordance with the provisions of section fourteen of the Law;

and any other expressions have the same meaning as in the Law.

(2) For the purposes of this Ordinance, a person shall be treated as a husband or a wife only where he or she is a member of the same household as his wife or her husband, and the expression "husband and wife" shall be construed accordingly.

(3) Any reference in this Ordinance 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 Ordinance.

**Repeals.** 27. The Ordinances set out in the Third Schedule to this Ordinance are hereby repealed.

**Extent.** 28. This Ordinance shall have effect in the Islands of Guernsey, Herm and Jethou.

**Citation.** 29. This Ordinance may be cited as the Supplementary Benefit (Implementation) Ordinance, 1971.

**Commencement.** 30. This Ordinance shall come into force on the eleventh day of June, nineteen hundred and seventy-one.

## FIRST SCHEDULE Section one

### PART I

#### *General provisions relating to calculation of supplementary benefit*

#### *Amount of supplementary benefit and calculation of requirements and resources*

1. Subject to the following provisions of this Part of this Schedule, the amount of supplementary benefit to which a person is entitled shall be the amount by which his resources fall short of his requirements, and for the purpose of ascertaining that amount:—

- (a) the weekly requirements of any person shall be taken to be the aggregate of such of the amounts specified in Part II of this Schedule as are applicable to his case; and
- (b) the resources of any person shall be calculated in accordance with Part III of this Schedule.

*Aggregation of requirements and resources*

2. (1) Where a husband and wife are members of the same household their requirements and resources shall be aggregated and similarly as regards two persons cohabiting as man and wife.

(2) Where a person has to provide for the requirements of another person (not falling within the preceding sub-paragraph) who is a member of the same household, his requirements shall be taken to include the requirements of that other person, and in that case their resources shall be aggregated.

*Limitation on amount of supplementary benefit payable*

3. (1) The sum of a supplementary benefit payable in any week to or in respect of a person and of any other income, if any, received by or in respect of that person in that week shall not exceed the limit of weekly income set out in sub-paragraph (2) of this paragraph and, where the sum of the said supplementary benefit and the said income (if any) in any week exceeds the said limit of weekly income, the Administrator shall reduce the amount of the supplementary benefit which would otherwise be payable, by an amount equal to that by which the said limit of weekly income is exceeded:

Provided that if the income of that person includes resources (including earnings and any amount

treated as equivalent to a weekly income in accordance with paragraph 14 of this Schedule) which, under the provisions of this Ordinance have been wholly or partly disregarded, the limit of weekly income set out in the said sub-paragraph (2) shall be increased by adding thereto that part of the resource or the sum of those parts of the resources so disregarded up to, but not exceeding, an amount of two pounds.

(2) For the purposes of the last preceding sub-paragraph the limit of weekly income shall be the amount of the basic wage to which a greenhouse worker over the age of eighteen years is in any week entitled to receive by virtue of any agreement for the time being in force between the Guernsey Growers' Association and the Guernsey Branch of the Transport and General Workers' Union.

(3) Any form of income mentioned in paragraphs 11, 13 or 14 of Part III of this Schedule and any amount by which any weekly earnings mentioned in paragraph 15 of the said Part III exceeds a multiple of five new pence, shall be disregarded for the purposes of this paragraph.

(4) The provisions of the last preceding paragraph shall, for the purposes of this paragraph, apply in like manner to the aggregation of the income of persons falling within the said preceding paragraph who are members of the same household.

## PART II

### *Calculation of requirements*

#### *Application of paragraphs 5 and 6*

4. (1) Subject to sub-paragraph (2) of this paragraph, the amounts specified in paragraphs 5 and 6 of this

Schedule are not applicable to persons falling within any of paragraphs 7 to 9 thereof.

(2) Where one only of the persons falling within sub-paragraph (1) of paragraph 2 of this Schedule falls within paragraph 7 or 9 thereof, sub-paragraph (1) of this paragraph shall not exclude the application of the said amounts to the other, but the amount applicable to him under the said paragraph 5 shall be that specified in item (b) thereof.

*Normal requirements*

5. The requirements of persons shall be as follows, that is to say:—

- |  |       |
|--|-------|
| (a) For a husband and wife or other persons falling within sub-paragraph (1) of paragraph 2 of this Schedule   | £7.10 |
| (b) For a person living alone or a householder not falling within item (a) of this paragraph who is directly responsible for household necessities and rent (if any) | £4.45 |
| (c) Subject to the provisions of items (d) and (e) of this paragraph, for any other person—  |       |
| (i) aged twenty years or over  | £3.70 |
| (ii) aged eighteen years or over but less than twenty years  | £2.30 |
| (iii) aged sixteen years or over but less than eighteen years  | £1.90 |
| (iv) aged eleven years or over but less than sixteen years   | £1.45 |
| (v) aged less than eleven years  | £1.15 |
| (d) For any other person, if he be an applicant—   |       |

- (i) aged eighteen years or over but less than twenty years £3.05
  - (ii) aged sixteen years or over but less than eighteen years £2.50
  - (iii) over school-leaving age but less than sixteen years £1.95
- (e) For any other person who, being the dependant of an applicant, would for the purposes of the Family Allowances (Guernsey) Law, 1950(c), be the only child in the family of the applicant and is—
- (i) aged eighteen years or over but less than twenty years £3.05
  - (ii) aged sixteen years or over but less than eighteen years £2.50
  - (iii) aged eleven years or over but less than sixteen years £1.95
  - (iv) aged less than eleven years £1.50

### *Rent*

6. (1) The amounts applicable under the last preceding paragraph shall be increased as follows:—

- (a) where the person applying for or in receipt of a supplementary benefit or a person whose requirements are aggregated with his under sub-paragraph (1) of paragraph 2 of this Schedule is a householder, by the amount of the net rent payable, or such lesser amount as may be thought reasonable by the Administrator having regard to the circumstances of that person;
- (b) in any other case (unless there appears to the Administrator to be special circum-

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

stances or the person is aged less than eighteen years) a reasonable share as determined by the Administrator of the rent payable by the householder of whose household the applicant is a member, but not less than thirteen new pence nor more than seventy-five new pence.

(2) In this paragraph the expression "rent" means:—

- (a) the weekly rent, or a proportion thereof, appropriate to a week, excluding arrears thereof; and
- (b) the weekly proportion of outgoings borne by the householder including, in particular, rates and taxes, a reasonable allowance as determined by the Administrator towards any necessary expenditure on repairs or insurance, and such portion as is for the time being attributable to interest in respect of a charge on the dwelling in which the householder resides, or on any interest therein;

and the expression "net rent" means the rent less any proceeds of sub-letting any part of the premises in respect of which the said rent is paid or the outgoings incurred.

*Persons in hospital, nursing home or home for old people*

7. The requirements of a person who is residing in a hospital or nursing home as a patient or is residing in a home for old people shall be such amount, if any, as may be appropriate, having regard to all the circumstances.

*Persons paying for board and lodging*

8. The requirements of a person who is paying an inclusive charge for board and lodging shall be such amount as may be appropriate, not being less than the amount which would be applicable under paragraph 5 of this Schedule.

*Persons in legal custody*

9. The requirements of a person in prison or otherwise detained in legal custody shall be nil except for any amount applicable by virtue of paragraph 2 of this Schedule.

## PART III

*Calculation of resources**Disregard of capital value of dwelling*

10. In taking into account the value to any person of an interest in the dwelling in which he resides, any sum which might be obtained by him by selling that interest or borrowing money upon the security thereof shall be disregarded.

*Resources wholly disregarded*

11. There shall be wholly disregarded—

- (a) any sums payable to any person as holder of the Victoria Cross or of the George Cross;
- (b) any allowance payable under the Family Allowances (Guernsey) Law, 1950;
- (c) any grant by the States Education Council in respect of a person who would be treated as a child for the purposes of the Family Allowances (Guernsey) Law 1950;

- (d) the cash value of any free board or free lodging or both which a person may enjoy, not being board or lodging or both which that person is enjoying under and in pursuance of a contract of service.

12. Capital resources which consist of business premises or stock in trade or both which are wholly or partly used as the means of livelihood, other than by way of unearned income, shall, if the Authority in its discretion so directs, be disregarded.

13. If the value of the capital resources taken into account would not exceed three hundred pounds they shall be wholly disregarded together with any income therefrom.

*Calculation of income from capital resources*

14. The capital resources taken into account, together with any income derived therefrom shall be treated as equivalent to a weekly income of the following amounts, that is to say:—

- (a) so far as the value of the capital resources exceeds three hundred pounds but does not exceed eight hundred pounds, five new pence for each complete twenty-five pounds;
- (b) so far as their value exceeds eight hundred pounds, thirteen new pence for each complete twenty-five pounds.

*Earnings*

15. (1) The weekly earnings of any person shall be taken to be his net weekly earnings reduced by two pounds and any amount by which those weekly earnings exceed a multiple of five new pence shall be disregarded.

(2) For the purposes of the last preceding subparagraph there shall be included in the net weekly earnings of a person the cash value of any board or lodging or both which that person is enjoying under and in pursuance of a contract of service.

*Disregard of two pounds a week on certain payments*

16. There shall be disregarded two pounds a week of the income consisting of any one or more of the following, that is to say:—

- (a) any payments in respect of (and including any payment in respect of a dependent's allowance attached to any of the following payments or pensions):—
  - (i) wounds pensions granted to members of the naval, military or air forces of the Crown;
  - (ii) retired pay of disabled commissioned officers granted on account of medical unfitness attributable to or aggravated by naval, military or air force service;
  - (iii) disablement or disability pensions granted to members, other than commissioned officers, of the naval, military or air forces of the Crown on account of medical unfitness attributable to or aggravated by naval, military or air force service;
  - (iv) disablement pensions granted to persons who have been employed in the nursing services of any of the naval, military or air forces of the Crown on account of medical unfitness attributable to or aggravated by naval, military or air force service;

- (b) any industrial disablement benefit granted under the Social Insurance (Guernsey) Law, 1964(d).

*Disregard of one pound a week of other income*

17. (1) There shall be disregarded, subject to subparagraph (2) of this paragraph, one pound a week of the income taken into account (including any sum taken into account under paragraph 14 of this Schedule) except so far as it consists of any earnings or of any of the following, that is to say:—

- (a) any weekly benefit, other than industrial disablement benefit, payable under the Social Insurance (Guernsey) Law, 1964;
- (b) any weekly benefit payable under the social insurance legislation of any country, other than Guernsey;
- (c) any maintenance payable to a woman in respect of either herself or a child by her husband or a former husband;
- (d) any payment by a man in respect of a child of whom he is the putative father and any payment by that man to the mother of that child.

(2) Where any amount is disregarded under paragraph 16 of this Schedule then, if that amount equals two pounds a week no further amount shall be disregarded under this paragraph and, if it is less than two pounds a week, the amount disregarded under this paragraph shall not, together with that amount, exceed two pounds a week.

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

*Resources deliberately abandoned*

18. If a person has deprived himself of any resources for the purpose of securing a supplementary benefit or increasing the amount thereof those resources may be taken into account as if they were still his.

*Attribution of assets*

19. (1) Subject to the following provisions of this paragraph, a person shall be deemed for the purpose of this Schedule to own an asset if he is absolutely entitled in possession to the whole beneficial interest therein and not otherwise.

(2) Where two or more persons are beneficially entitled in possession to any asset they shall be treated for the purposes of this Schedule as if each of them were entitled in possession to the whole beneficial interest in an equal share in the asset unless it appears that their respective beneficial interests are not equal; and in that case they shall be treated as respectively entitled in possession to the whole beneficial interest in such shares as appear to be just.

## SECOND SCHEDULE Section twelve

*The Supplementary Benefit (Guernsey) Law, 1971**Notice of appeal to the tribunal*

To the Registrar of Appeals,  
States Insurance Authority,  
St. Peter Port,  
Guernsey.

I, \_\_\_\_\_ of \_\_\_\_\_,  
, being aggrieved by a decision  
of the Administrator given on the \_\_\_\_\_ day of \_\_\_\_\_

, 19 , under the Supplementary Benefit (Guernsey) Law, 1971, hereby give notice of appeal against that decision. The facts and contentions upon which I rely in support of my appeal are set forth in the particulars hereto attached.

In support of this appeal the following documents are sent herewith:—

(Insert list of all documents sent with this notice)

Dated this                      day of                      , 19 .

Signature .....

Appellant

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### Appellant's Particulars

N.B. The particulars furnished on this form and all other information which may be sent to the tribunal by or on behalf of an appellant in connection with his or her appeal will be disclosed to the Administrator. A copy of the Administrator's decision must be furnished.

### THIRD SCHEDULE

Section twenty-seven

#### *ORDINANCES REPEALED*

The Non-Contributory Pensions (Implementation) Ordinance, 1955(e).

The Non-Contributory Pensions (Implementation) (Amendment) Ordinance, 1959(f).

The Non-Contributory Pensions (Implementation) (Amendment) (No. 2) Ordinance, 1960(g).

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(e) Recueil d'Ordonnances Tome XI, p. 129.

(f) Recueil d'Ordonnances Tome XII, p. 191.

(g) Recueil d'Ordonnances Tome XII, p. 386.

The Non-Contributory Pensions (Implementation)  
(Amendment) (No. 2) Ordinance, 1969(*h*).

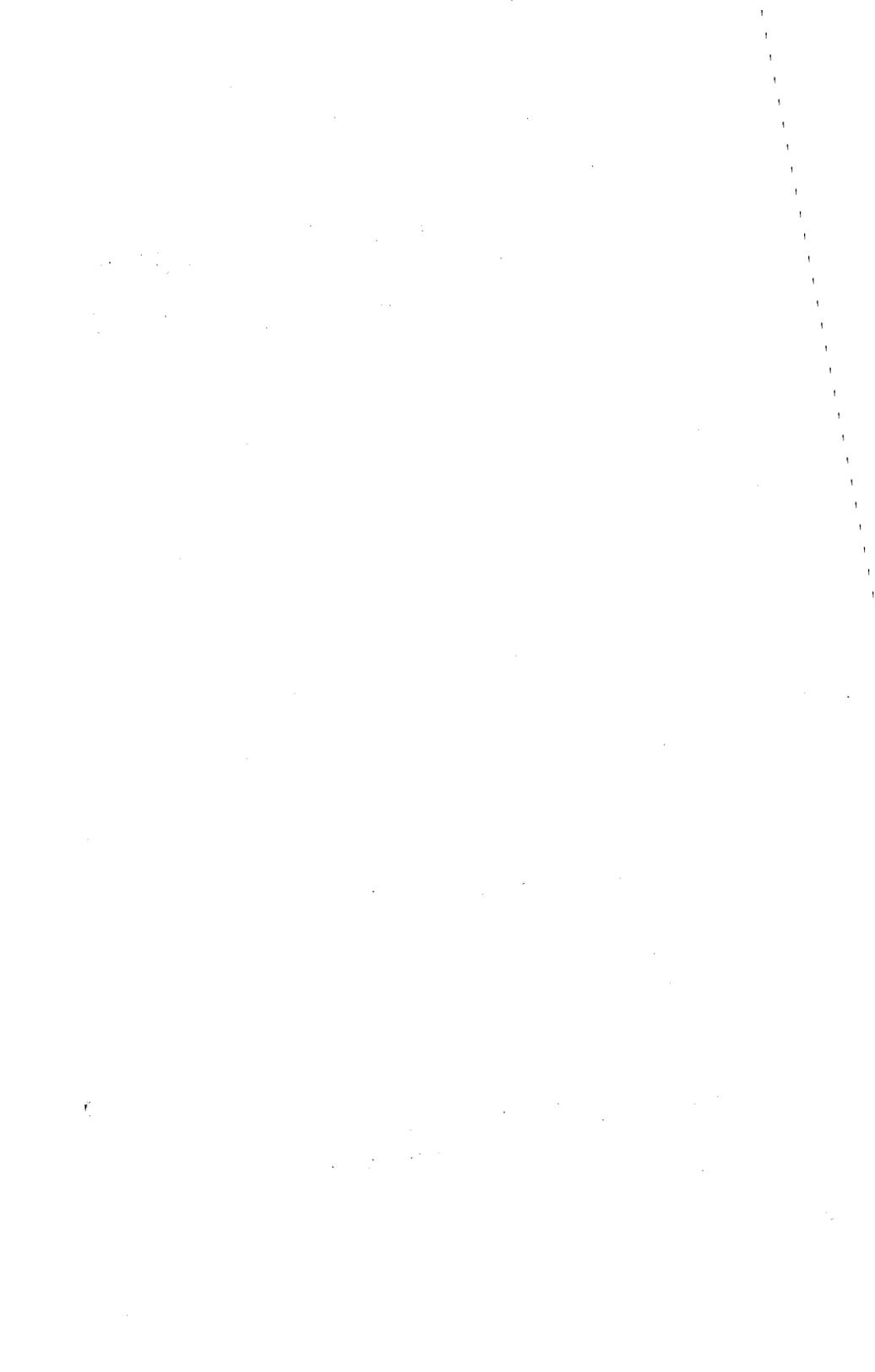
The Non-Contributory Pensions (Implementation)  
(Amendment) Ordinance, 1970(*i*).

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

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(*h*) No. XIII of 1969.

(*i*) No. XXXI of 1970.



**Copies may be purchased from  
Her Majesty's Greffier, Royal Court House, Guernsey.**

**PRICE 20p**