

Guernsey Statutory Instrument

1973 No. 29

The Family Allowances (Reciprocal Agreement with Jersey) (Guernsey)
Regulations, 1973

Made 1st June, 1973

Laid before the States

Deemed to have come into operation 8th May, 1973

THE STATES INSURANCE AUTHORITY, in exercise of the powers conferred upon it by section twenty-three of the Family Allowances (Guernsey) Law, 1950, as amended, and of all other powers enabling it in that behalf, hereby orders:-

Modification of the Law

1. The provisions contained in the Agreement set out in the Schedule to these Regulations shall have full force and effect, and the Family Allowances (Guernsey) Law, 1950, as amended, shall have effect subject to such modifications as may be required therein for the purpose of giving effect to the provisions contained in the said Agreement.

Repeal

2. The Family Allowances (Guernsey) (Jersey Reciprocal Arrangements) Regulations, 1952, are hereby repealed.

Citation, extent and commencement

3.(1) These regulations may be cited as the Family Allowances (Reciprocal Agreement with Jersey) (Guernsey) Regulations, 1973.

(2) These Regulations shall have effect in the Islands of Guernsey, Alderney, Herm and Jethou.

(3) These Regulations shall be deemed to have come into force on the eighth day of May, nineteen hundred and seventy-three.

Dated this first day of June, nineteen hundred and seventy-three.

E. H. BOLDMAN

President of the States Insurance Authority,
for and on behalf of the Authority.

AGREEMENT ON FAMILY ALLOWANCES BETWEEN THE SOCIAL SECURITY COMMITTEE,
WITH THE CONSENT OF THE STATES OF JERSEY, OF THE FIRST PART, AND THE
STATES INSURANCE AUTHORITY, WITH THE CONSENT OF THE STATES OF GUERNSEY,
OF THE SECOND PART.

PART I: DEFINITIONS AND SCOPE

ARTICLE 1

For the purposes of this Agreement, unless the context
otherwise requires -

- (a) "competent authority" means -
 - (i) in relation to Jersey, the Social Security Committee;
 - (ii) in relation to Guernsey, the States Insurance
Authority;
- (b) "country" means Jersey or Guernsey, as the case may require;
- (c) "family allowance" means a family allowance as defined in the
legislation which, in accordance with the provisions of this
Agreement, applies in any particular case;
- (d) "gainfully occupied" means employed or self-employed;
- (e) "Guernsey" includes the Islands of Alderney, Herm and Jethou;
- (f) "legislation" means, in relation to either country, the
legislation of that country specified in Article 2 of this
Agreement;

and other expressions have the meanings respectively assigned to them
in the legislation of Jersey or Guernsey, as the case may require.

ARTICLE 2

- (1) The provisions of this Agreement shall apply -
 - (a) in relation to Jersey, to -
 - (i) The Insular Insurance (Jersey) Law, 1950;
 - (ii) The Family Allowances (Jersey) Law, 1972;

- (b) in relation to Guernsey, to -
 - (i) the Social Insurance (Guernsey) Law, 1964, and the legislation repealed by that Law;
 - (ii) the Family Allowances (Guernsey) Law, 1950.
- (2) The Agreement shall apply to any legislation which supersedes, amends, supplements or consolidates the legislation specified in paragraph (1) of this Article.

PART II: PROVISIONS WHICH DETERMINE
THE LEGISLATION APPLICABLE

ARTICLE 3

- (1) Subject to the provisions of paragraph (2) of this Article, where a person, and his children, are ordinarily resident in one country and that person is gainfully occupied in the other country, he, and his children, shall be treated as resident and present in the territory of the former country and the legislation of that country concerning family allowances shall apply:

Provided that, if his gainful occupation in the latter country has lasted for as long as twenty-four months, this paragraph shall cease to apply to him, unless the competent authorities of the two countries otherwise agree in a particular case.
- (2) Where a person is ordinarily resident in one country and is employed either -
 - (a) as master or a member of the crew of a ship, vessel or hovercraft which is registered or owned in the other country and engaged in regular trade between the two countries; or
 - (b) as pilot, commander, navigator or a member of the crew of an aircraft which is registered in the other country and

engaged in regular trade between the two countries;

he shall be treated for the purpose of any claim to family allowances as if he were in and employed in the former country; and if his children are in the other country they shall be treated as if they were in the former country.

- (3) Where, but for the provisions of this paragraph, the legislation of both countries would apply in respect of the same children, the legislation of the country where the children are ordinarily resident shall apply, provided that where a child would be treated as included in the family of one parent under the legislation of one country, and in the family of the other parent under the legislation of the other country for the same period, then that child shall be included in one of those families to the exclusion of the other as may be agreed between the parents, or, in default of such agreement, in the family which the competent authorities may by agreement determine.

PART III: GENERAL PROVISIONS

ARTICLE 4

For the purposes of all or any of the provisions of the legislation of either country, a child who, by reason of his having been removed from the control of his parents, would be excluded from the family under the legislation of one country shall be so excluded for the purposes of the legislation of the other country.

ARTICLE 5

- (1) Subject to the provisions of Article 3 and of paragraph (2) of this Article, a person who is ordinarily resident in Guernsey shall, for the purposes of any claim to receive a family

allowance under the legislation of Guernsey, be treated -

- (a) as if his place of birth were in Guernsey if it is in Jersey;
 - (b) as if he had been resident or present in Guernsey during any period during which he was, respectively, resident or present in Jersey.
- (2) Where a person moves from Jersey to Guernsey, no payment shall accrue under the provisions of this Article for any period before the first day of presence in Guernsey or the date on which the legislation of Jersey ceases to apply, whichever is the later.

ARTICLE 6

- (1) Subject to the provisions of Article 3, a person who claims a family allowance under the legislation of Jersey -
- (a) shall be treated as if any period of residence or presence he has completed in Guernsey had been a period of residence or presence in Jersey;
 - (b) who becomes ordinarily resident in Jersey and who immediately before his arrival in Jersey was resident in Guernsey and would have satisfied the residence and presence conditions for a family allowance under the legislation of Guernsey, or was in receipt of a family allowance under the legislation of Guernsey, shall be eligible for a family allowance under the legislation of Jersey from the date of arrival of his family in Jersey or the cessation of family allowance under the legislation of Guernsey, whichever is the later;

(c) who becomes ordinarily resident in Jersey, and who, immediately before his arrival in Jersey was resident in Guernsey, but who did not satisfy the residence and presence conditions for receipt of a family allowance under the legislation of Guernsey, shall be eligible for a family allowance under the legislation of Jersey from the date on which he would have become entitled to a family allowance under the legislation of Guernsey if he had remained in that country, or from the date on which he would be eligible under the legislation of Jersey, whichever is the earlier.

(2) Notwithstanding the provisions of this Article, a family allowance shall not be payable under the legislation of Jersey unless and until the provisions of that legislation concerning the income of the family are satisfied.

ARTICLE 7

A child in respect of whom a Guardian's Allowance is payable under the legislation of one country shall be treated for the purposes of the legislation of the other country as a child in respect of whom a Guardian's Allowance is payable under the legislation of that other country.

PART IV: MISCELLANEOUS PROVISIONS

ARTICLE 8

The competent authorities shall make such financial and administrative arrangements as may appear to them to be necessary for the purposes of giving effect to this Agreement.

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ARTICLE 9

The competent authority of one country shall furnish assistance to the competent authority of the other country with regard to any matter relating to the application of this Agreement as if the matter were one affecting the application of the legislation of the former country.

PART V: FINAL PROVISIONS

ARTICLE 10

The Memorandum of Reciprocal Arrangements relating to Family Allowances which was signed in November, 1952, on behalf of the Insular Insurance Committee, with the consent of the States of Jersey, of the one part, and on behalf of the States Insurance Authority, with the consent of the States of Guernsey, of the other part, shall be terminated on the date of entry into force of this Agreement.

ARTICLE 11

- (1) This Agreement shall enter into force on the 8th May, 1973.
- (2) Either party hereto may terminate this Agreement on giving not less than six months' notice in writing to the other party.
- (3) Notwithstanding the termination of this Agreement in pursuance of paragraph (2) of this Article, any right acquired by any person hereunder shall continue to have effect in all respects as if this Agreement had not been terminated.

Signed on behalf of the Social Security Committee this 13th day of April 1973 and authorised by Act of the States of Jersey dated this third day of April 1973.

(Signed) E. J. M. Potter

Signed on behalf of the States of Guernsey by the President of the States Insurance Authority this 10th day of April 1973.

(Signed) E. H. Bodman