

1964—No. 35

**The Social Insurance
(Guardian's Allowances) (Guernsey)
Regulations, 1964**

Made	25th November, 1964
Laid before the States ..	16th December, 1964
Coming into Operation ..	4th January 1965

THE STATES INSURANCE AUTHORITY, in exercise of the powers conferred upon it by section eighteen of the Social Insurance (Guernsey) Law, 1964, and of all other powers enabling it in that behalf, hereby orders:—

Interpretation

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

“the Law” means the Social Insurance (Guernsey) Law, 1964;

“the determining authority” means, as the case may require, the Administrator or the tribunal;

and other expressions have the same meanings as in the Law.

(2) Except where the context otherwise requires, any reference in these regulations to any enactment or regulations shall be construed as including a

reference to that enactment or those regulations, as the case may be, as amended, repealed, replaced or revoked by or under any other enactment or by any other regulations.

(3) The Interpretation (Guernsey) Law, 1948, shall apply to the interpretation of these regulations as it applies to the interpretation of a Guernsey enactment.

Adopted children

2. Subject to the provisions of regulation seven, where a child has been adopted within the meaning of the Adoption (Guernsey) Law, 1960, there shall be substituted for the condition contained in paragraph (a) of subsection (1) of section eighteen of the Law that the parents of the child are dead, that condition set out below which is appropriate to the circumstances of the case, namely—

- (a) if the child was adopted by a person who was not married at the date of the adoption order, the condition that that person is dead; or
- (b) if the child was adopted by two spouses jointly, the condition that both of those spouses are dead; or
- (c) if the child was adopted by one of two spouses with or without the consent of the other, the condition that the spouse who adopted the child is dead.

Illegitimate children

3. Subject as aforesaid, where a child (other than a child to whom the preceding regulation applies) is illegitimate, there shall be substituted for the said condition that the parents of the child are dead the condition set out below appropriate to the circumstances of the case, namely—

- (a) if any person has been found by a court of competent jurisdiction to be the father of the child, or if there is no such finding but in the opinion of the determining authority the paternity of the child has been admitted or established, the condition that the father and the mother of the child are dead; or
- (b) in any other case, the condition that the mother is dead.

Children of divorced persons, etc.

4. (1) Subject as aforesaid, where the marriage of a child's parents was terminated by divorce and where, at the death of one of the parents, the child was not in the custody of, or being maintained by, the other parent and there was no order of a court imposing any liability for custody or maintenance of the child on the other parent, there shall be substituted for the said condition that the parents of the child are dead the condition that one parent is dead.

(2) In the application of this regulation, the expression "parents" shall include persons who adopt children in the circumstances specified in regulation two.

Children whose parents' whereabouts are unknown

5. (1) Subject as aforesaid, where one of a child's parents is dead and the person claiming the guardian's allowance shows that he was at the date of the death unaware of, and has failed after all reasonable efforts to discover, the whereabouts of the other parent, there shall be substituted for the condition that the parents of the child are dead the condition that one of the parents is dead.

(2) For the purposes of this regulation, the provisions of paragraph (2) of regulation four shall apply.

Insurance condition

6. Except in relation to regulation four or regulation five there shall be substituted for the condition contained in paragraph (b) of subsection (1) of the said section eighteen that one at least of the parents of the child was an insured person, the condition that the person or, as the case may be, one at least of the persons to whom the appropriate substituted condition contained in these regulations is applicable, was an insured person.

Special saving

7. Notwithstanding anything contained in these regulations, the parent of a child shall not be entitled to a guardian's allowance in respect of that child.

Citation and Commencement

8. These regulations may be cited as the Social Insurance (Guardian's Allowances) (Guernsey) Regulations, 1964, and shall come into operation on the fourth day of January, nineteen hundred and sixty-five.

Dated this twenty-fifth day of November, nineteen hundred and sixty-four.

A. QUEVATRE,

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

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations provide for modifications of the conditions for guardian's allowance in relation to adopted and illegitimate children, and children whose parents have been divorced or cannot be traced.

Provision is also made for the allowance to be payable: in the case of adopted children, on the death of the adoptive parent or if the child was adopted by two spouses jointly when both of them are dead; in the case of illegitimate children, on the death of the mother provided she is not survived by the father of the child when it will be payable when both of them are dead; and, in the case of children of divorced parents on the death of one parent provided that that parent is not survived by the other who, at the date of death has custody of the child, or is maintaining the child, or against whom there has been issued a court order for custody or maintenance, in which case the allowance will be payable when both parents are dead.