

Guernsey

Statutory Instrument

1963 No. 4

The Central Outdoor Assistance
Board Regulations, 1963.

THE CENTRAL OUTDOOR ASSISTANCE BOARD, in exercise of the powers conferred on it by Article VI of the Public Assistance Law, 1937, and of all other powers thereunto enabling it, hereby makes the following Regulations:-

~~Interpretation.~~ 1. (1) In these Regulations, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:-

"applicant" means a person who has made an application for outdoor assistance;

"the Central Board" means the Central Outdoor Assistance Board;

"dependant" has the meaning assigned to it by Regulation two of these Regulations;

"net weekly earnings" means the net remuneration for 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 Law for the time being in force;
- (b) the reasonable expenses, if any, incurred by the said person in connection with his employment;

"Relieving Official" means -

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

"requirements" does not include any medical, surgical, optical, aural or dental requirements.

(2) Any reference in these Regulations to any enactment shall be construed as a reference to that enactment as amended, extended or applied by or under any other enactment.

expenditure on repairs or insurance,
and such portion as is for the time being
attributable to interest of any sum payable
in respect of any charge on the house in which
the householder resides or on any interest
therein;

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

Adjustment in
special
circumstances

5. Where, as respects any application for outdoor assistance it
appears to a Relieving Official that special circumstances exist
in relation thereto, any amount calculated in accordance with the
provisions of the last two foregoing Regulations may be adjusted
by the Relieving Official to such extent as he deems appropriate
to meet these circumstances.

Grants to owners
of real property

6. Where an applicant is the owner of any real property the
Central Board may direct that outdoor assistance shall not be
granted to him otherwise than by way of interest-free loan
whereof repayment is secured by charge given in favour of the
States.

Amendments to
1939
Regulations

7. The Central Outdoor Assistance Board Regulations, 1939, are
hereby amended as follows, that is to say:-

(a) paragraph (1) of Regulation one thereof is hereby
repealed and the following paragraph is hereby
substituted therefor -

"(1) The President of each Parochial
Outdoor Assistance Board (in these
Regulations referred to as a
"Parochial Board") shall, not later
than the twenty-eighth day of February
in each year, report to the President
of the Central Outdoor Assistance Board
(in these Regulations referred to as "the
Central Board") the names of those States-
elected members of the Parochial Board whose
terms of office will expire on the
thirtieth day of April in that year.";

(b) in sub-paragraph (a) of paragraph (1) of Regulation
two thereof the word "five" is hereby repealed and
the word "three" is hereby substituted therefor.

Repeals.

8. The Central Outdoor Assistance Board Regulations, 1955, the
Central Outdoor Assistance Board (Amendment) Regulations, 1957, and
the Central Outdoor Assistance Board (Amendment) Regulations,
1963, are hereby repealed.

Citation and commencement

9. (1) These Regulations may be cited as the Central Outdoor Assistance Board Regulations, 1963, and the Central Outdoor Assistance Board Regulations, 1939, and these Regulations may be cited together as the Central Outdoor Assistance Board Regulations, 1939 and 1963.

(2) These Regulations shall come into operation on the day next following their approval by the States.

Dated this 28th day of March 1963.

(Signed) E. J. SAUNDERS

President of the Central
Outdoor Assistance Board
for and on behalf of the
Board.

SCHEDULE

Rules for the Computation of Resources.

Aggregation of resources

- 1. The available resources of an applicant shall be taken to be the aggregate amount of the resources of -
 - (a) the applicant; and
 - (b) the husband or wife of the applicant; and
 - (c) any other member of the household dependent on the applicant.

Disregard of the value of a residence.

- 2. In taking into account the value to any person of an interest in the dwelling house 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.

Treatment of Capital

- 3. Any capital resources of a person not disregarded by virtue of the last foregoing paragraph shall -
 - (a) so far as their aggregate value does not exceed fifty pounds, be disregarded together with all income therefrom;
 - (b) so far as their aggregate value exceeds fifty pounds but does not exceed six hundred pounds, to be treated as equivalent to a weekly income of sixpence for each complete twenty-five pounds;

- (c) so far as their aggregate value exceeds six hundred pounds be treated as part of the available resources of the applicant.

Disregard of death grants

4. There shall be wholly disregarded any death grant paid to a person under the provisions of the Contributory Pensions Law, 1935.

Disregard of certain forms of income.

5. (1) There shall be wholly disregarded -

- (a) any payment or payments of a temporary nature from any charitable source;

- (b) any payment under the Family Allowances (Guernsey) Law, 1950.

(2) Any payment, being a payment to which this sub-paragraph applies, shall -

- (a) in any case where the person in question is an applicant who has no member of his household dependent on him be disregarded up to the amount of fifteen shillings a week or, if that person is in receipt of more than one such payment, up to the said amount in the aggregate;

- (b) in any other case be disregarded up to the amount of one pound a week or, if the person in question is in receipt of more than one such payment, up to the said amount in the aggregate.

(3) The payments to which sub-paragraph (2) of this paragraph applies are:-

- (a) any payment by an employer of wages or other benefit in respect of any period of sickness;

- (b) any payment of sick pay received from a friendly society, trade union or association of persons formed for the purpose of providing, by voluntary subscriptions of the members thereof, for the relief or maintenance of the members during sickness;

- (c) any superannuation payment or superannuation payments in respect of previous service or employment from which the recipient has retired or resigned (whether payable by a former employer or not), not being a payment or payments on account of a pension under or by virtue of the Contributory Pensions Law, 1935, the Non-Contributory Pensions (Guernsey) Law, 1955, or under any enactment repealed by either of those Laws;

(d) any payment in respect of retirement or disability pensions granted to members of the naval, military and air forces of the Crown.

Treatment of earnings

6. (1) In computing the resources of an applicant who has no member of his household dependent on him, the portion of the earnings of the applicant to be taken into account shall be taken to be his net weekly earnings reduced by the first fifteen shillings, and any amount in excess of the last complete shilling of the said weekly earnings.

(2) In computing the resources of an applicant who has any member of his household dependent on him, the portion of the earnings of the applicant and of every such member to be taken into account shall be the aggregate amount of the net weekly earnings of the applicant and of every such member reduced by the first twenty shillings, and any amount in excess of the last complete shilling, of the said aggregate amount.

Contribution towards household expenses

7. Where the applicant is the householder, or the husband or wife of the householder, his resources shall, unless exceptional circumstances are shown, be taken to include a contribution towards the expenses of the household from any member thereof who is not a dependent of his of an amount of ten shillings a week, or of such less amount as is reasonable having regard to the said member's circumstances and personal responsibilities.

Treatment of other resources

8. In computing the available resources of a person there shall be taken into account any resources not particularly mentioned in this Schedule reduced by such amount, if any, as is reasonable having regard to all the circumstances of the case.