

Guernsey

Statutory Instrument

1955 No. 8

Repealed by Regulation
of 1963 S.I. 1963 No 4

The Central Outdoor Assistance Board Regulations, 1955

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 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 deductions 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 any other enactment.

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

Aggregation of requirements and resources

2. (1) Where it appears to a Relieving Official that an applicant for outdoor assistance has to provide for requirements of some other person being a member of the same household, any such assistance shall be given by reference to the aggregate requirements and aggregate resources of the applicant and the said other person.

(2) Where in the giving of outdoor assistance to an applicant therefor the requirements of another person are taken into account, that person is in these Regulations 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 these Regulations.

Determination of need for assistance

3. Subject to the provisions of these Regulations, the need for assistance of an applicant shall be determined on a weekly basis at the amount calculated by deducting from his requirements his available resources computed in accordance with the provisions of the Schedule to these Regulations.

Requirements for rent

4. (1) A weekly sum in respect of requirements for rent of an applicant shall be allowed as follows, that is to say:-

- (a) where the applicant, or his wife or her husband, is a householder, or where the applicant is living alone, the net rent payable, or such a part thereof as is reasonable having regard to the circumstances of the applicant;
- (b) in any other case (unless there are special circumstances or the applicant is under the age of eighteen years) a reasonable share of the rent payable by the householder of whose household the applicant is a member, but not less than two shillings and sixpence nor more than seven shillings and sixpence.

(2) In this Regulation 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 towards any necessary 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 sub-letting 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 those circumstances.

Grants to owners of real property

6. Where an applicant is the owner of any real property the Central Board may require that any outdoor assistance granted to him shall be by way of loan and that the applicant shall consent to a bond in favour of the Public Assistance Authority on such real property to secure the repayment thereof.

Citation and commencement

7. (1) These Regulations may be cited as the Central Outdoor Assistance Board Regulations, 1955, and the Central Outdoor Assistance Board Regulations, 1939, and these Regulations may be cited together as the Central Outdoor Assistance Board Regulations, 1939 and 1955.

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

Dated this fifteenth day of March 1955.

C. E. GICQUEL.

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 dependant 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 four hundred pounds, be treated as equivalent to a weekly income of sixpence for each complete twenty-five pounds;
 - (c) so far as their aggregate value exceeds four 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 the Non-Contributory Old Age and Blindness Pensions (Guernsey) Law, 1950, or under or by virtue of the Contributory Pensions Law, 1935, or under any enactment repealed by any 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 7s. a week, or of such less amount as is reasonable having regard to the said member's circumstances and personal responsibilities:

Provided that where the resources of the said member are derived solely from a gainful occupation or occupations and his net weekly earnings -

- (a) amount to less than 70s. a week but more than 45s. a week, the amount of the contribution shall not be taken to exceed 5s. a week;
- (b) amount to 45s. a week or less, but more than 25s. a week, the amount of the contribution shall not be taken to exceed 2s. 6d. a week;
- (c) amount to 25s. a week or less, no contribution shall be taken to be so included.

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.