

GUERNSEY
STATUTORY INSTRUMENT

1951 No. 126

GUERNSEY STATUTORY INSTRUMENTS

1951 No.

THE FAMILY ALLOWANCES (GUERNSEY) (NORTHERN IRELAND RECIPROCAL
ARRANGEMENTS) REGULATIONS, 1951.

Made.....6th October, 1951.
Coming into Operation.....15th October, 1951.
Laid before the States.....

The States Insurance Authority, in exercise of the powers conferred on it by the Family Allowances (Guernsey) Law, 1950, and of all other powers enabling it in that behalf, hereby makes the following regulations:-

1. - (1) These regulations may be cited as the Family Allowances (Guernsey) (Northern Ireland Reciprocal Arrangements) Regulations, 1951, and shall come into force on the 15th day of October, 1951.

(2) Words and expressions in these regulations shall have the same meaning as in the Memorandum of Reciprocal Arrangements set out in the schedule hereto.

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

2. The provisions contained in the Memorandum of Reciprocal Arrangements set out in the schedule hereto shall have full force and effect so far as the same relate to Guernsey, and the Family Allowances (Guernsey) Law, 1950, shall have effect subject to such modifications and adaptations of the provisions thereof as may be requisite for giving effect to the provisions contained in the said Memorandum or in consequence thereof.

3. The States Insurance Authority may make such financial adjustments as it and the Ministry of Labour and National Insurance for Northern Ireland, with the consent of the Ministry of Finance for Northern Ireland, may agree to be necessary in consequence of the provisions contained in the said Memorandum.

Dated this 6th day of October, 1951.

E. T. WHEADON,

President,
States Insurance Authority
on behalf of that Authority.

THE SCHEDULE

MEMORANDUM OF RECIPROCAL ARRANGEMENTS relating to Family Allowances made between the Ministry of Labour and National Insurance for Northern Ireland with the consent of the Ministry of Finance for Northern Ireland, of the one part, and the States Insurance Authority, with the consent of the States of Guernsey, of the other part.

1. - (1) In this Memorandum, unless the context otherwise requires -

"country" means Northern Ireland or Guernsey as the case may require;

"Guernsey" shall include the islands of Alderney, Herm and Jethou;

"the Northern Ireland Act" means the Family Allowances Act (Northern Ireland), 1945;

"the Guernsey Law" means the Family Allowances (Guernsey) Law, 1950;

"the Act" means, in the case of Northern Ireland, the Northern Ireland Act, and in the case of Guernsey, the Guernsey Law; and "the Acts" means both the said Act and the said Law;

"the Section" means, in the case of the Northern Ireland Act, section 24 of that Act, and in the case of the Guernsey Law, section 22 of that Law;

"the Making of Claims and Payments Regulations" means, in relation to regulations made under the Northern Ireland Act, the Family Allowances (Making of Claims and Payments) Regulations (Northern Ireland), 1946, and, in relation to regulations made under the Guernsey Law, the Family Allowances (Guernsey) (Making of Claims and Payments) Regulations, 1950;

"the Qualifications Regulations" means, in relation to regulations made under the Northern Ireland Act, the Family Allowances (Qualifications) Regulations (Northern Ireland), 1946, and, in relation to regulations made under the Guernsey Law, the Family Allowances (Guernsey) (Qualifications) Regulations, 1950;

"the appropriate authority" means, in the case of Northern Ireland, the Ministry of Labour and National Insurance, and, in the case of Guernsey, in relation to claims, the Administrator, and in relation to other matters, the States Insurance Authority;

"the Administrator" means the person designated as such by the Family Allowances (Guernsey) Law, 1950.

(2) References in this Memorandum to any enactment or regulations shall include references to such enactment or regulations as amended by any subsequent enactment, order or regulations.

2. The arrangements set out in this Memorandum shall apply for the purposes of all or any of the provisions of the scheme of family allowances in force in Northern Ireland or Guernsey, as the case may be, and shall have effect as from the 15th October, 1951.

3. Where in respect of either of the Acts the condition of the right to an allowance for a family which is specified in subsection (1) of the Section is satisfied, or would be satisfied

if in that subsection and in Part II of, and in paragraphs 1 and 2 of the schedule to, the Qualifications Regulations made under that Act -

- (a) the words "the United Kingdom or Guernsey" were substituted for the words "the United Kingdom" or "Guernsey", as the case may be, where they occur, either with reference to the place of birth of a British subject or in paragraph 1 of the schedule to the Qualifications Regulations made under the Northern Ireland Act;
- (b) the words "and who immediately prior to becoming a member of the armed Forces or of such nursing or other auxiliary service, as the case may be, was ordinarily resident in Guernsey", where they occur in paragraph 1 of the schedule to the Qualifications Regulations made under the Guernsey Law, were deleted; and
- (c) the words "the territory comprising Northern Ireland and Guernsey" were substituted for the words "Northern Ireland" or "Guernsey", (other than in paragraph 1 of the schedule to the Qualifications Regulations made under the Guernsey Law) as the case may be, wherever they occur, except as provided in sub-paragraph (a) hereof;

the condition specified not only in that subsection of that Act but also in the corresponding subsection of the other of the Acts shall be treated as satisfied in respect of that family:

Provided that where by the regulations made under subsection (1) of the Section of the one country's Act the prescribed minimum period of a person's presence in that country, or of his being a member of the Forces or a merchant seaman, differs in length from the minimum period prescribed for that person in relation to the other country by the regulations made under the Section of the other country's Act, the requirements of paragraph (b) of subsection (1) of the Section in respect of that person shall not, by virtue of this paragraph, be treated as satisfied for the purposes of subsection (1) of the Section of either of the Acts, unless they would have been satisfied in respect of him under the Qualifications Regulations made under each of the Acts if in Part II thereof and the schedule thereto there were made the modifications and adaptations set out in sub-paragraphs (a) and (b) hereof.

4. Where in respect of either of the Acts the condition of the right to an allowance for a family which is specified in subsections (2) and (4) of the Section is satisfied, or would be satisfied if in those subsections and in regulations 8, 9 and 10 of, and the schedule to, the Qualifications Regulations made under the Northern Ireland Act and in regulations 7, 8 and 9 of, and in paragraphs 1 and 2 of the schedule to, the Qualifications Regulations made under the Guernsey Law -

- (a) the words "the United Kingdom or Guernsey" were substituted for the words "the United Kingdom" where they occur in paragraph 1 of the schedule to the Qualifications Regulations made under the Northern Ireland Act;
- (b) the words "and who immediately prior to becoming a member of the armed Forces or such nursing or other auxiliary service, as the case may be, was ordinarily resident in Guernsey", where they occur in paragraph 1 of the schedule to the Qualifications Regulations made under the Guernsey Law, were deleted; and

- (c) the words "the territory comprising Northern Ireland and Guernsey" were substituted for the words "Northern Ireland" or "Guernsey", (other than in paragraph 1 of the schedule to the Qualifications Regulations made under the Guernsey Law), as the case may be, wherever they occur;

the condition specified not only in those subsections of that Act but also in the corresponding subsections of the other of the Acts shall be treated as satisfied in respect of that family:

Provided that this paragraph shall not apply to any family which does not satisfy the provision of subsection (1) of the Section of both Acts either directly or by virtue of the immediately preceding paragraph hereof.

5. Where in respect of either of the Acts a child satisfies the condition specified in subsections (3) and (4) of the Section, or would satisfy that condition if in those subsections and in regulations 8 and 11 of the Qualifications Regulations made under the Northern Ireland Act and in regulations 7 and 10 of the Qualifications Regulations made under the Guernsey Law -

- (a) the words "the United Kingdom or Guernsey" were substituted for the words "the United Kingdom" or "Guernsey", as the case may be, where they occur with reference to the place of birth of a child; and
- (b) the words "the territory comprising Northern Ireland and Guernsey" were substituted for the words "Northern Ireland" or "Guernsey", as the case may be, wherever they occur, except as provided in subparagraph (a) hereof;

the child shall be treated as satisfying the condition specified not only in those subsections of that Act but also in the corresponding subsections of the other of the Acts.

6. Subject to the provisions of the scheme of family allowances in force in each country as modified by this Memorandum:-

- (1) a claim for an allowance shall be made to the appropriate authority for the country in which the person to whom the allowance belongs is present or, if that person is absent from Northern Ireland and Guernsey, to the appropriate authority for the country in which the other person, if any, by whom sums on account of the allowance are receivable, or an agent, appointed under regulation 12 of the Making of Claims and Payments Regulations made under the Northern Ireland Act or under regulation 11 of the Making of Claims and Payments Regulations made under the Guernsey Law, as the case may be, is present;
- (2) an allowance payable by one country shall, whilst the person to whom the allowance belongs (or, where an order has been made under subsection (3) of section 4 of either of the Acts, the person by whom sums on account of the allowance are receivable) is present in the other country, become payable under the Act in force in such other country provided that the conditions of subsection (1) of the Section of both Acts are satisfied as regards the right to the allowance;

- (3) where the person to whom an allowance belongs (or, where an order has been made under subsection (3) of section 4 of either of the Acts, the person by whom sums on account of the allowance are receivable) is absent from Northern Ireland and Guernsey, the allowance shall be payable by the appropriate authority for the country in which the other person, if any, by whom sums on account of the allowance are receivable, or an agent, appointed under regulation 12 of the Making of Claims and Payments Regulations made under the Northern Ireland Act or under regulation 11 of the Making of Claims and Payments Regulations made under the Guernsey Law, as the case may be, is present;
- (4) any qualification, disqualification or other provision which would, had an allowance become or continued to be payable under the Act in force in the one country, have been applicable thereto, shall be treated so far as may be appropriate as if it were the corresponding qualification, disqualification or other provision applicable to the allowance under the Act in force in the other country:

Provided that, so long as the upper limit of the compulsory school age for the purposes of the Northern Ireland Act and the upper age limit below which education is compulsory for the purpose of the Guernsey Law are not the same, a person shall be treated as subject to the upper age limit prescribed by the Act of the country in which an allowance for the family in which that person would be included if he or she were a child would be payable.

7. For the purpose of all or any of the provisions of the scheme of family allowances in force in Northern Ireland or Guernsey, as the case may be, allowances paid in one country shall be treated as if they had been allowances paid in the other country.

8. Notwithstanding anything hereinbefore contained -

- (1) where by reason of a child being treated as included in a family an allowance has been paid by one country for any period, no allowance shall (whether such payment was made directly under the Act in force in that country, or under that Act by virtue of this Memorandum) be payable for that period by the other country by reason of the child being treated as included in that or any other family;
- (2) a person shall not by virtue of this Memorandum be treated for the purposes of regulation 7 of the Qualifications Regulations made under the Northern Ireland Act, as having once been a member of a family for which the right to an allowance existed if it was not a family which, at the time he was such a member, had satisfied the provisions of subsection (1) of the Section of both Acts either directly or by virtue of paragraph 3 hereof.

9. Either party to this Memorandum may terminate the arrangements herein contained on the giving of not less than three months previous notice in writing to the other party.

Sealed with the Official Seal of the
Ministry of Labour and National
Insurance for Northern Ireland
this first day of October, 1951,
in the presence of

L.S.

J. W. McCONNELL,

Secretary to the Ministry of
Labour and National Insurance
for Northern Ireland.

The Ministry of Finance for Northern Ireland hereby
consents

Sealed with the Official Seal of the
Ministry of Finance for Northern
Ireland this first day of October,
1951, in the presence of

L.S.

G. N. COX,

Assistant Secretary to the Ministry
of Finance for Northern Ireland.

Signed on behalf of the States Insurance Authority
this first day of October, 1951, and authorised by
Resolution of the States dated the 28th day of
March, 1951.

E.T. WHEADON,

President,
States Insurance Authority.