

"Family Allowances (Guernsey) (Making of Claims and Payments) Regulations, 1950".

GUERNSEY

REP. BY 1977/5

STATUTORY INSTRUMENT

Made 4th. July, 1950.

Coming into operation 4th. July, 1950.

Laid before the States

1950 No. 121

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:-

Citation, commencement and interpretation.

1. (1) These regulations may be cited as The Family Allowances (Guernsey) (Making of Claims and Payments) Regulations, 1950, and shall come into force on the

4th. day of July, 1950.

(2) In these regulations, unless the context otherwise requires -

"the Administrator" has the same meaning as in the Law;

"allowance" means an allowance under the Law;

"the appropriate post office" means such post office as the Administrator may, on the request of a person to whom an allowance belongs or (where an order has been made under subsection (3) of section 4 of the Law) by whom sums on account of an allowance are receivable, or of a person appointed under regulation 11 to act on behalf of any such person, from time to time determine;

"the Authority" has the same meaning as in the Law;

"award or decision" includes any award or decision as revised by the Administrator;

"claim" means a claim for or in respect of an allowance;

"Guernsey" has the same meaning as in the Law;

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

"week" means a period of seven days commencing from midnight between Monday and Tuesday.

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

Manner in which claims may be made.

2.(1)(a) Every claim shall be made to the Administrator in writing in a form approved by the Authority for the purpose containing the several particulars indicated therein or required thereby for the proper determination of the claim and in accordance with the instructions contained therein and shall be sent by post or delivered to the Administrator or to such officer or person as he may appoint.

(b) Forms of claim shall be supplied free on demand by the Authority.

(c) If, owing to the absence of due signature or of due certification or of both, a claim fails to fulfil the requirements of sub-paragraph (a) of this paragraph at the date of receipt by the Administrator or by any officer or person appointed by him for that purpose, he may, provided that the form of claim is returned duly signed and certified within one month of the date on which it is received for completion by the person making the claim, nevertheless treat the claim as valid as from the date on which it would have been valid if the claim had originally fulfilled the requirements of sub-paragraph (a) of this paragraph.

(d) Where a claim has been made on a form approved by the Authority for certain purposes of the Law, but that form is not the form appropriate to the claim, the Administrator may treat the claim as if it had been made on the appropriate form:

PROVIDED that the Administrator may

require the person making the claim to complete the appropriate form, without prejudice to his being able, if he thinks fit, to treat the claim as made on the date on which the claim on the form other than the appropriate form was made.

(2) Where a claim has been made in accordance with paragraph (1) of this regulation, save that certain particulars have been either wrongly stated in or omitted from the form of claim, the Administrator may in his discretion, provided he has not made his award or given his decision, allow the person making the claim to amend the claim or supply the particulars, as the case may be, by notice in writing sent by post or delivered to the Administrator or to such officer or person as he may appoint, and in such cases he may treat the claim as valid as from the date on which it would have been valid if the claim had originally fulfilled the requirements of paragraph (1) of this regulation.

(3)(a) Where a person who is absent from Guernsey makes a claim on the appropriate form, the date of the posting of the claim shall be treated as the date on which the claim was made.

(b) Where such a person in the first instance makes a claim in writing otherwise than on the appropriate form, the date of the posting of such claim in writing shall be treated as the date on which the claim was made, provided that a claim on the appropriate form is duly completed and posted or despatched to the Administrator, or to such officer or person as he may appoint for the purpose, within one month from the date on which the form is received for completion by the person making the claim.

Information
in support
of claim.

3. Every person claiming an allowance (including any person appointed to act on his behalf under regulation 11) shall furnish such certificates and other documents

and information as the Administrator may require in connection with the claim.

Notice of award.

4. The Administrator shall cause notice in writing of his award or decision in respect of an allowance to be sent or delivered to the person making the claim and any such notice shall be treated as duly sent to such person if sent to him by post at his usual or last known place of abode.

Payment of sums as on account of an allowance pending final determination/determined,

5. Where a claim for an allowance has been duly made or any award or decision as to an allowance is the subject of an appeal and the claim or appeal has not been finally determined, the Administrator may, if he has prima facie grounds for believing that an allowance should be awarded but desires to obtain further information or to inspect any documents before making his award or giving his decision, authorise payment of a sum or sums as on account of an allowance for such period or periods as he may determine.

Accruer of allowances.

6. An allowance awarded shall begin to accrue on a Tuesday and shall terminate on a Monday, provided that no allowance shall begin to accrue before the date of entitlement.

Method of payment of sums on account of allowance.

7. Sums on account of an allowance shall become receivable at the times hereinafter prescribed and shall be paid either -

- (1) by means of allowance orders payable in respect of every week to a person by whom such sums are receivable at the appropriate post office; or
- (2) in such other special manner as the Administrator may in any particular case and for any particular period determine.

Allowance order books.

8. (1) In every case in which sums on account of an allowance are payable by means of allowance orders the Administrator shall cause arrangements to be made whereby -
(a) on furnishing such evidence of identity and such other particulars as may be

required the person to whom the allowance belongs or (where an order has been made under subsection (3) of section 4 of the Law) by whom sums on account of the allowance are receivable, or any person appointed under regulation 11 to act on behalf of any such person, may obtain, either through the postmaster of the appropriate post office or otherwise, a book of allowance orders;

(b) written intimation shall be sent to that person of the appropriate post office and of the arrangements so far as they affect that person; and

(c) a fresh book of allowance orders may be issued to that person on the expiration of the previous book either by the postmaster at the appropriate post office or otherwise.

(2) A book of allowance orders issued to any person shall remain the property of the President of the Authority.

(3) Any person having possession of an allowance order book or an unpaid allowance order in respect of an allowance shall, on the termination of that allowance or on the request of the Administrator, as the case may be, deliver such book or order to the Administrator or to such officer as he may appoint.

Date on which sums are receivable on account of allowance.

9. Sums on account of an allowance shall be

- (1) in the case of a sum payable by means of an allowance order, on the Tuesday of the week in respect of which it is to be paid;
- (2) in the case of a sum to be paid in any other manner under these regulations, on such day

as the Administrator may in any such case determine.

Further information and notification of change of circumstances.

10. Any person to whom an allowance belongs or by whom or on whose behalf sums on account of an allowance are receivable (including any person appointed to act on behalf of any such person under regulation 11) shall, in such manner and at such time as the Administrator may determine, furnish to the Administrator such certificates and other documents and such information of facts affecting the right to the allowance as the Administrator may require, whether as a condition on which any such sum or sums shall be receivable or otherwise, and in particular shall notify the Administrator in writing of any change of circumstances affecting the right to the allowance as soon as practicable after the occurrence of any such change.

Representation of persons unable to act.

11. Where any person, being a person who is alleged to be entitled to make a claim or a person to whom an allowance belongs or by whom sums on account of an allowance are receivable, is or becomes unable for the time being to act, the Administrator may appoint any person whom he may consider suitable and who is prepared to be so appointed, to exercise on behalf of the person unable to act any right or power which that person may be entitled to exercise under the Law and to receive any sum on account of an allowance on behalf of that person:

PROVIDED that -

- (1) the Administrator may at any time in his discretion revoke any appointment made under this regulation;
- (2) any person appointed under this regulation may, on giving the Administrator one month's notice in writing of his intention so to do, terminate his appointment.

Claims and
payments
after
death.

12.(1) On the death of a person who had made a claim for an allowance or to whom an allowance belonged the Administrator may appoint such person as he may think fit to proceed with or to make a claim for the allowance.

(2) The period limited by section 7 of the Law for obtaining payment of a specified sum shall, in respect of any specified sum made receivable on any day within three months before the death of a person by whom it was receivable, be extended until the expiration of three months following the date on which such sum is made payable by the Administrator to any one or more of the persons to or amongst whom it may be paid or distributed in accordance with the provisions of sub-paragraph (a) of the next succeeding paragraph:

PROVIDED that this shall not apply to any such sum for the payment of which written application has not been made to the Administrator within three months after the date of death or within such longer period as the Administrator, having regard to the circumstances of the particular case, may determine.

(3)(a) Any specified sum may be paid or distributed by the Administrator to or amongst persons claiming as personal representatives, legatees, next of kin or creditors of a deceased person who had made a claim for the allowance to which the specified sum relates or to whom the allowance belonged or by whom sums on account of the allowance were receivable or, in the case of illegitimacy of such deceased person, to or amongst others:

PROVIDED that the receipt of any one or more persons so claiming of the age of sixteen years or upwards shall be a good discharge to the Administrator for any

specified sum so paid, and that in the case of such a person being a child under the age of sixteen years the Administrator may, if he is satisfied that the specified sum or any part thereof is needed for the benefit of that child, obtain a good discharge therefor by paying such specified sum or part thereof, as the case may be, to a person (who need not be a person specified in this sub-paragraph) who has satisfied the Administrator that he will apply the sum so paid for the benefit of that child.

(b) The Administrator may dispense with strict proof of the title of persons so claiming as aforesaid.

(4) For the purposes of this regulation "specified sum" means any sum referred to in paragraph (g) of subsection (1) of section 14 of the Law.

Dated this ~ 4th. ~ day of July, 1950.

President,
States Insurance Authority
on behalf of that Authority.