

## STATUTORY INSTRUMENT

1950 No. 122

Guernsey Statutory Instrument 1950 No.Family Allowances (Guernsey)

REP. BY 1977/6

(Appeals and References) Regulations, 1950.

Made 4th. July, 1950.

Coming into operation 4th. July, 1950.

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:-

Citation,  
commencement  
and interpre-  
tation.

1. (1) These regulations may be cited as The Family Allowances (Guernsey) (Appeals and References) 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 Authority" has the same meaning as in the Law;

"award" means an award or decision of the Administrator in respect of an allowance;

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

"hearing" means oral hearing;

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

"the Registrar" means the Registrar of Appeals appointed in accordance with these regulations;

"tribunal" means a tribunal appointed under the Law.

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

Appointment of Registrar.

2. The Authority shall appoint a Registrar of Appeals and one or more deputy Registrars of Appeals from among the officers of the States Insurance Authority who shall perform such duties in connection with appeals and references to which these regulations refer as the Authority may direct subject to the provisions of these regulations.

Convening of Tribunal.

3. (1) Where an application for an appeal or reference has been made in accordance with these regulations, the Registrar shall, if a tribunal has been appointed by the Royal Court with authority to determine such appeal or reference, convene that tribunal for the determination of that appeal or reference; if there is no such tribunal or, if the tribunal is unwilling to determine such appeal or reference, the Registrar shall so inform one of the Law Officers of the Crown, who shall apply to the Royal Court to appoint a tribunal for the determination of that appeal or reference, and on such appointment being made the Registrar shall convene that tribunal for the determination of that appeal or reference.

(2) Different tribunals may be convened for deciding in accordance with the provisions of these regulations whether an application for appeal made after the expiration of the period prescribed by these regulations shall be entertained or whether a hearing is required and for determining the appeal or reference.

(3) No person shall sit as a member of the tribunal during the consideration of a matter -

(a) in which he appears as a representative of or accompanies the appellant; or

(b) by which he is or may be affected;

and it is hereby declared that should any person so sit, the proceedings of the tribunal on the consideration of that matter shall be null and void.

Application for  
appeal.

4. (1) An application for an appeal under subsection (2) of section 5 of the Law by any person who is dissatisfied by an award shall be in writing in the form set out in the Schedule to these regulations and shall contain a statement of the facts and contentions upon which the applicant relies in support of his application.

(2) The application shall be sent to the Registrar within 28 days after the date of the notice of the award, provided that an application made after the expiry of that period may with the consent of the tribunal be accepted.

(3) The Registrar shall furnish a copy of such application to the Administrator and within 7 days thereafter the Administrator shall send to the Registrar a statement setting out the facts and grounds on which he relies in support of the award and a copy of such statement shall be sent by the Registrar to the applicant:

PROVIDED that in any case in which it appears to the Administrator that the facts and contentions as set out by the applicant in (a) the claim and (b) the application for appeal clearly establish that the applicant's claim must fail, he may, in lieu of submitting the statement mentioned in this regulation, give notice to the Registrar within the said period of 7 days that he does not propose to submit a statement, and thereupon the tribunal may, if it is satisfied that the claim fails, dismiss the appeal forthwith, but if it is not so satisfied, the Registrar shall inform the Administrator to that effect, and the Administrator shall, within 7 days of being so informed, forward to the Registrar such a statement as aforesaid, and the Registrar shall furnish the applicant with a copy of that statement.

(4) An application may be withdrawn, at any time by sending to the Registrar a notice of withdrawal in writing, and the Registrar shall thereupon send notice thereof to the Administrator.

Reference of a decision for reconsideration.

5. (1) Where it appears to the Administrator that a decision by the tribunal may properly be reconsidered in accordance with subsection (7) of section five of the Law, and the Administrator desires that the decision shall be referred for reconsideration by the tribunal, he shall make application to that effect in writing to the Registrar setting out the facts and considerations which appear to him to justify the reconsideration of the decision.

(2) On receipt of such application the Registrar shall, if the Chairman of the tribunal so directs, send a copy thereof to the applicant with the request that he shall within 21 days submit such observations for the consideration of the tribunal as he may think fit and the Registrar shall cause a copy of such observations to be sent to the Administrator.

Further particulars.

6. The tribunal may at any time require the applicant or the Administrator to furnish it with further particulars in writing and within such time as it may direct with regard to any appeal or reference, and may at any stage of the proceedings allow the amendment of any application for appeal or reference, statement or particulars, and extend the time for furnishing any statement or particulars.

Decision without a hearing.

7. If the Chairman of the tribunal is of opinion that the case can properly be determined on the particulars supplied by the applicant and the Administrator without a hearing he may dispense with a hearing and the tribunal may determine the appeal or reference on the particulars so supplied.

Notice of hearing.

8. If in the opinion of the Chairman of the tribunal a hearing is required, the Chairman of the tribunal shall as soon as may be practicable fix a date and place for the hearing, and the Registrar shall send not less than 7 days' notice thereof to the applicant and to the Administrator.

Procedure at hearing.

9. (1) The Registrar or his deputy shall be present at all sittings of the tribunal and the applicant, who in the case of a woman may be accompanied by another woman, and the Administrator shall be entitled to be present during the hearing:

PROVIDED that for the purpose of discussing its decision on any matter the tribunal may order all persons, not being members of the tribunal or the Registrar or his deputy, to withdraw from the sitting of the tribunal.

(2) The applicant shall be entitled to be heard at the hearing either personally or through a member of his family, an advocate of the Court or, with the consent of the tribunal, any other person.

(3) The Administrator shall be entitled to be heard at the hearing, either personally or through a Law Officer of the Crown or such officer of the Authority as the Administrator may appoint for the purpose.

(4) The Administrator and the applicant shall, subject to any legal objection, submit to be examined by the tribunal on oath or affirmation in relation to the matters in dispute and shall, subject as aforesaid, produce before the tribunal all books, deeds, papers, accounts, writing and documents within their possession or power respectively which may be required or called for, and do all other things which during the proceedings on the reference or appeal the tribunal may require.

(5) The tribunal may adjourn the hearing from time to time as it may think fit.

(6) The tribunal may, if it thinks fit, admit any duly authenticated written statement or other material as prima facie evidence of any fact or facts in any case in which it thinks it just and proper so to do.

(7) The tribunal may, if it thinks fit, call for such documents and examine such witnesses, on oath, affirmation or otherwise, as appear to it likely to afford evidence relevant and material to the issue although not tendered by either the applicant or the Administrator.

(8) The Chairman of the tribunal or any party to an appeal or reference may cause a summons to be served on any person, in the same manner as a summons may be served upon any person in respect of an action in the Petty Debts Court of the Magistrate, summoning that person to attend any hearing by the tribunal for the purposes of giving evidence or of producing any document, and a person so summoned shall be under a like obligation as to the giving of any evidence and the production of any document as if he were so summoned in respect of an action before the said Petty Debts Court.

(9) If, after notice of the hearing has been duly given, the applicant or the Administrator fails to appear at the hearing, the tribunal may proceed to determine the matter as to which appeal or reference is made notwithstanding the absence of both or either of them, or may give such directions with a view to the determination of the appeal or reference as it thinks just and proper.

References by  
tribunal to  
the Court.

10. (1) If, at the hearing of any appeal under the provisions of subsection (2) of section 5 of the Law, the tribunal decide that a question of law has arisen in connection with the determination of such appeal which it ought properly to refer to the Royal Court for decision under subsection (3) of that section, it may refer such question to the Royal Court in the manner prescribed by Order of the Royal Court and the Chairman of the tribunal shall announce such decision of the tribunal to the applicant or his representative and to the Administrator or his representative, if any of them are present at the hearing, whereupon he shall forthwith adjourn the hearing.

(2) In the case of a decision of the tribunal being made in respect of any appeal under the foregoing paragraph of this regulation, the Registrar shall in every case notify in writing the Administrator and the applicant of the decision.

(3) Where the tribunal has decided to refer a question of law to the Court, no further hearings of the appeal to which that question relates shall take place until the Court has notified the tribunal of its decision on that question, unless the Court shall request the tribunal to continue such hearing.

Re-opening of hearing by the tribunal.

11. The Chairman of the tribunal shall, as soon as may be after the receipt by him of the notification of a decision by the Court on a question of law referred to the Court, reopen the hearing of the appeal to which the decision relates, and the tribunal shall proceed to determine the appeal in accordance with these regulations.

Notification of decision.

12. The decision on any matter of the majority of the tribunal shall be the decision of the tribunal and the decision of the tribunal shall be in writing and signed by the Chairman or Deputy Chairman of the tribunal, and shall be sent by the Registrar as soon as may be practicable to the applicant and to the Administrator; the Chairman or Deputy Chairman may correct in any decision of the tribunal any clerical mistake or error arising from any accidental slip or omission.

General provisions as to proceedings before the tribunal.

13. Subject to the provisions of the Law and of these regulations, the procedure on any matter shall be such as the Chairman of the tribunal may determine.

Notice by post.

14. Any notice or other document to be sent to an applicant for the purpose of these regulations shall be treated as duly sent to him if sent to him by post at his usual or last known place of abode.

Costs of proceedings.

15. The costs of any appeal or reference shall be in the discretion of the tribunal, who may direct to and by whom and in what manner those costs or any part thereof shall be paid, and may settle the amount of costs to be so paid or any part thereof.

Authentication of copies of Administrator's and tribunal's decisions.

16. (1) A copy of a decision of the Administrator under section 5 of the Law shall be authenticated by the signature of an officer of the Authority, and a copy purporting to be signed by such officer shall, unless the contrary is proved, be deemed to be so signed.

(2) A copy of the decision of the tribunal on any appeal to it under section 5 of the Law shall be authenticated by the signature of the Chairman or Deputy Chairman of the tribunal, and a copy purporting to be so signed shall, unless the contrary is proved, be deemed to be so signed.

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

President,  
States Insurance Authority on  
behalf of that Authority.

THE SCHEDULE.

FAMILY ALLOWANCES (GUERNSEY) LAW,  
1950.

Application for Appeal.

To the Registrar of Appeals,  
States Insurance Department,  
St. Peter Port,  
Guernsey.

I, \_\_\_\_\_ of \_\_\_\_\_  
being dissatisfied by the award or decision of the  
Administrator given on the \_\_\_\_\_ day of \_\_\_\_\_  
19 \_\_\_\_\_, under the Family Allowances (Guernsey) Law,  
1950, hereby apply for the question to be determined by  
the tribunal on appeal. The facts and contentions

