

ACTE DE PROMULGATION DE LOI

VIII
1943

Sanctionnant un Projet de Loi intitulé

**“ Loi ayant rapport aux Allocations
pour les Enfants ”.**

(Enregistré sur les Records de l'Île de Guernesey le
18 septembre 1943).



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1943.

Acte de Promulgation de Loi.

Le dix-huit septembre mil neuf cent quarante-trois, par devant Victor Gosselin Carey, écuyer, Baillif, présents : Jean Allès Simon, John Roussel, Osmond Priaulx Gallienne, Arthur Dorey, Ernest de Garis, James Frederick Carey, écuyers, Messire Abraham James Lainé, K.C.I.E., Pierre de Putron, Quartier Le Pelley et Walter John Sarre, écuyers, Jurés.

Monsieur le Baillif ayant ce jour communiqué à la Cour un Acte de Promulgation de Loi fait par lui-même aux qualités qu'il se porte, en date du dix-huit septembre mil neuf cent quarante-trois, sanctionnant un Projet de Loi intitulé "Loi ayant rapport aux Allocations pour les Enfants", lequel dit Projet de Loi a été approuvé par le Feldkommandant Allemand. La Cour, ouïes les conclusions du Procureur Général Délégué, a ordonné que le dit Acte et le dit Projet de Loi seront enregistrés sur les records de cette Ile, desquels dits Acte et Projet de Loi la teneur suit :—

THIS 18th day of September, 1943.

An Act of Promulgation of Law

BY

VICTOR GOSSELIN CAREY,

Bailiff of the Island of Guernsey,

in exercise of the powers thereunto enabling him.

WHEREAS on the 4th day of September, 1943, the Court adopted a Projet de Loi styled "Loi ayant rapport aux Allocations pour les Enfants":

LE 18 SEPTEMBRE 1943.

AND WHEREAS on the 15th day of September, 1943, the said Projet de Loi, after having been amended in certain respects, was approved by the States of Deliberation :

AND WHEREAS the Bailiff, in exercise of the powers thereunto enabling him, was desired by the States, subject to the approval of the German Feldkommandant thereto, to accord his Sanction to the said Projet de Loi :

AND WHEREAS the said Projet de Loi has been submitted to the German Feldkommandant who has accorded his approval thereto :

NOW THEREFORE the Bailiff aforesaid hereby accords his Sanction to the said Projet de Loi and promulgates the same to the intent that the same shall have the force of Law within this Island and the Islands of Herm and Jethou, of which Projet de Loi the tenor followeth.

AND the Bailiff aforesaid doth hereby direct that this Act of Promulgation and the said Projet de Loi be entered upon the Public Records of this Island and that all officials and other persons whomsoever are to take notice thereof and govern themselves accordingly.

VICTOR G. CAREY,
Bailiff.

**“Projet de Loi” referred to in the foregoing
Act of Promulgation.**

LOI AYANT RAPPORT AUX ALLOCATIONS
POUR LES ENFANTS.

VU la délibération des Etats en date du 9 août 1943 adoptant le principe d'allocations pour les enfants, et la délibération des dits Etats en date du 15 Septembre 1943 :

LES ETATS, pour donner effet aux dites délibérations, ont approuvé les dispositions suivantes rédigées en anglais lesquelles, moyennant l'approbation de

Monsieur le Feldkommandant Allemand et la Sanction de, et Promulgation par, Monsieur le Baillif aux qualités qu'il se porte, auront force de Loi en cette Ile et dans les Iles d'Herm et de Jethou :—

ARTICLE I.

DEFINITIONS.

In this Law—

1.—“Administrator” means the Administrator or the person for the time being fulfilling the duties of Administrator under the provisions of the Contributory Pensions Law, 1935.

2.—“Administrator of Income Tax” means the Administrator or the person for the time being fulfilling the duties of Administrator of Income Tax under the provisions of the “Loi ayant rapport à la Taxe sur le Revenu” registered on the Public Records on the 10th day of January, 1920.

3.—“Allowance day” means the Saturday of each week.

4.—“Allowances” means the benefits payable to a Compulsory Contributor under this Law.

5.—“Claimant” means a person by whom a claim for an allowance is made.

6.—“Children” means children residing in the Island of Guernsey who are under school leaving age and are not at work for payment or reward and who are dependent upon the earnings of a compulsory contributor as defined in this Law.

7.—“Compulsory Contributor” means a person entitled to benefit under the Contributory Pensions Law, 1935, and includes an unpaid apprentice and a widow in receipt of a pension payable under the Contributory Pensions Law, 1935.

8.—“Earnings” and “Usual Earnings” mean the earnings before deduction of workers' contributions payable under the Contributory Pensions Law, 1935,

of a compulsory contributor and, if he is married, of his wife, if they are living together, and include (a) benefits payable under the Contributory Pensions Law, 1935, (b) pensions and service allowances and (c) allowances (other than allowances payable under this Law) payable to the Compulsory Contributor in respect of the child dependent on him but exclude earnings by way of overtime and whether paid by an employer or by some other person and whether paid by time or piece work or partly by time and partly by piece work or otherwise. Board and lodging when reckoned as part of earnings shall be computed as follows:—

(1) Board and lodging for a man or woman at not more than Fifteen shillings per week, and for a man and wife at not more than Thirty shillings per week.

(2) For Board only for a man or woman at not more than Ten shillings per week and for a man and wife at not more than Twenty shillings per week.

(3) For lodging only for a man or woman at not more than Five shillings per week and for a man and wife at not more than Ten shillings per week.

PROVIDED ALWAYS that in determining and assessing the amount of the usual earnings of any person not employed in domestic service the Insurance Authority or the Administrator of Income Tax as the case may be shall disregard earnings in respect of which any of the following paragraphs applies, that is to say, earnings during:—

(a) time worked in any week on days or parts of days commonly regarded by the trade or industry or branch thereof in which the person is engaged as days or part days of rest or as holidays:

(b) time worked on a working day in excess of the time commonly regarded by the trade or industry or branch thereof in which the person is engaged as working time on that working day:

- (c) time worked in excess of five and a half working days in any trade or industry or branch thereof in which a working week is commonly regarded as consisting of five and a half working days :
- (d) time worked in any week in excess of the time commonly regarded by the trade or industry or branch thereof in which the person is engaged as the aggregate time represented by six days' work in that trade or industry or branch thereof :
- (e) time worked by the person and paid for at a rate in excess of the rate paid for work of the same nature performed by the same person for the same employer in the same week :
- (f) time worked in any week in excess of fifty-four hours :

PROVIDED ALSO that where a husband is separated or living apart from his wife any sum payable by him to her shall be deducted when assessing his earnings but shall be taken into account when assessing the wife's earnings.

9.—“Employer” includes—

(1) Any body of persons corporate or not corporate and in the case of any body of persons not corporate each of those persons shall be jointly and severally liable in respect of the duties, obligations and liabilities imposed upon an employer by this Law and in respect of every penalty for an infringement by an employer of the provisions of this Law :

(2) The legal personal representative of a deceased employer :

(3) The person or body of persons with whom a worker has entered into a contract of service or apprenticeship and by whom the services of such worker are temporarily lent or let on hire to another person or body of persons. Such former person or body of persons shall, for the purposes of this Law, be deemed to continue to be the employer of

the worker whilst he is working for that other person or body of persons: and

(4) The representative or agent in this Island of an employer not residing therein.

10.—“Insurance Authority” means the States Insurance Authority constituted under Article 2 of the Contributory Pensions Law, 1935.

11.—“Island of Guernsey” and “this Island” includes the Islands of Herm and Jethou.

12.—“Table of Allowances” means the scale of allowances fixed from time to time by the States of Deliberation.

13.—“Week” means the period between midnight on Saturday night and midnight on the succeeding Saturday night.

14.—The masculine shall include the feminine and the singular shall include the plural and *vice versa* unless the context requires otherwise.

ARTICLE 2.

ELIGIBILITY TO RECEIVE ALLOWANCE.

1.—Every Compulsory Contributor who has a child dependent upon his earnings shall be eligible to receive an allowance in respect of such child provided that such earnings do not exceed the maximum laid down in the Table of Allowances applicable to his case. The Insurance Authority shall have power to continue paying the allowance after a child has attained school leaving age if the Insurance Authority deems that it is in the interest of the child to do so.

2.—When making a claim for an allowance the Compulsory Contributor shall supply the Administrator with such written and other information with regard to his claim as the Administrator shall require. Should a Compulsory Contributor be employed part of his time for an employer and part of his time on his own account for profit, his earnings shall be

assessed by the Administrator or, if so required by the latter, then by the Administrator of Income Tax on the basis of his previous year's earnings, and the Administrator of Income Tax shall issue a certificate to the Administrator as to the earnings of such claimant for the 52 weeks up to the 31st day of December previous to the date of the claim. Where it appears to be equitable the Administrator, when assessing the earnings of a Compulsory Contributor who is employed part of his time for an employer and part of his time on his own account for profit, may assess the earnings of such Compulsory Contributor in respect of the time spent on his own account for profit on the same basis as his earnings for the time during which he works for an employer.

3.—The Administrator or the Administrator of Income Tax as the case may be shall be entitled to demand information in writing with regard to earnings from a claimant's employer.

ARTICLE 3.

FINANCIAL PROVISIONS.

1.—The allowances shall be at the rate decided upon from time to time by the States of Deliberation and until altered shall be in accordance with the Table of Allowances appearing in the Schedule to this Law.

2.—The sums required for the payment of allowances shall be paid out of moneys provided by the States.

ARTICLE 4.

ADMINISTRATION.

1.—The control and administration of allowances shall vest in the Insurance Authority.

2.—The Administrator shall keep all necessary books of account, statistics and records and shall investigate all claims.

ARTICLE 5.

PAYMENT OF ALLOWANCES.

1.—Allowances shall be paid weekly in arrear in such manner and subject to such conditions as to identification or otherwise as the Insurance Authority shall direct.

2.—Payment of allowances shall be made at such places and during such hours on such week days preceding the Saturday next following the Allowance Day on which such allowance accrued as may be determined by the Administrator.

3.—Where in the discretion of the Insurance Authority or of the Administrator it appears that it is in the interest of the recipient of an allowance or of the child in respect of whom the allowance is paid that some person other than the Compulsory Contributor should be authorised to receive the allowance on behalf of such recipient then the Administrator shall be entitled to appoint such person as he shall think proper to receive it for and on behalf of such recipient. The Administrator shall have power to revoke or to vary such appointment at any time.

4.—The Insurance Authority shall be entitled to refuse payment of more than four weeks of arrears of an allowance.

5.—In no case shall more than one allowance be paid in respect of the same child.

6.—When by reason of the scarcity of notes or coin of small denomination or otherwise it is impracticable to pay allowances at the exact rate applicable thereto the Administrator may pay the nearest amount in excess thereof, which in the circumstances, it is reasonably practicable to pay and, at his discretion, to waive any right to demand change in respect of such excess.

ARTICLE 6.

INALIENABILITY OF ALLOWANCE.

Allowances shall not be capable of being assigned, charged or attached and shall not pass to any other person by operation of Law nor shall any claim be set-off against the same.

ARTICLE 7.

CLAIMS FOR ALLOWANCES AND APPEALS.

1.—Claims for allowances shall be made to the Administrator in writing in such form as the Insurance Authority shall prescribe.

2.—The Administrator, after allowing the claim in whole or in part, or after disallowing the claim, shall forthwith report the same to the Insurance Authority.

3.—If the Insurance Authority disallows the claim in whole or in part, notice thereof shall immediately be sent by the Administrator to the claimant stating the grounds upon which the claim has been disallowed or partly disallowed and informing him that he is entitled within fifteen days after the receipt of such notice to appeal to the Royal Court against such decision.

4.—Appeals shall be heard by the Royal Court sitting as an Ordinary Court whose decision shall be final and conclusive.

ARTICLE 8.

PENALTY FOR FALSE STATEMENT.

REPAYMENT OF ALLOWANCE TO WHICH
A COMPULSORY CONTRIBUTOR IS NOT
ENTITLED.

1.—If for the purpose of obtaining or continuing an allowance, either for himself or for any other person, or for the purpose of obtaining or continuing

an allowance for himself or for any other person at a higher rate than that appropriate to the case, a person knowingly makes any false statement or false representation, or if an employer refuses or neglects within the time specified by the Administrator or the Administrator of Income Tax as the case may be to give, in writing, such information as may be required of him with regard to the earnings of an employee claiming an allowance or if such employer knowingly gives wrong information, then such person who makes a false statement or a false representation or such employer shall be liable on summary conviction in the Police Court to a fine not exceeding £100 and to imprisonment for a term not exceeding six months, with or without hard labour or to either of such penalties.

2.—If it is found at any time that a person has been in receipt of allowances for any period during which he was not entitled thereto, or has been in receipt of allowances at a higher rate than that appropriate to the case, then he, or, in the case of his death, his personal representative, shall be liable to repay to the Insurance Authority, at the discretion of the Insurance Authority any sums paid to him in respect of the allowances during the period aforesaid, or, as the case may be, a sum representing the difference between allowances at the rate actually paid and allowances at the rate appropriate to the case.

3.—Any sum due to the Insurance Authority under this Article may be recovered as a civil debt and proceedings for the recovery thereof may be brought at any time within twelve months from the time when the matter complained of arose, or, where the complaint is in respect of a consecutive series of payments of allowances, within twelve months from the date on which the last payment was made.

4.—Where a person is liable under this Article to repay to the Insurance Authority any sum received

by way of allowances that sum may be recovered without prejudice to any other remedy, by means of deductions from allowances to which that person may thereafter be entitled.

5.—The provisions of this Article shall apply with the necessary modifications in the case of a person to whom allowances are paid for the benefit of any other person.

ARTICLE 9.

ORDINANCES.

The Royal Court is authorised to pass such Ordinances as may be deemed necessary to give effect to this Law.

ARTICLE 10.

COMMENCEMENT.

This Law shall come into force on the first Saturday following the day on which it shall have been registered on the records of this Island.

ARTICLE 11.

SHORT TITLE.

This Law may be cited as "The Children's Allowances Law, 1943".

SCHEDULE.

TABLE OF ALLOWANCES.

I. MALE COMPULSORY CONTRIBUTORS.

Rate of Allowance.

The allowance in the case of one child shall be the sum obtained, up to a maximum of 4/- per week, by deducting the amount of the earnings calculated on a weekly basis from the sum of £2 12s. od.

The allowances in the case of two or more children shall be at the same rate of 4/- per week per child but the amount of £2 12s. od. shall be increased by 4/- in respect of each child in excess of one.

2. FEMALE COMPULSORY CONTRIBUTORS AND WIDOWS
IN RECEIPT OF PENSIONS UNDER
THE CONTRIBUTORY PENSIONS LAW, 1935.

Rate of Allowance.

The allowance in the case of one child shall be the sum obtained up to a maximum of 4/- per week by deducting the amount of the earnings calculated on a weekly basis from the sum of £1 17s. od.

The allowances in the case of two or more children shall be at the same rate of 4/- per week per child but the amount of £1 17s. od. shall be increased by 4/- in respect of each child in excess of one.

A. J. ROUSSEL,
Greffier.

Genehmigt—Approved
Jersey, den 17.9.1943
Der Feldkommandant:

KNACKFUSS
Oberst.