

Statutory Instrument

✓ 1981² No. 1

The Central Outdoor Assistance Board (Amendment) Regulations, 1981

THE CENTRAL OUTDOOR ASSISTANCE BOARD, in exercise of the powers conferred upon it by Article VI of the Public Assistance Law, 1937, hereby makes the following Regulations:-

Amendments to Regulations of 1963

1. The Central Outdoor Assistance Board Regulations, 1963, (a) are hereby amended as follows:-

✓ (a) in paragraph (1) of Regulation one thereof the definition of the expression 'net weekly earnings' is repealed and the following definition is substituted therefor -

"net weekly earnings' means the net aggregate remuneration or profit, calculated on a weekly basis, received in the week or in respect of the week to which the application relates and derived by a person from any gainful occupation or occupations, including payments received by way of compensation for holiday periods and redundancy and in particular, in so far as the earnings consist of salary or wages, there shall be deducted -

(a) any sum the deduction of which from salary or wages is authorised by any enactment for the time being in force;

(b) the reasonable expenses, if any, incurred by the said person in connection with his employment;'

✓ (b) immediately after Regulation one thereof there are inserted the following additional Regulations numbered '1A' and '1B' respectively -

"Application of these Regulations. 1A.(1) A person whose resources are insufficient to meet his requirements and who applies to a Relieving Official of the Parish in which he resides shall be entitled to outdoor assistance under and in accordance with the provisions of these Regulations.

(2) Outdoor assistance shall not be granted for any week prior to the week in respect of which an application is made to a Relieving Official.

Requirement to register with the States Insurance Authority for benefit in cases of sickness or unemployment 1B. A person who applies for outdoor assistance and is absent from work because of sickness or who is unemployed shall register with the States Insurance Authority for benefit under the Social Insurance (Guernsey) Law, 1978, and confirmation of such registration shall be obtained from the States Insurance Authority.";

(c) Regulation four thereof is repealed and the following Regulation is substituted therefor -

" 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 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 exceeding the sum of ~~one~~^{two} pound and fifty new pence.

(Tome XXII, p. 456)

(2) In this Regulation the expression 'rent' means -

- (a) in the case of a dwelling house which is rented, the weekly rent, or a proportion thereof, appropriate to a week, excluding arrears thereof, and
- (b) in the case of a dwelling house which is owner-occupied, 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, where appropriate, such portion as is for the time being attributable to interest of any sum payable in respect of any charge on the said dwelling house or on any interest therein;

and the expression 'net rent' means the rent less any proceeds of sub-letting any part of the dwelling house in respect of which the said rent is paid or the outgoings incurred.";

✓ ← ^{should be (d)} (c) Regulation six thereof is repealed and the following Regulations numbered '6' and '6A' respectively are substituted therefor -

"Disqualification 6. The Central Board may from outdoor direct a Relieving Official assistance. not to proceed with the determination of the question whether a person is in need of outdoor assistance and the amount of any assistance to be paid to him or the Central Board may withhold the payment of assistance, for a period determined by the Central Board, to a person if the Central

Board is of the opinion that that person's need of assistance is the result of his own misconduct or he has unreasonably refused or wilfully neglected to seek employment or to take such other steps towards the improvement of his financial circumstances as the Central Board may reasonably direct.

Assistance
in kind.

6A.(1) Where it appears to a Relieving Official that by reason of any special circumstances the requirements of an applicant for outdoor assistance or of a person who is receiving outdoor assistance can best be met by the giving of assistance in kind to the value of the whole or part of the outdoor assistance, the Relieving Official may so give that assistance instead of paying outdoor assistance.

(2) The reference in the last preceding paragraph to the giving of assistance in kind shall include a reference to the issuing of orders for the free provision of goods or services.

(3) The provisions of these Regulations shall apply to assistance given in accordance with the provisions of the last two preceding paragraphs as they apply to the payment of outdoor assistance but with the substitution for references to the amount of the outdoor assistance of references to the value of the assistance.";

✓ (e) the Schedule thereto is repealed and the Schedule set out in the Schedule to these Rules is substituted therefor.

Construction.

2. This Ordinance, the Central Outdoor Assistance Board Regulations, 1939, the Central Outdoor Assistance Board Regulations, 1963 and the Central Outdoor Assistance Board (Amendment) Regulations, 1967, shall be construed as one.

Citation.

3. These Regulations may be cited as the Central Outdoor Assistance Board (Amendment) Regulations, 1981.

Collective
Title.

4. These Regulations and the Central Outdoor Assistance Board Regulations, 1939 to 1967, may be cited together as the Central Outdoor Assistance Board Regulations, 1939 to 1981.

Commencement.

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

Approved on 24 March 1982 by Ordinance No VIII of 1982.

Dated this *second* day of *December*, nineteen hundred and eighty-one. *& eighty one*

Stella M. Gien /

President of the
Central Outdoor Assistance Board
for and on behalf of the Board.

SCHEDULE

Regulation 1(e)

SCHEDULE

Regulation 3

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 dependent on the applicant

Limitation on
amount of outdoor
assistance payable

- 2.(1) The amount of outdoor assistance payable in any week to or in respect of a person together with any other income, if any, received by or in respect of that person in that week shall not exceed the limit of weekly income set out in sub-paragraph (2) of this paragraph and, where the sum of the said outdoor assistance and the said income (if any) in any week exceeds the said limit of weekly income the Relieving Official shall reduce the amount of the outdoor assistance which would otherwise be payable by an amount equal to that by which the said limit of weekly income is exceeded.
- (2) For the purposes of the last preceding sub-paragraph the limit of weekly income shall be sixty pounds.
- (3) For the purposes of the last preceding two sub-paragraphs any provision regarding to disregard of earnings in this Schedule shall not apply and, in addition, there shall be disregarded -
- (a) any form of income mentioned in paragraphs four, five and six of this Schedule; and
 - (b) any allowance payable under the Family Allowances (Guernsey) Law, 1950.

Disregard of the
value of a
residence.

3. 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.

4. 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 one hundred pounds, be disregarded together with all income therefrom;
- (b) so far as their aggregate value exceeds one hundred pounds but does not exceed one thousand pounds, be treated as equivalent to a weekly income of ten new pence for each complete fifty pounds;

- (c) so far as their aggregate value exceeds one thousand pounds be treated as part of the available resources of the applicant.

Disregard of death grants.

5. There shall be wholly disregarded any death grant paid to a person under the provisions of the Social Insurance (Guernsey) Law, 1978.

Disregard of certain forms of income.

6.(1) There shall be wholly disregarded any payment or payments of a temporary nature from any charitable source.

(2) Any payment, being a payment to which the next succeeding sub-paragraphs apply shall be disregarded up to the amount of four pounds a week of any one or more of the following, that is to say:-

- (a) any payment in respect of (and including any payment in respect of a dependants allowance attached to any of the following payments or pensions):-

- (i) wounds pensions granted to members of the naval, military or air forces of the Crown;

- (ii) retired pay of disabled commissioned officers granted on account of medical unfitness attributable to or aggravated by naval, military or air force service;

- (iii) disablement or disability pensions granted to members, other than commissioned officers, of the naval, military or air forces of the Crown on account of medical unfitness attributable to or aggravated by naval, military or air force service;

- (iv) disablement pensions granted to persons who have been employed in the nursing services of any of the naval, military or air forces of the Crown on account of medical unfitness attributable to or aggravated by naval, military or air forces service;

- (b) any industrial disablement benefit granted under the Social Insurance (Guernsey) Law, 1978.

(3)(i) There shall be disregarded, subject to sub-paragraph (2) of this paragraph, two pounds a week of the income taken into account except so far as it consists of any earnings or of any of the following, that is to say:-

- (a) any weekly benefit, other than industrial disablement benefit, payable under the Social Insurance (Guernsey) Law, 1978;
- (b) any weekly benefit payable under the social insurance legislation of any country, other than Guernsey;
- (c) any maintenance payable to a woman in respect of either herself or a child by her husband or a former husband;
- (d) any maintenance payable by a man in respect of a child of whom he is the putative father to the mother of that child;

(ii) Where any amount is disregarded under sub-paragraph 2 of this paragraph then, if that amount equals four pounds no further amount shall be disregarded under this paragraph and, if it is less than four pounds a week, the amount disregarded under this paragraph shall not, together with that amount, exceed four pounds a week.

Treatment of earnings.

7. The weekly earnings of any person shall be taken to be his net weekly earnings reduced by ~~five~~ ^{ten} pounds.

Time XXII, 156

Contribution towards household expenses.

8. 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 dependant of his an amount of ~~two~~ ^{three} pounds a week, or of such less amount as is reasonable having regard to the said members circumstances and personal responsibilities. " "

Treatment of other resources

9. 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.