

GUERNSEY STATUTORY INSTRUMENT

2021 No. 156

**The Family Allowances (Guernsey) (Amendment)
Regulations, 2021**

<i>Made</i>	<i>8th December, 2021</i>
<i>Coming into operation</i>	<i>3rd January, 2022</i>
<i>Laid before the States</i>	<i>, 2022</i>

THE COMMITTEE FOR EMPLOYMENT & SOCIAL SECURITY, in exercise of the powers conferred on it by sections 5, 7 and 14 of the Family Allowances (Guernsey) Law, 1950^a and of all other powers enabling it in that behalf, hereby makes the following Regulations:-

Amendment of the Family Allowances (Claims and Payments) (Guernsey) Regulations.

1. (1) The Family Allowances (Claims and Payments) (Guernsey) Regulations, 1977^b are amended as follows.

^a Ordres en Conseil Vol. XIV, p. 332; amended by Ordres en Conseil Vol. XVI, p. 280; Vol. XX, pp. 59 and 63; Vol. XXI, p. 34; Vol. XXII, p. 318; Vol XXIII, p. 238; Vol XXVI, pp. 150 and 292; Vol. XXVIII, p. 406; Vol. XXXI, p. 278; Vol. XXXIX, p. 107; Order in Council No. III of 2001; No. IV of 2014; No. IV of 2018; Recueil d'Ordonnances Tome XXI, p. 460; Tome XXVI, p. 177; Ordinance No. XXXIII of 2003; No. VII of 2010; No. XLII of 2012; No. IX of 2016; No. XIII of 2017; No. III of 2021; Alderney Ordinance No. VIII of 2018; and G.S.I. No. 7 of 1971.

^b G.S.I. No. 5 of 1977; amended by G.S.I. No. 34 of 2006.

(2) In regulation 1(1) (interpretation) –

(a) delete the definition of "**allowance order**",

(b) after the definition of "**claimant**" insert –

"**gross household income**" has the meaning given by section 1(4) of the Law;", and

(c) after the definition of "**the Law**" insert –

"**school year**" means the period beginning on 1st September in any calendar year and ending at the end of the 31st August next following."

(3) In regulation 4 (information in support of a claim) –

(a) renumber the existing text as paragraph (1), and

(b) after the renumbered paragraph (1) insert –

"(2) The documents and information required under paragraph (1) may include, without limitation, a declaration as to gross household income and the provision of the declaration may be made a condition on which any sum on account of allowance shall be receivable."

(4) In regulation 6 (notice of award or decision) –

(a) renumber the existing text as paragraph (1),

(b) after "place of abode" insert "or by being transmitted to such person", and

(c) after the renumbered paragraph (1) insert –

"(2) In this regulation, "transmitted" means transmitted by electronic communication or other similar means which produce or enable the production of a document containing the text of the communication."

(5) In regulation 9 (method of payment, and time for obtaining payment)–

(a) in paragraph (1) –

(i) delete "by means of allowance orders payable", and

(ii) delete all the words after "is receivable" until the end of the paragraph,

(b) paragraphs (2), (3), (5) and (6) are revoked,

(c) in paragraph (4), for "Tuesdays" substitute "Fridays", and

(d) in paragraph (7), delete "or otherwise than by means of allowance orders".

(6) In regulation 10 (further information and notification of change of circumstances) –

(a) renumber the existing text as paragraph (1), and

(b) after the renumbered paragraph (1) insert –

"(2) The documents and information required under paragraph (1) may include, without limitation, a declaration as to gross household income and the provision of the declaration may be made a condition on which any sum on account of allowance shall be receivable."

Amendment of the Family Allowances (Qualifications) (Guernsey) Regulations.

2. (1) The Family Allowances (Qualifications) (Guernsey) Regulations, 1977^c are amended as follows.

(2) In regulation 14 (circumstances in which a person is to be treated as receiving full-time education) –

(a) renumber the opening paragraph as paragraph (1),

(b) in the proviso to the renumbered paragraph (1), renumber "(1)" and "(2)" as "1." and "2." respectively,

(c) renumber paragraph (3) as paragraph (2), and

(d) in the renumbered paragraph (2), for all the words before "PROVIDED always that" substitute –

"(2) Where a child –

^c G.S.I. No. 4 of 1977; amended by Ordinance No. XXXIII of 2003; No. IX of 2016; No. XIII of 2017; Alderney Ordinance No. VIII of 2018; G.S.I. No. 1 of 1983; No. 6 of 1992; and No. 87 of 2008.

- (a) has attained the upper limit of compulsory school age within the meaning of the Education (Guernsey) Law, 1970 before the beginning of a particular school year or attains that age at any time during that school year, and
- (b) ceases to receive full-time education at a recognised educational establishment in the period from 1st June until 31st August in the same or any following school year,

the child shall be deemed to be receiving full-time education until the Monday next following the 31st August in the same calendar year as the child ceases such education:".

(3) After regulation 14 (circumstances in which a person is to be treated as receiving full-time education) insert –

"Allowance only paid in respect of a child aged under 18.

14A. For the avoidance of doubt, despite any provisions of regulation 14 as to when a person is treated for the purposes of the Law as receiving full-time education at a recognised educational establishment, as referred to in section 2 of the Law, allowance is only paid in respect of a child aged under 18 in accordance with section 1 of the Law."

Extent.

3. These Regulations extend to the islands of Guernsey, Alderney, Herm and Jethou.

Citation and commencement.

4. These Regulations may be cited as the Family Allowances (Guernsey) (Amendment) Regulations, 2021 and shall come into force on the 3rd January, 2022.

Dated this 8th day of December, 2021



P. J. ROFFEY

President of the States Committee for Employment & Social Security

For and on behalf of the Committee

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend Regulations made under the Family Allowances (Guernsey) Law, 1950 ("the Law") to make amendments consequential on changes made to the Law to provide for family allowance to be paid only to families with a household income of less than £120,000 a year and in respect of children aged under 18. Under section 2 of the Law, a person is treated as a child before the 1st August after their nineteenth birthday if still receiving full-time education at a school, university or college.

Regulation 1 amends regulations 4 and 10 of the Family Allowances (Claims and Payments) (Guernsey) Regulations, 1977 to provide that the documents or information which the Administrator to the Committee for Employment & Social Security ("the Administrator") may require from a person making a claim or from a claimant, may include a declaration as to gross household income. The Administrator may require such a declaration from a person as a condition of receiving family allowance.

Regulation 1 also updates the Regulations to remove references to allowance orders which are no longer used, to provide expressly for awards and decisions to be issued electronically and to provide for allowances to be paid on a Friday.

Regulation 2 amends the Family Allowances (Qualifications) (Guernsey) Regulations, 1977 to include a new regulation 14A to clarify that family allowance is only paid in respect of a child aged under 18 and to amend certain wording in regulation 14 to make it consistent with terms used earlier in that regulation and in the Law. Minor corrections are also made to the numbering of regulation 14.

These Regulations come into force on the 3rd day of January, 2022.

