

PROJET DE LOI

ENTITLED

The Income Support (Guernsey) Law, 1971 *

[CONSOLIDATED TEXT]

NOTE

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* Ordres en Conseil Vol. XXIII, p. 26; as amended by the Social Insurance (Guernsey) Law, 1978 (Ordres en Conseil Vol. XXVI, p. 292); the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 278); the Social Insurance (Guernsey) (Amendment) Law, 1999 (No. VI of 1999, Ordres en Conseil Vol. XXXIX, p. 107); the Income Support (Guernsey) (Amendment) Law, 2014 (No. XIII of 2014); the Income Support (Guernsey) (Amendment) (No. 2) Law, 2014 (No. VII of 2015); the Population Management (Guernsey) Law, 2016 (No. VI of 2016); the Income Support (Guernsey) Law, 2017 (No. IV of 2018); the Guernsey Social Security Authority (Transfer of Functions) Ordinance, 1993 (Recueil d'Ordonnances Vol. XXVI, p. 177); the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003, Recueil d'Ordonnances Tome XXIX, p. 406); the Children (Consequential Amendments etc.) (Guernsey and Alderney) Ordinance, 2009 (No. VII of 2010); the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016 (No. IX of 2016); the Same-Sex Marriage (Consequential and Miscellaneous Amendments and Contrary Provisions) (Guernsey) Ordinance, 2017 (No. XIII of 2017); the Same-Sex Marriage (Consequential and Miscellaneous Amendments and Contrary Provisions) (Alderney) Ordinance, 2018 (Alderney Ordinance No. VIII of 2018). This Law is applied to the Island of Alderney, with exceptions, adaptations and modifications, by the Alderney (Application of Legislation) (Income Support) Ordinance, 1971 (Recueil d'Ordonnances Tome XVII, p. 168). See also the Children (Guernsey and Alderney) Law, 2008 (No. XIV of 2009).

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The Income Support (Guernsey) Law, 1971

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PROJET DE LOI

ENTITLED

The [Income Support (Guernsey) Law, 1971]

THE STATES, in pursuance of their Resolutions of the twenty-sixth day of March, nineteen hundred and sixty-nine, and of the twenty-fourth day of June, nineteen hundred and seventy, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Islands of Guernsey, Herm and Jethou.

PART I

Determination of need for [...] [income support]

[Eligibility for [...]] [income support].

1. (1) A person, whose resources are insufficient to meet his requirements, is eligible for [...] [income support] under and in accordance with this Law (hereinafter referred to as [...] ["**income support**"]) if –

- (a) the person –
 - (i) is over the age of 18 years,
 - (ii) is no longer in full-time education,
 - (iii) is ordinarily resident in Guernsey, and
 - (iv) satisfies such other, or further, conditions relating to residence in Guernsey, as the States

may by Ordinance provide, and

- (b) in the case of a person who has not attained pensionable age, that person, and any relevant dependant of that person –
 - (i) are in full-time remunerative work, or
 - (ii) are acting in compliance with work requirements relating to them, and
- (c) in the case of a person who has attained pensionable age, any relevant dependant of that person –
 - (i) is in full-time remunerative work, or
 - (ii) is acting in compliance with work requirements relating to him.

(2) [The Committee] may by regulations prescribe modifications and exceptions to, and exemptions from, subsection (1) including (without limitation)

–

- (a) exceptions to subsections (1)(a)(i) and (ii),
- (b) modifications deeming a person, or any relevant dependant of a person –
 - (i) to be in full-time remunerative work, or
 - (ii) to be acting in compliance with work

requirements, and

(c) exemptions from subsection (1)(b).

(3) In this section –

"full-time remunerative work" shall have the meaning given by regulations of [the Committee],

"relevant dependant" means a dependant who has not attained pensionable age, but who is over school leaving age and no longer in full-time education, and

"work requirements" means measures determined by the Administrator for the purpose of facilitating or enabling an individual, or such class or description of individuals as the Administrator may determine, to become, or continue to be, engaged in full-time remunerative work, including (without limitation) measures directing such an individual, or class or description of individuals –

- (a) to engage with work, or work-related, activities,
- (b) to attend work-focused meetings held, or organised, by [the Committee], and
- (c) to attend a work, or training, placement.]

NOTES

The title in square brackets of this Law was substituted by the Income Support (Guernsey) Law, 2017, section 1(1), Schedule 1, paragraph 1, with effect from 6th July, 2018.¹

The Law is applied to the Island of Alderney by the Alderney (Application of Legislation) (Income Support) Ordinance, 1971, section 1, with effect from 11th June, 1971, subject to the exceptions, adaptations and modifications set out in the right-hand column of the First Schedule to the 1971 Ordinance.

In accordance with the provisions of the Children (Guernsey and Alderney) Law, 2008, section 123, Schedule, paragraph 21 (shown, incorrectly, in the printed version of the 2008 Law as paragraph 20), with effect from 4th January, 2010, this Law is one of those specific enactments that the States may repeal, amend, extend, adapt, modify or disapply, and make transitional and savings provisions in relation to, by Ordinance made under the said section 123.

Section 1 was substituted by the Income Support (Guernsey) (Amendment) Law, 2014, section 4, with effect from 1st December, 2014.²

In section 1,

the word omitted in square brackets, wherever occurring, and the words "income support" and ""income support"" in square brackets, wherever occurring, (including in the cross-heading and marginal note), were, respectively, repealed and substituted by the Income Support (Guernsey) Law, 2017, section 3, paragraph (b) and paragraph (a), with effect from 6th July, 2018;

the words "T/the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 4, with effect from 1st May, 2016.

The following Ordinance has been made under section 1:

Income Support (Residence Conditions) Ordinance, 2017.

The following Regulations have been made under section 1:

Income Support (Guernsey) Regulations, 2014.

[Persons to whom the Law applies.

2. This Law applies to a person who is eligible for [...] [income support] under section 1.]

NOTES

Section 2 was substituted by the Income Support (Guernsey) (Amendment) Law, 2014, section 5, with effect from 1st December, 2014.

In section 2, the word omitted in square brackets and the words "income support" in square brackets were, respectively, repealed and substituted by the Income Support (Guernsey) Law, 2017, section 3, paragraph (b) and paragraph (a), with effect from 6th July, 2018.

In its application to the Island of Alderney, section 2 is modified in accordance with the provisions of the Alderney (Application of Legislation) (Income Support) Ordinance, 1971, section 1, First Schedule, with effect from 11th June, 1971.

Determination of need for [...] [income support].

3. (1) The question whether an applicant for [...] [income support] is a person to whom this Law applies, whether a person to whom this Law applies is in need of [...] [income support], and the amount of any such [income support] to be paid to him, shall, subject to the provisions of this Law or of any Ordinance made hereunder, be decided by the Administrator.

(2) The States shall, from time to time, make provision by Ordinance for the computation of requirements and resources for the purposes of this Law.

(3) ...

(4) An Ordinance made under the provisions of this section may provide that certain assets set out therein shall, to the extent and subject to the conditions set out therein, be disregarded in computing resources.

NOTES

In section 3,

the word omitted in square brackets, wherever occurring, and the

words "income support" in square brackets, wherever occurring, were, respectively, repealed and substituted by the Income Support (Guernsey) Law, 2017, section 3, paragraph (b) and paragraph (a), with effect from 6th July, 2018;

subsection (3) was repealed by the Income Support (Guernsey) (Amendment) Law, 2014, section 6, with effect from 1st December, 2014.

In its application to the Island of Alderney, section 3 is modified in accordance with the provisions of the Alderney (Application of Legislation) (Income Support) Ordinance, 1971, section 1, First Schedule, with effect from 11th June, 1971.

The following Ordinances have been made under section 3:

Income Support (Implementation) Ordinance, 1971;
Income Support (Implementation) (Amendment) Ordinance, 1972;
Income Support (Implementation) (Amendment) (No. 2) Ordinance,
1985;
Income Support (Implementation) (Amendment) Ordinance, 1999;
Income Support (Implementation) (Amendment) Ordinance, 2000;
Income Support (Implementation) (Amendment) (No. 2) Ordinance,
2001;
Income Support (Implementation) (Amendment) Ordinance, 2004;
Income Support (Implementation) (Amendment) Ordinance, 2005;
Income Support (Implementation) (Amendment) (No. 2) Ordinance,
2005;
Income Support (Implementation) (Amendment) Ordinance, 2007;
Income Support (Implementation) (Amendment) Ordinance, 2012;
Income Support (Implementation) (Amendment) (No. 2) Ordinance,
2012;
Income Support (Implementation) (Amendment) Ordinance, 2013;
Income Support (Implementation) (Amendment) Ordinance, 2014;
Income Support (Implementation) (Amendment) Ordinance, 2015;
Social Insurance (Guernsey) Law (Amendment) Ordinance, 2016;
Income Support (Implementation) (Amendment) Ordinance, 2016;
Income Support (Implementation) (Amendment) Ordinance, 2018;
Income Support (Implementation) (Amendment) (No. 2) Ordinance,
2018.

In accordance with the provisions of the Income Support (Guernsey) (Amendment) Law, 2014, section 18, with effect from 1st December, 2014 and for the avoidance of doubt, the Income Support (Implementation) Ordinance, 1971 shall continue in force as if made under sections 3, 15 and 15B of this Law as this Law has effect immediately after the commencement of the 2014 Law.

Aggregation of requirements and resources.

4. (1) Where it appears to the Administrator that an applicant for [...] [income support] is providing for the requirements of some other person being a member of the same household, the Administrator shall, subject to the provisions of this Law, in determining the need for and the amount of [...] [income support] take into account the aggregate requirements and aggregate resources of the applicant and the said other person.

(2) Where in determining the amount of [...] [income support] to be paid to an applicant therefor the requirements of another person are taken into account, that other person is in this Law referred to as a dependant of the applicant.

(3) Where a [married couple] are members of the same household, their requirements and resources shall in all cases be aggregated for the purposes of this Law.

(4) Notwithstanding anything in the foregoing provisions of this section, the [Committee] may direct the Administrator that, in determining the need for and the amount of [...] [income support] to be paid to an applicant therefor, he shall not treat as a dependant of that applicant any person who has attained school-leaving age.

(5) An Ordinance made under the provisions of section three of this Law shall provide, in the case of a person being a member of a household, that the resources of any other member of the household, not being the husband or wife, or a dependant, of the said person, shall not be treated as resources of the said person.

NOTES

In section 4,

the word omitted in square brackets, wherever occurring, and the words "income support" in square brackets, wherever occurring, were, respectively, repealed and substituted by the Income Support (Guernsey)

Law, 2017, section 3, paragraph (b) and paragraph (a), with effect from 6th July, 2018;

the words in square brackets in subsection (3) were substituted by, first (in relation to Guernsey), the Same-Sex Marriage (Consequential and Miscellaneous Amendments and Contrary Provisions) (Guernsey) Ordinance, 2017, section 1, Schedule 1, Part I, paragraph 9(b), with effect from 2nd May, 2017 and, second (in relation to Alderney), by the Same-Sex Marriage (Consequential and Miscellaneous Amendments and Contrary Provisions) (Alderney) Ordinance, 2018, section 1, Schedule 1, Part I, paragraph 9(a), with effect from 14th June, 2018;

the word in the first pair of square brackets in subsection (4) was substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 4, with effect from 1st May, 2016.³

PART II

*Payment of [income support] and provision of welfare arrangements by the
[Committee]*

Payment of [income support].

5. (1) Subject to the provisions of this Part of this Law, the [Committee] shall be charged with the duty of paying [...] [income support] by weekly or other periodic payments of the amount determined by the Administrator or by the tribunal, as the case may be, under the provisions of this Law or of any Ordinance made thereunder.

(2) Where it appears to the [Committee] that it is necessary for protecting the interests of an applicant for [...] [income support] or his dependants that the whole or any part of the [income support] should be paid to some person other than the applicant, the [Committee] may pay the [income support] accordingly.

(3) Every assignment of, attachment of or charge on, and every agreement to assign or charge, [...] [income support] shall be void and, in the event of the insolvency of a person in receipt of [...] [income support], the [income support]

shall not pass to any trustee or other person acting on behalf of his creditors.

(4) Any sums received by any person by way of [...] [income support] shall not be included in calculating his means for the purposes of Article III of the Law entitled "Loi ayant rapport aux Débiteurs et à la Renonciation" registered on the second day of August, nineteen hundred and twenty-nine^b.

NOTES

In section 5,

the word "Committee" in square brackets, wherever occurring (including in the cross-heading immediately preceding it), was substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 4, with effect from 1st May, 2016;⁴

the word omitted in square brackets, wherever occurring, and the words "income support" in square brackets, wherever occurring (including in the cross-heading and in the marginal note thereto), were, respectively, repealed and substituted by the Income Support (Guernsey) Law, 2017, section 3, paragraph (b) and paragraph (a), with effect from 6th July, 2018.

In its application to the Island of Alderney, section 5 is modified in accordance with the provisions of the Alderney (Application of Legislation) (Income Support) Ordinance, 1971, section 1, First Schedule, with effect from 11th June, 1971.

Special payments.

6. (1) The [Committee] may make a grant in[, or loan of,] money by way of a single payment[, or series of payments,] to meet an exceptional need to a person to whom this Law applies whose resources are insufficient to meet his requirements; such payment being such a sum as is in the opinion of the [Committee] reasonable having regard to all the circumstances of the case.

[(1A) A grant of money under subsection (1) –

^b Ordres en Conseil Vol. VIII, p. 310.

Consolidated text

- (a) may be subject to conditions as determined by [the Committee], and
- (b) in the event of failure to comply with any such conditions, may be recovered as a civil debt due to [the Committee] or by way of a deduction made from any benefit payable under or by virtue of –
 - (i) this Law, or
 - (ii) any other Law under or by virtue of which a benefit or payment administered by [the Committee] is made or available.

(1B) A loan of money under subsection (1) –

- (a) shall be repaid in accordance with the terms and conditions of the loan agreed with [the Committee], and
- (b) in the event of non-payment, or breach of any such terms and conditions, may be recovered as a civil debt due to [the Committee].]

(2) The [Committee] may pay the whole or any part of the expenses incurred in connection with the burial or cremation –

- (a) of any person who was immediately before his death a person to whom this Law applied,
- (b) of the spouse or of a dependant of any person who was

at the time of the death of his spouse or dependant, as the case may be, a person to whom this Law applied.

(3) The provisions of this Law, other than this section, shall apply to a payment made in accordance with the provisions of this section, as they apply to the payment of [...] [income support] but with the substitution for references to the amount of the [income support] of references to the amount of the payment.

NOTES

In section 6,

the word "Committee" in square brackets, wherever occurring, was substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 4, with effect from 1st May, 2016;⁵

the words in, first the second and, second, the third pairs of square brackets in subsection (1) were inserted and, third, subsection (1A) and subsection (1B) were inserted by the Income Support (Guernsey) (Amendment) (No. 2) Law, 2014, section 1, respectively paragraph (a)(i), paragraph (a)(ii) and paragraph (b), with effect from 30th March, 2015;

the words "the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 4, with effect from 1st May, 2016;

the word omitted in square brackets, wherever occurring, and the words "income support" in square brackets, wherever occurring, were, respectively, repealed and substituted by the Income Support (Guernsey) Law, 2017, section 3, paragraph (b) and paragraph (a), with effect from 6th July, 2018.

[Medical expenses payments.]

6A. (1) [The Committee] may make payments to meet the reasonable medical expenses of –

(a) a person to whom this Law applies, and

- (b) such other category of persons as [the Committee] may by regulations prescribe.

(2) For the purposes of this section, [the Committee] may by regulations prescribe –

- (a) the categories, or types, of medical expenses for which payment may be made,
- (b) the amount (including the maximum amount) of any payment,
- (c) conditions subject to which payment may be made,
- (d) the duration of any payment or series of payments, and
- (e) such other matters as [the Committee] deems necessary in order to give effect to this section.]

NOTES

Section 6A was inserted by the Income Support (Guernsey) (Amendment) Law, 2014, section 7, with effect from 1st December, 2014.⁶

In section 6A, the words "T/the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 4, with effect from 1st May, 2016.

The following Regulations have been made under section 6A:

*Income Support (Guernsey) Regulations, 2014;
Income Support (Guernsey) (Amendment) Regulations, 2018.*

Repatriation payments.

- 6B.** (1) Where the Administrator is satisfied that a relevant person –
- (a) does not have a home in Guernsey, in which to live,
 - (b) wishes to leave Guernsey permanently in order to take up permanent residence in another country or territory where he is lawfully entitled to reside permanently, and
 - (c) does not have sufficient resources available to meet the reasonable costs of travel for the purpose of making the journey to the country or territory concerned,

[the Committee] may, in relevant circumstances, make payments to meet the reasonable costs of the travel involved.

- (2) For the purpose of this section –

["**a relevant person**" means a person who is not a Permanent Resident within the meaning of the Population Management (Guernsey) Law, 2016, and]

"relevant circumstances" means circumstances in which, or where –

- (a) a court in Guernsey, or the States of Guernsey [Committee for Home Affairs], has recommended, or
- (b) the Administrator determines that it is appropriate and reasonable,

that a relevant person should be repatriated at public expense.]

NOTES

Section 6B was inserted by the Income Support (Guernsey) (Amendment) Law, 2014, section 7, with effect from 1st December, 2014.⁷

In section 6B,

the words "the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 4, with effect from 1st May, 2016;

the definition of the expression "a relevant person" in subsection (2) was substituted by the Population Management (Guernsey) Law, 2016, section 86, Schedule 4, paragraph 2, with effect from 3rd April, 2017;

the words in square brackets in the definition of the expression "relevant circumstances" in subsection (2) were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 6(a), with effect from 1st May, 2016.

The functions, rights and liabilities of the Home Department and its Minister arising under or by virtue of this Law were transferred to and vested in, respectively, the Committee for Home Affairs and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 6(a), with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.

Disqualification for [...] [income support].

7. (1) The [Committee] may direct the Administrator not to proceed with the determination of the question whether a person is in need of [...] [income support] and the amount of any [income support] to be paid to him or the [Committee] may withhold the payment of [...] [income support] to a person if it is of opinion that that person's need of [...] [income support] is the result of incapacity due to his own misconduct or that that person has failed without good cause to take steps to improve his physical or mental condition or has refused or neglected to apply for or to take steps to enforce any matrimonial order or affiliation order which that person is entitled to apply for or to take steps to enforce or has refused or neglected to take

such other steps towards the improvement of his financial circumstances as the [Committee] may reasonably direct.

(2) Notwithstanding the provisions of section two of this Law, a person shall not be entitled to [...] [income support] in respect of any period during which that person is absent from Guernsey:

Provided that the [Committee] may, if it thinks fit, pay [...] [income support] to or in respect of any person who is temporarily absent from Guernsey for so long as, and subject to such conditions as, the [Committee] may direct.

NOTES

In section 7,

the word omitted in square brackets, wherever occurring, and the words "income support" in square brackets, wherever occurring, (including in the marginal note thereto), were, respectively, repealed and substituted by the Income Support (Guernsey) Law, 2017, section 3, paragraph (b) and paragraph (a), with effect from 6th July, 2018;

the word "Committee" in square brackets, wherever occurring, was substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 4, with effect from 1st May, 2016.⁸

Payment of [income support] in kind.

8. (1) Where it appears to the [Committee] that by reason of special circumstances the requirements of an applicant for [...] [income support] or of a person who is receiving [...] [income support] can best be met by the giving of assistance in kind to the value of the whole or part of the [income support], the [Committee] may so give that assistance instead of paying [...] [income support].

(2) Any reference in this Part of this Law to the giving of assistance in kind under the provisions of the last preceding subsection shall include a

reference to the issuing of orders for the free provision of goods or services.

(3) The provisions of this Law, other than this section, shall apply to assistance given in accordance with the provisions of the last two preceding subsections as they apply to the payment of [...] [income support] but with the substitution for references to the amount of the [income support] of references to the value of the assistance.

NOTES

In section 8,

the word "Committee" in square brackets, wherever occurring, was substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 4, with effect from 1st May, 2016;⁹

the word omitted in square brackets, wherever occurring, and the words "income support" in square brackets, wherever occurring (including in the marginal note thereto), were, respectively, repealed and substituted by the Income Support (Guernsey) Law, 2017, section 3, paragraph (b) and paragraph (a), with effect from 6th July, 2018.

Prevention of duplication of payments.

9. (1) Where, in determining the amount of any [income support], the requirements of any person have been taken into account for a period for which he is entitled to payments in respect of [any benefit, allowance or pension] [under or by virtue of the Social Insurance (Guernsey) Law, 1978 (hereinafter referred to as "**the Law of 1978**")], [which [the Committee] may by regulation prescribe,] the payments of the said benefit, allowance or pension may, at the discretion of the [Committee], be abated by the amount by which the amounts under this Law exceed what the [Committee] determines they would have been had the payments of the said benefit, allowance or pension been made before the amount of the [income support] was determined.

(2) Where the liabilities of the Guernsey Insurance Fund [maintained by the [Committee] under the Law of 1978], are reduced by virtue of the last foregoing subsection, there shall be paid out of that Fund into the General Revenue of the States of Guernsey an amount equal to the reduction.

NOTES

In section 9,

the words "income support" in square brackets, wherever occurring, were substituted by the Income Support (Guernsey) Law, 2017, section 3(a), with effect from 6th July, 2018;

the words in, first, the first and, second, the third pairs of square brackets in subsection (1) were, respectively, substituted and inserted by the Income Support (Guernsey) (Amendment) Law, 2014, section 8(a) and section 8(b), with effect from 1st December, 2014;¹⁰

the words "the Committee" in square brackets within the third pair of square brackets in subsection (1) were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 4, with effect from 1st May, 2016;

the words in the second pair of square brackets in subsection (1), and in square brackets in subsection (2), were substituted by the Social Insurance (Guernsey) Law, 1978, section 120, Fifth Schedule, with effect from 1st January, 1979;

the word "Committee" in square brackets, wherever occurring, was substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 4, with effect from 1st May, 2016.¹¹

The following Regulations have been made under section 9:

*Income Support (Guernsey) Regulations, 2014;
Income Support (Guernsey) (Amendment) Regulations, 2016.*

Welfare arrangements for [disabled persons].

10. (1) The [Committee] shall have power to make such arrangements as it may deem necessary or expedient for promoting the welfare of [disabled persons], and for that purpose it shall not be necessary that any such person shall be

in receipt of [...] [income support].

(2) Without prejudice to the generality of the provisions of the last foregoing subsection arrangements may, in particular, be made thereunder –

- (a) for enabling [disabled persons] to receive instruction in their homes or elsewhere in methods of overcoming their disabilities,
- (b) for finding suitable work for [disabled persons],
- [(c) for providing disabled persons with equipment, aids and appliances as required.]
- (d) ...

(3) The [Committee] may pay an inducement allowance of such amount and subject to such conditions as the [Committee] may determine to a [disabled person] or to his employer for the purpose of encouraging that person to train for, obtain and remain in, suitable employment.

(4) The [Committee] may recover from persons availing themselves of any service provided under this section such charge (if any) as, having regard to the cost of the service, the [Committee] may determine, whether generally or in the circumstances of any particular case.

(5) ...

NOTES

In section 10,

*the word "Committee" in square brackets, wherever occurring, was substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 4, with effect from 1st May, 2016;*¹²

*the words "disabled person" and "disabled persons" in square brackets, wherever occurring, were substituted by the Income Support (Guernsey) (Amendment) Law, 2014, section 10(a), with effect from 1st December, 2014;*¹³

the word omitted in square brackets, wherever occurring, and the words "income support" in square brackets, wherever occurring, were, respectively, repealed and substituted by the Income Support (Guernsey) Law, 2017, section 3, paragraph (b) and paragraph (a), with effect from 6th July, 2018;

first, paragraph (c) of subsection (2) was substituted and paragraph (d) thereof repealed and, second, subsection (5) was repealed by the Income Support (Guernsey) (Amendment) Law, 2014, section 10, respectively paragraph (b) and paragraph (c), with effect from 1st December, 2014.

Voluntary organisations for welfare of [disabled persons].

11. The [Committee] may employ any voluntary organisation as its agent for the purpose of helping and caring for [disabled persons].

NOTES

In section 11,

*the word "Committee", wherever occurring, was substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 4, with effect from 1st May, 2016;*¹⁴

*the words "disabled persons" in square brackets, wherever occurring, were substituted by the Income Support (Guernsey) (Amendment) Law, 2014, section 10(a), with effect from 1st December, 2014.*¹⁵

Duty of Authority to provide temporary protection for property of persons.

12. ...

NOTE

Section 12 was repealed by the Income Support (Guernsey) (Amendment) Law, 2014, section 11, with effect from 1st December, 2014.¹⁶

PART III

Appeals

[Committee] decisions to be final.

13. There shall be no appeal from any direction, determination, or decision of the [Committee] made under any of the provisions of this Law or of any Ordinance made thereunder.

NOTE

In section 13, and the marginal note thereto, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 4, with effect from 1st May, 2016.¹⁷

Appeals against decisions of the Administrator.

14. (1) Subject to the provisions of any Ordinance made under this Law, where a person applying for, or in receipt of, [...] [income support] is aggrieved by a decision of the Administrator with respect to any of the following matters, that is to say –

- (a) a decision of the Administrator that that person is not a person to whom this Law applies,
- (b) a decision of the Administrator that that person is not in need of [...] [income support],

- (c) a decision of the Administrator as to the amount of any [income support] to be paid to him,

he may appeal, within the time prescribed, to a tribunal (hereinafter referred to as "**the tribunal**") which shall be appointed by the Royal Court either generally or in respect of a particular appeal and shall be constituted as the Royal Court may decide.

(2) The tribunal may refer to the Royal Court for decision any question of law arising in connection with the determination of an appeal by the tribunal under this section in such manner and within such period as shall be directed by Order of the Royal Court.

(3) Any person aggrieved by a decision of the tribunal on any question of law may appeal from that decision to the Royal Court in such manner and within such period as shall be directed by Order of the Royal Court.

(4) The decision of the Administrator or the tribunal, as the case may be, on any question in respect of which there has been no appeal under this section within the time so prescribed or directed by Order of the Royal Court, as the case may be, shall be final and conclusive.

NOTES

In section 14, the word omitted in square brackets, wherever occurring, and the words "income support" in square brackets, wherever occurring, were, respectively, repealed and substituted by the Income Support (Guernsey) Law, 2017, section 3, paragraph (b) and paragraph (a), with effect from 6th July, 2018.

In its application to the Island of Alderney, section 14 is modified in accordance with the provisions of the Alderney (Application of Legislation) (Income Support) Ordinance, 1971, section 1, First Schedule, with effect from 11th June, 1971.

The following Order has been made by the Royal Court under section 14:

PART IV

General and Supplemental Provisions

Power of the States to make Ordinances.

15. (1) The States may, from time to time, by Ordinance make such provision as they may deem necessary or expedient for the purposes of carrying Parts I, II and III of this Law into effect and any such Ordinance may, without prejudice to the generality of the foregoing, in particular, provide –

- (a) for the manner in which an application for [...] [income support] is to be made,
- (b) for the evidence to be adduced of matters relevant to the paying of [...] [income support] and for the manner of the adduction of such evidence,
- (c) for the procedure to be followed on the consideration and determination of applications and matters to be considered and determined by the Administrator or by the tribunal,
- (d) for the manner in which any question may be raised as to the continuance of the receipt by a person of [...] [income support] and as to the disqualification of a person to continue to receive [...] [income support],
- (e) for enabling the Administrator to appoint a person to exercise on behalf of any person applying for [...] [income support] or on behalf of any person receiving

[...] [income support] who is by reason of any mental or other incapacity unable to act, any right to which that applicant or person receiving [...] [income support] may be entitled under this Law, and to authorise any person so appointed to receive on behalf and for the benefit of that applicant or person receiving [...] [income support], any [income support],

- (f) for the time to be allowed for making an appeal to the tribunal,
- (g) for the manner in which [...] [income support] is to be paid,
- (h) for such incidental and supplementary matters for which the States deem it necessary or expedient for any such Ordinance to provide[,
- (i) for the duties and obligations to be imposed upon and observed by individuals who are authorised to receive, on behalf of another person, [income support] or who are otherwise appointed to act in relation thereto under section 5(2) or under an Ordinance made under paragraph (e),
- (j) for the penalties to be incurred on summary conviction by individuals described in paragraph (i) who misuse, misappropriate or fail to account for [income support] or who otherwise fail to comply with the duties and obligations imposed upon them by Ordinance made under paragraph (i),

- (k) for the repayment of any [income support] which has been misused or misappropriated, or which has not been accounted for, by an individual described in paragraph (i) and for its recovery, together with interest thereon, as a debt due to the [Committee]].

(2) Any power conferred by this Law to make any Ordinance shall be construed as including a power exercisable in the like manner to vary or repeal the Ordinance.

NOTES

In section 15,

the word omitted in square brackets, wherever occurring, and the words "income support" in square brackets, wherever occurring, were, respectively, repealed and substituted by the Income Support (Guernsey) Law, 2017, section 3, paragraph (b) and paragraph (a), with effect from 6th July, 2018;

paragraph (i), paragraph (j) and paragraph (k) of subsection (1) were inserted by the Social Insurance (Guernsey) (Amendment) Law, 1999, section 26, with effect from 17th August, 1999;

the word in square brackets within paragraph (k) was substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 4, with effect from 1st May, 2016.¹⁸

In its application to the Island of Alderney, section 15 is modified in accordance with the provisions of the Alderney (Application of Legislation) (Income Support) Ordinance, 1971, section 1, First Schedule, with effect from 11th June, 1971.

The following Ordinances have been made under section 15:

*Income Support (Implementation) Ordinance, 1971;
Income Support (Implementation) (Amendment) Ordinance, 1999;
Income Support (Duties of Appointees) Ordinance, 2000;
Income Support (Implementation) (Amendment) (No. 2) Ordinance,
2001;
Income Support (Implementation) (Amendment) Ordinance, 2004;*

Income Support (Implementation) (Amendment) Ordinance, 2005;
Income Support (Implementation) (Amendment) (No. 2) Ordinance,
2005;
Income Support (Implementation) (Amendment) Ordinance, 2007;
Income Support (Implementation) (Amendment) Ordinance, 2012;
Income Support (Implementation) (Amendment) (No. 2) Ordinance,
2012;
Income Support (Implementation) (Amendment) Ordinance, 2013
Income Support (Implementation) (Amendment) Ordinance, 2014;
Income Support (Implementation) (Amendment) Ordinance, 2015;
Social Insurance (Guernsey) Law (Amendment) Ordinance, 2016;
Income Support (Implementation) (Amendment) Ordinance, 2016;
Income Support (Residence Conditions) Ordinance, 2017;
Income Support (Implementation) (Amendment) Ordinance, 2018;
Income Support (Implementation) (Amendment) (No. 2) Ordinance,
2018.

In accordance with the provisions of the Income Support (Guernsey) (Amendment) Law, 2014, section 18, with effect from 1st December, 2014 and for the avoidance of doubt, the Income Support (Implementation) Ordinance, 1971 shall continue in force as if made under sections 3, 15 and 15B of this Law as this Law has effect immediately after the commencement of the 2014 Law.

[Power to amend Part IV by Ordinance.

15A. The States may by Ordinance amend –

- (a) Part IV of this Law, and
- (b) any other Part of this Law where, in the case of that other Part, the amendment is –
 - (i) necessary to give full effect to, or
 - (ii) consequential upon,

any amendment made under paragraph (a).]

NOTE

Section 15A was inserted by the Income Support (Guernsey) (Amendment) Law, 2014, section 12, with effect from 1st December, 2014.

[General provisions as to Ordinances and regulations.]

15B. (1) An Ordinance or regulations under this Law –

- (a) may be amended or repealed by a subsequent Ordinance or subsequent regulations, as the case may be, hereunder,
- (b) may contain such consequential, incidental, supplemental and transitional provision as may appear to be necessary or expedient, and
- (c) shall, in the case of regulations, be laid before a meeting of the States as soon as possible after being made; and if at that or the next meeting the States resolve that the regulations be annulled, the regulations shall cease to have effect but without prejudice to anything done under them or to the making of new regulations.

(2) Any power conferred by this Law to make an Ordinance or regulations may be exercised –

- (a) in relation to all cases to which the power extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified cases or classes of cases,

- (b) so as to make, as respects the cases in relation to which it is exercised –
- (i) the full provision to which the power extends, or any lesser provision (whether by way of exception or otherwise),
 - (ii) the same provision for all cases, or different provision for different cases or classes of cases, or different provision for the same case or class of case for different purposes,
 - (iii) any such provision either unconditionally or subject to any prescribed conditions.]

NOTE

Section 15B was inserted by the Income Support (Guernsey) (Amendment) Law, 2014, section 12, with effect from 1st December, 2014.

Limitation on payment of [income support].

16. A sum shall not be paid on account of [...] [income support] if payment of the sum is not obtained within three months after the date on which it became payable.

NOTE

In section 16, the word omitted in square brackets and the words "income support" in square brackets, wherever occurring (including in the marginal note thereto), were, respectively, repealed and substituted by the Income Support (Guernsey) Law, 2017, section 3, paragraph (b) and paragraph (a), with effect from 6th July, 2018.

[Liability to maintain spouse and children.]

17. (1) For the purposes of this Law a person shall be liable to maintain his spouse and his children.

(2) The reference in subsection (1) to a person's children shall include, where that person is a man, any child of whom he has been adjudged to be the putative father and, where that person is a woman, any illegitimate children of that woman.]

NOTE

Section 17 was substituted by, first (in relation to Guernsey), the Same-Sex Marriage (Consequential and Miscellaneous Amendments and Contrary Provisions) (Guernsey) Ordinance, 2017, section 1, Schedule 1, Part I, paragraph 9(c), with effect from 2nd May, 2017 and, second (in relation to Alderney), by the Same-Sex Marriage (Consequential and Miscellaneous Amendments and Contrary Provisions) (Alderney) Ordinance, 2018, section 1, Schedule 1, Part I, paragraph 9(c), with effect from 14th June, 2018.¹⁹

Recovery of cost of [...] [income support] from persons liable for maintenance.

18. (1) Where [...] [income support] is paid or applied for by reference to the requirements of any person (in this section referred to as "**a beneficiary**"), the [Committee] may apply to the Court for an order under the next succeeding subsection against any other person who is liable to maintain wholly or partly the beneficiary; an order as aforesaid shall not be made by the Court unless the person against whom the order is sought has been served with notice of the [Committee]'s intention to apply for such an order and has had an opportunity of being heard thereon.

(2) On an application under the last foregoing subsection the Court shall have regard to all the circumstances and in particular to the resources of the defendant, and may order the defendant to pay such sum, weekly or otherwise, as the Court may consider appropriate.

(3) For the purposes of the application of the last foregoing subsection to payments in respect of [...] [income support] paid before the application under the provisions of subsection (1) of this section was made, a person shall not be treated as having at the time when that application is heard any greater resources than he had at the time when the [income support] was paid.

(4) Payments under subsection (2) of this section shall be made –

- (a) to the [Committee] in respect of the cost of [...] [income support], whether paid before or after the making of the order, or
- (b) to a beneficiary, or
- (c) to such other person as appears to the Court expedient in the interest of the beneficiary,

or as to part in one such manner and as to part in another, as may be provided by the order.

NOTES

In section 18,

the word omitted in square brackets, wherever occurring, and the words "income support" in square brackets, wherever occurring, (including in the marginal note thereto), were, respectively, repealed and substituted by the Income Support (Guernsey) Law, 2017, section 3, paragraph (b) and paragraph (a), with effect from 6th July, 2018;

the word "Committee" in square brackets, wherever occurring, was substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 4, with effect from 1st May, 2016.²⁰

Affiliation orders.

19. (1) The following provisions of this section shall have effect where [...] [income support] is paid under the provisions of this Law by reference to the requirements of an illegitimate child and the provisions of the last foregoing section shall not apply in relation to the father of the child.

(2) If no affiliation order is in force the [Committee] may within three years from the date of the commencement of the payment of the [income support] make application to the Court for a summons to be served under Article 1 of the Law entitled "Loi relative à l'Entretien des Enfants Illégitimes, 1927" (hereinafter referred to as "**the Illegitimacy Law**")^d.

(3) In any application under the provisions of the last foregoing subsection the Court shall hear such evidence as the [Committee] may produce in addition to the evidence required by the Court under Article 2 of the Illegitimacy Law and shall in all other respects, but subject to the provisions of the next succeeding subsection, proceed as on an application made by the mother under the said Article 1.

(4) An order made under Article 2 of the Illegitimacy Law may, on an application under subsection (2) of this section, be made so as to provide that the payments or a part of the payments to be made thereunder shall, in lieu of being made to the mother or a person appointed to have the custody of the child [or a person having a relevant order], be made to the [Committee] or to such other person as the Court may direct.

(5) On an application by the [Committee] in any proceedings under the said Article 1 brought by the mother of the child an order under the said Article 2 may be made so as to provide as aforesaid.

^d Ordres en Conseil Vol. VIII, p. 130.

(6) An order made under the said Article 2, whether made before or after the commencement of this Law may, on the application of the [Committee], be varied so as to provide as aforesaid; and any order under the said Article 2 which provides as aforesaid may on the application of the mother of the child be varied so as to provide that the payments thereunder shall be made to the mother or a person appointed to have the custody of the child [or a person having a relevant order].

[(7) For the purposes of subsections (4) and (6), "**relevant order**" means an order made under section 17 of the Children (Guernsey and Alderney) Law, 2008.]

NOTES

In section 19,

the word omitted in square brackets, wherever occurring, and the words "income support" in square brackets, wherever occurring, were, respectively, repealed and substituted by the Income Support (Guernsey) Law, 2017, section 3, paragraph (b) and paragraph (a), with effect from 6th July, 2018;

the word "Committee" in square brackets, wherever occurring, was substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 4, with effect from 1st May, 2016;²¹

subsection (7), the words in the first pair of square brackets in subsection (4) and the words in the second pair of square brackets in subsection (6) were inserted by the Children (Consequential Amendments etc.) (Guernsey and Alderney) Ordinance, 2009, section 3, Schedule 1, Part I, respectively paragraph 19(b) and paragraph 19(a), with effect from 4th January, 2010, subject to the savings and transitional provisions in section 4 of, and Schedule 2 to, the 2009 Ordinance.

In its application to the Island of Alderney, section 19 is modified in accordance with the provisions of the Alderney (Application of Legislation) (Income Support) Ordinance, 1971, section 1, First Schedule, with effect from 11th June, 1971.

Duplication with assistance from [Social Security Department].

20. ...

NOTE

Section 20 was repealed by the Income Support (Guernsey) (Amendment) Law, 2014, section 11, with effect from 1st December, 2014.²²

Duplication with Pensions Laws.

21. ...

NOTE

Section 21 was repealed by the Income Support (Guernsey) (Amendment) Law, 2014, section 11, with effect from 1st December, 2014.²³

Recovery in cases of misrepresentation or non-disclosure.

22. [(1)] If, whether fraudulently or otherwise, any person misrepresents or fails to disclose any material fact, and in consequence of the misrepresentation or failure –

- (a) the [Committee] incurs any expenditure under any of the provisions of this Law, or
- (b) any sum recoverable under this Law by the [Committee] is not recovered,

the [Committee] shall be entitled to recover the amount thereof from the said person as a civil debt [or by way of a deduction in accordance with subsection (2)].

[(2)] A deduction under subsection (1) may be made from any

benefit payable under or by virtue of –

- (a) this Law, or
- (b) any other Law under or by virtue of which a benefit or payment administered by [the Committee] is made or available.]

NOTES

In section 22,

subsection (1) was renumbered and subsection (2) was inserted by the Income Support (Guernsey) (Amendment) Law, 2014, section 13, respectively paragraph (a) and paragraph (c), with effect from 1st December, 2014;

the word "Committee" in square brackets, wherever occurring, was substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 4, with effect from 1st May, 2016;²⁴

the words in the fourth pair of square brackets in subsection (1) (as so renumbered) were substituted by the Income Support (Guernsey) (Amendment) Law, 2014, section 13(b), with effect from 1st December, 2014;

the words "the Committee" in square brackets within subsection (2) were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 4, with effect from 1st May, 2016.

Failure to maintain.

23. (1) Where a person persistently refuses or neglects to maintain any person whom he is liable to maintain and in consequence of his refusal or neglect [...] [income support] under the provisions of this Law is paid to any other person, he shall be guilty of an offence.

(2) A person guilty of an offence under this section shall be liable,

on conviction, to a fine not exceeding [level 2 on the uniform scale] or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

NOTES

In section 23,

the word omitted in square brackets, wherever occurring, and the words "income support" in square brackets, wherever occurring, were, respectively, repealed and substituted by the Income Support (Guernsey) Law, 2017, section 3, paragraph (b) and paragraph (a), with effect from 6th July, 2018;

the words in square brackets in subsection (2) were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(5), Schedule, Part I, with effect from 1st July, 1989.

False statements.

24. Any person –

- (a) who, for the purposes of obtaining any [income support] or any other benefit whatsoever under Part II of this Law whether in kind or otherwise, either for himself or for some other person, or for the purposes of avoiding or reducing any liability under this Law, or for any other purpose whatsoever connected with this Law or any Ordinance made thereunder, knowingly makes any false statement or false representation or recklessly makes any statement or representation which is false in a material particular, or
- (b) who fails to disclose, produce, deliver or furnish anything which he is required to disclose, produce, deliver or furnish under the provisions of this Law or of

any Ordinance made thereunder, or

- (c) who fails to comply with any direction or demand given or made under the provisions of this Law or of any Ordinance made thereunder,

shall be guilty of an offence and liable, on conviction, to a fine not exceeding [level 3 on the uniform scale] or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment.

NOTES

In section 24,

the words in the first pair of square brackets were substituted by the Income Support (Guernsey) Law, 2017, section 3(a), with effect from 6th July, 2018;

the words in the second pair of square brackets were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(5), Schedule, Part I, with effect from 1st July, 1989.

Instruments made or issued by the [Committee].

25. (1) Every document purporting to be an instrument made or issued by the [Committee] and to be signed by any person authorised by the [Committee] shall be received in evidence and be deemed to be so made or issued without further proof unless the contrary is shown.

(2) A certificate signed by the [President] of the [Committee] on behalf of the [Committee] that an instrument purporting to be made or issued by it was so made or issued shall be conclusive evidence of that fact.

NOTES

In section 25,

*the word "Committee" in square brackets, wherever occurring, was substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 4, with effect from 1st May, 2016;*²⁵

*the word "President" in square brackets, wherever occurring, was substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 13, with effect from 1st May, 2016.*²⁶

Delegation of functions.

26. Notwithstanding the provisions of this Law, any function conferred on the [Committee] by or under this Law may be exercised by the [President] or any other member of the [Committee] or by the Administrator, if authorised in that behalf by the [Committee].

NOTES

In section 26,

*the word "Committee" in square brackets, wherever occurring, was substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 4, with effect from 1st May, 2016;*²⁷

*the word "President" in square brackets, wherever occurring, was substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 13, with effect from 1st May, 2016.*²⁸

Expenses.

27. Subject to the provisions of this Law, any expense incurred by the [Committee] in carrying out its functions under any of the provisions of this Law shall be paid for out of monies provided by the States.

NOTE

In section 27, the word in square brackets was substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 4, with effect from 1st May, 2016.²⁹

Interpretation.

28. (1) In this Law, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say –

"the Administrator" means the Administrator to the [Committee],

"affiliation order" means an order made under Article 2 of the Illegitimacy Law,

[...]

[...]

"the Court" means the Magistrate's Court constituted under the Magistrate's Court (Guernsey) Law, 1954^f,

["[the Committee]" means the States of Guernsey [Committee for Employment & Social Security],]

"dependant" has the meaning assigned to it by section four of this Law,

"disability" includes mental as well as physical disability,

^f Ordres en Conseil Vol. XVI, p. 103.

["**disabled person**" means someone who has a physical or mental impairment that has a substantial and long term adverse effect on his ability to carry out normal day to day activities,]

"**functions**" includes powers and duties,

"**Guernsey**" includes the Islands of Herm and Jethou,

[...]

"**the Law of 1955**" means the Non-Contributory Pensions (Guernsey) Law, 1955^g,

"**matrimonial order**" means an order for the payment of a weekly sum to an applicant personally or for her use or the use of herself and her children to a third person on her behalf under the provisions of the Law entitled "Loi relative à la Séparation de Mariés en Police Correctionnelle" registered on the twenty-first day of August, nineteen hundred and thirty^h, and includes an order made under Article 43 or Article 47 of the Matrimonial Causes Law (Guernsey) 1939ⁱ, and a separation agreement sanctioned by the Royal Court,

["**pensionable age**" has the same meaning as the expression has for the purposes of the Social Insurance (Guernsey) Law, 1978,]

"**the Pensions Laws**" means the Old Age and Blindness Pensions

^g Ordres en Conseil Vol. XVI, p. 227; Vol. XVIII, p. 85; Vol. XIX, p. 286; Vol. XXI, p. 119; and Recueil d'Ordonnances Tome XV, p. 259.

^h Ordres en Conseil Vol. VIII, p. 452.

ⁱ Ordres en Conseil Vol. XI, p. 318.

(Guernsey) Laws, 1950 and 1951^j,

"the Pensions tribunal" means the tribunal appointed under and by virtue of section eight of the Old Age and Blindness Pensions (Guernsey) Law, 1950,

"prescribed" means prescribed by Ordinance under this Law,

"school-leaving age" means the age below which education is compulsory by law,

[**"uniform scale"** means the uniform scale of fines for the time being in force under the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, and]

"voluntary organisation" means a body the activities of which are carried on otherwise than for profit.

(2) Any reference in this Law to any other enactment shall, except where the context otherwise requires, be construed as including a reference to that enactment as amended, repealed or replaced, extended or applied by or under any other enactment including this Law.

NOTES

In section 28,

the word in square brackets in the definition of the expression "the Administrator" in subsection (1) was substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 4, with effect from 1st May, 2016;³⁰

^j Ordres en Conseil Vol. XIV, p. 214 and Vol. XV, p. 20.

*the words omitted in square brackets, first, immediately after the definition of the expression "affiliation order", second, immediately before the definition of the expression "the Court" and, third, immediately after the definition of the expression "Guernsey" in subsection (1) were repealed by the Income Support (Guernsey) (Amendment) Law, 2014, section 15(a), with effect from 1st December, 2014;*³¹

the definitions of the expressions "the Committee" (originally "the Department"), "disabled person", "pensionable age" and "uniform scale" in subsection (1) were inserted by the Income Support (Guernsey) (Amendment) Law, 2014, section 15, respectively paragraph (b), paragraph (c), paragraph (d) and paragraph (e), with effect from 1st December, 2014;

the words in, first, the first and, second, the second pairs of square brackets within the definition of the expression "the Committee" in subsection (1) were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, respectively section 5(1), Schedule 3, paragraph 4 and section 2, Schedule 1, paragraph 13, with effect from 1st May, 2016.

In its application to the Island of Alderney, section 28 is modified in accordance with the provisions of the Alderney (Application of Legislation) (Income Support) Ordinance, 1971, section 1, First Schedule, with effect from 11th June, 1971.

The functions, rights and liabilities of the Social Security Department and of its Minister or Deputy Minister arising under or by virtue of this Law were transferred to and vested in, respectively, the Committee for Employment & Social Security and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 13, with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.

The Magistrate's Court (Guernsey) Law, 1954 has since been repealed by the Magistrate's Court (Guernsey) Law, 2008, section 46(b), with effect from 1st September, 2009, subject to the savings and transitional provisions in section 47 of the 2008 Law.

The Loi relative à la Séparation de Mariés en Police Correctionnelle, 1930 has since been repealed by the Domestic Proceedings and Magistrate's Court (Guernsey) Law, 1988, section 37, Schedule 2, with effect from 5th December, 1989, subject to the transitional and savings provisions in section 38 of the 1988 Law.

Repeals.

29. The Laws set out in the first column of the First Schedule to this Law are hereby repealed to the extent specified in the second column of that Schedule.

Savings and transitional provisions.

30. This Law shall have effect subject to the savings and transitional provisions contained in the Second Schedule to this Law.

[Citation.]

31. This Law may be cited as the Income Support (Guernsey) Law, 1971.]

NOTE

Section 31 was substituted by the Income Support (Guernsey) Law, 2017, section 2, Schedule 2, paragraph 1, with effect from 6th July, 2018.³²

Commencement.

32. This Law shall come into force on such day as shall be appointed in that behalf by Ordinance of the States.

NOTE

The Law was brought into force on 11th June, 1971 by the Income Support (Guernsey) Law, 1971 (Commencement) Ordinance, 1971, section 1.

FIRST SCHEDULE
LAWS REPEALED

Section twenty-nine

Law	Extent of Repeal
The Non-Contributory Pensions (Guernsey) Law, 1955 ^k .	The whole Law.
The Non-Contributory Pensions (Guernsey) (Amendment) Law, 1959 ^l .	The whole Law.
[...]	[...]
The Non-Contributory Pensions (Amendment) Law, 1967 ⁿ .	The whole Law.

NOTE

In the First Schedule, the words omitted in square brackets in the left and right hand columns were repealed by the Social Insurance (Guernsey) Law, 1978, section 120, Fifth Schedule, with effect from 1st January, 1979.

- ^k Ordres en Conseil Vol. XVI, p. 227.
^l Ordres en Conseil Vol. XVIII, p. 85.
ⁿ Ordres en Conseil Vol. XXI, p. 119.

SECOND SCHEDULE
SAVINGS AND TRANSITIONAL PROVISIONS

Section thirty

1. (1) Notwithstanding the repeal of the Pensions Laws by virtue of the provisions of the Law of 1955 nothing in this Law contained shall, subject to the provisions of the next succeeding sub-paragraph, be taken to affect the operation of the Pensions Laws in relation to any person who at the date of the repeal of those Laws was in receipt of any pension thereunder.

(2) Any person who, but for the repeal of the Pensions Laws, would have had a right of appeal from a decision of the Administrator or of the Pensions Tribunal under the provisions of section eight of the Old Age and Blindness Pensions (Guernsey) Law, 1950, or of any regulations made thereunder shall continue to have such a right save that any appeal from a decision of the Administrator shall be determined by the tribunal appointed under section fourteen of this Law, which tribunal for this purpose shall have all the powers and may perform all the duties of the Pensions Tribunal under the provisions of the Pensions Laws.

2. Any application for assistance under the Law of 1955 which is pending at the commencement of this Law shall be dealt with as if it had been an application for [income support] made under this Law; and any person aggrieved by a decision of the Administrator under this paragraph shall have the like right of appeal as he would have had under section thirteen of the Law of 1955 and paragraph 3 of this Schedule.

3. Any appeal which, but for the operation of this Law, could have been brought against a decision of the Administrator to a tribunal constituted under section thirteen of the Law of 1955 may be brought to a tribunal constituted under section fourteen of this Law.

4. The tribunal constituted immediately before the commencement of this

Law under section thirteen of the Law of 1955 shall be deemed to have been constituted under section fourteen of this Law, but without prejudice to any proceedings pending at the commencement of this Law; and the provisions of any Ordinance or Order of the Royal Court made under the provisions of the Law of 1955 and in force immediately before the commencement of this Law shall have effect as if made under the provisions of this Law until repealed by an Ordinance or Order of the Royal Court, as the case may be, made under the provisions of this Law.

5. In so far as any direction or decision given or any document made or issued or anything done under any of the provisions of the Law of 1955 could have been given or made or issued or done under a corresponding provision of this Law, it shall not be invalidated by the repeal of the Law of 1955 but shall have effect as if given or made or issued or done under that corresponding provision.

6. Where any Law or any document refers, either expressly or by implication, to any of the provisions of the Law of 1955 the reference shall, except where the context otherwise requires, be construed as, or as including, a reference to the corresponding provision of this Law.

7. (1) Subject to the provisions of this Law, any person who, immediately before the day on which this Law comes into force, was in receipt of a pension payable under the Law of 1955 shall, on that day, have that pension converted into [...] [income support] at the same rate.

(2) Any application for a pension under the Law of 1955, including any subsequent declaration of means or other information made by a person to whom the foregoing sub-paragraph applies, shall be treated as if it were an application for [...] [income support] under this Law.

NOTE

In the Second Schedule, the word omitted in square brackets, wherever occurring, and the words "income support" in square brackets, wherever occurring, were, respectively, repealed and substituted by the Income Support (Guernsey) Law, 2017, section 3, paragraph (b) and paragraph (a), with effect from 6th July, 2018.

¹ Prior to this substitution, the Law was titled the "Supplementary Benefit (Guernsey) Law, 1971".

² The reference to section 1 in the Arrangement of Sections was substituted by the Income Support (Guernsey) (Amendment) Law, 2014, section 2(a), with effect from 1st December, 2014.

³ This word was previously substituted by the Income Support (Guernsey) (Amendment) Law, 2014, section 3, with effect from 1st December, 2014.

⁴ This word was previously substituted by the Income Support (Guernsey) (Amendment) Law, 2014, section 3, with effect from 1st December, 2014; and the corresponding substitution of "Committee" in the reference to the cross-heading immediately preceding the reference to section 5 in the Arrangement of Sections was also previously substituted by the Income Support (Guernsey) (Amendment) Law, 2014, section 3, with effect from 1st December, 2014.

⁵ This word was previously substituted by the Income Support (Guernsey) (Amendment) Law, 2014, section 3, with effect from 1st December, 2014.

6 The reference to section 6A in the Arrangement of Sections was inserted by the Income Support (Guernsey) (Amendment) Law, 2014, section 2(c), with effect from 1st December, 2014.

7 The reference to section 6B in the Arrangement of Sections was inserted by the Income Support (Guernsey) (Amendment) Law, 2014, section 2(c), with effect from 1st December, 2014.

8 This word was previously substituted by the Income Support (Guernsey) (Amendment) Law, 2014, section 3, with effect from 1st December, 2014.

9 This word was previously substituted by the Income Support (Guernsey) (Amendment) Law, 2014, section 3, with effect from 1st December, 2014.

10 Prior to their substitution, the words in the first pair of square brackets were amended, in part, by the Social Insurance (Guernsey) Law, 1978, section 120, Fifth Schedule, with effect from 1st January, 1979.

11 This word was previously substituted by the Income Support (Guernsey) (Amendment) Law, 2014, section 3, with effect from 1st December, 2014.

12 This word was previously substituted by the Income Support (Guernsey) (Amendment) Law, 2014, section 3, with effect from 1st December, 2014.

13 The corresponding substitution of "disabled persons" in the reference to section 10 in the Arrangement of Sections was made by the Income Support (Guernsey) (Amendment) Law, 2014, section 2(d), with effect from 1st December, 2014.

14 This word was previously substituted by the Income Support (Guernsey) (Amendment) Law, 2014, section 3, with effect from 1st December, 2014.

15 The corresponding substitution of "disabled persons" in the reference to section 10 in the Arrangement of Sections was made by the Income Support (Guernsey) (Amendment) Law, 2014, section 2(d), with effect from 1st December, 2014.

16 The reference to section 12 in the Arrangement of Sections was repealed by the Income Support (Guernsey) (Amendment) Law, 2014, section 2(b), with effect from 1st December, 2014. Prior to its repeal, section 12 was amended by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989.

17 This word was previously substituted by the Income Support (Guernsey) (Amendment) Law, 2014, section 3, with effect from 1st December, 2014; and the corresponding substitution of "Committee" in the reference to section 13 in the Arrangement of Sections was substituted by the Income Support (Guernsey) (Amendment) Law, 2014, section 3, with effect from 1st December, 2014.

18 This word was previously substituted by the Income Support (Guernsey) (Amendment) Law, 2014, section 3, with effect from 1st December, 2014; and the corresponding substitution of "Committee" in the reference to section 13 in the Arrangement of Sections was substituted by the Income Support (Guernsey)

(Amendment) Law, 2014, section 3, with effect from 1st December, 2014.

19 The corresponding entry in the Arrangement of Sections was amended by, first (in relation to Guernsey), the Same-Sex Marriage (Consequential and Miscellaneous Amendments and Contrary Provisions) (Guernsey) Ordinance, 2017, section 1, Schedule 1, Part I, paragraph 9(a), with effect from 2nd May, 2017 and, second (in relation to Alderney), by the Same-Sex Marriage (Consequential and Miscellaneous Amendments and Contrary Provisions) (Alderney) Ordinance, 2018, section 1, Schedule 1, Part I, paragraph 9(b), with effect from 14th June, 2018.

20 This word was previously substituted by the Income Support (Guernsey) (Amendment) Law, 2014, section 3, with effect from 1st December, 2014; and the corresponding substitution of "Committee" in the reference to section 13 in the Arrangement of Sections was substituted by the Income Support (Guernsey) (Amendment) Law, 2014, section 3, with effect from 1st December, 2014.

21 This word was previously substituted by the Income Support (Guernsey) (Amendment) Law, 2014, section 3, with effect from 1st December, 2014; and the corresponding substitution of "Committee" in the reference to section 13 in the Arrangement of Sections was substituted by the Income Support (Guernsey) (Amendment) Law, 2014, section 3, with effect from 1st December, 2014.

22 The reference to section 20 in the Arrangement of Sections was repealed by the Income Support (Guernsey) (Amendment) Law, 2014, section 2(b), with effect from 1st December, 2014. Prior to its repeal, section 20 was amended by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 22, with effect from 6th May, 2004; the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989; and modified in its application to the Island of Alderney in accordance with the provisions of the Alderney (Application of Legislation) (Income Support) Ordinance, 1971, section 1, First Schedule, with effect from 11th June, 1971.

23 The reference to section 21 in the Arrangement of Sections was repealed by the Income Support (Guernsey) (Amendment) Law, 2014, section 2(b), with effect from 1st December, 2014.

24 This word was previously substituted by the Income Support (Guernsey) (Amendment) Law, 2014, section 3, with effect from 1st December, 2014; and the corresponding substitution of "Committee" in the reference to section 13 in the Arrangement of Sections was substituted by the Income Support (Guernsey) (Amendment) Law, 2014, section 3, with effect from 1st December, 2014.

25 This word was previously substituted by the Income Support (Guernsey) (Amendment) Law, 2014, section 3, with effect from 1st December, 2014; and the corresponding substitution of "Committee" in the reference to section 25 in the Arrangement of Sections was also substituted by the Income Support (Guernsey) (Amendment) Law, 2014, section 3, with effect from 1st December, 2014.

26 This word was previously substituted by the Income Support (Guernsey) (Amendment) Law, 2014, section 14, with effect from 1st December, 2014.

27 This word was previously substituted by the Income Support (Guernsey) (Amendment) Law, 2014, section 3, with effect from 1st December, 2014.

28 This word was previously substituted by the Income Support (Guernsey) (Amendment) Law, 2014, section 14, with effect from 1st December, 2014.

29 This word was previously substituted by the Income Support (Guernsey) (Amendment) Law, 2014, section 3, with effect from 1st December, 2014; and the corresponding substitution of "Committee" in the reference to section 13 in the Arrangement of Sections was substituted by the Income Support (Guernsey) (Amendment) Law, 2014, section 3, with effect from 1st December, 2014.

30 This word was previously substituted by the Income Support (Guernsey) (Amendment) Law, 2014, section 3, with effect from 1st December, 2014; and the corresponding substitution of "Committee" in the reference to section 13 in the Arrangement of Sections was substituted by the Income Support (Guernsey) (Amendment) Law, 2014, section 3, with effect from 1st December, 2014.

31 Prior to this repeal, the words omitted in the square brackets immediately after the definition of the expression "affiliation order" (being the definition of the expression "the Authority") were amended by the Guernsey Social Security Authority (Transfer of Functions) Ordinance, 1993, section 3, Schedule 2, paragraph 2, with effect from 29th September, 1993; the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 26, with effect from 6th May, 2004. The functions of the States Insurance Authority under this Law were transferred to the Guernsey Social Security Authority by the Guernsey Social Security Authority (Transfer of Functions) Ordinance, 1993, section 1, Schedule 1, paragraph 2, with effect from 29th September, 1993, subject to the savings in section 2 of the 1993 Ordinance; and the functions, rights and liabilities of the Social Security Authority and of its President arising under or by virtue of this Law were transferred to and vested in, respectively, the Social Security Department and its Minister by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 26, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.

32 Prior to this substitution, the Law was cited as the Supplementary Benefit (Guernsey) Law, 1971.