

GUERNSEY STATUTORY INSTRUMENT

1977 - NO. 6

The Family Allowances (Appeals and References)
(Guernsey) Regulations, 1977

Made 19th January 1977
Laid before the States
Coming into operation 19th January 1977

THE STATES INSURANCE AUTHORITY, in exercise of the powers conferred upon it by section fourteen of the Family Allowances (Guernsey) Law, 1950, and of all other powers enabling it in that behalf, hereby orders:-

Interpretation

1.(i) In these regulations, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:-

"allowance" means an allowance under the Law;

"appellant" means -

- (a) in relation to an appeal against an award or decision of the Administrator in respect of an allowance, the person by whom the appeal is or has been brought;
- (b) in relation to a reference by the Administrator to the Tribunal under the Law as respects a decision of the Tribunal with respect to a matter which has formed the subject of an appeal to the Tribunal under the Law, the person by whom the appeal was brought or such other person as appears to the Administrator to be interested;

"hearing" means an oral hearing;

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

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"the office of the Authority" means -

- (a) as respects the Islands of Guernsey, Herm and Jethou, the office for the time being of the Authority in Guernsey;
- (b) as respects the Island of Alderney, the States Office, Alderney;

"the Registrar" means the person for the time being appointed by the Authority to perform the duties of Registrar to the Tribunal for the purposes of the Law;

"the Tribunal" means a tribunal appointed under subsection (2) of section five of the Law;

and any other expressions have the same meanings as in the Law.

(2) Except where the context otherwise requires, any reference in these regulations to any enactment shall be construed as including a reference to that enactment as amended, extended, repealed or replaced by or under any other enactment.

(3) The Interpretation (Guernsey) Law, 1948, shall apply to the interpretation of those regulations as it applies to the interpretation of a Guernsey enactment.

Notice of Appeal

2.(1) An appeal against an award or decision of the Administrator in respect of an allowance (including an award or decision as revised by the Administrator) shall be brought by giving notice of appeal at the office of the Authority within twenty-eight days of the date of that award or decision or within such further time as the Chairman of the Tribunal may for good cause allow.

(2) A notice of appeal shall be in writing and shall contain a statement of the grounds upon which the appeal is made.

(3) Following the giving of notice of appeal against an award or decision of the Administrator, the Administrator shall furnish the Registrar with a statement setting out the facts and grounds on which he relies in support

of the award or decision, as the case may be, and a copy of such statement shall be sent by the Registrar to the appellant.

Reference of a decision for reconsideration by the Tribunal

3.(1) Where it appears to the Administrator that a decision of the Tribunal may properly be reconsidered by the Tribunal in pursuance of subsection (7) of section five of the Law, and he desires to refer the decision to the Tribunal for reconsideration, he shall give notice in writing to the Registrar of such his desire, setting out in that notice the facts and considerations which appear to him to justify the reconsideration of the decision.

(2) On receipt of such a notice the Registrar shall send a copy thereof to the appellant with the request that he shall within twenty-one days submit such observations as he may wish to make for the consideration of the Tribunal, and the Registrar shall send a copy of any such observations to the Administrator.

Time and place of hearing before the Tribunal

4.(1) Reasonable notice of the time and place of the hearing before the Tribunal shall be given to the appellant, and to any other person who may appear to the Chairman of the Tribunal to be interested, and, except with the consent of the appellant, the Tribunal shall not proceed with the hearing of any case unless such notice has been given.

(2) If an appellant or other person to whom notice of the hearing has been duly given in accordance with these regulations should fail to appear at such hearing and has not given a reasonable explanation for his absence, the Tribunal may proceed to determine the case notwithstanding the absence of the appellant or that other person, or may give such direction with a view to the determination of the case as it may think proper.

Hearings before the Tribunal

5.(1) The appellant and the Administrator shall be entitled to be heard at the hearing of any case by the Tribunal and any person appearing to the

Tribunal to be interested shall have the right to be present at the hearing of the case.

(2) Any person having the right to be heard who appears at a hearing by the Tribunal may call witnesses and shall be given an opportunity of putting questions directly to any witnesses called at the hearing.

(3) Any person who by virtue of these regulations has the right to be heard at the hearing of a case by the Tribunal may be represented by some other person, whether having professional qualifications or not, and, for the purposes of the proceedings at any such hearing, any such representative shall have all the rights and powers to which the person whom he represents is entitled under these regulations.

(4) For the purpose of arriving at its decision, or discussing any question of procedure, the Tribunal shall, notwithstanding anything in this regulation, order all persons not being members of the Tribunal, other than the Registrar, to withdraw from the sitting of the Tribunal.

Decisions of the Tribunal

6.(1) The Tribunal shall -

- (a) record in writing all its decisions (whether on an appeal or on a reference from the Administrator), and
- (b) include in the record of every decision a statement of the grounds of such decision and of its findings on questions of fact material thereto.

(2) The decision of the majority of the Tribunal shall be the decision of the Tribunal, but, if a decision is not unanimous, a statement that one of the members dissented and the reason given by him for so dissenting shall be recorded by the Tribunal.

(3) As soon as may be practicable after a case has been decided by the Tribunal, a copy of the record of its decision made in accordance with this regulation shall be sent to the appellant and to the Administrator and to any other person who appears to the Tribunal to be interested, and, if the decision of the Tribunal is adverse to the appellant, he shall be informed of

the conditions governing appeals to the Royal Court sitting as an Ordinary Court.

General provision regarding proceedings before the Tribunal

7. Subject to the provisions of these regulations, the procedure in connection with the consideration and determination of any appeal or reference to the Tribunal shall be such as the Chairman of the Tribunal shall determine.

Costs of proceedings

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

Notices

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

Repeal and saving

10.(1) The Family Allowances (Guernsey) (Appeals and References) Regulations, 1950, are hereby repealed.

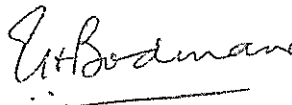
(2) Nothing in this regulation shall effect any appeal or reference pending before the Tribunal immediately before the coming into force of these regulations, and the regulations mentioned in paragraph (1) of this regulation shall continue to apply in relation to any such appeal or reference in all respects as if these regulations had not been made.

Citation and commencement

11.(1) These regulations may be cited as the Family Allowances (Appeals and References) (Guernsey) Regulations, 1977.

(2) These regulations shall come into force on the nineteenth day of January, nineteen hundred and seventy-seven.

Dated this nineteenth day of January, nineteen hundred and seventy-seven.



President of the States Insurance Authority,
for and on behalf of the Authority.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport).

These regulations lay down the procedure to be followed in the case of any appeal to the Family Allowances Tribunal from any award or decision of the Administrator under the Family Allowances (Guernsey) Law, 1950, the time to be allowed for making any such appeal, and the procedure to be followed on any reference by the Administrator to that Tribunal under that Law. They repeal and replace the Family Allowances (Guernsey) (Appeals and References) Regulations, 1950.