

ORDINANCE OF THE STATES OF DELIBERATION

ENTITLED

The Supplementary Benefit (Implementation)

Ordinance, 1971 *

[CONSOLIDATED TEXT]

NOTE

This consolidated version of the enactment incorporates all amendments listed in the footnote below. It has been prepared for the Guernsey Law

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Recueil d'Ordonnances Tome XVII, p. 139; as amended (this Ordinance has, generally, been amended annually since 1971 by since-repealed Supplementary Benefit (Implementation) (Amendment) Ordinances, references to which are not reproduced here) by the Severe Disability Benefit and Carer's Allowance (Guernsey) Law, 2013 (No. IV of 2014); the Supplementary Benefit (Implementation) (Amendment) Ordinance, 1972 (Recueil d'Ordonnances Tome XVIII, p. 119); the Supplementary Benefit (Implementation) (Amendment) Ordinance, 1988 (Recueil d'Ordonnances Tome XXIV, p. 471); the Supplementary Benefit (Implementation) (Amendment) (No. 2) Ordinance, 1988 (Recueil d'Ordonnances Tome XXIV, p. 495); the Supplementary Benefit (Implementation) (Amendment) Ordinance, 1989 (Recueil d'Ordonnances Tome XXV, p. 49); the Guernsey Social Security Authority (Transfer of Functions) Ordinance, 1993 (Recueil d'Ordonnances Vol. XXVI, p. 177); the Supplementary Benefit (Implementation) (Amendment) Ordinance, 2004 (No. XXXV of 2004, Recueil d'Ordonnances Tome XXIX, p. 550); the Supplementary Benefit (Implementation) (Amendment) Ordinance, 2005 (No. VIII of 2005, Recueil d'Ordonnances Tome XXX, p. 21); the Supplementary Benefit (Implementation) (Amendment) (No. 2) Ordinance, 2005 (No. XXV of 2005, Recueil d'Ordonnances Tome XXX, p. 520); the Supplementary Benefit (Implementation) (Amendment) Ordinance, 2006 (No. XLVII of 2006, Recueil d'Ordonnances Tome XXXI, p. 652); the Supplementary Benefit (Implementation) (Amendment) Ordinance, 2007 (No. XLV of 2007, Recueil d'Ordonnances Tome XXXII, p. 640); the Supplementary Benefit (Implementation) (Amendment) Ordinance, 2012 (No. XXVI of 2012); the Supplementary Benefit (Implementation) (Amendment) (No. 2) Ordinance, 2012 (No. XLI of 2012); the Supplementary Benefit (Implementation) (Amendment) Ordinance, 2013 (No. XXXIX of 2013); the Supplementary Benefit (Implementation) (Amendment) Ordinance, 2014 (No. XXV of 2014); the Supplementary Benefit (Implementation) (Amendment) (No. 2) Ordinance, 2014 (No. XLVIII of 2014); the Supplementary Benefit (Implementation) (Amendment) Ordinance, 2015 (No. XLVIII of 2015); the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016 (No. IX of 2016). This Ordinance is applied to the Island of Alderney by the Alderney (Application of Legislation) (Supplementary Benefit) Ordinance, 1971 (Recueil d'Ordonnances Tome XVII, p. 168). This Ordinance is prospectively amended by the Population Management (Guernsey) Law, 2016 (No. VI of 2016); the Social Insurance (Guernsey) Law (Amendment) Ordinance, 2016 (No. ** of 2016); the Supplementary Benefit (Implementation) (Amendment) Ordinance, 2016 (No. ** of 2016).

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ORDINANCE OF THE STATES OF DELIBERATION

ENTITLED

The Supplementary Benefit (Implementation) Ordinance, 1971

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(Made on 11th June, 1971.)

The Supplementary Benefit (Implementation) Ordinance, 1971

THE STATES LEGISLATION COMMITTEE, in exercise of the powers conferred upon them by paragraph (3) of Article sixty-six of the Reform (Guernsey) Law, 1948^a, and by sections three and fifteen of the Supplementary Benefit (Guernsey) Law, 1971^b, and of all other powers enabling them in that behalf, hereby order: –

PART I

AMOUNT OF SUPPLEMENTARY BENEFIT

Determination of amount of supplementary benefit.

1. Subject to the succeeding provisions of this Ordinance, the question of the amount of any supplementary benefit to be paid to an applicant shall be determined by the Administrator on a weekly basis and shall be so determined in accordance with the provisions of the First Schedule to this Ordinance.

NOTES

The Ordinance is applied to the Island of Alderney by the Alderney (Application of Legislation) (Supplementary Benefit) 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 Supplementary Benefit (Guernsey)

^a Ordres en Conseil Vol. XIII, p. 288.

^b Ordres en Conseil No. II of 1971.

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

Adjustment of amount of supplementary benefit.

2. The [Committee] may, notwithstanding the provisions of the last preceding section, direct the Administrator to increase or reduce the amount of any supplementary benefit which would otherwise be payable if the [Committee] is satisfied that such an increase or reduction would be just and equitable in all the circumstances.

NOTE

In section 2, 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, 2016.¹

Minor adjustments.

[3. (1) Where the weekly amount of a supplementary benefit determined in accordance with the provisions of this Ordinance would be less than £1, the supplementary benefit shall not be payable.

(2) ...]

NOTES

Section 3 was substituted by the Supplementary Benefit (Implementation) (Amendment) Ordinance, 1989, section 1(a), with effect from 10th November, 1989.²

In section 3, subsection (2) was repealed by the Supplementary Benefit

(Implementation) (Amendment) Ordinance, 2006, section 1(1), with effect from 5th January, 2007.

Provisional and final decisions of the Administrator.

4. (1) Before deciding any question in pursuance of the provisions of subsection (1) of section three of the Law as to –

- (a) whether an applicant is a person to whom the Law applies,
- (b) whether a person to whom the Law applies is in need of a supplementary benefit, and
- (c) the amount of any such supplementary benefit to be paid to that person,

the Administrator may at any time make a provisional decision in relation to that question if, in his opinion, it is necessary or expedient so to do.

(2) Where the Administrator makes a provisional decision in pursuance of the provisions of the last preceding subsection he shall make a decision in pursuance of the provisions of subsection (1) of section three of the Law (hereinafter referred to as "**a final decision**") in relation to the question to which the provisional decision relates on or before the expiration of the six weeks commencing on the day next following the day on which the provisional decision commenced to have effect.

(3) A provisional decision shall commence to have effect on such date as shall be appointed by the Administrator.

(4) If the Administrator fails to make a final decision in relation to any such question in accordance with the provisions of subsection (2) of this section the provisional decision in relation to that question shall cease to have effect at the expiration of the six weeks commencing on the day next following the day on which that provisional decision commenced to have effect.

(5) A final decision in relation to any such question shall be deemed to have commenced to have had effect on the date on which the provisional decision in relation to that question commenced to have effect.

(6) Where in pursuance of a provisional decision a supplementary benefit is paid to a person the amount of the supplementary benefit so paid shall not exceed the amount which would have been paid if the provisional decision had been a final decision.

(7) Where the amount of a supplementary benefit paid to a person in pursuance of a provisional decision is less than the amount of the supplementary benefit paid to him in pursuance of a final decision or where a supplementary benefit is not paid to a person in pursuance of a provisional decision, there shall be paid to that person as respects the period during which the provisional decision remained effective an amount equal to the difference between the total amount paid to him during that period in pursuance of the provisional decision and the total amount which would have been paid to him if the final decision had been effective during that period or an amount equal to the amount which would have been paid to him if the final decision had been effective during that period, as the case may be.

(8) There shall be no appeal from a provisional decision of the Administrator given under the provisions of subsection (1) of this section.

PART II
ADMINISTRATION OF SUPPLEMENTARY BENEFIT

Applications.

5. (1) Every application shall be made in writing on the form approved by the Administrator and shall be given or sent to the Administrator or to such other person as the Administrator may appoint in that behalf.

[(2) A person shall be treated as having made an application –

- (a) on the date on which the application is received by the Administrator, or such other person under subsection (1), or
- (b) where the Administrator is satisfied that there is good reason for delay in receipt of an application, on such earlier date as the Administrator may determine, not being more than 7 days prior to the date on which the application is received.]

NOTE

In section 5, subsection (2) was substituted by the Supplementary Benefit (Implementation) (Amendment) Ordinance, 2014, section 4, with effect from 1st December, 2014.

Information to be given on application or on change of circumstances.

6. [(1) The Administrator may, by notice in writing served on an applicant, require him to provide, or produce to, the Administrator –

- (a) at such times or intervals, at such place and in respect of such periods as may be specified in the notice, with such information as the Administrator may reasonably require for the performance of his functions, and
- (b) within such time and at such place as may be specified in the notice, such documents or documents of such description as may be so specified, being documents reasonably required by the Administrator for the performance of his functions,

and the applicant shall comply with the requirements of any such notice.]

(2) Every applicant shall comply with any directions which may be given by the Administrator as to reporting to him any change of circumstances affecting that applicant's need of a supplementary benefit or the amount thereof.

(3) Every applicant shall furnish to the Administrator at least once in every year and oftener if the Administrator requires, in the form approved by the Administrator, a declaration of his means declaring in particular whether –

- (a) there has been any change in his means,
- (b) the spouse of that applicant is alive and is living with him and whether there has been any change in the means of that spouse, and
- (c) there has been any change in the means of any dependant of that applicant,

since a supplementary benefit was first granted to that applicant or since a declaration was last made by him under this section, as the case may be.

(4) The [Committee] may from time to time authorise any person to exercise any of the powers conferred upon the Administrator by this section.

NOTES

In section 6,

subsection (1) was substituted by the Supplementary Benefit (Implementation) (Amendment) Ordinance, 2007, section 1(2), with effect from 11th January, 2008;

the word in 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

Effective date of decision.

7. Subject to the provisions of section four of this Ordinance, a decision shall have effect from the date specified in the notice of decision relating thereto and may be reviewed at any time save that –

- (a) no decision on an application shall have effect from a date earlier than the date on which the applicant is treated in accordance with subsection (2) of section five of this Ordinance as having made the application,
- (b) the decision of the tribunal on an appeal against a decision of the Administrator shall not take effect earlier than the earliest date on which the decision which is the subject of appeal could have been made to take effect.

Notice of decision of the Administrator.

8. Notice of the decision of the Administrator shall be given in writing to the person to whom the decision relates:

Provided that where the decision is on an application which is made in person, notice thereof need not be given in writing unless the applicant so requests.

Orders for payment.

9. (1) Orders issued by the [Committee] to enable a person to obtain payment of a supplementary benefit shall remain the property of the [Committee].

(2) Any person having such an order as aforesaid shall, on ceasing to be entitled to the receipt of a supplementary benefit to which the order relates, or when so required by the Administrator, deliver the order to the Administrator or to such person as he may direct.

NOTE

In section 9, 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, 2016.⁴

PART III

APPEALS

Appointment of Registrar.

10. The [Committee] shall appoint a Registrar and one or more deputy Registrars who shall perform such duties in connection with appeals to which this Ordinance refers as the [Committee] may direct subject to the provisions of this

Ordinance.

NOTE

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, 2016.⁵

Convening of the tribunal.

11. (1) Where notice of appeal has been given in accordance with the provisions of the Law and of this Ordinance, the Registrar shall, if a tribunal has been appointed by the Court with authority to determine such appeal, convene that tribunal for the determination of that appeal; if there is no such tribunal, or if the tribunal is unwilling to determine such appeal, the Registrar shall so inform Her Majesty's Procureur who shall apply to the Court to appoint a tribunal for the determination of that appeal, and on such appointment being made the Registrar shall convene that tribunal for the determination of that appeal.

(2) Different tribunals may be convened for deciding in accordance with the provisions of this Ordinance whether notice of appeal given after the expiration of the period prescribed by this Ordinance shall be entertained, and for determining the appeal.

Notice of appeal.

12. (1) Notice of appeal under subsection (1) of section fourteen of the Law by any person who is aggrieved by a decision of the Administrator shall be in writing in the form set out in the Second Schedule to this Ordinance, shall contain a statement of the facts and contentions upon which the appellant relies in support of his appeal and there shall be attached thereto a copy of the Administrator's decision to which such appeal relates.

(2) Such notice shall be sent to the Registrar within twenty-eight days after the date of the notice of the decision, provided that notice sent after the expiry of that period may, with the consent of the tribunal, be accepted.

(3) The Registrar shall furnish a copy of such notice to the Administrator and within seven days thereafter the Administrator shall send to the Registrar a statement setting out the facts and grounds on which he relies in support of the decision and a copy of such statement shall be sent by the Registrar to the appellant.

(4) Such notice may be withdrawn at any time by sending to the Registrar a notice of withdrawal in writing, and the Registrar shall thereupon send notice thereof to the Administrator.

Further particulars.

13. The tribunal may at any time require the appellant or the Administrator to furnish it with further particulars in writing and within such time as it may direct with regard to any appeal, and may at any stage of the proceedings allow the amendment of any notice of appeal, statement or particulars and extend the time for furnishing any statement or particulars.

Notice of hearing.

14. The Chairman shall as soon as may be practicable fix a date and place for the hearing, and the Registrar shall send not less than seven days' notice thereof to the Administrator and to the appellant.

Procedure at hearing.

15. (1) The Registrar shall be present at all sittings of the tribunal and the appellant[...] may be accompanied by another person, and the Administrator

shall be entitled to be present during the hearing:

Provided that for the purpose of discussing its decision on any matter the tribunal may order all persons, not being members of the tribunal or the Registrar, to withdraw from the sitting of the tribunal.

(2) The appellant shall be entitled to be heard at the hearing, either personally or through a member of his family, an advocate of the Court or, with the consent of the tribunal, any other person.

(3) The Administrator shall be entitled to be heard at the hearing, either personally or by Her Majesty's Procureur or such other person as the Administrator may appoint for the purpose.

(4) The Administrator and the appellant shall, subject to any legal objection, submit to be examined by the tribunal on oath or affirmation in relation to the matters in dispute and shall, subject as aforesaid, produce before the tribunal all books, deeds, papers, accounts, writings and documents within their possession or power respectively which may be required or called for, and do all other things which during the proceedings on the appeal the tribunal may require.

(5) The tribunal may adjourn the hearing from time to time as it may think fit.

(6) The tribunal may, if it thinks fit, admit any duly authenticated written statement or other material as prima facie evidence of any fact or facts in any case in which it thinks it just and proper so to do.

(7) The tribunal may, if it thinks fit, call for such documents and examine such witnesses, on oath, affirmation or otherwise, as appear to it likely to

afford evidence relevant and material to the issue although not tendered by either the appellant or the Administrator.

(8) The Chairman or any party to any appeal may cause a summons to be served on any person, in the same manner as a summons may be served upon any person in respect of a civil action in the Magistrate's Court, summoning that person to attend any hearing by the tribunal for the purposes of giving evidence or of producing any document, and a person so summoned shall be under a like obligation as to the giving of any evidence and the production of any document as if he were so summoned in respect of a civil action before the said Court.

(9) If, after notice of the hearing has been duly given, the appellant or the Administrator fails to appear at the hearing, the tribunal may proceed to determine the matter as to which appeal is made notwithstanding the absence of both or either of them, or may give such directions with a view to the determination of the appeal as it thinks just and proper.

NOTES

In section 15, the words omitted in square brackets in subsection (1) were repealed by the Supplementary Benefit (Implementation) (Amendment) Ordinance, 2014, section 5, with effect from 1st December, 2014.

In its application to the Island of Alderney, subsection (2) and subsection (8) of section 15 are modified in accordance with the provisions of the Alderney (Application of Legislation) (Supplementary Benefit) Ordinance, 1971, section 1, First Schedule, with effect from 11th June, 1971.

Decision of the tribunal.

16. The decision on any matter of the majority of the tribunal shall be the decision of the tribunal and the decision of the tribunal shall be in writing and

signed by the Chairman and shall be sent by the Registrar as soon as may be practicable to the Administrator and to the appellant; the Chairman may correct in any decision of the tribunal any clerical error or mistake arising from any accidental slip or omission.

General provisions as to proceedings before the tribunal.

17. Subject to the provisions of the Law and of this Ordinance, the procedure on any matter shall be such as the Chairman of the tribunal may determine.

References by the tribunal to the Court.

18. (1) If, at the hearing of any appeal under the provisions of subsection (1) of section fourteen of the Law, the tribunal decides that a question of law has arisen in connection with the determination of such appeal which it ought properly to refer to the Court for decision under subsection (2) of that section, it may refer such question to the Court in the manner prescribed by Order of the Court and the Chairman shall announce such decision of the tribunal to the appellant and to the Administrator, if either of them is present at the hearing, whereupon he shall forthwith adjourn the hearing.

(2) In the case of a decision by the tribunal being made in respect of any appeal under the last preceding subsection, the Registrar shall in every case notify in writing the Administrator and the appellant of the decision.

(3) Where the tribunal has decided to refer a question of law to the Court, no further hearings of the appeal to which that question relates shall take place until the Court has notified the tribunal of its decision on that question, unless the Court shall request the tribunal to continue such hearing.

Reopening of hearing by the tribunal.

19. The Chairman shall, as soon as may be after the receipt by him of the notification of a decision by the Court on a question of law referred to the Court, reopen the hearing of the appeal to which the decision relates, and the tribunal shall proceed to determine the appeal in accordance with the provisions of the Law and of this Ordinance.

Costs of proceedings.

20. (1) The costs of any appeal shall be in the discretion of the tribunal, who may direct to and by whom and in what manner those costs or any part thereof shall be paid, and may determine the amount of costs to be so paid or any part thereof.

(2) In determining the amount of costs to be paid under the provisions of the last preceding subsection the tribunal may include in such amount such portion of the fee of an advocate employed for the purposes of the appeal by the person to whom the costs are directed to be paid as is in the opinion of the tribunal reasonable.

Disqualification of persons sitting on the tribunal.

21. A person shall not sit as a member of the tribunal during the consideration of a matter –

- (a) in which he appears as a representative of or accompanies the appellant, or
- (b) by which he is or may be affected,

and it is hereby declared that should any person so sit, the proceedings of the tribunal on the consideration of that matter shall be null and void.

Authentication of copies of decisions of the Administrator and the tribunal.

22. (1) A copy of a decision of the Administrator shall be authenticated by the signature of an officer of the [Committee], and a copy purporting to be signed by such officer shall, unless the contrary is proved, be deemed to be so signed.

(2) A copy of the decision of the tribunal on any appeal under section fourteen of the Law shall be authenticated by the signature of the Chairman and a copy purporting to be so signed shall, unless the contrary is proved, be deemed to be so signed.

NOTE

In section 22, the word in square brackets 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, 2016.⁶

PART IV

GENERAL AND SUPPLEMENTAL PROVISIONS

Suspension of payment of a supplementary benefit for non-compliance with this Ordinance.

23. Where an applicant refuses or neglects without reasonable cause to comply with any of the provisions of Part II of this Ordinance, the Administrator may suspend the payment of a supplementary benefit[, or reduce the amount of a supplementary benefit payable,] to that applicant during the continuance of such refusal or neglect and the decision of the Administrator to that effect shall be notified in writing by the Administrator to that applicant.

NOTE

In section 23, the words in square brackets were inserted by the Supplementary Benefit (Implementation) (Amendment) Ordinance, 2014, section 6, with effect from 1st December, 2014.

Persons unable to act.

24. (1) In the case of any person who is, or who is alleged to be, in need of a supplementary benefit under the Law, or by whom or on whose behalf, an application has been made, and who is unable for the time being to act, where no guardian has been appointed, the Administrator may, upon written request being made to him, appoint a person to exercise on behalf of the person who is unable to act any right to which that person may be entitled under the Law and to receive and deal with any sums payable or assistance given in kind under the provisions of Part II of the Law to or by such person save that –

- (a) any such appointment by the Administrator shall terminate immediately on his being notified that a guardian has been so appointed,
- (b) a person who has not attained the age of twenty years shall not be capable of being appointed to act under this section,
- (c) the Administrator may at any time in his absolute discretion revoke any appointment made under this section, and
- (d) any person appointed under this section may, on giving the Administrator one month's notice in writing

of his intention so to do resign his office.

(2) Anything required by this Ordinance to be done by or to any such person as aforesaid who is unable to act may be done by or to the guardian, if any, or by or to the person appointed under this section to act on his behalf, and the receipt of any person appointed under this section shall be a good discharge to the [Committee] for any sum paid, notwithstanding that such person has not attained the age of twenty years.

NOTE

In section 24, the word in square brackets in subsection (2) 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, 2016.⁷

[[Suspension or reduction of payment of a supplementary benefit in respect of a relevant applicant.]]

24A. [(1) For the purposes of this section –

a "**dependant**" has the same meaning in relation to a relevant applicant as it does in relation to an applicant under section 4 of the Law,

"**full-time remunerative work**" has the same meaning as it has for the purposes of section 1 of the Law,

a "**relevant applicant**" means an applicant who –

- (a) in the case of a person who has not attained pensionable age –

- (i) is able to undertake full-time remunerative work, or
 - (ii) has a relevant dependant, and
- (b) in the case of a person who has attained pensionable age, has a relevant dependant,

a **"relevant dependant"** means a dependant who –

- (a) has not attained pensionable age, but who is over school leaving age and no longer in full-time education, and
- (b) who is able to undertake full-time remunerative work, and

"work requirements" has the same meaning as it has for the purposes of section 1 of the Law.]

(2) The Administrator may –

- (a) suspend the payment of a supplementary benefit to a relevant applicant, for such period not exceeding ten weeks [as the Administrator may determine],
- (b) reduce the amount of a supplementary benefit payable to a relevant applicant, by such amount and for such period as the Administrator may determine, or

- (c) both [so] suspend and reduce the payment and amount of a supplementary benefit payable to a relevant applicant,

in any of the circumstances described in subsection (3).

- (3) The circumstances for the purposes of subsection (2) are –

- (a) that the relevant applicant[, or a relevant dependant of that applicant,] has –

- (i) lost his employment through his misconduct, or

- (ii) voluntarily left his employment without just cause,

- (b) that after a situation in any suitable employment has been notified to [the relevant applicant, or a relevant dependant of that applicant,] as vacant or about to become vacant, he has –

- (i) without good cause refused or failed to apply for that situation, or

- (ii) refused to accept that situation when offered to him,

- (c) that [the relevant applicant, or a relevant dependant of that applicant,] has neglected to avail himself of a reasonable opportunity of suitable employment,

- (d) that [the relevant applicant, or a relevant dependant of that applicant,] has without good cause refused or failed to carry out any recommendations given to him in writing by an officer of, or other person acting on behalf of, [the Committee] with a view to assisting him to find suitable employment, being recommendations which were reasonable having regard to his circumstances, [...]
- (e) that [the relevant applicant, or a relevant dependant of that applicant,] has without good cause refused or failed to avail himself of a reasonable opportunity of receiving training approved by the Administrator in his case for the purpose of becoming or keeping fit for entry into, or return to, regular employment: provided always that employment shall not be deemed to be employment suitable in the case of any person if it is employment in a situation vacant in consequence of a stoppage of work due to a trade dispute[, or]
- [(f) that the relevant applicant, or a relevant dependant of that applicant, has without good cause failed to act in compliance with work requirements relating to him.]

(4) In addition, or as an alternative, to the exercise of his powers under subsection (2), the Administrator may –

- (a) reduce the amount of a supplementary benefit payable to a relevant applicant who has lost his employment by

reason of a stoppage of work due to a trade dispute at his place of employment, for such period as the Administrator may determine, but in so doing the Administrator may continue to take into account the needs of the dependants of that applicant, or

(b) in the particular circumstances of any relevant applicant –

(i) impose such reasonable conditions concerning the payment, or the amount, of a supplementary benefit payable to that applicant, as may seem to the Administrator to be warranted by those circumstances, where it appears to him reasonably necessary for the purpose of preventing inequality or injustice to the general body of employed persons, and

(ii) on the breach whereof, he may suspend or reduce the payment or amount of a supplementary benefit for such period, not exceeding ten weeks, as he may determine.]

NOTE

Section 24A was inserted by the Supplementary Benefit (Implementation) (Amendment) Ordinance, 2005, section 1, with effect from 30th June, 2005.

In section 24A,

first, the marginal note thereto, second, the corresponding entry in the arrangement of sections, third, subsection (1), fourth, the words in square brackets in paragraph (b) of subsection (2), fifth, the words in

square brackets in paragraph (c), paragraph (d) and paragraph (e) of subsection (3), sixth, the punctuation and word in square brackets at the end of paragraph (e) of subsection (3) were substituted and, seventh, the words in square brackets in paragraph (a) of subsection (2), eighth, the words in square brackets in paragraph (c) of subsection (2), ninth, the words in square brackets in paragraph (a) of subsection (3), tenth, paragraph (f) of subsection (3) were inserted and, eleventh, the word omitted in square brackets at the end of paragraph (d) of subsection (3) was revoked by the Supplementary Benefit (Implementation) (Amendment) Ordinance, 2014, respectively, section 7(a), section 2, section 7(b), section 7(e), section 7(f), section 7(h), section 7(c)(i), section 7(c)(ii), section 7(d), section 7(i) and section 7(g), with effect from 1st December, 2014;

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.

Service of notices.

25. Any notice or other document required or authorised to be given or sent to any person or to the [Committee] or to the Administrator under the provisions of this Ordinance shall be deemed to have been given or sent if it was sent by post, in the case of any person, to that person at his ordinary or last known address, or, in the case of the [Committee] or the Administrator, to the office of the [Committee].

NOTE

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, 2016.⁸

Interpretation.

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

"advocate" means Advocate of the Court,

"application" means an application for a supplementary benefit,

"applicant" means a person who has made an application and includes a person in receipt of supplementary benefit,

["approved pension or retirement scheme" means –

- (a) a pension scheme,
- (b) a retirement annuity scheme, or
- (c) a retirement annuity trust scheme,

which is approved for the purposes of Part XIII of the Income Tax (Guernsey) Law, 1975,]

"the Chairman" means the Chairman of the tribunal and includes the Deputy Chairman of the tribunal,

"the Court" means the Royal Court,

"decision" means a decision of the Administrator or of the tribunal, as the case may be, with respect to any of the matters mentioned in subsection (1) of section fourteen of the Law and includes a decision on review,

"hearing" means oral hearing,

"Her Majesty's Procureur" includes Her Majesty's Comptroller,

"the Law" means the Supplementary Benefit (Guernsey) Law, 1971,

"nursing home" has the same meaning as in section 18(1) of the Nursing Homes and Residential Homes (Guernsey) Law, 1976,]

[...]

"the Registrar" means the Registrar of Appeals appointed in accordance with the provisions of this Ordinance and includes a Deputy Registrar so appointed,

"relevant allowance" means a residence order allowance or adoption allowance paid under any scheme for payment of such allowance approved by the States of Guernsey [Committee for Health & Social Care],]

"residential home" has the same meaning as in section 18(1) of the Nursing Homes and Residential Homes (Guernsey) Law, 1976,]

"shared accommodation" means a dwelling where the householder does not enjoy the exclusive occupation of, or right to use, any bathroom, kitchen or washing facilities which are associated with the dwelling in question,]

"the tribunal" means the tribunal appointed in accordance with the provisions of section fourteen of the Law,

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

(2) For the purposes of this Ordinance, a person shall be treated as a husband or a wife only where he or she is a member of the same household as his wife or her husband, and the expression "**husband and wife**" shall be construed accordingly.

(3) Any reference in this Ordinance 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 Ordinance.

NOTES

In section 26,

the definition of the expression "approved pension or retirement scheme" in subsection (1) was inserted by the Supplementary Benefit (Implementation) (Amendment) Ordinance, 2015, section 1(2), with effect from 8th January, 2016;

the definitions of the expressions "nursing home" and "residential home" in subsection (1) were inserted by the Supplementary Benefit (Implementation) (Amendment) (No. 2) Ordinance, 1988, respectively section 1(a)(i) and section 1(a)(ii), with effect from 18th November, 1988;

the words omitted in square brackets in subsection (1) were repealed by the Supplementary Benefit (Implementation) (Amendment) Ordinance, 1972, section 2, with effect from 28th June, 1972;

the definition of the expression "relevant allowance" in subsection (1) was inserted by the Supplementary Benefit (Implementation) (Amendment) Ordinance, 2012, section 1, with effect from 1st July 2012;

the words in square brackets within the definition of the expression "relevant allowance" in subsection (1) were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 5, with effect from 1st May, 2016;

the definition of the expression "shared accommodation" in subsection (1) was inserted by the Supplementary Benefit (Implementation)

(Amendment) (No. 2) Ordinance, 2012, section 1, with effect from 4th January, 2013.

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

The functions, rights and liabilities of the Health and Social Services Department and of its Minister or Deputy Minister arising under or by virtue of this Ordinance were transferred to and vested in, respectively, the Committee for Health & Social Care and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 5, with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.

Repeals.

27. The Ordinances set out in the Third Schedule to this Ordinance are hereby repealed.

Extent.

28. This Ordinance shall have effect in the Islands of Guernsey, Herm and Jethou.

Citation.

29. This Ordinance may be cited as the Supplementary Benefit (Implementation) Ordinance, 1971.

Commencement.

30. This Ordinance shall come into force on the eleventh day of June, nineteen hundred and seventy-one.

[FIRST SCHEDULE

Section one

PART I

GENERAL PROVISIONS RELATING TO CALCULATION OF
SUPPLEMENTARY BENEFIT

Amount of supplementary benefit and calculation of requirements and resources.

1. Subject to the following provisions of this Part of this Schedule, the amount of supplementary benefit to which a person is entitled shall be the amount by which his resources fall short of his requirements, and for the purpose of ascertaining that amount –

(a) the weekly requirements of any person shall be taken to be the aggregate of such of the amounts specified in Part II of this Schedule as are applicable to his case, provided that the weekly requirements of a person –

(i) [...] whose capital resources (after allowing for any disregard under paragraph 10(1)) exceed £20,000, or

(ii) ...

shall be nil, and

(b) the resources of any person shall be calculated in accordance with Part III of this Schedule.

Aggregation of requirements and resources.

2. (1) [Subject to subparagraph (3), where] a husband and wife are members of the same household their requirements and resources shall be aggregated and similarly as regards two persons cohabiting as man and wife.

(2) Where a person has to provide for the requirements of another person (not falling within subparagraph (1)) who is a member of the same household, his requirements shall be taken to include the requirements of that other person, and in that case their resources shall be aggregated[, except where that other person is a person in respect of whom a relevant allowance is payable].

[(3) For the purposes of subparagraph (1) the requirements and resources of a husband and wife, and two persons usually cohabiting as man and wife, shall nonetheless be aggregated where they are not members of the same household if the sole or main reason, for them not being, or not being regarded as being, members of the same household is the qualifying reason.

(4) For the purposes of subparagraph (3), the "**qualifying reason**" is –

(a) where the husband or wife or one of the persons, as the case may be –

(i) has been admitted to, and

(ii) is residing in, for the purposes of receipt of long-term care,

a residential home, a nursing home or the Guernsey Cheshire Home, and

(b) the Administrator considers that, in the circumstances

of the particular case, it is just and equitable for the requirements and resources to be aggregated.]

Limitation on amount of supplementary benefit payable.

3. (1) The sum of a supplementary benefit payable in any week to or in respect of a person and of any other income, if any, received by or in respect of that person in that week shall not exceed the limit of weekly income set out in subparagraph (2) and, where the sum of the said supplementary benefit and the said income (if any) in any week exceeds the said limit of weekly income, the Administrator shall reduce the amount of the supplementary benefit which would otherwise be payable, by an amount equal to that by which the said limit of weekly income is exceeded.

(2) For the purposes of subparagraph (1) the limit of the weekly income –

(a) of a person whose requirements are in accordance with paragraphs 5 or 8 shall be the amount specified in the first column of Table 1,

(b) of a person who is residing in a residential home shall be –

(i) where that person is entitled to benefit, or would be so entitled if he made a claim under, the Long-term Care Insurance (Guernsey) Law, 2002, the amount of the requirements specified in paragraph 7(1), or

(ii) where that person is not entitled to benefit, for reason other than failure to make a claim,

under the Long-term Care Insurance (Guernsey) Law, 2002, the sum of the amounts specified in the second and fourth columns of Table 1,

(c) of a person who is residing in a hospital, a nursing home or the Guernsey Cheshire Home as a patient shall be –

(i) where that person is entitled to benefit, or would be so entitled if he made a claim, under the Long-term Care Insurance (Guernsey) Law, 2002, the amount of the requirements specified in paragraph 7(1), or

(ii) where that person is not entitled to benefit, for reason other than failure to make a claim, under the Long-term Care Insurance (Guernsey) Law, 2002, the sum of the amounts specified in the third and fourth columns of Table 1[,

(d) of a person whose requirements are in accordance with paragraph 7A shall be the amount specified in the fifth column of Table 1.]

(3) There shall be disregarded for the purposes of this paragraph –

(a) any form of income mentioned in paragraphs 11, 13 or 14,

(b) ...

(c) any allowance payable under the Family Allowances (Guernsey) Law, 1950.

(4) The provisions of paragraph (3) shall apply in like manner to the aggregation of the income of persons who are members of the same household.

PART II CALCULATION OF REQUIREMENTS

Application of paragraphs 5 and 6.

4. (1) Subject to sub-paragraph (2), the amounts specified in paragraphs 5 and 6 are not applicable to persons falling within any of paragraphs 7, 8 or 9.

(2) Where one only of the persons falling within paragraph 2(1) falls within paragraph 7 or 9, sub-paragraph (1) shall not exclude the application of the amounts specified in paragraphs 5 and 6 to the other.

Normal requirements.

5. (1) The requirements of persons who are continuously in need of a supplementary benefit for a period of less than 6 months shall be, in respect of the description of persons set out in the first column of Table 2, the amount specified in the second column of Table 2.

[(2) The requirements of persons to whom a supplementary benefit has been payable for a continuous period of 6 months or more shall be, in respect of the description of persons set out in the first column of Table 3 –

- (a) the amount specified in the second column of Table 3,
or
- (b) where those persons qualify for supplementary benefit
by virtue of [sections 1(1)(a) and (b)(ii)] of the Law –
 - (i) the amount specified in the second column of
Table 2, or
 - (ii) where the Administrator considers it just in the
circumstances of the particular case, the
amount specified in the second column of
Table 3.]

(3) For the purposes of reckoning any continuous period of 6 months for the purposes of subparagraph (2), any period in the aggregate not exceeding 28 days, during which a supplementary benefit has not been payable, shall be disregarded.

(4) Where a claimant's resources are such that –

- (a) no supplementary benefit is payable to him, but
- (b) if he had been in receipt of a supplementary benefit for a continuous period of 6 months, a supplementary benefit would now be payable to him at the long-term rate under subparagraph (2),

the Administrator may, if he considers it just in the circumstances of the particular case, deem the claimant to be a person to whom a supplementary benefit has been

payable for a continuous period of 6 months.

Rent.

6. (1) [Subject to subparagraph (3), the] amounts applicable under paragraph 5 shall be increased as follows –

(a) where the person applying for or in receipt of a supplementary benefit or a person whose requirements are aggregated with his under paragraph 2(1) is a householder, by –

(i) the amount of the net rent payable, or

(ii) such lesser amount as may be thought reasonable by the Administrator having regard to the circumstances of that person and the nature and standard of the accommodation concerned (and for the avoidance of doubt, and without limitation, the Administrator may consult the Rent Officer (within the meaning of the Rent Control (Guernsey) Law, 1976) in relation to the level of rent charged for the accommodation), and

(b) [in any other case, such amount (if any) not exceeding £15 as the Administrator may determine as reasonable having regard to the circumstances of the applicant and the householder of whose household the applicant is a member.]

(2) In this paragraph the expression "**rent**" means –

- (a) the weekly rent, or a proportion thereof, appropriate to a week, excluding arrears thereof, and
- (b) the weekly proportion of outgoings borne by the householder including, in particular, rates and taxes, a reasonable allowance as determined by the Administrator towards any necessary expenditure on repairs or insurance, and such portion as is for the time being attributable to interest in respect of a charge on the dwelling in which the householder resides, or on any interest therein,

and the expression "**net rent**" means the rent less any proceeds of sub-letting any part of the premises in respect of which the said rent is paid or the outgoings incurred[: provided that both the expressions "**rent**" and "**net rent**" exclude rent payable by a householder in occupation of a dwelling inscribed in Part A of the Housing Register maintained by the States [Committee for Employment & Social Security] under the Housing (Control of Occupation) (Guernsey) Law, 1994].

[(3) The amount of any increase under this paragraph shall not, in respect of –

- (a) a single person or couple with no dependent children,
or
- (b) any person living in shared accommodation,

exceed the maximum amount of rent for a person falling within those categories, or

descriptions, of persons as determined under subparagraph (4).

- (4) The amount for the purposes of subparagraph (3) shall be –
 - (a) such amount as may be determined from time to time by –
 - (i) the Guernsey Housing Association, or
 - (ii) the States of Guernsey [Committee for Employment & Social Security],as the case may be, or
- (b) such other amount as the Administrator may, if he considers it just in the circumstances of the particular case, determine.]

Persons in hospital, nursing home or residential home.

7. (1) The requirements of a person who is residing in a residential home, a nursing home or the Guernsey Cheshire Home and who is entitled to benefit, or would be so entitled if he made a claim, under the Long-term Care Insurance (Guernsey) Law, 2002 shall be the sum of –

- (a) a personal allowance of the amount specified in the fourth column of Table 1, and
- (b) such co-payment by way of contribution as the States may, from time to time, by Ordinance specify under section 5 of that Law.

(2) The requirements of a person who is residing in a residential home, a hospital or a nursing home as a patient, or the Guernsey Cheshire Home and who is not entitled to benefit, for reason other than failure to make a claim, under the Long-term Care Insurance (Guernsey) Law, 2002 shall be such amount, if any, as may seem reasonable in the circumstances.

[Persons in a hospital or care home in the UK.]

7A. The requirements of a person who, following referral by the States of Guernsey [Committee for Health & Social Care], is residing in a hospital, care home or other institution in the United Kingdom, shall be a personal allowance of the amount specified in the fifth column of Table 1.]

Persons paying for board and lodging.

8. The requirements of a person who is paying an inclusive charge for board and lodging shall be such amount as may be appropriate, not being less than the amount which would be applicable under paragraph 5.

Persons in legal custody.

9. The requirements of a person in prison or otherwise detained in legal custody shall be nil except for any amount applicable by virtue of paragraph 2.

PART III

CALCULATION OF RESOURCES

Disregard of capital value of dwelling.

10. (1) In taking into account the value to any person of an interest in the dwelling in which he resides, any sum which might be obtained by him by selling that interest or borrowing money upon the security thereof shall be disregarded.

(2) In taking into account the value to any person entitled to benefit, or who would be so entitled if he made a claim, under the Long-term Care Insurance (Guernsey) Law, 2002, of any interest in a dwelling –

- (a) which he occupied as his principal private residence immediately before becoming a resident of any residential home, nursing home or the Guernsey Cheshire Home, and
- (b) in which he no longer resides,

any sum which might be obtained by him by selling that interest or borrowing money upon the security thereof shall be disregarded.

Resources wholly disregarded.

11. There shall be wholly disregarded –

- (a) any sums payable to any person as holder of the Victoria Cross or of the George Cross,
- (b) any grant by the [Committee for Education, Sport & Culture] in respect of a person who would be treated as a child for the purposes of the Family Allowances (Guernsey) Law, 1950,
- (c) the cash value of any free board or free lodging or both which a person may enjoy, not being board or lodging or both which that person is enjoying under and in pursuance of a contract of service,

- (d) any [severe disability benefit] granted under the [Severe Disability Benefit and Carer's Allowance (Guernsey) Law, 1984],
- (e) any payment made by a third party to a residential home, a nursing home or the Guernsey Cheshire Home on behalf of a person residing in the home in respect of the home's fees to the extent that such payment would otherwise cause that person's income to exceed the limit for the time being prescribed by paragraph 3(2),
- (f) any fostering allowance, other than the contractual element, paid by the [Committee for Health & Social Care][,
- (g) any relevant allowance,]
- [(h) any sum payable under the terms and conditions of the employment initiative operated by the [Committee] and known as the "Back to work bonus", [...]
- (i) any compensation payment made under the *ex gratia* payment scheme administered by the Skipton Fund Limited for the benefit of certain persons suffering from hepatitis C and other persons eligible for payment in accordance with the scheme's provisions[, and]]

- [(j) the weekly earnings of any person who would be treated as a child for the purposes of the Family Allowances (Guernsey) Law, 1950.]

12. Capital resources which consist of –

- (a) business premises or stock in trade, or both, which are wholly or partly used as the means of livelihood, other than by way of unearned income, or
- (b) an interest in an asset which cannot reasonably be converted into a sum of money by selling that interest or borrowing money upon the security thereof[, or
- (c) any sum payable under a whole life insurance policy upon the death of the policy holder where, in the Administrator's opinion, the value of the policy is commensurate with the cost of a funeral,]

may be disregarded for such period as the Administrator in his discretion so directs.

13. If the value of the capital resources taken into account would not exceed £5,000 pounds they shall be wholly disregarded together with any income therefrom.

Calculation of income from capital resources.

14. The capital resources taken into account, together with any income derived therefrom, shall be treated as equivalent to a weekly income, so far as their value exceeds £5,000, of 15 pence for each complete £25.

Earnings.

15. (1) The weekly earnings of any person shall be taken to be his net weekly earnings reduced by [£30] [...].

(2) Subject to the provisions of sub-paragraph (4), for the purposes of this Schedule, a person's net weekly earnings shall be the net remuneration or profit, calculated on a weekly basis, derived by him from any occupation and, in particular, in so far as the earnings consist of salary or wages, there shall be deducted –

- (a) any sum the deduction of which from salary or wages is authorised by any enactment for the time being in force,
- (b) any expenses reasonably incurred by him in connection with his employment[,]
- [(c) any contribution made, or premium paid, by him to an approved pension or retirement scheme –
 - (i) which is deductible for the purposes of computing income, or
 - (ii) in respect of which a claimant is entitled to a retirement annuity allowance,

under the Income Tax (Guernsey) Law, 1975.]

(3) For the purposes of this Schedule, there shall be included in a

person's net weekly earnings –

- (a) the cash value of any board or lodging or both which he is enjoying under and in pursuance of a contract of service,
- (b) any [carer's allowance] payable in accordance with the [Severe Disability Benefit and Carer's Allowance (Guernsey) Law, 1984],
- (c) the contractual element of any fostering allowance paid by the [Committee for Health & Social Care].

(4) Where a person's earnings for any week are not immediately ascertainable, sub-paragraph (2) shall not apply and his net weekly earnings for that week shall be calculated or estimated in such manner and on such basis as the Administrator considers appropriate, having regard to all the circumstances of the case.

Disregard of £20 a week on certain payments.

16. There shall be disregarded £20 a week of the income consisting of any one or more of the following, that is to say –

- (a) any payments in respect of (and including any payment in respect of a dependant's allowance attached to any of the following payments or pensions) –
 - (i) wounds pensions granted to members of the naval, military or air forces of the Crown,

- (ii) retired pay of disabled commissioned officers granted on account of medical unfitness attributable to or aggravated by naval, military or air force service,
 - (iii) disablement or disability pensions granted to members, other than commissioned officers, of the naval, military or air forces of the Crown on account of medical unfitness attributable to or aggravated by naval, military or air force service,
 - (iv) disablement pensions granted to persons who have been employed in the nursing services of any of the naval, military or air forces of the Crown on account of medical unfitness attributable to or aggravated by naval, military or air force service,
- (b) any industrial disablement benefit granted under the Social Insurance (Guernsey) Law, 1964.

Disregard of £10 a week of other income.

17. (1) There shall be disregarded, subject to sub-paragraph (2), £10 a week of the income taken into account except so far as it consists of any earnings or of any of the following, that is to say –

- (a) any weekly benefit, other than industrial disablement benefit, payable under [the Social Insurance (Guernsey) Law, 1978],

- (b) any weekly benefit payable under the social insurance legislation of any country, other than Guernsey,
- (c) any maintenance payable to a woman in respect of either herself or a child by her husband or a former husband,
- (d) any payment by a man in respect of a child of whom he is the putative father and any payment by that man to the mother of that child,
- (e) any allowance payable under the Family Allowances (Guernsey) Law, 1950.

(2) Where any amount is disregarded under paragraph 16 then, if that amount equals £20 a week no further amount shall be disregarded under this paragraph and, if it is less than £20 a week, the amount disregarded under this paragraph shall not, together with that amount, exceed £20 a week.

Resources [...] abandoned.

18. If a person has –

- (a) deprived himself of any resources, or
- (b) neglected to claim, waived or abandoned any right or benefit to which he is or may be entitled[...]

[and the effect of the deprivation, neglect, waiver or abandonment, as the case may be, is to secure a supplementary benefit or increase] the amount thereof, those

resources and that right or benefit may be taken into account as if they were still his or he were in receipt of any sum of money due under or pursuant to or representing that right or benefit.

Attribution of assets.

19. (1) Subject to the following provisions of this paragraph, a person shall be deemed for the purpose of this Schedule to own an asset if he is absolutely entitled in possession to the whole beneficial interest therein and not otherwise.

(2) Where two or more persons are beneficially entitled in possession to any asset they shall be treated for the purposes of this Schedule as if each of them were entitled in possession to the whole beneficial interest in an equal share in the asset unless it appears that their respective beneficial interests are not equal; and in that case they shall be treated as respectively entitled in possession to the whole beneficial interest in such shares as appear to be just.

Interpretation.

20. For the purposes of this Schedule, a reference to a numbered Table is a reference to the relevant Table set out in the appendix to this Schedule.

APPENDIX

[Table 1

(Paragraph 3)

Limitation of weekly benefit payable as from the week commencing 8th January
2016

<i>Community</i>	<i>Residential</i>	<i>Nursing</i>	<i>Personal</i>	<i>UK Personal</i>
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Consolidated text

	<i>Home</i>	<i>Home, etc</i>	<i>Allowance</i>	<i>Allowance</i>
£609.00	£531.00	£761.00	£30.37	£51.16

Table 2

(Paragraph 5(1))

Short-term Weekly Requirements as from week commencing 8th January 2016

<i>Description</i>	<i>Amount</i>
Husband and wife or other persons falling within paragraph 2(1) (" Couple ")	£202.42
Person not falling within paragraph 2(1) who is directly responsible for household necessities and rent (if any) (" Single householder ")	£140.58
Person who is not a householder (" Non-householder ") –	
Aged 18 years or over,	£107.02

Consolidated text

Aged 16 years but less than 18,	£72.82
---------------------------------	--------

Member of a household –	
Aged 18 years or over,	£107.02
Aged 16 years but less than 18,	£90.87
Aged 12 years but less than 16,	£56.29
Aged 5 years but less than 12,	£40.88
Aged less than 5 years	£29.77

Table 3

(Paragraph 5(2))

Long-term Weekly Requirements as from week commencing 8th January 2016

<i>Description</i>	<i>Amount</i>
Husband and wife or other persons falling within	

paragraph 2(1) (" Couple ")	£249.75
Person not falling within paragraph 2(1) who is directly responsible for household necessities and rent (if any) (" Single householder ")	£172.79
Person who is not a householder (" Non-householder ") –	
Aged 18 years or over,	£134.13
Aged 16 years but less than 18	£72.82
Member of a household –	
Aged 18 years or over,	£134.13
Aged 16 years but less than 18,	£113.61
Aged 12 years but less than 16,	£70.29

Aged 5 years but less than 12,	£50.96
Aged less than 5 years	£37.56
	1
	1

NOTES

The First Schedule was substituted by the Supplementary Benefit (Implementation) (Amendment) Ordinance, 2004, section 1, with effect from 7th January, 2005.⁹

In the First Schedule,

the words omitted in square brackets in sub-paragraph (a)(i) of paragraph 1 were repealed by the Supplementary Benefit (Implementation) (Amendment) Ordinance, 2006, section 1(2), with effect from 5th January, 2007;

first, item (ii) of sub-paragraph (a) of paragraph 1 was repealed, second, the words in square brackets in sub-paragraph (1) of paragraph 2 were substituted, third, sub-paragraph (3) and sub-paragraph (4) thereof were inserted, fourth, the words, figures, parentheses and letters in square brackets in sub-paragraph (2)(b) of paragraph 5 were substituted, fifth, the word omitted in square brackets at the end of item (h) of paragraph 11 was repealed, sixth, the punctuation and word in square brackets at the end of item (i) of paragraph 11 were substituted, seventh, item (j) of paragraph 11 was inserted and, eighth, the words in square brackets in paragraph 17 were substituted by the Supplementary Benefit (Implementation) (Amendment) Ordinance, 2014, section 8, respectively paragraph (a), paragraph (b)(i), paragraph (b)(ii), paragraph (c), paragraph (d)(i), paragraph (d)(ii), paragraph (d)(iii) and paragraph (e) with effect from 1st December, 2014;

first, the words in square brackets in sub-paragraph (2) of paragraph 2 and, second, sub-paragraph (g) of paragraph 11 and the punctuation immediately after sub-paragraph (f) thereof were inserted by the Supplementary Benefit (Implementation) (Amendment) Ordinance, 2012, respectively section 2(a) and section 2(b), with effect from 1st July, 2012;

first, sub-paragraph (2)(d) of paragraph 3, and the punctuation

immediately after sub-paragraph (2)(c)(ii) thereof, were inserted, second, sub-paragraph (3)(b) of paragraph 3 was repealed, third, sub-paragraph (2) of paragraph 5 was substituted, fourth, paragraph 7A was inserted, fifth, sub-paragraph (c) of paragraph 12, and the punctuation and word immediately after sub-paragraph (b) thereof, were inserted and, sixth, the words omitted in the second pair of square brackets in sub-paragraph (1) of paragraph 15 were repealed by the Supplementary Benefit (Implementation) (Amendment) Ordinance, 2007, section 1, respectively subsection (3), subsection (4), subsection (5), subsection (6), subsection (7) and subsection (8), with effect from 11th January, 2008;

the words in square brackets in sub-paragraph (1) of paragraph 6 were substituted, and sub-paragraph (3) and sub-paragraph (4) thereof were inserted, by the Supplementary Benefit (Implementation) (Amendment) (No. 2) Ordinance, 2012, section 2, respectively paragraph (a) and paragraph (b), with effect from 4th January, 2013;

the words "Committee for Employment & Social Security" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 7(a), with effect from 1st May, 2016;

first, the words in square brackets in sub-paragraph (1)(b) of paragraph 6 and, second, the symbol and figures in the first pair of square brackets in sub-paragraph (1) of paragraph 15 were substituted by the Supplementary Benefit (Implementation) (Amendment) (No. 2) Ordinance, 2005, section 1, respectively paragraph (a) and paragraph (b), with effect from 6th January, 2006;

first, the proviso to sub-paragraph (2) of paragraph 6 and, second, sub-paragraph (h) and sub-paragraph (i) of paragraph 11 were inserted, third, the word omitted in square brackets in the heading to paragraph 18 was repealed, fourth, the punctuation omitted in the first pair of square brackets therein was repealed and, fifth, the words in the second pair of square brackets therein were substituted by the Supplementary Benefit (Implementation) (Amendment) Ordinance, 2013, section 1, respectively paragraph (a), paragraph (b), paragraph (c)(i), paragraph (c)(ii) and paragraph (c)(iii), with effect from 10th January, 2014;

the words "Committee for Health & Social Care" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 5, with effect from 1st May, 2016;

the words "Committee for Education, Sport & Culture" in square brackets in sub-paragraph (b) of paragraph 11 were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 3, with effect from 1st May, 2016;

the words in, first, the first and second pairs of square brackets in sub-paragraph (d) of paragraph 11 and, second, the first and second pairs of square brackets in sub-paragraph (3)(b) of paragraph 15 were substituted by the Severe Disability Benefit and Carer's Allowance (Guernsey) Law, 2013, respectively section 3(a)(i), section 1(2), First Schedule, paragraph 1, section 3(a)(ii) and section 1(2), First Schedule, paragraph 1, with effect from 1st May, 2014;

the word in square brackets within sub-paragraph (h) of paragraph 11 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;¹⁰

first, the punctuation in square brackets in sub-paragraph (2)(b) of paragraph 15 was substituted, second, sub-paragraph (2)(c) was inserted and, third, the numbered Tables set out in the Appendix thereto were substituted by the Supplementary Benefit (Implementation) (Amendment) Ordinance, 2015, respectively section 1(3)(a)(i), section 1(3)(a)(ii) and section 1(3)(b), Schedule, with effect from 8th January, 2016.¹¹

The functions, rights and liabilities of the Housing Department and of its Minister or Deputy Minister arising under or by virtue of this Ordinance 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 7(a), with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.

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

The Social Insurance (Guernsey) Law, 1964 has since been repealed by the Social Insurance (Guernsey) Law, 1978, section 118, Fourth Schedule, Part I, with effect from 1st January, 1979, subject to the transitional provisions and savings in section 119 of, and Part II of the Fourth Schedule to, the 1978 Law.

SECOND SCHEDULE Section twelve
THE SUPPLEMENTARY BENEFIT (GUERNSEY) LAW, 1971

Notice of appeal to the tribunal

To the Registrar of Appeals,
[States of Guernsey,
[Committee for Employment & Social Security],]
St. Peter Port,
Guernsey.

I, _____ of _____
_____, being aggrieved by a decision of the
Administrator given on the _____ day of _____, 19____, under the
Supplementary Benefit (Guernsey) Law, 1971, hereby give notice of appeal against
that decision. The facts and contentions upon which I rely in support of my appeal
are set forth in the particulars hereto attached.

In support of this appeal the following documents are, sent herewith –

(Insert list of all documents sent with this notice)

Dated this _____ day of _____, 19____.

Signature

Appellant

Appellant's Particulars

N.B. The particulars furnished on this form and all other information which may be sent to the tribunal by or on behalf of an appellant in connection with his or her appeal will be disclosed to the Administrator. A copy of the Administrator's decision must be furnished.

NOTES

In the Second Schedule,

the words in square brackets were substituted by the Supplementary Benefit (Implementation) (Amendment) Ordinance, 2014, section 9, with effect from 1st December, 2014;

the words in square brackets within the square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 13, with effect from 1st May, 2016.

In its application to the Island of Alderney, the Second Schedule is modified in accordance with the provisions of the Alderney (Application of Legislation) (Supplementary Benefit) 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 Ordinance 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.

THIRD SCHEDULE
ORDINANCES REPEALED

Section twenty-seven

The Non-Contributory Pensions (Implementation) Ordinance, 1955^e.

The Non-Contributory Pensions (Implementation) (Amendment) Ordinance, 1959^f.

The Non-Contributory Pensions (Implementation) (Amendment) (No. 2) Ordinance, 1960^g.

The Non-Contributory Pensions (Implementation) (Amendment) (No. 2) Ordinance, 1969^h.

The Non-Contributory Pensions (Implementation) (Amendment) Ordinance, 1970ⁱ.

¹ This word was previously substituted by the Supplementary Benefit

^e Recueil d'Ordonnances Tome XI, p. 129.

^f Recueil d'Ordonnances Tome XII, p. 191.

^g Recueil d'Ordonnances Tome XII, p. 386.

^h No. XIII of 1969.

ⁱ No. XXXI of 1970.

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

² Section 3 was previously substituted by the Supplementary Benefit (Implementation) (Amendment) Ordinance, 1988, section 1(a), with effect from 11th November, 1988.

³ This word was previously substituted by the Supplementary Benefit (Implementation) (Amendment) Ordinance, 2014, section 3, with effect from 1st December, 2014.

⁴ This word was previously substituted by the Supplementary Benefit (Implementation) (Amendment) Ordinance, 2014, section 3, with effect from 1st December, 2014.

⁵ This word was previously substituted by the Supplementary Benefit (Implementation) (Amendment) Ordinance, 2014, section 3, with effect from 1st December, 2014.

⁶ This word was previously substituted by the Supplementary Benefit (Implementation) (Amendment) Ordinance, 2014, section 3, with effect from 1st December, 2014.

⁷ This word was previously substituted by the Supplementary Benefit (Implementation) (Amendment) Ordinance, 2014, section 3, with effect from 1st December, 2014.

⁸ This word was previously substituted by the Supplementary Benefit (Implementation) (Amendment) Ordinance, 2014, section 3, with effect from 1st December, 2014.

⁹ Prior to its substitution, the First Schedule was amended by the following: the Supplementary Benefit (Implementation) (Amendment) Ordinance, 1971, section 1, with effect from 10th September, 1971; the Supplementary Benefit (Implementation) (Amendment) Ordinance, 1972, section 1, with effect from 28th June, 1972; the Supplementary Benefit (Implementation) (Amendment) (No. 2) Ordinance, 1972, section 1, with effect from 13th October, 1972; the Supplementary Benefit (Implementation) (Amendment) (No. 2) Ordinance, 1973, section 1, with effect from 9th November, 1973; the Supplementary Benefit (Implementation) (Amendment) Ordinance, 1974, section 1, with effect from 29th March, 1973; the Supplementary Benefit (Implementation) (Amendment) (No. 2) Ordinance, 1974, section 1, with effect from 8th November, 1974; the Supplementary Benefit (Implementation) (Amendment) Ordinance, 1975, section 1, with effect from 23rd May, 1975; the Supplementary Benefit (Implementation) (Amendment) (No. 2) Ordinance, 1975, section 1, with effect from 7th November, 1975; the Supplementary Benefit (Implementation) (Amendment) Ordinance, 1976, section 1, with effect from 11th June, 1976; the Supplementary Benefit (Implementation) (Amendment) (No. 2) Ordinance, 1976, section 1, with effect from 5th November, 1976; the Supplementary Benefit (Implementation)

(Amendment) Ordinance, 1977, section 1, with effect from 27th May, 1977; the Supplementary Benefit (Implementation) (Amendment) (No. 2) Ordinance, 1977, section 1, with effect from 25th November, 1977; the Supplementary Benefit (Implementation) (Amendment) Ordinance, 1978, section 1, with effect from 24th November, 1978; the Supplementary Benefit (Implementation) (Amendment) Ordinance, 1979, section 1, with effect from 23rd November, 1979; the Supplementary Benefit (Implementation) (Amendment) Ordinance, 1980, section 1, with effect from 21st November, 1980; the Supplementary Benefit (Implementation) (Amendment) Ordinance, 1981, section 1, with effect from 20th November, 1981; the Supplementary Benefit (Implementation) (Amendment) Ordinance, 1982, section 1, with effect from 19th November, 1982; the Supplementary Benefit (Implementation) (Amendment) Ordinance, 1983, section 1, with effect from 18th November, 1983; the Supplementary Benefit (Implementation) (Amendment) Ordinance, 1984, section 1, with effect from 16th November, 1984; the Supplementary Benefit (Implementation) (Amendment) Ordinance, 1985, section 1, with effect from 15th November, 1985; the Supplementary Benefit (Implementation) (Amendment) (No. 2) Ordinance, 1985, section 1, with effect from 6th January, 1986; the Supplementary Benefit (Implementation) (Amendment) Ordinance, 1986, section 1, with effect from 14th November, 1986; the Supplementary Benefit (Implementation) (Amendment) Ordinance, 1987, section 1, with effect from 13th November, 1987; the Supplementary Benefit (Implementation) (Amendment) Ordinance, 1988, section 1(b) and (c), with effect from 11th November, 1988; and the Supplementary Benefit (Implementation) (Amendment) (No. 2) Ordinance, 1988, section 1(b) and (c), with effect from 18th November, 1988; the Supplementary Benefit (Implementation) (Amendment) Ordinance, 1989, section 1, with effect from 10th November, 1989; the Supplementary Benefit (Implementation) (Amendment) Ordinance, 1990, section 1, with effect from 9th November, 1990; the Supplementary Benefit (Implementation) (Amendment) Ordinance, 1991, section 1, with effect from 8th November, 1991; the Supplementary Benefit (Implementation) (Amendment) Ordinance, 1992, section 1, with effect from 6th November, 1992; the Supplementary Benefit (Implementation) (Amendment) Ordinance, 1993, section 1, with effect from 5th November, 1993; the Supplementary Benefit (Implementation) (Amendment) Ordinance, 1994, section 1, with effect from 11th November, 1994; the Supplementary Benefit (Implementation) (Amendment) Ordinance, 1995, section 1, with effect from 10th November, 1995; the Supplementary Benefit (Implementation) (Amendment) Ordinance, 1996, section 1, with effect from 10th January, 1997; the Supplementary Benefit (Implementation) (Amendment) Ordinance, 1997, section 1, with effect from 9th January, 1998; the Supplementary Benefit (Implementation) (Amendment) Ordinance, 1998, section 1, with effect from 8th January, 1999; the Supplementary Benefit (Implementation) (Amendment) Ordinance, 1999, section 1, with effect from 30th June, 1999; the Supplementary Benefit (Implementation) (Amendment) (No. 2) Ordinance, 1999, section 1, with effect from 7th January, 2000; the Supplementary Benefit

(Implementation) (Amendment) Ordinance, 2000, section 1, with effect from 2nd June, 2000; the Supplementary Benefit (Implementation) (Amendment) (No. 2) Ordinance, 2000, section 1, with effect from 5th January, 2001; the Supplementary Benefit (Implementation) (Amendment) Ordinance, 2001, section 1, Schedule, with effect from 28th September 2001; the Supplementary Benefit (Implementation) (Amendment) (No. 2) Ordinance, 2001, section 1, with effect from 11th January, 2002; the Supplementary Benefit (Implementation) (Amendment) Ordinance, 2002, section 1, with effect from 10th January, 2003; the Supplementary Benefit (Implementation) (Amendment) Ordinance, 2003, section 1, with effect from 7th April 2003; the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraphs 8 and 13, with effect from 6th May, 2004; the Supplementary Benefit (Implementation) (Amendment) (No. 2) Ordinance, 2003, section 1, with effect from 9th January, 2004.

¹⁰ This word was previously substituted by the Supplementary Benefit (Implementation) (Amendment) Ordinance, 2014, section 3, with effect from 1st December, 2014.

¹¹ The numbered Tables set out in the Appendix to the First Schedule were previously substituted by: the Supplementary Benefit (Implementation) (Amendment) (No. 2) Ordinance, 2005, section 1(c), with effect from 6th January, 2006; the Supplementary Benefit (Implementation) (Amendment) Ordinance, 2006, section 1(3), with effect from 5th January, 2007; the Supplementary Benefit (Implementation) (Amendment) Ordinance, 2007, section 1(9), Schedule, with effect from 11th January, 2008; the Supplementary Benefit (Implementation) (Amendment) Ordinance, 2008, section 1, Schedule, with effect from 9th January, 2009; the Supplementary Benefit (Implementation) (Amendment) Ordinance, 2009, section 1, Schedule, with effect from 8th January, 2010; the Supplementary Benefit (Implementation) (Amendment) Ordinance, 2010, section 1, Schedule, with effect from 7th January, 2011; the Supplementary Benefit (Implementation) (Amendment) Ordinance, 2011, section 1, Schedule, with effect from 6th January, 2012; the Supplementary Benefit (Implementation) (Amendment) Ordinance, 2012, section 2(c), Schedule, with effect from 4th January, 2013; the Supplementary Benefit (Implementation) (Amendment) Ordinance, 2013, section 1(d), Schedule, with effect from 10th January, 2014; the Supplementary Benefit (Implementation) (Amendment) (No. 2) Ordinance, 2014, section 1, Schedule, with effect from 9th January, 2015.