FAMILY ALLOWANCES

1954 No. 863

The Family Allowances (Jersey Reciprocal Arrangements) Regulations, 1954

Made - - - -	*23rd June*, 1954
Laid before Parliament	*30th June*, 1954
Coming into Operation	*6th July*, 1954

The Minister of Pensions and National Insurance, acting in conjunction with the Treasury, in exercise of the powers conferred by Section 25 of the Family Allowances Act, 1945(a), and of all other powers enabling him in that behalf, hereby makes the following regulations:—

1.—(1) These regulations may be cited as the Family Allowances (Jersey Reciprocal Arrangements) Regulations, 1954, and shall come into operation on the 6th July, 1954.

(2) Words and expressions in these regulations shall have the same meanings as in the Memorandum of Reciprocal Arrangements set out in the Schedule hereto.

(3) References in these regulations to any enactment shall include references to such enactment as amended by any subsequent enactment, order or regulations.

(4) The Interpretation Act, 1889(b), applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

2. The provisions contained in the Memorandum of Reciprocal Arrangements set out in the Schedule hereto shall have full force and effect so far as the same relate to Great Britain, and the Family Allowances Acts 1945 and 1952(c) shall have effect subject to such modifications and adaptations of the provisions thereof as may be requisite for giving effect to the provisions contained in the said Memorandum or in consequence thereof.

3. The Minister of Pensions and National Insurance, with the consent of the Treasury, may make such financial adjustments as he and the Insular Insurance Committee with the consent of the States of Jersey may agree to be necessary in consequence of the provisions contained in the said Memorandum.

Dated this 21st day of June, 1954.

Osbert Peake,
Minister of Pensions and National Insurance.

Dated this 23rd day of June, 1954.

Hendrie D. Oakshott,
Martin Redmayne,
Two of the Lords Commissioners of Her Majesty's Treasury.

(a) 8 & 9 Geo. 6. c. 41. (b) 52 & 53 Vict. c. 63.
(c) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 29.

SCHEDULE

MEMORANDUM OF RECIPROCAL ARRANGEMENTS relating to Family Allowances made between the Minister of Pensions and National Insurance, with the consent of the Treasury, of the one part, and the Insular Insurance Committee, with the consent of the States of Jersey, of the other part.

1.—(1) In this Memorandum, unless the context otherwise requires—

"country" means Great Britain or Jersey as the case may require;

"the Great Britain Acts" means the Family Allowances Acts, 1945 and 1952 and the regulations made thereunder;

"the Jersey Law" means the Family Allowances (Jersey) Law, 1951 and the orders made thereunder;

"the Law" means the Great Britain Acts or the Jersey Law as the case may require;

"the Insurance Acts" means, in the case of Great Britain, the National Insurance Act, 1946 and, in the case of Jersey, the Insular Insurance (Jersey) Law, 1950;

"the appropriate authority" means, in the case of Great Britain, the Minister of Pensions and National Insurance and, in the case of Jersey, the States of Jersey Insular Insurance Committee;

"allowance" means a family allowance under the Great Britain Acts or the Jersey Law as the case may require;

"person entitled to an allowance" means a person to whom an allowance belongs (or, where an order has been made under sub-section (3) of section 4 of the Family Allowances Act, 1945, or a direction has been given under paragraph (3) of Article 7 of the Jersey Law, the person by whom sums on account of the allowance are receivable) and includes, where that person is for the time being absent from both countries, his agent appointed under the Great Britain Acts or the Jersey Law.

(2) References in this Memorandum to any enactment, order or regulation shall include references to such enactment, order or regulations as amended or extended by any subsequent enactment, order or regulations.

2. The arrangements set out in this Memorandum shall apply for the purposes of all or any of the provisions of the scheme of family allowances in force in Great Britain or Jersey, as the case may be, and shall have effect from the 6th July, 1954.

3. For the purposes of all or any of the provisions of the Great Britain Acts and the Jersey Law—

(1) (*a*) residence or presence in one country shall be treated as residence or presence in the other country;

(*b*) temporary absence from one country shall be treated as temporary absence from the other country;

(*c*) an allowance paid in one country shall be treated as an allowance paid in the other country;

(2) a person who would be treated as a member of the Forces or as a merchant seaman under the Law of one country shall be treated as a member of the Forces or as a merchant seaman, as the case may be, for the purposes of the Law of the other country;

(3) a man, woman or child whose place of birth is in the United Kingdom shall be treated for the purposes of the Jersey Law as a person born in Jersey, and a man, woman or child whose place of birth is in Jersey shall be treated for the purposes of the Great Britain Acts as a person born in the United Kingdom;

(4) a person in one country who would be treated as undergoing full-time instruction in a school under the Law of that country shall be treated as undergoing full-time instruction in a school for the purposes of the Law of the other country;

(5) a child who would be treated as the legitimate issue of any person by reason of his adoption for the purposes of the Law of one country, shall be treated as the legitimate issue of that person for the purposes of the Law of the other country;

(6) a child who, by reason of his having been removed from the control of his parents, would be excluded from any family under the Law of one country shall be so excluded for the purposes of the Law of the other country.

4. Subject to the provisions of the scheme of family allowances in each country as modified by this Memorandum—

(1) where a person entitled to an allowance which is in payment under the Law of one country in respect of a child as being included in a family, goes to the other country, allowances in respect of that family (and in the case of a husband and wife living together, the family of the survivor of them) shall, for a period of six months from the date of that person's arrival in the other country, be payable under the Law of the first mentioned country only;

(2) subject to the provisions of paragraph (1) of this article an allowance payable under the Law of one country shall, whilst the person entitled to the allowance is present in the other country, be payable only under the Law of the other country;

(3) a claim for an allowance shall be made to the appropriate authority for the country in which the person entitled to the allowance is present, and a claim for an allowance under the Law of one country may be treated as a claim for an allowance under the Law of the other country.

5. Nothing in the preceding article shall disentitle a person to be paid an allowance under the Great Britain Acts or the Jersey Law, as the case may be, if he is entitled to that allowance otherwise than by virtue of these arrangements.

6.—(1) Notwithstanding anything in this Memorandum, where by reason of a child being treated as included in a family, an allowance has been paid for any period under the Law of one country, no allowance other than that mentioned in paragraph (2) of this article shall (whether such payment was made directly under the Law of that country or under that Law by virtue of these arrangements) be payable for that period under the Law of the other country by reason of the child being treated as included in that or any other family.

(2) So long as the rate of an allowance under the Law of one country exceeds the rate of an allowance under the Law of the other country, where an allowance at the higher rate under the Law of the first mentioned country would be payable in respect of a child as being included in a family under paragraph (1) or (2) of article 4 or under article 5 of this Memorandum, and an allowance under the Law of the other country has been paid for any week in respect of any such child, then an allowance under the Law of the first mentioned country shall be payable for that week at a rate not exceeding the difference between the respective rates of allowance under the Law of that country and the Law of the other country.

7. A child in respect of whom a Guardian's Allowance is payable under the Insurance Acts in force in one country shall be treated for the purposes of the Law of the other country as a child in respect of whom a Guardian's Allowance is payable under the Insurance Acts in force in that other country.

8. Where a person is entitled to Death Benefit under the National Insurance (Industrial Injuries) Act, 1946 in respect of a child of his family and by virtue of sub-section (2) of section 30 of that Act the allowances payable for that family under the Great Britain Acts are such only as would be payable if that child was not included in the family, that child shall not be included in the family for the purposes of the Jersey Law.

9. Where a child could otherwise be treated as included at the same time in one family under the Great Britain Acts and in another family under the Jersey Law (either as modified by these arrangements or otherwise) that child shall then be treated as included in one of those families to the exclusion of the other as may be agreed between the persons in whose families that child could be treated as included, or, in default of agreement, as the appropriate authorities may by agreement between them determine.

10. The appropriate authorities may make such financial and administrative arrangements as may appear to them to be necessary for the purpose of giving effect to these arrangements.

11. These arrangements shall remain in force for a period of one year from the date from which they have effect. Thereafter they shall continue in force from year to year unless notice of termination is given in writing by either party at least six months before the expiry of any such yearly period.

Given under the official seal of the Minister of Pensions and National Insurance this 13th day of May, 1954.

(L.S.) *Osbert Peake,*
Minister of Pensions and National Insurance.

We consent

Martin Redmayne,
Hendrie D. Oakshott,
Two of the Lords Commissioners of Her Majesty's Treasury.

Signed on behalf of the Insular Insurance Committee this 4th day of May, 1954, and authorised by Act of the States of Jersey dated the 28th day of April, 1954.

F. de L. Bois,
Greffier of the States.

EXPLANATORY NOTE

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

These Regulations give effect in Great Britain to the Reciprocal Arrangements (set out in the Schedule) relating to family allowances made between the Minister of Pensions and National Insurance and the States of Jersey Insular Insurance Committee, and modify the Family Allowances Acts 1945 and 1952 in their application to persons affected by the Arrangements.