

# **STATES OF JERSEY**



## **DRAFT FOOD COSTS (OFFSET OF AVERAGE GST) BONUS (JERSEY) REGULATIONS 200**

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**Lodged au Greffe on 3rd June 2008  
by the Minister for Treasury and Resources**

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**STATES GREFFE**





Jersey

# **DRAFT FOOD COSTS (OFFSET OF AVERAGE GST) BONUS (JERSEY) REGULATIONS 200**

## **REPORT**

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### **Introduction**

In agreeing to keep the Goods and Services Tax (GST) as a simple, broad-based tax, which is cost-effective to administer, the States guaranteed the introduction of GST at a low rate.

Whilst urging States Members to reject the proposal to zero-rate food, books, newspapers and magazines, the Minister for Treasury and Resources proposed alternative measures which would more effectively protect low income groups completely from GST and lessen the total tax burden on those on low to mid incomes, whilst at the same time not adding bureaucratic complexity to the GST scheme, the administrative costs of which would be a burden upon business and the taxpayer.

The first of these measures was to increase by a full 3% the rates of the components of Income Support which covered costs which would be liable to GST, thereby protecting those on Income Support completely from the introduction of GST. These new rates came into effect on 1st May 2008, ahead of the introduction of GST.

Secondly, Income Tax exemptions were increased by 6.5% in the Budget for 2008, instead of the 3% originally intended. This additional 3.5% reduced the tax burden of low to middle income families by approximately 3 times more than the zero-rating of food, newspapers, books and magazines, would have done.

However, there is a group of families who neither pay Income Tax nor are in receipt of Income Support, and the Ministers for Treasury and Resources and Social Security committed to developing a scheme which would benefit those families who would not be better off as a result of the two measures above.

That Scheme is proposed in these triennial regulations and is aimed at providing a Bonus to those families who neither pay Income Tax nor receive Income Support, set a rate which typifies the average effect that the introduction of GST would have had on their food costs.

### **Eligibility**

Eligibility for the bonus is to be determined on a household basis, consistent with the definitions within the Income Support scheme.

Essentially, a household comprises a single adult or two adults living together as a couple together with any dependent children.

An eligible household must satisfy all of the following conditions:

- At least one adult in the household has been resident in Jersey for 5 years immediately preceding the date of the application; and
- No adult member of the household is liable to pay Income Tax in respect of the previous calendar year; and
- The household is not entitled to receive income support during the 7 days preceding the date of the application OR the household receives a transition payment which phases out over a number of years the level of benefits to that which they received under the legacy benefit schemes, which were replaced by Income Support.

This last condition requires some explanation, as whilst a family may be in receipt of a transition payment, such payments have not been updated to counter the effects of GST; and so any family whose Income Support payment continues to be topped up by a transition payment, will not benefit from the increase in the rate of Income Support, until their Income Support entitlement exceeds their legacy benefit entitlement.

## **Value of Bonus**

The value of the bonus is proposed in the first year, based upon the average household food expenditure of an average second quintile family as evidenced by the Household Expenditure Survey.

The full first year effect of GST on that average household expenditure is calculated at £75, and thereby, as GST was introduced from May, the bonus in 2008 will be set at £50 per family.

The rate of bonus for 2009 will be set at £75 uprated by the rise in food costs in the 12 months from June 2008 and further uprated for 2010. Thereafter further triennial Regulations will have to be laid before the States.

## **Application for Bonus**

The Social Security Department will administer this bonus scheme and will send out application forms to all those families in receipt of a transition payment, explaining the scheme and inviting an application should the household meet the residence condition and not be liable to pay Income Tax.

In addition, a local media campaign will be targeted specifically at those families who do not have a tax liability, but are not in receipt of any Income Support payments.

As tax assessments will have been issued by September annually, all eligible households will be able to make an application between 1st October and 15th December each year.

Applications will be as straightforward as possible, requiring the minimum of information necessary to ensure entitlement as well as evidence of a nil tax assessment for all adults in the household.

## **Financial and manpower implications**

The Social Security and Income Tax Departments have between them estimated the number of families entitled to claim the benefit.

Based upon the known numbers of households in receipt of the benefits and estimates of the numbers of households without tax liabilities, there may be up to 6,000 households which could be eligible to apply for this bonus.

The annual administration cost is estimated to be 2 additional FTE for 4 months of the year at a cost of £20,000.

The implementation costs of establishing the scheme and developments to the Social Security Information Systems are estimated at £20,000.

£267,000 has been made available for this scheme in 2008, from carry-forwards in 2007, and the proposed Social Security cash limit for 2009 includes £400,000 for this benefit.

Assuming a take-up of 5,000 households, the estimated cost of this scheme, including implementation and administration, will be £290,000 in 2008 and £395,000 in 2009. Any overrun in 2008 would be funded from within agreed cash limits.

## Explanatory Note

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These Triennial Regulations create a “bonus” payable by the Minister for Social Security to households that do not receive income support or pay income tax. The bonus is linked to the average increased expenditure on the food element of the Jersey Retail Prices Index following the introduction of goods and services tax.

*Regulation 1* is the interpretation provision. Many provisions borrow from income support legislation, and adults and households are defined in the same way as for that benefit.

*Regulation 2* sets out the main elements of entitlement to a bonus, which are a qualifying household, a member who applies on behalf of the household, and the rate of bonus for that year.

*Regulation 3* sets out the conditions for a household to qualify for bonus. The first is that it does not receive income support, other than a special payment, or a transitional protected payment, for a household which is not in residential care. The second is that no member of the household has been served with an income tax assessment notice showing a liability to tax for the previous assessment year. The third is that there is at least one adult who has been continuously ordinarily resident for the past 5 years, subject to rules on absence and imprisonment.

*Regulation 4* requires an application to be made on behalf of the household between 1st October and 15th December by one adult who meets the second condition.

*Regulation 5* sets out the rate for the benefit for each of the 3 years covered by these Triennial Regulations calculated for the last 2 years by reference to any increases in the food element of the Jersey RPI.

*Regulation 6* and the *Schedule* import a modified version of the income support and social security legislation for administration of applications, determinations, redeterminations and appeals to the Social Security Tribunal and the Royal Court. It also ensures, in paragraph 5(3) of the Schedule, that the determining officer can refuse to process an application unless and until household members cooperate, where necessary, in obtaining information from the Comptroller of Income Tax to check whether the household meets the income tax condition.

*Regulation 7* creates offences related to making false statements or using false documents in support of a claim for this bonus.

*Regulation 8* is the citation and commencement provision and provides for the Regulations, as Triennials, to remain in force only for 3 years.





Jersey

# DRAFT FOOD COSTS (OFFSET OF AVERAGE GST) BONUS (JERSEY) REGULATIONS 200

## Arrangement

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Jersey

# **DRAFT FOOD COSTS (OFFSET OF AVERAGE GST) BONUS (JERSEY) REGULATIONS 200**

*Made*

*[date to be inserted]*

*Coming into force*

*[date to be inserted]*

**THE STATES**, in pursuance of the Order in Council dated 28th March 1771<sup>[1]</sup>, have made the following Regulations –

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## **PART 1**

### **INTERPRETATION**

#### **1 Interpretation**

(1) In these Regulations, unless the context otherwise requires –

“2007 Law” means the Income Support (Jersey) Law 2007<sup>[2]</sup>;

“adult” has the same meaning as in the 2007 Law;

“bonus” means a Food Costs (Offset of Average GST) Bonus referred to in Regulation 2;

“Minister” means the Minister for Social Security.

(2) In these Regulations –

(a) references to a household are to be construed in the same way as they are for the purposes of the 2007 Law; and

(b) references to a person being a member of a household are to be construed in accordance with Article 5 of the Income Support (General Provisions) (Jersey) Order 2008<sup>[3]</sup>.

## **PART 2**

### **ENTITLEMENT TO BONUS**

#### **2 Payment of bonus**

The Minister must pay a Food Costs (Offset of Average GST) Bonus –

(a) on behalf of a household that qualifies for it under Regulation 3;

(b) to a member of that household who applies for it in accordance with Regulation 4;

(c) at the rate specified in Regulation 5 for the year in relation to which the application is made.

### **3 Qualifying conditions**

- (1) A household qualifies for a bonus in a year if it meets all of the conditions in paragraphs (2) to (4) in relation to that year.
- (2) The first condition is that no person has received on behalf of the household any payment which –
  - (a) relates to any of the 7 days preceding the day on which the application is made for the bonus;
  - (b) is made under the 2007 Law; and
  - (c) is not an exempt payment under paragraph (5).
- (3) The second condition is that no member of the household has been served with a notice of assessment under Article 25 of the Income Tax (Jersey) Law 1961<sup>[4]</sup> showing a liability to income tax for the year of assessment preceding the year for which the bonus is claimed.
- (4) The third condition is that at least one member of the household –
  - (a) is an adult on the date on which the application for the bonus is made; and
  - (b) subject to paragraphs (6) to (8), has been ordinarily resident in Jersey for a continuous period of 5 years immediately preceding the date on which the application for the bonus is made.
- (5) A payment is exempt if it is made on behalf of a household that does not fall within Article 7 of the Income Support (Transitional Provisions) (Jersey) Order 2008<sup>[5]</sup>, and –
  - (a) it is, or it includes, a protected payment under that Order; or
  - (b) it is a special payment under the 2007 Law.
- (6) A person resident outside Jersey is nevertheless to be treated as being ordinarily resident in Jersey for any part of the period specified in paragraph (4)(b) in which that person's principal residence is in Jersey.
- (7) A person detained by virtue of a sentence of imprisonment, youth detention or similar punishment (whether in Jersey or elsewhere) is not to be treated as ordinarily resident in Jersey for the period during which the person is so detained.
- (8) However, the period during which a person was ordinarily resident in Jersey immediately prior to such detention is to be treated as if it immediately preceded the person's release from that detention.

### **4 Application for bonus**

- (1) An application for a bonus must be made to the Minister –
  - (a) between 1st October and 15th December (inclusive) in the year to which it relates;
  - (b) on behalf of a qualifying household by a member of that household who meets the condition in Regulation 3(4).
- (2) Only one application for a bonus may be made for any one year on behalf of any one qualifying household.

### **5 Rate of bonus**

- (1) For 2008 the amount of the bonus is £50.
- (2) For 2009 and 2010 the amount of the bonus is £75 plus the relevant increase, if any, rounded up to the next whole pound.
- (3) The relevant increase is –
  - (a) for 2009, an increase on £75 by the same percentage as that of the rise, if any, in the food costs

figure during the 12 months starting in June 2008;

(b) for 2010, an increase on £75 by the same percentage as that of the rise, if any, in the food costs figure during the 24 months starting in June 2008.

- (4) The food costs figure is the figure published by the States of Jersey Statistics Unit as the food element of the Jersey Retail Prices Index.

## **PART 3**

### **PROCEDURAL AND MISCELLANEOUS PROVISIONS**

#### **6 Applications, determinations and appeals**

The Schedule, which provides procedures for applications, determinations and appeals, has effect.

#### **7 Offences**

- (1) A person must not, with intent to obtain a bonus, whether on behalf of that person or of another person or of any household –
- (a) furnish any information that he or she knows to be false in a material particular;
  - (b) recklessly furnish any information that is false in a material particular; or
  - (c) withhold any material information.
- (2) A person must not obtain or receive a bonus, whether on behalf of that person or of another person or of any household, knowing that it was not properly payable to, or not properly receivable by, him or her.
- (3) A person who contravenes paragraph (1) or (2) is guilty of an offence and is liable to imprisonment for a term of 7 years and to a fine.
- (4) A person who aids, abets, counsels or procures the commission of an offence under paragraph (3) is also guilty of the offence and liable in the same manner as a principal offender to the penalty provided for that offence.
- (5) Where an offence under paragraph (3) committed by a limited liability partnership or body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of –
- (a) a person who is a partner of the partnership, or director, manager, secretary or other similar officer of the body corporate; or
  - (b) any person purporting to act in any such capacity,
- the person is also guilty of the offence and liable in the same manner as the partnership or body corporate to the penalty provided for that offence.
- (6) Where the affairs of a body corporate are managed by its members, paragraph (5) applies in relation to acts and defaults of a member in connection with the member's functions of management as if he or she were a director of the body corporate.

#### **8 Citation, commencement and duration**

- (1) These may be cited as the Food Costs (Offset of Average GST) Bonus (Jersey) Regulations 200-.
- (2) These Regulations come into force 7 days after they are made and, unless earlier revoked, they remain in force for 3 years from the date on which they come into force.



## **SCHEDULE**

(Regulation 6)

### **PROCEDURAL PROVISIONS**

#### **1 Interpretation**

In this Schedule, unless the context otherwise requires –

“applicant” means a person who has made an application for a bonus under these Regulations;

“determining officer” means a determining officer as defined in the 2007 Law or as appointed under Article 33 of the Social Security (Jersey) Law 1974<sup>[6]</sup>;

“Registrar” means a person appointed under Article 4 of the Social Security (Determination of Claims and Questions) (Jersey) Order 1974<sup>[7]</sup>;

“Royal Court” means the Inferior Number of the Royal Court;

“Tribunal” means the Social Security Tribunal constituted under Article 8 of the Social Security (Determination of Claims and Questions) (Jersey) Order 1974.

#### **2 Manner in which applications are to be made**

- (1) Every application for a bonus must be made to the Minister on a form approved by the Minister, or in such other manner as the Minister may accept as sufficient in the circumstances for the case.
- (2) An application is treated as having been made on the day on which it is received by the Minister at an office approved by the Minister for the receiving of applications.
- (3) If an application is defective at the date when it is received or has been made in a manner otherwise than as required by sub-paragraph (1), the Minister may refer the application to the applicant or, as the case may be, supply him or her with the form, and if the form is received properly completed within 14 days from that date on which the application is so referred, or the form is so supplied, to the applicant, the Minister must treat the application as if it had been duly made in the first instance.
- (4) An applicant may, by notice in writing to the Minister, amend an application at any time before the application is determined and the Minister may treat the application as if it had been made as so amended in the first instance.

#### **3 Late application**

If in any case the applicant proves that there was good cause for a failure to make the application before the date on which it was made, the time prescribed by Regulation 4(1)(a) for making that application is extended to the date on which the application is made, subject to maximum extension of 6 months.

#### **4 Extinguishment of right to sum payable by way of bonus**

- (1) The right to payment of any sum by way of bonus is extinguished where payment of the sum is not obtained within the period of 2 years from the date on which the right is to be treated as having arisen.
- (2) For the purpose of this paragraph the right is to be treated as having arisen –
  - (a) in relation to any such sum contained in an instrument of payment which has been given or sent, for the purposes of making payment of that sum, to the applicant or to an approved place

for collection by the applicant (whether or not received or collected as the case may be), notwithstanding that that sum is greater or less than the sum to which the applicant has the right to payment –

- (i) on the date on the said instrument of payment, or
    - (ii) if a further instrument of payment has been so given or sent as a replacement for an instrument of payment previously given or sent, on the date on the last such instrument of payment;
  - (b) in relation to any such sum to which clause (a) does not apply, but where notice is given (whether orally or in writing) or is sent that the sum contained in the notice is available for collection, notwithstanding that that sum is greater or less than the sum to which the applicant has the right to payment –
    - (i) if written notice is sent through the post, on the date on which it would be delivered in the ordinary course of post, and
    - (ii) in any other case, on the date of the notice, and if more than one such notice is given or sent, on the date determined by reference to the first such notice;
  - (c) in relation to any such sum to which neither clause (a) nor (b) applies, on such date as the Minister determines.
- (3) Where a question arises whether the right to payment of any sum by way of bonus has been extinguished by the operation of this paragraph and the determining officer or the Tribunal is satisfied that –
- (a) after the expiration of the said period of 2 years the Minister has received notice requesting payment of that sum; and
  - (b) throughout a period commencing within the said period of 2 years and continuing up to the day on which the said notice was given there was good cause for not giving that notice,
- the said period of 2 years is extended to the date on which the determining officer or the Tribunal decides that question, and, for the purposes of the operation of this paragraph, after that decision the right to payment of that sum is to be treated as having arisen on that date.
- (4) This paragraph applies to a person authorized or appointed to act on behalf of an applicant as it applies to an applicant.

## **5 Information and evidence in support of an application**

- (1) An applicant or such other adult member of the household as the determining officer may specify must furnish such certificates and other documents and information as the determining officer may require in connection with the application and, if reasonably so required, must for that purpose attend at such office or place as the determining officer may direct.
- (2) Without prejudice to the generality of sub-paragraph (1) and paragraph 2(1), the Minister may require the application to contain at least the following information –
  - (a) the address of the household;
  - (b) in relation to each adult member of the household, including the applicant, that person's –
    - (i) title and full name (including any previous surname),
    - (ii) date of birth,
    - (iii) social security number,
    - (iv) relationship to the applicant, and
    - (v) employment status;
  - (c) a copy of any notice of assessment under Article 25 of the Income Tax (Jersey) Law 1961 for the preceding year served on or related to any adult member of the household, including the

applicant; and

(d) in relation to the applicant only –

- (i) confirmation of that person's period of ordinary residence in Jersey, and
- (ii) details of a bank account, if available, into which the bonus can be paid, including the name of the bank, the sort code, the account number and the name of the account holder.

(3) The determining officer may treat an application as not having been made unless and until each adult member of the household has taken any step requested of that member by the determining officer to assist in enabling the Comptroller of Income Tax to release to the determining officer any information that –

(a) is held by the Comptroller; and

(b) is required by the determining officer in order to determine whether the household meets the second condition, as set out in Regulation 3(3).

## **6 Persons unable to act**

(1) In the case of an applicant who is unable to act who –

- (a) has not been received into guardianship in pursuance of a guardianship application under Article 14 of the Mental Health (Jersey) Law 1969<sup>[8]</sup>;
- (b) does not have a curator appointed under Article 43 of that Law to manage and administer his or her property and affairs; and
- (c) does not have a *tuteur*,

the Minister may, on receipt of a written request, appoint a person to act on the applicant's behalf.

(2) However, such appointment terminates –

- (a) if the applicant is received into guardianship, or has a curator or *tuteur* appointed;
- (b) at the request of the person appointed;
- (c) if revoked by the Minister; or
- (d) if the applicant becomes able to act.

## **7 Functions of determining officers**

(1) An application for a bonus must be determined by a determining officer and where required under paragraph 8, redetermined by a second determining officer.

(2) The determining officer must notify in writing the applicant (or other person acting on his or her behalf) and all the other adult members of the applicant's household –

- (a) of every adverse determination or decision made in respect of the household and the reasons for it; and
- (b) of their rights to challenge an adverse determination or decision, as set out in sub-paragraph (3) in the case of a first determination or as set out in sub-paragraph (4) in the case of a redetermination.

(3) In the case of an adverse first determination, the determining officer must notify the other persons mentioned in sub-paragraph (2)–

- (a) of the right of any of them to have every adverse determination or decision reconsidered by a second determining officer;
- (b) that this right must be exercised within 21 days of the person receiving notice of the determination or decision; and
- (c) that if the right is not exercised there is no right of further appeal.

- (4) In the case of an adverse redetermination, the determining officer must notify the other persons mentioned in sub-paragraph (2) of the right of any of them to appeal to the Tribunal.
- (5) Where the determining officer or, in the case of a redetermination, the second determining officer, has determined that the household is entitled to an award and the amount of the award, he or she must allow payment to be made.

## **8 Reconsideration by second determining officer**

If an applicant or an adult member of the applicant's household is dissatisfied with any determination under paragraph 7 that is made by a first determining officer considering the matter, he or she may require the matter to be reconsidered by a second determining officer at any time within 21 days of receiving notice of the decision or determination.

## **9 Appeals to Tribunal**

- (1) If an applicant or an adult member of the applicant's household is dissatisfied with any redetermination by a second determining officer, he or she may appeal to the Tribunal within 14 days of receiving notification of the decision.
- (2) However, an appeal made outside the 14 day period, but within 28 days of receiving notification of the determination, may be allowed with the consent of the chairman of the Tribunal.
- (3) Every appeal must be made in writing to the Registrar on a form approved by the Registrar for that purpose, or in such manner as the Registrar may accept as sufficient in the circumstances of the case.

## **10 Further particulars**

- (1) The Tribunal may at any time require the applicant or the determining officer 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 application for appeal or any statement or particulars and extend the time for furnishing any statement or particulars.
- (2) If, after the expiration of the time, or where the time has been extended, expiration of the extended time, for furnishing any statement or particulars under sub-paragraph (1), the applicant has failed to do so, the appeal is to be treated as having been abandoned.

## **11 Special procedure in cases of groundless appeals**

- (1) Where, in the opinion of a determining officer, an application for appeal is made on grounds that are bound to fail, the determining officer may, within 14 days of receiving the application, request the Registrar to place the papers before the chairman or deputy chairman of the Tribunal.
- (2) If, on considering the papers, the chairman or deputy chairman of the Tribunal is of the opinion that the appeal is bound to fail, he or she must send a notice to the applicant stating that –
  - (a) he or she has considered the application for appeal and is of the opinion that the appeal is bound to fail; and
  - (b) unless the applicant renews his or her application to the Tribunal within 14 days of receiving the notification, the appeal will be treated as having been abandoned.

## **12 Decision without a hearing**

If the applicant and the Minister agree and the Tribunal thinks that the case can properly be determined on the particulars supplied by the parties without a hearing, it may decide the matter without a hearing on the particulars so supplied.

### **13 Procedure of Tribunal**

- (1) The parties to the appeal are the applicant and the Minister and each party or any person acting on behalf of that party may make representations to the Tribunal.
- (2) The Tribunal must sit in public unless the Tribunal considers it necessary to sit in private.
- (3) However, no person other than the Registrar may be present while the Tribunal is considering its decision.
- (4) The Tribunal may adjourn the hearing from time to time as it thinks fit.
- (5) 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 to do so.
- (6) The Tribunal may, if it thinks fit, call for such documents and examine such witnesses as appear to it likely to afford evidence relevant and material to the issue, although not tendered by either the applicant or the Minister.
- (7) If, after notice of the hearing has been duly given, the applicant or the Minister fails to appear at the hearing, the Tribunal may proceed to determine the review notwithstanding the absence of both or either of them, or may give such directions with a view to the determination of the application as the Tribunal thinks just and proper.
- (8) The Tribunal may require any party to proceedings before the Tribunal under this Schedule or any witness in the proceedings to give evidence on oath and, for that purpose, the chairman or deputy chairman presiding over the Tribunal has power to administer an oath.
- (9) Where, in connection with the determination of any application, there is before the Tribunal medical advice or medical evidence relating to the applicant that has not been disclosed to the applicant and, in the opinion of the chairman or deputy chairman, the disclosure to the applicant of that advice or evidence would be harmful to the applicant's health, such advice or evidence is not required to be disclosed to the applicant, but the Tribunal is not by reason of such non-disclosure precluded from taking it into account for the purpose of the review.
- (10) On the appeal of any case under this paragraph, the Tribunal may confirm, reverse or vary the decision of the second determining officer and must give its decision in public.
- (11) The decision of the majority of the members of the Tribunal is the decision of the Tribunal and there must be a written record of the decision signed by the chairman or deputy chairman as the case may be which –
  - (a) includes the names of the Tribunal members;
  - (b) includes the reasons for the decision; and
  - (c) records any dissent and the reasons for such dissent,and the Registrar must send a copy of such written record to the parties as soon as practicable after the review has taken place.
- (12) Where the Tribunal has made a decision adverse to the applicant, the applicant must be advised that the decision on the facts is final but that he or she may appeal to the Royal Court on a point of law.
- (13) Subject to this paragraph, the Tribunal may regulate its own procedure.

### **14 Appeals and references to Royal Court**

- (1) A person aggrieved by a decision of the Tribunal may appeal to the Royal Court on a point of law.
- (2) The Tribunal or a determining officer may refer any point of law to the Royal Court for the Court to give a ruling on the point.

## **15 Administrative expenses**

The Minister may pay to any member of the Tribunal who exercises any functions under these Regulations, and any other person whose advice or assistance may be required for the purposes of these Regulations by the Tribunal or by a determining officer, such remuneration and expenses as the Minister may determine.

## **16 Recovery of awards wrongly made**

- (1) If it is found at any time that any award has been paid that was not properly payable, the Minister may require it to be repaid –
  - (a) if it was paid to a person in his or her own right or on behalf of a qualifying household, by that person; or
  - (b) if it was paid to a person on behalf of another person or a qualifying household, by that person, by that other person or by a member of that household.
- (2) If it is found at any time that any award properly payable has been paid to a person not being a person by whom it was properly receivable, the Minister may require it to be repaid by the person to whom it was paid.
- (3) In case of the death of a person who could be required to repay a sum under this paragraph, the Minister may require it to be repaid by the person charged with the administration of the deceased person's personal estate.
- (4) Proceedings for the recovery of any sum which a person is required under this paragraph to repay to the Minister may be instituted by the Treasurer of the States, either in term or in vacation, and notwithstanding any enactment or rule of law to the contrary, any such proceedings may be brought at any time within 10 years from the time when that sum was paid, or, where the proceedings are for the recovery of a consecutive series of sums, within 10 years from the date on which the last sum of the series was paid.
- (5) Any sum which a person is required under this paragraph to repay to the Minister may, without prejudice to any other remedy, be recovered by means of deduction from any other payment due under these Regulations to the person to whom the sum was paid, unless it was paid to that person on behalf of another, in which case it may, without prejudice to any other remedy, be recovered by means of deduction from any payment due under these Regulations to that other person.

## **17 Notices**

Any notice, notification or other document required or authorized by this Schedule to be given to any person is deemed to have been given or sent if it was sent by post to that person at the person's ordinary or last known address.

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- [\[1\]](#) *chapter 15.120*
- [\[2\]](#) *chapter 26.550*
- [\[3\]](#) *R&O.12/2008*
- [\[4\]](#) *chapter 24.750*
- [\[5\]](#) *R&O.13/2008*
- [\[6\]](#) *chapter 26.900*
- [\[7\]](#) *chapter 26.900.28*
- [\[8\]](#) *chapter 20.650*