

National Assistance

Cap. 48.

NATIONAL ASSISTANCE REGULATIONS, 1969

	1969/144.	1980/156.
	1970/6.	1981/76.
Authority: These Regulations were made on 1st September, 1969 by the	1971/150.	1982/11.
Minister under section 18 of the <i>National Assistance Act</i> .	1973/60.	1986/111.
	1974/227.	1991/1.
Commencement: 1st September, 1969.	1976/259.	1997/10.
	1978/155.	
	1979/74.	

1. These Regulations may be cited as the *National Assistance Regulations, 1969*.

Interpretation

2. For the purposes of these Regulations,

"assistance in kind" means assistance other than the grant of cash, and includes clothing, house repairs, burials, legal aid, food and household furnishings;

"disabled person" means a person who is certified, to the satisfaction of the Chief Welfare Officer, to be suffering from some mental or physical disability;

"the Board" means the National Assistance Board established under the *National Assistance Act*.

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PART I

Administration

FUNCTIONS AND DUTIES OF CHIEF WELFARE OFFICER

- 3.** Subject to these Regulations, the Chief Welfare Officer shall
- (a) cause the circumstances of every applicant for, or recipient of, any assistance to poor or needy persons (medical or non-medical), to be enquired into;
 - (b) determine the nature and amount of the national assistance, whether in cash or in kind to be given by the Board to every

applicant therefor, and any conditions or provisions to be attached thereto;

- (c) supervise the administration of the Board's functions under the Act;
- (d) perform such duties in connection with any assistance to poor or needy persons (medical or non-medical) as may be imposed on the Board by the Act, or by any other enactment, or by any regulations, rules or orders made thereunder, or as may be directed by the Minister from time to time;
- 1982/11. (e) maintain adequate records of applications for assistance and of reports and the decisions thereon.

4. For the purpose of discharging its functions under the Act, the Board shall set up offices in such places and for such areas as it may think fit.

- 1982/11. **5.** The Welfare Officers shall discharge the functions of the Board in relation to applications for assistance, the decision of all questions arising therefrom except appeals referred to an Appeal Committee, and such other functions as the Chief Welfare Officer may from time to time delegate or assign to them.

PART II

National Assistance

APPLICATION FOR AND PROVISION OF ASSISTANCE IN CASH OR IN KIND

6. National assistance may be provided to a person who is in need by reason of his being prevented by some disability from earning a living, or who has no resources to maintain himself and is unable to find work, and shall normally be given to the person who in the opinion of the Welfare Officer is the head of a family and whose needs shall be deemed to include those of his dependants.

- 1973/60. **7.** (1) National assistance may consist of assistance in cash or in kind provided as a matter of necessity.

(2) A cash grant may be awarded—

(a) in the case of a person who—

- (i) is so blind as to be unable to perform any work for which eyesight is essential, or
- (ii) is so deaf and dumb as to be incapable of effectively receiving and making verbal communication,

for such period as the Chief Welfare Officer determines;

(b) in any other case, for any period of from 1 to 26 weeks duration,

and may be renewed on the expiration of such period.

(3) A cash grant awarded under paragraph (2) shall be payable at the appropriate rate prescribed by regulation 21 (1), and shall not at any one payment exceed an amount equal to two weeks grant.

8. An application for national assistance shall be made in writing in duplicate and forwarded to the Welfare Officer for the district in which the applicant resides. An application shall be in the Form 1 set out in the Schedule.

9. A person who applies for national assistance shall furnish the Welfare Officer for the district in which he resides with such certificate, documents, information and evidence as that officer may require.

10. (1) Such Welfare Officer shall upon receipt of the application—

- (a) enquire into the circumstances of the applicant;
- (b) satisfy himself as to the accuracy of the information contained therein;
- (c) prepare a report on the said application;
- (d) decide what type of assistance may be given;
- (e) recommend the rate at which any grant shall be payable and the duration of such grant; and
- (f) forward forthwith the duplicate of the application, together with his report and recommendations thereon, to the Chief Welfare Officer.

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(2) If temporary assistance in cash is granted by virtue of sub-paragraph (d) of paragraph (1), it shall be payable at a rate not exceeding the minimum rate prescribed by regulation 21 and for a period not exceeding two weeks at any one time.

11. The Welfare Officer shall, on receipt of the decision of the Chief Welfare Officer, notify each applicant for assistance—

- (a) of the amount of temporary cash assistance, if any, granted to him;
- (b) deliver to the applicant a certificate showing the rate at which the assistance is payable, the form which it shall take, and the period for which it has been granted.

PAYMENT OF ASSISTANCE GRANTS

12. Each Welfare Officer shall immediately after an award of an assistance grant is approved, notify the person responsible for the payment of the assistance of the name and address of the applicant, together with the rate at which, and the date from which, such grant is payable.

13. National assistance grants shall be paid at such places as the Board shall appoint by notice published in the *Official Gazette* and one newspaper of the Island.

14. (1) The payment of assistance grants shall be made, as far as possible, to the person to whom such assistance has been awarded, except that where the applicant is suffering from, for example, physical disability, payment shall be made to a person duly authorised by him in a written order.

(2) Where the applicant is illiterate, such authorisation shall be witnessed by a third person resident in the same district as the applicant.

15. All payments of assistance shall be made at the paying office for the district, and the Welfare Officer for such district may attend thereat and witness such payments.

BURIALS OF DESTITUTE PERSONS

16. The Board may enter into agreement with the proprietors (whether a company, statutory board, or other body) of any cemetery for the burial of the bodies of any poor person which it may undertake to bury or towards the burial whereof it may render assistance, and, where such agreement is made, the burial in that cemetery of any body under the directions of the Board or with its aid shall be lawful.

17. The Board may bury or cremate the body of any destitute persons, and the cost of such burial or cremation shall be recoverable in the same manner and from the same persons as the cost of any assistance (if given to him when living) would have been recoverable under these Regulations.

18. If a person who was eligible for, or in receipt of, national assistance dies, and his body is not claimed by his relatives, if any, within 6 hours after being notified of the death, the Welfare Officer for the district in which the deceased normally resided shall make arrangements for the burial.

RECOVERY OF ASSISTANCE IN CERTAIN CASES

19. (1) Where any person in receipt of assistance has in his possession or belonging to him any money or valuable security for money, the Board may take appropriate steps to recover so much of the money or the proceeds of the security as will reimburse the Board for a part or all of the amount expended in the assistance of that person during the period for which such assistance was given.

(2) In the event of the death of any person in receipt of assistance having in his possession or belonging to him any money or property, the Board

- (i) may reimburse itself therefrom for the expenses incurred for the purpose of his burial; and
- (ii) may reimburse itself from such money or property for all or any part of such assistance.

DISTRIBUTION OF ASSISTANCE IN KIND

20. The Board shall make arrangements for the distribution of assistance in kind, e.g. clothing, house repairs, as it may deem to be appropriate from time to time.

RATES OF NATIONAL ASSISTANCE GRANTS

1986/111.
1991/1.
1997/10.

21. (1) The rates of the National Assistance grants payable to persons qualifying therefor shall be as follows:

- (a) rate for a child under 16 years of age, \$25 per week or such higher weekly rate as the Cabinet may in the special circumstances of any case determine;
- (b) rate for an able-bodied adult, \$28 per week;
- (c) minimum rate for a disabled person, \$29 per week;
- (d) maximum rate for a disabled person, \$33 per week or, in the case where such a person
 - (i) is over the age of 55 years; and
 - (ii) is not in receipt of a non-contributory old age pension or an old age contributory pension payable under the *National Insurance and Social Security Act*,
\$38 per week.

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(2) A person who is in receipt of a non-contributory old age pension payable under the *National Insurance and Social Security (Non-Contributory Old Age Pensions) Regulations, 1982* shall not be qualified for the payment of a grant under this Part.

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PENALTY FOR FALSE STATEMENTS OR REPRESENTATIONS

22. (1) If for the purpose of obtaining or continuing an assistance grant under these Regulations either for himself or for any other person, or for the purpose of obtaining or continuing an assistance grant under these Regulations for himself or for any other person at a higher rate than that appropriate to the case, any person knowingly makes any false representation, he shall be liable on

summary conviction to a fine not exceeding \$50 or to imprisonment for a term not exceeding 3 months. 1973/60.

(2) If it is found at any time that a person has been in receipt of an assistance grant under these regulations while the conditions therefor were not fulfilled in his case or while he was disqualified from receiving the grant, he, or in the case of his death, his personal representatives, shall be liable to repay to the Board any sums paid to him in respect of the grant while the conditions therefor were not fulfilled or while he was disqualified from receiving the grant, and the amount of those sums may be recovered as a debt due to the Crown.

PART III

Regs.23-37Arevoked by S.I. 1982/11.

PART IV

Appeal Committees

FUNCTIONING OF APPEAL COMMITTEE

38. (1) Any applicant for national assistance who is aggrieved by the decision of a Welfare Officer in respect of an application or by the latter's refusal to consider an application shall within 5 days of the receipt of notification of such decision or refusal notify the Welfare Officer for his district of his intention to appeal therefrom. 1982/11.

(2) The Welfare Officer on receipt of such notification shall forward without delay to the Appeal Committee for the district concerned all the information available relating to the application.

39. (1) One Appeal Committee shall be appointed in accordance with section 10 (1) of the Act for each of the following areas 1971/150.

- (a) the parish of Saint Michael;
- (b) the parishes of Christ Church and Saint George;
- (c) the parishes of Saint John and Saint Philip;
- (d) the parishes of Saint Andrew and Saint Joseph;
- (e) the parishes of Saint Thomas and Saint James;
- (f) the parishes of Saint Peter and Saint Lucy.

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(2) The duties of Clerk to an Appeal Committee shall be performed by such officer as is designated for the purpose by the Chief Welfare Officer.

40. (1) As soon as possible after the receipt of a notice of appeal, the Appeal Committee shall hold an oral hearing.

(2) Reasonable notice of the time and place of an oral hearing shall be given by the Clerk of the Appeal Committee to the appellant, and, except with the consent of the latter, the Committee shall not proceed with the hearing unless such notice shall have been given.

(3) If any appellant to whom notice of oral hearing has been given in accordance with the provisions of this regulation fails

(a) to appear at such hearing;

(b) to give a reasonable explanation for his absence,

the Committee may either proceed to consider and determine the matter in his absence or give such directions with a view to the consideration and determination of the appeal as it may think proper.

41. (a) The Clerk of an Appeal Committee shall be present at all meetings of the Committee, and the appellant and an officer of the Board shall be entitled to be present during an oral hearing and to be heard. The appellant may be represented or accompanied by any friend; but for the purpose of discussing its decision on any matter the Committee may order all persons, not being members of the Committee or its Clerk, to withdraw from the sitting of the Committee.

(b) An Appeal Committee may allow any other person appearing to it to be interested to be present during the hearing; but there shall not be admitted to such hearing any member of the public or representative of the press.

42. The decision on any matter of the majority of an Appeal Committee shall be the decision of the Committee, and the Committee shall record its decisions in writing and, as soon as is practicable thereafter, the Clerk of the Committee shall notify the appellant in writing of its decision.

43. Subject to the provisions of the Act and of these regulations, the procedure on any matter shall be such as the Chairman of the Appeal Committee may determine.

SCHEDULE

FORM

Application for National Assistance Grant

Full name of Applicant.

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Age Sex

Address

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Reason for Application

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Signature of Applicant.

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Date.

