

PITCAIRN, HENDERSON

DUCIE & OENO ISLANDS

No 002 of 2013

Victoria Trendelen
17 October 2013

Enacted by the Governor of the Islands
of Pitcairn, Henderson, Ducie and Oeno

SOCIAL WELFARE BENEFITS AMENDMENT ORDINANCE 2013

DATE MADE: 17 OCTOBER 2013

DATE PUBLISHED: 21 OCTOBER 2013

An Ordinance to amend the Social Welfare Benefits Ordinance

Short title and commencement	1. This Ordinance may be cited as the Social Welfare Benefits Amendment Ordinance 2013 and shall come into force on the day after it is published.
Principal Ordinance amended	2. This Ordinance amends the Social Welfare Benefits Ordinance.
Interpretation	3. The definition of "permanent resident" in section 2 is amended by omitting the words "Landing and Residence Ordinance" and replacing them with the words "Immigration Control Ordinance 2006".
Grant of child benefit	4. – (1) Section 6(2) is amended by omitting the words "at the Pitcairn Island School" and inserting the words "in Pitcairn or elsewhere" in their place. (2) A new subsection 6(3) is inserted as follows: “(3) For the purposes of subsection (1), a child who attends a fulltime course of education outside of Pitcairn resides with a person if they are normally resident with that person when not attending the fulltime course of education.”

New section 10

5. Section 10 is repealed and the following section inserted in its place:

Absence from
islands

“10. – (1) For the purposes of this section, “beneficiary” means any person to whom a pension or widow’s benefit has been granted or any child in respect of whom a child benefit has been granted under the provisions of this Ordinance.

(2) This section does not apply to any child in respect of whom a child benefit has been granted if that child is attending a fulltime course of education.

(3) Except as provided by this section, if any beneficiary is temporarily absent from the Islands for a continuous period of seven months, the payment of such benefit shall at that time be suspended until the return of that person to reside in the Islands.

(4) Except as provided by this section, if any beneficiary is temporarily absent from the Islands for a continuous period of two years, such benefit shall automatically cease.

(5) Notwithstanding subsections (3) and (4), the Governor may in his or her discretion continue to pay any benefit under this Ordinance to any beneficiary who is absent from the Islands and who, but for the operation of this section, would be receiving a benefit under this Ordinance.”

Retrospective
payments of child
benefit

6. Subject to any directions of the Governor, the Council may authorise payments to any person who, at any time after the 1 Jan 2013, would have been eligible to receive a child benefit under this amendment if it had been in operation, as though this amendment had applied at that time.