

GUERNSEY STATUTORY INSTRUMENT

1978 - No. 15

The Social Insurance (Increase of Benefit and Miscellaneous Provisions)
(Guernsey) Regulations, 1978

Made 11th August, 1978
Laid before the States
Coming into operation 20th November, 1978

THE STATES INSURANCE AUTHORITY, in exercise of the powers conferred upon it by section fifteen A, section twenty-three, section thirty-seven, section sixty-five, section seventy-two, section seventy-five, section seventy-six and section seventy-seven of the Social Insurance (Guernsey) Law, 1964, as amended, and of all other powers enabling it in that behalf, hereby orders:-

Interpretation

1.(1) In these regulations, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:-

"the principal Law" means the Social Insurance
(Guernsey) Law, 1964;

"the relevant day" means the twentieth day of
November, nineteen hundred and seventy-eight;

and any other expressions have the same meanings as in the principal Law.

(2) Except where the context otherwise requires, any reference in these regulations to any enactment or regulations shall be construed as including a reference to that enactment or those regulations, as the case

may be, as amended, extended, repealed, replaced or revoked by or under any other enactment or by any other regulations.

(3) The Interpretation (Guernsey) Law, 1948, shall apply to the interpretation of these regulations as it applies to the interpretation of a Guernsey enactment.

Higher rates of unemployment and sickness benefit payable at reduced rates owing to partial satisfaction of contribution conditions

2. The Second Schedule to the Social Insurance (Unemployment and Sickness Benefit)(Guernsey) Regulations, 1964 (which sets out the reduced weekly rates of unemployment and sickness benefit, and of an increase of any such benefit in respect of an adult dependant, payable where the relevant contribution conditions are partially satisfied), is hereby repealed and the Schedule set out in the First Schedule to these regulations is hereby substituted therefor.

Higher rates of maternity allowance payable at reduced rates owing to partial satisfaction of contribution conditions

3. The table following paragraph (2) of regulation nine of the Social Insurance (Maternity Benefit)(Guernsey) Regulations, 1971 (which sets out the reduced weekly rates of maternity allowance, and of the increase of such allowance in respect of an adult dependant, payable where the relevant contribution conditions are partially satisfied), is hereby repealed and the following table is hereby substituted therefor:-

Numbers including the number of contributions paid or credited in respect of the relevant period	Weekly rate	
	Of maternity allow- ance without increase	Of increase in respect of adult dependant
48 - 49	£16.50	£10.20
46 - 47	£15.80	£9.75
43 - 45	£14.95	£9.25
40 - 42	£13.95	£8.60
37 - 39	£12.90	£8.00
34 - 36	£11.90	£7.35
30 - 33	£10.70	£6.60
26 - 29	£9.35	£5.80

Transitional provisions regarding the payment of the increased amount of maternity grant

4. Where a woman has become entitled to a maternity grant (whether payment has been made or not) before the relevant day and her confinement occurs on or after that day, or, as the case may be, her pregnancy is otherwise terminated on or after that day, she shall be entitled to a maternity grant at the rate specified in the Eighth Schedule to the principal Law as amended by the Fourth Schedule to the Social Insurance (Increase of Benefits and Miscellaneous Provisions)(Guernsey) Ordinance, 1978.

Higher rates of widow's benefit and old age pension payable at reduced rates owing to partial satisfaction of contribution conditions

5. Subject to the provisions of regulation eight of these regulations, the Schedule to the Social Insurance (Widow's Benefit and Old Age Pensions) (Guernsey) Regulations, 1971 (which sets out the reduced weekly rate of widow's benefit and old age pension, and of the increase of an old age pension in respect of an adult dependant, payable where the contribution conditions are partially satisfied) is hereby repealed and the Schedule set out in the Second Schedule to these regulations is hereby substituted therefor.

Higher amounts of death grant payable at reduced amounts owing to partial satisfaction of contribution conditions

6. The Schedule to the Social Insurance (Death Grant)(Guernsey) Regulations, 1971 (which sets out the reduced amounts of death grant), is hereby repealed and the Schedule set out in the Third Schedule to these regulations is hereby substituted therefor.

Amendment to the Pensions, Existing Contributors Regulations

7. In paragraph (2A) of regulation five of the Social Insurance (Pensions, Existing Contributors)(Transitional)(Guernsey) Regulations, 1964, the words "five pounds and sixty-five new pence" and "eight pounds and seventy new pence" are hereby repealed and the words "six pounds and fifty-five new pence" and "ten pounds and five new pence" are hereby respectively substituted therefor.

Persons not ordinarily resident in Guernsey

8.(1) Notwithstanding the provisions of these or any other regulations or of any Ordinance made under the provisions of section eleven or section thirty-three of the principal Law, but subject to the provisions of this regulation, if a person is not ordinarily resident in Guernsey immediately before the relevant day, then unless and until that person becomes ordinarily resident in Guernsey the following provisions shall apply:-

- (a) if, immediately before the relevant day, that person is entitled to an old age pension (including, for this purpose, a contributory old age pension), he shall be disqualified for receiving any additional old age pension;
- (b) if that person is a married woman who, immediately before the relevant day, is not entitled as is mentioned in the foregoing sub-paragraph and whose husband is then so entitled and not ordinarily resident in Guernsey, she shall be disqualified for receiving any additional widow's benefit or additional old age pension by virtue of her husband's insurance;
- (c) if, immediately before the relevant day, that person is entitled to widow's benefit, she shall be disqualified for receiving any additional widow's benefit or additional old age pension by virtue of her husband's insurance;
- (d) if, immediately before the relevant day, that person is entitled to an industrial disablement benefit, he shall be disqualified for receiving any additional industrial disablement benefit.

(2) Notwithstanding as aforesaid, if a person is not ordinarily resident in Guernsey immediately before the relevant day but that person is entitled to a guardian's allowance or child's special allowance in respect of a child immediately before that day, any person who would otherwise be entitled to any additional guardian's allowance or child's special allowance in respect of that child shall be disqualified for receiving any additional guardian's allowance or child's special allowance in respect of that child unless and until the child becomes (or is) included in the family of a person who is ordinarily resident in Guernsey.

(3) For the purposes of this regulation, references to additional benefit of any description are to be construed as referring to additional benefit of that description by virtue (either directly or indirectly) of any Ordinance made under the provisions of section eleven or section thirty-three of the principal Law or of these regulations.

(4) The disqualifications for the receipt of additional benefit contained in this regulation shall not apply -

- (a) to a person for any period during which he is in Guernsey; or
- (b) to a woman who, immediately before the relevant day, is entitled to an old age pension by virtue of her own insurance or to an old age pension by virtue of her husband's insurance, in relation to an old age pension by virtue of her husband's insurance, or to an old age pension by virtue of her own insurance, as the case may be, to which she thereafter becomes entitled.

(5) For the purpose of this regulation, a person shall be treated as entitled to any benefit immediately before the relevant day if he would then have been so entitled but for any one or more of the following causes, namely -

- (a) any delay or failure to make a claim;
- (b) any disqualification for the receipt of benefit;

- (c) the cohabitation of a widow with a man as his wife;
- (d) the absence of any child from Guernsey;
- (e) the provision of subsection (5) of section twenty of the principal Law (which relates to the dis-entitlement of a woman to more than one old age pension for the same period).

(6) For the purpose of any disqualification contained in this regulation for the receipt of additional old age pension by virtue of her husband's insurance, an old age pension by virtue of a widow's own insurance to which she becomes entitled by virtue of subsection (6) of section twenty of the principal Law (which provides that in certain cases a widow may have account taken of her husband's contributions in calculating the yearly average of the contributions paid or credited to her for the purpose of her right to an old age pension by virtue of her own insurance) shall be treated as if it were an old age pension by virtue of her husband's insurance.

(7) For the purpose of this regulation any reference to "Guernsey" shall be deemed to include a reference to the Island of Sark.

Repeals

9. The Social Insurance (Increase of Benefit and Miscellaneous Provisions)(Guernsey) Regulations, 1977, are hereby repealed.

Citation and Commencement

10.(1) These regulations may be cited as the Social Insurance (Increase of Benefit and Miscellaneous Provisions)(Guernsey) Regulations, 1978.

(2) These regulations shall come into operation on the twentieth day of November, nineteen hundred and seventy-eight.

(3) These regulations shall cease to have effect on the thirty-first day of December, nineteen hundred and seventy-eight.

- (c) the cohabitation of a widow with a man as his wife;
- (d) the absence of any child from Guernsey;
- (e) the provision of subsection (5) of section twenty of the principal Law (which relates to the dis-entitlement of a woman to more than one old age pension for the same period).

(6) For the purpose of any disqualification contained in this regulation for the receipt of additional old age pension by virtue of her husband's insurance, an old age pension by virtue of a widow's own insurance to which she becomes entitled by virtue of subsection (6) of section twenty of the principal Law (which provides that in certain cases a widow may have account taken of her husband's contributions in calculating the yearly average of the contributions paid or credited to her for the purpose of her right to an old age pension by virtue of her own insurance) shall be treated as if it were an old age pension by virtue of her husband's insurance.

(7) For the purpose of this regulation any reference to "Guernsey" shall be deemed to include a reference to the Island of Sark.

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(3) These regulations shall cease to have effect on the thirty-first day of December, nineteen hundred and seventy-eight.

Dated this *eleventh* day of *August*, nineteen hundred
and seventy-eight.

E. Goodman

President of the States Insurance Authority,
for and on behalf of the Authority.

FIRST SCHEDULE

Regulation 2

" SECOND SCHEDULE

Regulation 12(2)

Showing reduced rates of unemployment and sickness benefit and of increase of benefit in respect of adult dependants.

(1)	(2)	(3)	(4)
Number of contributions paid or credited in the relevant contribution year.	Full weekly rate of benefit applicable under the Second Schedule to the Law		
	£17.00	£10.50	£9.95
	Reduced rate at which benefit is payable		
48 - 49	£16.50	£10.20	£9.65
46 - 47	£15.80	£9.75	£9.25
43 - 45	£14.95	£9.25	£8.75
40 - 42	£13.95	£8.60	£8.15
37 - 39	£12.90	£8.00	£7.55
34 - 36	£11.90	£7.35	£6.95
30 - 33	£10.70	£6.60	£6.25
26 - 29	£9.35	£5.80	£5.45

SECOND SCHEDULE

Regulation 5

" SCHEDULE

Regulations 9(2), 17(3)(b)
and 18(3)(b)

Showing reduced rates of widow's benefit and old age pension and of increase of old age pension in respect of an adult dependant.

(1)	(2)	(3)	(4)
Yearly average of contributions paid or credited	Widow's Allowance	Widow's pension, widowed mother's allowance and old age pension	
	Full weekly rate of pension or allowance		
	£27.75	£20.00	£12.00
	Reduced rate at which pension or allowance is payable		
48 - 49	£26.90	£19.40	£11.65
46 - 47	£25.80	£18.60	£11.15
43 - 45	£24.40	£17.60	£10.55
40 - 42	£22.75	£16.40	£9.85
37 - 39	£21.10	£15.20	£9.10
34 - 36	£19.45	£14.00	£8.40
30 - 33	£17.50	£12.60	£7.55
26 - 29	£15.25	£11.00	£6.60
22 - 25	£13.05	£9.40	£5.65
18 - 21	£10.80	£7.80	£4.70
14 - 17	£8.60	£6.20	£3.70
10 - 13	£6.40	£4.60	£2.75

THIRD SCHEDULE

Regulation 6

" SCHEDULE

Regulation 5(2)

Showing reduced amount of Death Grant payable if the contribution conditions are not fully satisfied

(1)	(2)	(3)	(4)	(5)
Yearly average of contributions paid or credited	The age of the deceased at death			
	Over 18	Between 6 and 18	Between 3 and 6	Under 3
	Full amount of death grant payable under the Eighth Schedule to the Law			
	£58.00	£43.50	£29.00	£14.50
	Reduced amount of death grant payable			
30 - 44	£43.50	£32.65	£21.75	£10.90
10 - 29	£29.00	£21.75	£14.50	£7.25

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EXPLANATORY NOTE

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

Regulations two, three and five increase the reduced rates of unemployment and sickness benefit, maternity allowance, widow's benefit and old age pension payable under the Social Insurance (Guernsey) Law, 1964, as amended, in order to bring them into correspondence with the higher standard rates of such benefits approved by the States on the 21st June, 1978. Regulation eight includes provision for the increased rates of widow's benefit and old age pension to be restricted to persons who are ordinarily resident in the Bailiwick of Guernsey. The remaining provisions are of a minor or consequential character.