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GUERNSEY STATUTORY INSTRUMENT

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1978 - No. 21

The Social Insurance (Benefits) (Miscellaneous Provisions)  
(Guernsey) Regulations, 1978

Made ... .. 4th December, 1978  
Laid before the States ... ..  
Coming into operation ... .. 1st January, 1979

ARRANGEMENT OF REGULATIONS

Regulation

PART I

INTERPRETATION

1. Interpretation

PART II

MATERNITY BENEFIT

2. Maternity grants in the case of multiple births
3. Maternity grant in respect of expectation of confinement
4. Conditions attaching to a maternity allowance in respect of expectation of confinement
5. Duration of a maternity allowance in respect of expectation of confinement
6. Conditions for, and duration of, a maternity allowance by virtue of the fact of confinement
7. Modification of subsection (4) of section twenty-eight of the Law
8. Reckonable contributions treated as equivalent to reckonable contributions of the appropriate class in relation to a maternity allowance

9. Partial satisfaction of the contribution conditions for a maternity allowance
10. Disqualification for the receipt of a maternity allowance

## PART III

## DEATH GRANT

11. Modification of subsection (1) of section thirty-seven of the Law where the deceased was a child
12. Imprisonment and detention in legal custody
13. Partial satisfaction of contribution conditions for a death grant
14. Special credits to assist towards entitlement to a death grant

## PART IV

## GUARDIAN'S ALLOWANCE, CHILD'S SPECIAL ALLOWANCE, TRAVELLING ALLOWANCE GRANT AND LIMITED MEDICAL BENEFIT

15. Modifications of provisions of the Law as to guardian's allowance, in relation to adopted children and illegitimate children, etc.
16. Minimum weekly rate of contributions for child's special allowance, etc.
17. Certain classes of persons to be excluded from the expression "insured person" as respects travelling allowance grant
18. Persons disqualified for limited medical benefit

## PART V

## ADJUSTMENTS FOR OVERLAPPING BENEFITS

19. Adjustment of personal benefit where other personal benefit is payable
20. Exception to regulation nineteen
21. Adjustment of dependency benefit where other dependency benefit is payable
22. Adjustment of dependency benefit where personal benefit is payable
23. Construction of foregoing provisions of Part V
24. Priority of title to increases of benefit
25. Two increases of the same benefit to be treated as separate benefits
26. Provisions for adjusting benefit for part of a week
27. Persons to be treated as entitled to benefit for certain purposes

## PART VI

## ADJUSTMENT OF BENEFIT IN RELATION TO CERTAIN HOSPITAL IN-PATIENTS

- 28. Personal benefit
- 29. Dependency benefit
- 30. Beneficiaries regarded as having dependants
- 31. Calculation of periods
- 32. Priority of adjustments

## PART VII

## MEDICAL CERTIFICATION

- 33. Evidence of incapacity
- 34. Evidence of personal injury, prescribed injury and prescribed disease
- 35. Evidence of expected confinement and of confinement

## PART VIII

## REPEALS, SAVINGS, CITATION AND COMMENCEMENT

- 36. Repeals
- 37. Savings
- 38. Citation
- 39. Commencement

FIRST SCHEDULE	-	WEEKLY RATES OF MATERNITY ALLOWANCE IN CASES OF PARTIAL SATISFACTION OF CONTRIBUTION CONDITIONS
SECOND SCHEDULE	-	REDUCED AMOUNT OF DEATH GRANT PAYABLE WHERE CONTRIBUTION CONDITIONS ARE NOT FULLY SATISFIED
THIRD SCHEDULE	-	PERSONAL BENEFITS WHICH ARE NOT REQUIRED TO BE ADJUSTED BY REFERENCE TO OTHER PERSONAL BENEFITS
FOURTH SCHEDULE	-	FORMS OF MEDICAL CERTIFICATES
FIFTH SCHEDULE	-	REGULATIONS REPEALED

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THE STATES INSURANCE AUTHORITY, in exercise of the powers conferred upon it by section eleven, section twenty, section twenty-seven, section twenty-eight, section thirty-four, section thirty-five, section thirty-six, section thirty-seven, section thirty-eight, section thirty-nine, section sixty-seven, section sixty-nine and section ninety of the Social Insurance (Guernsey) Law, 1978, and by Part II of the Fourth Schedule to that Law and in exercise of all other powers enabling it in that behalf, hereby orders:-

PART I

INTERPRETATION

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:-

"dependency benefit" means that benefit which, apart from these regulations, is payable to a person in respect of another person who is a child or an adult dependant;

"determining authority" means the Administrator or the Tribunal, as the case may require;

"free in-patient treatment" means, in relation to any person, treatment as an in-patient at the Castel Hospital;

"incapacity" means incapacity by reason of which a person is rendered incapable of work;

"midwife" means a person who is for the time being registered as a midwife under the provisions of the Midwives Ordinance, 1950;

"personal benefit" means that benefit which, apart from these regulations, is payable to a person otherwise than in respect of another person who is a child or an adult dependant;

"prescribed disease" has the meaning assigned to it by regulation one of the Social Insurance (Industrial Injuries Benefits)(Guernsey) Regulations, 1978;

"week", in Part II of these regulations, means a period of seven days beginning with midnight between Sunday and Monday;

and any other expressions have the same meanings as in the 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, 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.

## PART II

## MATERNITY BENEFIT

Maternity grants in respect of multiple births

2. A woman who is confined of twins or a greater number of children shall, if the other conditions for the payment of a maternity grant are satisfied in respect of the confinement, be entitled in respect thereof to a maternity grant for each of them who is living at the expiration of twelve hours after the time of his birth; but it shall be a condition for such entitlement that, before the expiration of the prescribed time for making a claim for a maternity grant, she makes a claim therefor and furnishes, by such means as the determining authority shall accept as sufficient, evidence as to -

- (a) the number of children of whom she was confined; and
- (b) of such children, the number surviving birth by at least twelve hours.

Maternity grant in respect of expectation of confinement

3. In a case where a woman makes a claim for a maternity grant and indicates therein that she desires that the provisions of section twenty-seven of the Law shall apply to her with the substitution, for the condition that she has been confined, of the condition that she is pregnant and has reached a stage in her pregnancy which is not more than fourteen weeks before that in which it is to be expected that she will be confined:-

- (a) that section shall so apply to her in relation to that claim; and
- (b) in their application to such a case, the contribution conditions for a maternity grant as set out in paragraph 2 of the First Schedule to the Law shall apply as if, for the definition of the expression "the relevant time" in sub-paragraph (2) of that paragraph, there was substituted the following definition:-

"(b) "relevant time" means the week in which it is to be expected that the claimant will be confined or, where the relevant person is the husband and he was dead or over pensionable age on the date of the making of the claim, the date of his attaining pensionable age or dying under that age."

Conditions attaching to a maternity allowance in respect of expectation of confinement

4.(1) For the purposes of paragraph (a) of sub-section (1) of section twenty-eight of the Law the prescribed number of weeks shall be fourteen.

(2) A woman who has become entitled to a maternity allowance in respect of expectation of her confinement shall cease to be entitled thereto if, before the beginning of the eleventh week before the expected week of confinement, her pregnancy is terminated otherwise than by confinement.

(3) A woman who has made a claim for a maternity allowance in respect of expectation of her confinement, unless the confinement has already occurred, shall, on receipt of not less than three clear days notice in writing given by or on behalf of the Authority, submit herself to medical examination at such time and place as may be specified in the notice.

Duration of a maternity allowance in respect of expectation of confinement

5.(1) In relation to a case where a woman has been confined after having made a claim for a maternity allowance in respect of expectation of that confinement (other than a claim which has been disallowed) but the date of the confinement was more than eleven weeks before the expected week of confinement, subsection (2) of section twenty-eight of the Law shall have effect as if, for the period mentioned therein, there were substituted the period of eighteen weeks beginning with the week comprising the date of the confinement.

(2) Subject to the next following paragraph, where a woman has become entitled to a maternity allowance in respect of expectation of her confinement and the date of the confinement has not occurred before the end of the expected week of confinement, the period referred to in the said subsection (2) (hereafter in this paragraph referred to as "the allowance period") shall -

- (a) if the said date has not occurred before the end of the allowance period, be extended for a period of six weeks and thereafter, if and so long as the said date has not occurred, be further extended for a like period at intervals of six weeks; and
- (b) if the said date has occurred before the end of the allowance period, or before the end of that period as extended or further extended in accordance with sub-paragraph (a) of this paragraph, be extended or further extended until the end of the sixth week after the week comprising that date.

(3) No extension or further extension shall be made in accordance with the last foregoing paragraph unless the beneficiary gives to the Authority written notice, in such form as is approved by it for the purpose, that it is still to be expected that she will be confined or (as the case may be) that she has been confined and the notice is so given before the expiration of six weeks, or such longer period not exceeding three months as the determining authority may for good cause allow, calculated -

- (a) in a case falling within sub-paragraph (a) of that paragraph, from the end of the allowance period or that period as extended or further extended; or
- (b) in a case falling within sub-paragraph (b) of that paragraph, from the end of the week in which the date of the confinement occurred,

and the beneficiary thereafter furnishes, by such means as the determining authority shall accept as sufficient, evidence in confirmation of her notice.

Conditions for, and duration of, a maternity allowance by virtue of the fact of confinement

6.(1) In relation to a case where a woman has been confined without having previously made a claim for a maternity allowance in respect of expectation of the confinement (other than any claim which has been disallowed) -

- (a) subsection (1) of section twenty-eight of the Law shall have effect as if, for the condition for entitlement to a maternity allowance contained in paragraph (a) of that subsection, there were substituted the condition that the woman has been confined;
- (b) subsection (2) of that section shall have effect (subject to the following provisions of this regulation) as if, for the period mentioned therein, there were substituted the period of seven weeks beginning with the week comprising the date of the confinement; and
- (c) the contribution conditions set out in paragraph 3 of the First Schedule to the Law shall have effect as if, for the reference in sub-paragraph (1) of that paragraph to the expected week of confinement, there were substituted a reference to the week comprising the date of the confinement.

(2) Where in any such case as is mentioned in the paragraph (1) of this regulation (not being a case in which the next following paragraph applies), the woman -

- (a) is confined on a date before the expected week of confinement;

(b) failed to make, before her confinement, a claim for a maternity allowance in respect of expectation of the confinement; and

(c) makes a claim for a maternity allowance by virtue of the fact that she has been confined;

subsection (2) of section twenty-eight of the Law shall, in relation to that case, have effect as if, for the period mentioned therein, there were substituted a reference -

(i) where the date of the confinement was more than eleven weeks before the expected week of confinement, to the period of eighteen weeks beginning with the week comprising that date; and

(ii) where that date was not more than eleven weeks before the expected week of confinement, to the period beginning with the first day of the week comprising that date and ending with the last day of the sixth week after the expected week of confinement.

(3) Where, in any such case as is mentioned in paragraph (1) of this regulation, the woman, having failed to make, before her confinement, a claim for a maternity allowance in respect of expectation of her confinement -

(a) is confined on a date not earlier than the first day of the eleventh week before the expected week of confinement;

(b) makes a claim for a maternity allowance by virtue of the fact that she has been confined; and

(c) shows to the satisfaction of the determining authority that throughout a period commencing not earlier than the eleventh week before the week comprising the date

of the confinement and ending immediately before that date, she -

- (i) did no work as an employed or self-employed person (including any such work which by virtue of any regulations made under the Law is to be disregarded for the purpose of the classification of insured persons); and
- (ii) had good cause for her failure to make a claim in respect of expectation of her confinement;

subsection (2) of section twenty-eight of the Law shall, in relation to that case, have effect as if, for the period mentioned therein, there were substituted a reference to the period commencing with the first day of the period referred to in sub-paragraph (c) of this paragraph and ending with the appropriate date determined in accordance with the next following paragraph:

Provided that this paragraph shall not apply in any case where the said first day is a day in the week comprising the date of the confinement.

(4) The said appropriate date shall be -

- (a) in the case where the woman is confined before the expected week of confinement, the last day of the sixth week after the expected week of confinement;
- or
- (b) in any other case, the last day of the sixth week after the week comprising the date of confinement:

Provided that, if the appropriate date determined in accordance with the foregoing provisions of this paragraph is later than the end of the period of eighteen weeks commencing with the first day of the period referred to in sub-paragraph (c) of the last foregoing paragraph the appropriate date shall not be so determined but shall be the last day of

the period of eighteen weeks commencing with the said first day.

(5) In paragraphs (2) to (4) of this regulation, the expression "the expected week of confinement" means, in relation to a woman who has been confined, the week in which it was to have been expected that she would be confined.

Modification of subsection (4) of section twenty-eight of the Law

7. Where, in accordance with any provision of the last two foregoing regulations, subsection (2) of section twenty-eight of the Law is to have effect, as if, for the period mentioned therein, there were substituted another period, subsection (4) of that section shall have effect accordingly but in relation only to a death after the beginning of that other period.

Reckonable contributions treated as equivalent to reckonable contributions of the appropriate class in relation to a maternity allowance

8.(1) Where a woman claims a maternity allowance and, in respect of weeks included in the relevant period, not less than thirty-nine reckonable Class 1 or Class 2 contributions have been paid by or credited to her and, of those contributions, not less than twenty-six are reckonable contributions which have been paid, then, for the purpose of the reference in paragraph 3 of the First Schedule to the Law to reckonable contributions of the appropriate class or their equivalent, there shall be treated as equivalent to a reckonable contribution of the appropriate class every reckonable Class 3 contribution paid by or credited to the claimant in respect of a week included in the relevant period.

(2) The reference in paragraph (1) of this regulation to paragraph 3 of the First Schedule to the Law shall, in any case in relation to which the provisions of regulation six of these regulations apply, be construed as a reference to that paragraph as modified in accordance with those provisions.

(3) In this regulation, "the relevant period" means, in the case of

any woman claiming a maternity allowance, the period of fifty-two weeks in respect of which the contribution conditions for the allowance are required to be satisfied in her case.

Partial satisfaction of the contribution conditions for a maternity allowance

9.(1) Where a woman would be entitled to a maternity allowance but for the fact that the relevant contribution conditions set out in paragraph 3 of the First Schedule to the Law, though satisfied as respects the twenty-six reckonable contributions required to have been paid, are not satisfied as respects the fifty reckonable contributions required to have been paid by or credited to the claimant, she shall nevertheless be entitled to a maternity allowance payable in accordance with the following provisions of this regulation.

(2) Where a woman is entitled to a maternity allowance by virtue of paragraph (1) of this regulation -

- (a) the respective weekly rates of the allowance and of any increase thereof in respect of an adult dependant shall be those set out in the second and third columns respectively of the First Schedule to these regulations opposite to the numbers set out in the first column of the said Schedule which include the number of reckonable contributions of the appropriate class or their equivalent paid by or credited to her in respect of the relevant period; and
- (b) the amount of any increase of the allowance in respect of a child shall be the same as if the relevant contribution conditions had been fully satisfied.

(3) In this regulation -

- (a) references to the relevant contribution conditions include references to those conditions as modified in their application to cases falling within regulation six of these regulations;
- (b) "the relevant period" means, in relation to any woman, the period in respect of which not less than fifty reckonable contributions of the appropriate class or their equivalent are, by the relevant contribution conditions, required to have been paid by or credited to her.

Disqualification for the receipt of a maternity allowance

10.(1) A woman shall be disqualified for receiving a maternity allowance -

- (a) if, during the period for which the allowance is payable, she does any work as an employed or self-employed person (including any such work which by virtue of any regulations made under the Law is to be disregarded for the purpose of the classification of insured persons), and such disqualification shall be for such part of the said period (but for not less than the number of days on which the woman so worked during the said period) as may be decided by the determining authority;
- (b) if, during the said period, she fails without good cause to observe the following rule of behaviour, namely to take due care of her health and to answer any reasonable enquiries (not being enquiries relating to medical examination, treatment or advice) by or on behalf of the Authority directed to ascertaining whether she is doing so, and such disqualification shall be for such part of the said period as may be decided by the determining

authority; or

- (c) if she fails without good cause to attend for or to submit herself to any medical examination required in accordance with paragraph (3) of regulation four of these regulations and such disqualification shall be for such part of the said period (being a part beginning not earlier than the day on which the failure occurs) as may be decided by the determining authority, subject to the qualification that in the event of her being confined after such failure she shall not by reason of such failure be so disqualified for the day on which the confinement occurs or any day thereafter.

(2) References in this regulation to the period for which a maternity allowance is payable shall be construed as references to the period mentioned in subsection (2) of section twenty-eight of the Law, or, in a case in relation to which that subsection is modified in accordance with the provisions of the foregoing provisions of these regulations, as references to the period mentioned in that subsection as so modified.

### PART III

#### DEATH GRANT

Modification of subsection (1) of section thirty-seven of the Law where deceased was a child

11.(1) Subject to the following provisions of this regulation, where the deceased was at death a child but the requirements of subsection (1) of section thirty-seven of the Law are not satisfied, a death grant shall be payable in respect of the death of the deceased if the relevant contribution conditions are satisfied by either -

- (a) a parent (including a person who has adopted a child within the meaning of the Adoption (Guernsey) Law, 1960)

of the deceased, notwithstanding that the deceased was not at death a child of the family of that parent; or

- (b) a person who, immediately before the deceased's death, was entitled to an increase of benefit in respect of the deceased under section fifty-seven of the Law or would have been so entitled had he then been entitled to any benefit of which that section provides an increase.

(2) Subject to the next following paragraph, the amount of a death grant payable by virtue of this regulation shall not exceed the amount of the deceased's funeral expenses.

(3) The foregoing paragraph of this regulation shall not apply if the deceased would have been a child of the family of a parent satisfying the relevant contribution conditions but for the provisions of subsection (3) of section twenty-two of the Family Allowances Law.

Imprisonment and detention in legal custody

12. A person shall not be disqualified for receiving a death grant by reason of undergoing a period of imprisonment or detention in legal custody, but the payment of the grant shall be suspended during any such period: Provided that the grant may nevertheless be paid during any such period to any person appointed by or on behalf of the Authority to receive and deal with any sum payable on behalf of the beneficiary on account of the grant, and the receipt of any person so appointed shall be a good discharge to the Authority for any sum so paid.

Partial satisfaction of contribution conditions for a death grant

13.(1) Where a death grant would be payable but for the fact that the relevant contribution conditions are not satisfied as respects the yearly average of reckonable contributions paid or credited, the grant shall nevertheless be payable in accordance with the next following paragraph, if

the yearly average of reckonable contributions paid or credited is not less than ten.

(2) Where the full amount of the death grant under Part III of the Schedule to the Social Insurance (Rates of Contributions and Benefits, etc.)(Guernsey) Ordinance, 1978 is one of the amounts first set out in columns (2), (3), (4) and (5) of the Second Schedule to these regulations, then the grant shall be of the amount specified in the appropriate column of that Schedule which corresponds with the yearly average of reckonable contributions paid or credited as shown in column (1) of that Schedule.

Special credits to assist towards entitlement to a death grant

14. Where an insured person dies before the expiration of the contribution year in which he attained the age of sixteen or before the expiration of the contribution year in which he would have attained that age, he shall be deemed, for the purposes of death grant, to have been credited with a Class 3 contribution in respect of each contribution week in the contribution year last preceding the year in which he died.

PART IV

GUARDIAN'S ALLOWANCE, CHILD'S SPECIAL ALLOWANCE, TRAVELLING ALLOWANCE, GRANT AND LIMITED MEDICAL BENEFIT

Modification of provisions of the Law as to guardian's allowance, in relation to adopted children and illegitimate children, etc.

15.(1) Subject to the provisions of paragraph (7) of this regulation, where a child has been adopted within the meaning of the Adoption (Guernsey) Law, 1960, there shall be substituted for the condition contained in paragraph (a) of subsection (1) of section thirty-four of the Law that the parents of the child are dead, the condition set out below which is appropriate to the circumstances of the case, namely -

- (a) if the child was adopted by a person who was not married at the date of the adoption order, the condition that that person is dead;
- (b) if the child was adopted by two spouses jointly, the condition that both of those spouses are dead;  
or
- (c) if the child was adopted by one of two spouses with or without the consent of the other, the condition that the spouse who adopted the child is dead.

(2) Subject as aforesaid, where a child (other than a child to whom paragraph (1) of this regulation applies) is illegitimate, there shall be substituted for the said condition that the parents of the child are dead the condition set out below appropriate to the circumstances of the case, namely -

- (a) if any person has been found by a court of competent jurisdiction to be the father of the child, or if there is no such finding but in the opinion of the determining authority the paternity of the child has been admitted or established, the condition that the father and the mother of the child are dead; or
- (b) in any other case, the condition that the mother is dead.

(3) Subject as aforesaid, where the marriage of a child's parents was terminated by divorce and where, at the death of one of the parents, the child was not in the custody of, or being maintained by, the other parent and there was no order of a court imposing any liability for custody or maintenance of the child on the other parent, there shall be substituted for the said condition that the parents of the child are dead the condition that one parent is dead.

(4) Subject as aforesaid, where one of a child's parents is dead and the person claiming the guardian's allowance shows that he was at the date of the death unaware of, and has failed after all reasonable efforts to discover, the whereabouts of the other parent, there shall be substituted for the condition that the parents of the child are dead the condition that one of the parents is dead.

(5) For the purposes of the last two foregoing paragraphs "parents" shall include persons who adopt children in the circumstances specified in paragraph (1) of this regulation.

(6) Except in relation to paragraph (3) and paragraph (4) of this regulation, there shall be substituted for the condition contained in paragraph (b) of subsection (1) of the said section thirty-four that one at least of the parents of the child was an insured person, the condition that the person or, as the case may be, one at least of the persons to whom the appropriate substituted condition contained in this regulation is applicable, was an insured person.

(7) Notwithstanding anything contained in the foregoing provisions of this regulation, the parent of a child shall not be entitled to a guardian's allowance in respect of that child.

Minimum weekly rate of contributions for child's special allowance, etc.

16.(1) For the purposes of paragraph (c) of section thirty-five of the Law, the prescribed weekly rate shall be the weekly rate of the allowance payable in respect of the child as set out in columns (2) or (4), as appropriate, of paragraph 10 of the Schedule to the Social Insurance (Rates of Contributions and Benefits etc.)(Guernsey) Ordinance, 1978.

(2) For the purpose of the said section thirty-five, a voidable marriage which has been annulled, whether before or after the date when these regulations come into force, shall be treated as if it had been a valid marriage which was terminated by divorce at the date of the annulment.

Certain classes of persons to be excluded from the expression "insured person" as respects travelling allowance grant

17. For the purpose of section thirty-six of the Law, there shall be excluded from the expression "insured person" any person who is:-

- (a) excepted from liability to pay contributions by virtue of a reciprocal agreement to which an Ordinance made under section one hundred and thirteen of the Law, relates or to which an Ordinance made under section sixty-eight of the Law of 1964 and having effect by virtue of Part II of the Fourth Schedule to the Law relates; or
- (b) the wife of a person to whom paragraph (a) of this regulation applies and who is not herself liable to pay a contribution.

Persons disqualified for limited medical benefit

18.(1) A person shall not be entitled to limited medical benefit in respect of any accident unless -

- (a) he was, at the time of the accident, liable to pay a contribution other than a contribution at the reduced rate under the Social Insurance (Married Women and Widows)(Guernsey) Regulations, 1978; or
- (b) he was entitled to be credited with a contribution in respect of the contribution week in which the accident occurred.

(2) A person shall be disqualified for receiving limited medical benefit if the personal injury in respect of which the benefit is claimed was due to his own misconduct.

## PART V

## ADJUSTMENTS FOR OVERLAPPING BENEFITS

Adjustment of personal benefit where other personal benefit is payable

19.(1) Where, for any period, more than one personal benefit would, but for this regulation, be payable to any person, then for that period an adjustment between those personal benefits shall, subject to the next following regulation, be made in accordance with the provisions of paragraph (2) of this regulation.

(2) Where in accordance with paragraph (1) of this regulation an adjustment between any personal benefits is required to be made for any period, then the amount payable for that period in respect of those personal benefits shall be the amount which, but for this provision, would be payable for that period in respect of one of those personal benefits (if they would be so payable at equal rates) or that one of them which would be so payable for that period at the higher or highest rate:

Provided that where in the case of a pre-1964 widow pensioner within the meaning of the Social Insurance (Benefits)(Transitional Provisions) (Guernsey) Regulations, 1978, an adjustment between unemployment benefit, sickness benefit, invalidity benefit, maternity allowance or industrial injury benefit and widow's benefit (other than widow's basic pension) is required to be made as aforesaid for any period then the amount payable in respect of one of those benefits shall not be less than the amount of a widow's basic pension appropriate to a woman of her age.

Exception to regulation nineteen

20. An adjustment shall not be made between any two personal benefits of which one is specified in any paragraph of the first column of the Third Schedule to these regulations and the other is specified in the corresponding paragraph of the second column of that Schedule.

Adjustment of dependency benefit where other dependency benefit is payable

21.(1) Subject to the provisions of this regulation, where, for any period, any dependency benefit is or, but for this regulation, would be payable to any person in respect of a child or an adult dependant, that dependency benefit shall be adjusted -

- (a) in the case of dependency benefit in respect of a child, by reference to any other dependency benefit which is payable for that period in respect of that child; or
- (b) in the case of dependency benefit in respect of an adult dependant, by reference to any other dependency benefit which is payable for that period to that person in respect of that or any other adult dependant or to any person in respect of that adult dependant,

so that the amount which, but for this regulation, would be payable in respect of that dependency benefit shall be reduced or extinguished by the deduction therefrom of the amount payable for that period in respect of that other dependency benefit or those other dependency benefits by reference to which the dependency benefit is required by this regulation to be adjusted and only the balance (if any) shall be payable for that period in respect of that dependency benefit.

(2) Where, for any period, a guardian's allowance is payable or, but for paragraph (1) of this regulation, would be payable in respect of the elder or eldest child (hereafter in this paragraph referred to as "the first child") of a family which includes also a child or children in respect of whom no such allowance is payable for that period (which child, or, if the family includes more than one such child, the elder or eldest of such children, is hereafter in this paragraph referred to as "the other child"), the following provision shall apply, that is to say, if, for that period,

there is payable or, but for the said paragraph (1), there would be payable, in respect of the first child -

- (a) a guardian's allowance; and
- (b) a dependency benefit or more than one dependency benefit,

the said paragraph (1) shall not, for that period, be applied in relation to that allowance or those benefits so as to require that allowance or those benefits to be adjusted by reference to each other; but, as a special provision, the amount of dependency benefit which (after the making of any other adjustment required by the said paragraph (1)) would be payable for that period in respect of the first child shall be reduced or extinguished for that period by the deduction therefrom of the amount of any dependency benefit, or, if more than one, the aggregate amount of the dependency benefits, which (after the making of any adjustments required by the said paragraph (1)) is payable for that period in respect of the other child.

(3) Where, for the purposes of section fifty-seven of the Law, a child is, under subsection (2) of section fifty-eight of the Law, treated as a child of a man's family, that child shall be so treated for the purposes of the last foregoing paragraph.

(4) The foregoing provisions of this regulation shall not operate to require the making of any adjustment as between two dependency benefits of which one is dependency benefit by way of an increase of benefit under paragraph (c) of subsection (4) of section sixty of the Law, or under subsection (1) of section sixty-two of the Law, which is or, but for those provisions, would be payable to a person (hereafter in this paragraph referred to as "the beneficiary") in respect of another person who is employed by, but is not residing with, the beneficiary, and the other is any other dependency benefit and is or, but for those provisions, would be payable in respect of that other person to some person other than the beneficiary.

Adjustment of dependency benefit where personal benefit is payable

22.(1) Subject to the provisions of paragraph (2) of this regulation, where, for any period, any one or more personal benefits is or are payable to any person -

- (a) if the weekly rate or the aggregate weekly rate at which that personal benefit or those personal benefits (if more than one) is or are payable for that period (hereafter in this regulation called "the weekly rate of personal benefit") is equal to or exceeds the weekly rate of any dependency benefit which, apart from this regulation, would be payable for that period (hereafter in this regulation called "the weekly rate of dependency benefit"), there shall not be paid in respect of that person for that period any dependency benefit; and
- (b) in any other case, there shall not be paid in respect of that person for that period any dependency benefit at a weekly rate exceeding the difference between the weekly rate of personal benefit and the weekly rate of dependency benefit.

(2) The provisions of this regulation shall not apply in relation to any dependency benefit by way of an increase of benefit under paragraph (c) of subsection (4) of section sixty of the Law, or under subsection (1) of section sixty-two of the Law, in respect of a person who is employed by, but is not residing with, the beneficiary.

Construction of foregoing provisions of Part V

23. Nothing in the foregoing provisions of this Part of these regulations shall be construed as requiring either -

- (a) that any personal benefit by way of industrial medical benefit, limited medical benefit, maternity grant, death grant or travelling allowance grant shall be adjusted; or
- (b) that any personal benefit or dependency benefit shall be adjusted by reason of personal benefit under the Law by way of industrial medical benefit, limited medical benefit, maternity grant, death grant or travelling allowance grant.

Priority of title to increases of benefit

24. Where, but for any of the foregoing provisions of this Part of these regulations, two persons would both be entitled to an increase of benefit in respect of a third person, the person entitled thereto shall, as between such persons, be determined in accordance with the following order of priority:-

- (a) such one of the two persons as may be designated in a written notice to the Authority, signed by the other; or
- (b) such one of the two persons as may be determined by or on behalf of the Authority.

Two increases of the same benefit to be treated as separate benefits

25. For the purposes of the foregoing provisions of this Part of these regulations, in any case where dependency benefit by way of increases of benefit in respect of more than one person (being a child or an adult dependant) is payable, each of such increases of benefit shall be treated as a separate dependency benefit.

Provisions for adjusting benefit for part of a week

26.(1) Subject to the provisions of this regulation, where, in accordance with the provisions of this Part of these regulations, any benefit is required to be adjusted for a part only of a week then, for the purposes of making that adjustment and of determining the amount of that benefit which is payable for the part (if any) of that week for which it is not so required to be adjusted, the amount of the appropriate weekly rate of that benefit and of every benefit by reference to which it is so required to be adjusted shall, if it is not payable for that week at a daily rate, equal to one-sixth of the appropriate weekly rate, for each day of the week excluding Sunday, be deemed to be so payable.

(2) If the benefit or one of the benefits so required to be adjusted is unemployment benefit, sickness benefit, invalidity benefit, maternity allowance or industrial injury benefit, which is, or but for the provisions of these regulations, would be payable to a person in whose case the day to be disregarded in accordance with regulations made under subsection (2) of section twenty-three of the Law is a day other than Sunday, the first reference in paragraph (1) of this regulation to Sunday shall be construed as a reference to that other day.

(3) In this regulation -

- (a) "appropriate weekly rate" means, in relation to any benefit, the weekly rate at which it would be payable but for this regulation;
- (b) "week" means any period of seven consecutive days.

Persons to be treated as entitled to benefit for certain purposes

27. Any person who would be entitled to any benefit but for the foregoing provisions of this Part of these regulations shall be treated as if he were entitled thereto for the purpose of any rights or obligations under the Law and the regulations made thereunder (whether of himself or

some other person) which depend on his being so entitled, other than for the purposes of the right to payment of that benefit.

## PART VI

### ADJUSTMENT OF BENEFIT IN RELATION TO CERTAIN HOSPITAL IN-PATIENTS

#### Personal benefit

28.(1) The provisions of this Part of these regulations shall not apply to a beneficiary for any period during which, by virtue of regulation thirty of these regulations, he is regarded as having a dependant.

(2) Where the conditions for the receipt of personal benefit by way of sickness benefit, invalidity benefit, industrial injury benefit, widow's allowance, widowed mother's allowance, widow's pension, old age pension or widow's basic pension are satisfied in relation to any person who receives, or has received, continuously, for a period of eight weeks ("week" for the purposes of this regulation meaning any period of seven consecutive days) free in-patient treatment, the weekly rate of that allowance, benefit or pension, as the case may be, which, but for the provisions of this Part of these regulations, would be payable for any period of that treatment after the first eight weeks of that treatment shall, subject to the following provisions of this Part of these regulations, be reduced to two pounds and sixty pence.

#### Dependency benefit

29. Where the conditions for the receipt by any person (hereafter in this regulation referred to as "the beneficiary") of any dependency benefit are satisfied as respects a period for which the person in respect of whom that dependency benefit is payable (hereafter in this regulation referred to as "the dependant") is receiving free in-patient treatment, the weekly rate of that dependency benefit, which, but for the provisions of this Part of these regulations, would be payable for any period of that treatment after the first eight weeks ("week" for the purposes of this regulation meaning any period of seven consecutive days) of that treatment shall, where the weekly rate of that dependency benefit exceeds two pounds and sixty pence, be reduced to that amount.

Beneficiaries regarded as having "dependants"

30. For the purpose of regulation twenty-eight of these regulations, a beneficiary shall be regarded as having a dependant for any period if, but only if, for that period:-

- (a) any dependency benefit is payable to the beneficiary (or to some other person on his behalf) or, but for the operation of Part V of these regulations, would, subject to his satisfying the condition of making a claim therefor, be payable to the beneficiary; or
- (b) an increase of benefit would, subject as aforesaid, be payable to the beneficiary in respect of his wife for any period in respect of which an old age pension is payable to her, if she had not attained pensionable age.

Calculation of periods

31.(1) For the purposes of calculating any period mentioned in this Part of these regulations, but for no other purpose, the following provisions of this regulation shall apply.

(2) Where a person has received free in-patient treatment for two or more distinct periods separated by a temporary interval or temporary intervals, he shall be regarded as having received such treatment continuously for a period, equal in duration to the total of such distinct periods, ending on the last day of the latter or last of such periods; and for this purpose "temporary interval" means a period not exceeding twenty-eight days.

(3) In the application of the provisions of this Part of these regulations in relation to a person who is receiving free in-patient treatment immediately before the date of their coming into operation, those provisions shall, in respect of the period of in-patient treatment then current, have effect as if the period of that free in-patient treatment had commenced on that date.

Priority of adjustments

32. Where any benefit in relation to which this Part of these regulations apply falls to be adjusted in accordance with the provisions of Part V of these

regulations, the benefit to be so adjusted in accordance with those provisions shall be the relevant benefit for the purposes of the provisions of this Part of these regulations.

## PART VII

### MEDICAL CERTIFICATION

#### Evidence of incapacity

33.(1) A person who claims sickness benefit (other than a woman who claims sickness benefit by reason of her expected confinement), invalidity benefit or industrial injury benefit shall furnish evidence of incapacity in respect of the day or days for which the claim is made by means of a certificate given by a medical practitioner in accordance with the following provisions of this regulation in the form appropriate to the circumstances of the case as set out in Part I of the Fourth Schedule to these regulations or by such other means as the Administrator or the Tribunal, as the case may be, may accept as sufficient in the circumstances of the case.

(2) Every such certificate shall be completed in writing in ink or other indelible substance and shall bear, immediately above the words "Medical Practitioner", the signature of the certifying medical practitioner.

(3) The statement of the incapacitating disease or disablement in such certificate shall specify the cause of incapacity as precisely as the medical practitioner's knowledge of the claimant's condition at the time of the examination permits:

Provided that if, in the medical practitioner's opinion, the disclosure to the claimant of the precise cause would be prejudicial to his well-being, the certificate may contain a less precise statement.

(4) Every such certificate must have been given on a date not more than two days later than the date of the examination upon which it is

based and no further such certificate based on the same examination shall be furnished other than a certificate to replace an original certificate which has been lost or mislaid, but in that case the certificate shall be clearly marked "duplicate".

(5) Before resuming work, every claimant shall furnish such a certificate specifying the date on which, in the opinion of the medical practitioner, the claimant will become fit to resume work.

Evidence of personal injury, prescribed injury and prescribed disease

34.(1) A person who claims industrial medical benefit or limited medical benefit, as the case may be, but not sickness benefit, invalidity benefit or industrial injury benefit, shall furnish evidence of having been examined by a medical practitioner in respect of a personal injury caused by accident or a prescribed disease by means of a certificate given by that medical practitioner in accordance with the following provisions of this regulation in the form set out in Part II of the Fourth Schedule to these regulations or by such other means as the Administrator or the Tribunal, as the case may be, may accept as sufficient in the circumstances of the case.

(2) Every such certificate shall be completed in writing in ink or other indelible substance and shall bear, immediately above the words "Medical Practitioner", the signature of the certifying medical practitioner.

(3) Every such certificate shall specify the personal injury or prescribed disease, as the case may be, as precisely as the medical practitioner's knowledge of the claimant's condition at the time of the examination permits:

Provided that if, in the medical practitioner's opinion, the disclosure to the claimant of the precise cause would be prejudicial to his well-being, the certificate may contain a less precise statement.

Evidence of expected confinement and of confinement

35.(1) Every woman by whom, or on whose behalf, a claim for maternity benefit is made shall furnish evidence -

- (a) where the claim is made in respect of expectation of confinement, that she is pregnant and as to the stage which she has reached in her pregnancy; or
- (b) where the claim is made by virtue of the fact of confinement, that she has been confined;

by means of a certificate given by a medical practitioner or midwife in the form set out in Section A or Section B, as the case may be, of Part III of the Fourth Schedule to these regulations.

(2) Every certificate of expected confinement or of confinement shall be completed in writing in ink or other indelible substance and shall bear, immediately above the words "Medical Practitioner/Midwife", the signature of the certifying medical practitioner or midwife, as the case may be.

## PART VIII

## REPEALS, SAVINGS, CITATION AND COMMENCEMENT

Repeals

36. The regulations specified in the Fifth Schedule to these regulations are hereby repealed.

Savings

37. Any adjustment or other thing made or done under any regulations repealed by these regulations which could have been made or done under a corresponding provision of these regulations shall not be invalidated by the repeal but shall have effect as if made or done under that corresponding provision.

Citation

38. These regulations may be cited as the Social Insurance (Benefits) (Miscellaneous Provisions)(Guernsey) Regulations, 1978.

Commencement

39. These regulations shall come into force on the first day of January, nineteen hundred and seventy-nine.

Dated this fourth day of December, nineteen hundred and seventy-eight.

E.H. BODMAN

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

## FIRST SCHEDULE

Regulation nine

WEEKLY RATES OF MATERNITY ALLOWANCE IN CASES OF PARTIAL SATISFACTION  
OF CONTRIBUTION CONDITIONS

Numbers including the number of reckonable contributions paid or credited in respect of the relevant period	Weekly rate	
	Of maternity allowance 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

## SECOND SCHEDULE

Regulation thirteen

REDUCED AMOUNT OF DEATH GRANT PAYABLE WHERE CONTRIBUTION CONDITIONS  
ARE NOT FULLY SATISFIED

(1)	(2)	(3)	(4)	(5)
Yearly average of reckonable 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

## THIRD SCHEDULE

Regulation twenty

PERSONAL BENEFITS WHICH ARE NOT REQUIRED TO BE ADJUSTED BY REFERENCE TO  
OTHER PERSONAL BENEFITS

Column 1	Column 2
(1) Widow's basic pension.	(1) Unemployment benefit, sickness benefit, invalidity benefit, maternity allowance or industrial injury benefit.
(2) Any personal benefit.	(2) Industrial disablement benefit.



PART II

Medical Certificate

Mr./Mrs./Miss .....

Address.....

.....

1. I certify that I examined the above-named person on  
.....who, in my opinion,  
was suffering from \*.....

2. The patient alleges that the injury by accident was  
sustained on

.....:- AT WORK  
NOT AT WORK.

.....  
Date of signing

.....  
Medical Practitioner

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Remarks by Medical Practitioner

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\* If a prescribed injury or disease, quote the reference number.





- (b) Insert number of children, if more than one.
- (c) The week referred to is one which begins on a Monday.

## REGULATIONS REPEALED

The Social Insurance (Maternity Benefit)(Guernsey) Regulations, 1971

The Social Insurance (Death Grant)(Guernsey) Regulations, 1971

The Social Insurance (Guardian's Allowance)(Guernsey) Regulations, 1964

The Social Insurance (Child's Special Allowance)(Guernsey) Regulations, 1971

The Social Insurance (Travelling Allowance Grant)(Guernsey) Regulations, 1971

The Social Insurance (Overlapping Benefits)(Guernsey) Regulations, 1964

The Social Insurance (Overlapping Benefits)(Amendment)(Guernsey) Regulations, 1968

The Social Insurance (Overlapping Benefits)(Amendment)(Guernsey) Regulations, 1971

The Social Insurance (Hospital In-Patients)(Guernsey) Regulations, 1969

The Social Insurance (Hospital In-Patients)(Amendment)(Guernsey) Regulations, 1971

The Social Insurance (Hospital In-Patients)(Guernsey) Regulations, 1978

## EXPLANATORY NOTE

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

These regulations contain miscellaneous provisions relating to maternity benefit, death grant, guardian's allowance, child's special allowance, travelling allowance grant and limited medical benefit; to the adjusting of personal benefit where other personal benefit is payable and of dependency benefit where other dependency benefit is payable; to the adjusting of certain benefits where the beneficiary or a dependant of the beneficiary is an in-patient in the Castel Hospital; and to the forms of medical certificate required to be produced in claiming certain benefits as evidence of incapacity, of personal injury or a prescribed disease, or of confinement or expected confinement.

















