

GREFFE
ROYAL COURT

11 JUN 1999

GUERNSEY

GUERNSEY STATUTORY INSTRUMENT

1999 - No. 22

The Social Insurance (Contributions) (Amendment) (No. 2) Regulations, 1999

Made 11th June, 1999

Laid before the States

Coming into operation... .. 1st July, 1999

THE GUERNSEY SOCIAL SECURITY AUTHORITY, in exercise of the powers conferred upon it by section 11 of the Social Insurance (Guernsey) Law, 1978, as amended^a, hereby orders:-

Amendment

1. Regulation 12 of the Social Insurance (Contributions) (Guernsey) Regulations, as amended^b (hereinafter called "the principal Regulations"), is repealed and replaced by the following:

"Credits for incapacity and unemployment

12. (1) Subject to the provisions of these regulations and of the Social Insurance (Claims and Payments) (Guernsey) Regulations, 1978, the Social Insurance (Married Women and Widows) (Guernsey) Regulations, 1978 and the Social Insurance (Unemployment, Sickness and Invalidity Benefit) (Guernsey) Regulations, 1978, an insured person in receipt of benefit shall, in relation to any week of incapacity for work or unemployment:

(a) be entitled to be credited with a contribution of the class appropriate to the class of contribution which, at the date of the first day for which benefit is claimed he would otherwise be liable to pay; and

(b) be excepted from liability to pay a Class 2 or Class 3 contribution in respect of that week.

^a Ordres en Conseil Vol. XXVI, p. 292; Vol. XXVII, pp. 238, 307 and 392; Vol. XXIX, pp. 24, 148 and 422; No. V of 1990; Nos. V and XII of 1993; Ordinance No. XIV of 1993, Ordres en Conseil No. V of 1994, Nos. VI and XIII of 1995; No. I of 1998.

^b S.I.1978 No.18; S.I.1979 Nos.1,14,26 and 34; S.I.1980 No.25; S.I.1981 Nos.13, 23 and 33; S.I.1982 No.25; S.I.1983 No.8; S.I.1986 No.3; S.I.1987 No.31; S.I.1988 Nos. 8 and 26; S.I.1991 No.38; S.I.1993 No. 31; S.I. 1994 No. 20; S.I. 1995 No. 31; S.I. 1996 Nos. 1 and 29; S.I. 1997 No.32; S.I. 1998 No. 27

(2) Where the contribution conditions for the receipt of benefit for incapacity for work or for unemployment are not satisfied they shall be deemed to be satisfied in respect of this regulation where it has been determined by or on behalf of the Authority that an insured person would be liable to pay a contribution of the appropriate class.

(3) A person who has exhausted his right to unemployment benefit shall be deemed to be in receipt of benefit for the purpose of paragraph (1) of this regulation.

(4) No person who has exercised any right to elect not to be liable to pay a contribution shall be entitled to receive a contribution credit under this regulation for any period during which such an election is in force, and no credit shall be awarded to a person liable to pay a Class 3 contribution unless he is entitled to receive the benefit claimed, in which case he shall be credited with a contribution of the class paid, or predominantly paid, in the relevant contribution year.

(5) Where no claim for benefit in respect of incapacity for work has been made, it shall be a condition of an insured person's right to be credited with a contribution for any week under the provisions of these regulations that he shall furnish to the Authority a notice in writing of the grounds on which a contribution should be credited before the end of the benefit year immediately following the contribution year which includes the week in question or within such longer period as the Authority may in a particular case allow.

(6) In this regulation "week of incapacity" means a week in which, in relation to the person concerned, there are four or more days of incapacity and "day of incapacity" means a day of incapacity which -

(a) was a day of incapacity for the purposes of sickness benefit, invalidity benefit or industrial injury benefit; or

(b) would have been such a day had he claimed sickness benefit, invalidity benefit, or industrial injury benefit within the prescribed time.

(7) In this regulation "week of unemployment" means a week in which, in relation to the person concerned, there are six days of unemployment, and "day of unemployment" means a day of unemployment for the purposes of unemployment benefit."

Repeal

2. Regulations 13, 14 and 15 of, and the Second Schedule to, the principal Regulations are repealed.

Citation

3. These regulations may be cited as the Social Insurance (Contributions) (Amendment) (No. 2) Regulations, 1999

Commencement

4. These regulations shall come into force on 1st July 1999.

Dated this 11th day of June, 1999.



O D Le Tissier

President of the Guernsey Social Security Authority,
for and on behalf of the Authority.

EXPLANATORY NOTE

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

These Regulations simplify the conditions for the award of contribution credits for sickness and unemployment by referring to the claimant's classification and liability to pay contributions at the date of claiming rather than to contributions actually paid.