

GUERNSEY STATUTORY INSTRUMENT

1978 - No. 22

The Social Insurance (Married Women and Widows)  
(Guernsey) Regulations, 1978

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

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THE STATES INSURANCE AUTHORITY, in exercise of the powers conferred upon it by section ninety-seven 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 :-

"appointed day" means the first day of January, nineteen hundred and seventy-nine;

"the former Contributions Regulations" means the Social Insurance (Contributions)(Guernsey) Regulations, 1964;

"former contributor" means a person who was insured under the Law of 1964;

"the former Married Women Regulations" means the Social

Insurance (Married Women)(Guernsey) Regulations,  
1964;

"the Law" means the Social Insurance (Guernsey)  
Law, 1978;

"marriage" includes any re-marriage, and the word  
"married", wherever it occurs, shall be construed  
accordingly;

"reckonable contribution" means a reckonable  
contribution converted from a contribution in  
accordance with Part IX of the Social Insurance  
(Contributions)(Guernsey) Regulations, 1978;

"transitional benefit year" means, in relation to  
a former contributor, any period specified in the  
first column of the First Schedule to these  
regulations against the reference in the second  
column of that Schedule to any period which would,  
before the appointed day, have been a contribution  
year prescribed under the Law of 1964 in relation to  
that contributor;

"transitional contribution year" means the period  
commencing on the second day of January, nineteen  
hundred and seventy-eight, and ending on the thirty-  
first day of December in that year;

"week" means a contribution week.

(2) For the purposes of regulation twelve and regulation thirteen of  
these regulations, a woman who has obtained a decree of presumption of  
death and of dissolution of marriage shall, notwithstanding that the man  
whose death has been presumed is dead, be treated as a woman whose marriage  
has been terminated otherwise than by the death of her husband unless the  
date of his death is established to the satisfaction of the Authority, the

Administrator or the Tribunal, as the case may be; and, in relation to a woman who is so treated, the marriage in question shall be treated as having been terminated on the date of the said decree.

(3) 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.

(4) 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

LIABILITY OF MARRIED WOMEN TO PAY CONTRIBUTIONS

Election by married woman not to be liable to pay primary Class 1 contributions at the standard rate

2.(1) Subject to the following provisions of this regulation, a woman may, for any period during which she is married, elect not to be liable to pay a primary Class 1 contribution under section five of the Law in respect of any employment, and thereafter she shall not be liable to pay such a contribution.

(2) Where a married woman has elected under paragraph (1) of this regulation not to be liable to pay a primary Class 1 contribution under section five of the Law, she shall -

- (a) as respects her earnings derived from any employed contributor's employment which are paid weekly, cease to be liable to pay such a contribution in respect of the earnings so paid in respect of that employment in or after the week next following the week in which she has made her election under the said paragraph (1);
- (b) as respects her earnings derived from any employed contributor's employment which are paid monthly, cease to be liable to pay such a contribution in respect of the earnings so paid in respect of that employment in or after the month next following the month in which she has made her election under the said paragraph (1); but

(c) nevertheless, be liable to pay in respect of so much of those earnings as does not exceed the current relevant upper earnings limit a primary Class 1 contribution at the reduced rate, that is to say, 0.5 per centum;

so, however, that a married woman who has elected as aforesaid shall, in any case where a direction is given to that effect by or on behalf of the Authority, cease to be liable to pay a primary Class 1 contribution under the said section five in respect of such earnings paid during any earlier period and shall, in accordance with such direction, be liable to pay in respect of such earnings paid during that period a primary Class 1 contribution at that reduced rate.

(3) An election by a married woman under paragraph (1) of this regulation may be made by her at any time by giving notice in writing to the Authority to that effect.

(4) An election as aforesaid by a married woman may be cancelled by her at any time by giving notice in writing to the Authority to that effect, and such cancellation shall be operative -

(a) as respects her earnings derived from any employed contributor's employment which are paid weekly, from the beginning of the week next following the week in which such notice was given;

(b) as respects her earnings derived from any employed contributor's employment which are paid monthly, from the beginning of the month next following the month in which such notice was given;

so, however, that such cancellation shall be without prejudice to the right of the person concerned again to make an election as aforesaid.

(5) Where the marriage of a woman who has made an election under paragraph (1) of this regulation is terminated by the death of her husband or otherwise and she is not entitled to make an election under paragraph (1) of regulation five of these regulations, then, if her election under paragraph (1) of this regulation is in force at the time of the termination of her marriage, she shall be deemed for all the purposes of these regulations to have given notice in writing to the Authority under paragraph (4) of this regulation cancelling her election under the said paragraph (1) of this regulation in the week in which her marriage was terminated.

Election by married women to be liable to pay either Class 2 or Class 3 contributions

3.(1) A woman shall be excepted from liability to pay Class 2 contributions in respect of any period during which she is married unless during that period she elects otherwise in accordance with the following provisions of this regulation.

(2) Every such election by a married woman shall be either an election to be liable to pay Class 2 contributions or an election to be liable to pay Class 3 contributions, and a woman who makes any such election shall, during the operation of the election but subject to the provisions of the Law, be liable to pay the contributions which she has elected to be liable to pay.

(3) Every election by a married woman under the last foregoing paragraph shall be made by her by giving notice in writing to the Authority, and shall be operative -

(a) if such notice is given before the expiration of the thirteen weeks beginning with the week next following the date on which she became or again became a married woman (or such longer period as the Authority, having regard to all the circumstances

of the case, may allow), from that date;

- (b) if such notice is given thereafter, from the beginning of the week next following the week in which the notice was given.

(4) Any such election by a married woman may be cancelled by her at any time by giving notice in writing to the Authority to that effect, and such cancellation shall be operative from the beginning of the week next following the week in which the notice was given.

Election by married women to be liable to pay Class 3 contributions

4.(1) A woman shall be excepted from liability to pay Class 3 contributions in respect of any period during which she is married unless during that period she elects otherwise in accordance with the following provisions of this regulation.

(2) Every such election by a married woman shall be an election to be liable to pay Class 3 contributions, and a woman who makes such an election shall, during the operation of the election, but subject to the provisions of the Law, be liable to pay the contributions which she has elected to be liable to pay.

(3) Every election by a married woman under the foregoing provisions of this regulation shall be made by her by giving notice in writing to the Authority, and shall be operative -

- (a) if such notice is given before the expiration of the thirteen weeks beginning with the week next following the date on which she became or again became a married woman (or such longer period as the Authority, having regard to all the circumstances of the case, may allow), from that date;

- (b) if such notice is given thereafter, from the beginning of the week next following the week in which the said notice was given.

(4) Any such election by a married woman may be cancelled by her at any time by giving notice in writing to the Authority to that effect, and such cancellation shall be operative from the beginning of the week next following the week in which the notice was given.

PART III

LIABILITY OF WIDOWS TO PAY CONTRIBUTIONS

Election by widows not to be liable to pay primary Class 1 contributions at the standard rate

5.(1) Subject to the provisions of these regulations, a widow to whom widow's benefit is payable may elect not to be liable to pay a primary Class 1 contribution under section five of the Law in respect of any employment, and thereafter she shall not be liable to pay such a contribution.

(2) Where a widow has elected under paragraph (1) of this regulation not to be liable to pay a primary Class 1 contribution under section five of the Law, she shall -

- (a) as respects her earnings derived from any employed contributor's employment which are paid weekly, cease to be liable to pay such a contribution in respect of the earnings so paid in respect of that employment in or after the week next following the week in which she has made her election under the said paragraph (1);
- (b) as respects her earnings derived from any employed contributor's employment which are paid monthly, cease to be liable to pay such a contribution in respect of the earnings so paid in respect of that employment in or after the month next following the month in which she has made her election under the said paragraph (1); but
- (c) nevertheless, be liable to pay in respect of so much of those earnings as does not exceed the current relevant upper earnings limit a primary Class 1 contribution at the reduced rate, that is to say, 0.5 per centum;

so, however, that a widow who has elected as aforesaid shall, in any case where a direction is given to that effect by or on behalf of the Authority, cease to be liable to pay a primary Class 1 contribution under the said section five in respect of such earnings paid during any earlier period and shall, in accordance with such direction, be liable to pay in respect of such earnings paid during that period a primary Class 1 contribution at that reduced rate.

(3) An election by a widow under paragraph (1) of this regulation may be made by her at any time by giving notice in writing to the Authority to that effect.

(4) An election as aforesaid by a widow may be cancelled by her at any time by giving notice in writing to the Authority to that effect, and such cancellation shall be operative -

(a) as respects her earnings derived from any employed contributor's employment which are paid weekly, from the beginning of the week next following the week in which such notice was given;

(b) as respects her earnings derived from any employed contributor's employment which are paid monthly, from the beginning of the month next following the month in which such notice was given;

so, however, that such cancellation shall be without prejudice to the right of the person concerned again to make an election as aforesaid.

(5) Where a woman is entitled to elect under paragraph (1) of this regulation not to be liable to pay a primary Class 1 contribution under section five of the Law in respect of any employment, any election made by her under paragraph (1) of regulation two of these regulations in force at the time of the death of her husband shall be treated for all the purposes of these regulations as if it were an election made by her under paragraph (1) of this regulation -

- (a) as respects her earnings derived from any employed contributor's employment which are paid weekly, as from the beginning of the week next following the week in which the death of the husband occurred;
- (b) as respects her earnings derived from any employed contributor's employment which are paid monthly, as from the beginning of the month next following the month in which the death of the husband occurs.

(6) Where a woman who has elected under paragraph (1) of this regulation not to be liable to pay a primary Class 1 contribution under section five of the Law and her election under that paragraph is in force at the time she ceases to be entitled to widow's benefit, she shall be deemed for all the purposes of these regulations to have given notice in writing to the Authority under paragraph (4) of this regulation cancelling her election in the week in which she ceases to be entitled to widow's benefit.

Election by widows not to be liable to pay Class 2 contributions

6.(1) Subject to the following provisions of this regulation, a widow may elect not to be liable to pay a Class 2 contribution for any week for the whole or any part of which widow's benefit is payable to her, and thereafter she shall not be liable to pay such a contribution in respect of any such week.

(2) Where a widow has elected under paragraph (1) of this regulation not to be liable to pay a Class 2 contribution, she shall cease to be liable to pay such a contribution as from the beginning of the week next following the week in which she has made her election under the said paragraph (1).

(3) An election by a widow under paragraph (1) of this regulation may be made by her at any time by giving notice in writing to the Authority to that effect.

(4) Any such election by a widow may be cancelled by her at any time by giving notice in writing to the Authority to that effect, and such cancellation shall be operative from the beginning of the week next following the week in which such notice was given.

(5) Subject to the provisions of the next following paragraph, where a woman entitled to elect under paragraph (1) of this regulation not to be liable to pay a Class 2 contribution for any week was, immediately before the death of her husband, a woman who was excepted from liability to pay Class 2 contributions under paragraph (1) of regulation three of these regulations and has not made an election under the last mentioned paragraph, she shall be deemed for all the purposes of these regulations to have made an election under paragraph (1) of this regulation in all respect as if she had notified the Authority of that election at the beginning of the week next following the week in which the death of her husband occurred.

(6) Where a woman does not wish the provisions of the last foregoing paragraph to apply to her, she may give notice in writing to the Authority to that effect, and in that event such notice shall be treated for all the purposes of these regulations as if it were a notice given to the Authority under paragraph (4) of this regulation.

Exception from liability to pay Class 3 contributions

7. A woman who, but for this regulation, would otherwise be liable to pay a Class 3 contribution shall be entitled but shall not be liable to pay a Class 3 contribution for any week for the whole or any part of which widow's benefit is payable to her.

Exception from liability to pay Class 2 or Class 3 contributions during the period of twenty-six weeks following death of husband

8. A widow who, but for the provisions of this regulation, would be liable to pay a Class 2 or Class 3 contribution shall be entitled but shall not be liable to pay such a contribution -

- (a) for the week in which the death of her husband occurs and each of the twenty-six succeeding weeks; and
- (b) if at the expiration of the said twenty-six weeks there is pending a claim made by her or on her behalf for widow's benefit, for each week during the whole or any part of which that claim remains pending.

PART IV

SPECIAL PROVISIONS AS TO THE ENTITLEMENT TO BENEFIT OF WOMEN WHO ARE  
OR HAVE BEEN MARRIED

Class 1 contributions not to be credited to women liable to pay primary  
Class 1 contributions at the reduced rate

9. Notwithstanding anything contained in these or any other regulations a Class 1 contribution shall not be credited to a woman in respect of any week during the whole or part of which she is liable to pay a primary Class 1 contribution at the reduced rate.

Credits for widows

10.(1) A Class 3 contribution shall be credited to a woman for the purposes of entitlement to an old age pension or to death grant only in respect of every week for the whole or any part of which widow's benefit is payable to her.

(2) A Class 3 contribution shall be credited to a woman for the purposes of entitlement to an old age pension or to death grant only in respect of any week for the whole or any part of which widow's benefit would have been payable to her but for -

(i) the operation of the provisions of Part V of the Social Insurance (Benefits)(Miscellaneous Provisions)(Guernsey) Regulations, 1978; or

(ii) her failure to make, or her delay in making, a claim for such benefit.

(3) Where a contribution is credited by virtue of this regulation to a woman at any time when she is not an insured person, such a contribution shall be treated for the purpose of determining her entitlement to an old age pension in all respects as if it were a contribution credited to her as an insured person.

11. Where a woman is entitled to widow's benefit immediately before she attains pensionable age or would be so entitled but for -

- (i) her imprisonment or her detention in legal custody;
- (ii) her cohabitation with a man as his wife;
- (iii) the operation of Part V of the Social Insurance (Benefits) (Miscellaneous Provisions) (Guernsey) Regulations, 1978; or
- (iv) her failure to make, or her delay in making, a claim to such benefit;

she shall be deemed to have satisfied, as respects the one hundred and fifty-six reckonable contributions required to have been paid, the contribution conditions for an old age pension.

Special credits where a woman's marriage has been terminated

12.(1) In the case of a woman whose marriage has been terminated by the death of her husband or otherwise, contributions shall be credited to her, subject to and in accordance with the following provisions of this regulation, for the purposes specified in paragraph (3) of this regulation, if at any time, in respect of weeks beginning not earlier than the twenty-sixth week next before the termination of that marriage (hereafter in this regulation referred to as "the appropriate weeks") -

- (a) twenty-six reckonable Class 1 contributions have been paid by her; or
- (b) twenty-six reckonable contributions have been paid by her of which each is either a reckonable Class 1 or reckonable Class 2 contribution.

(2) Contributions credited to a woman by virtue of paragraph (1) of this regulation shall be -

- (a) if she has not paid twenty-six reckonable Class 1 contributions in respect of the appropriate weeks, a Class 2 contribution for every week in the period beginning with the commencement of the last complete

contribution year before the benefit year which includes that one of the appropriate weeks in respect of which she paid the twenty-sixth reckonable Class 1 or Class 2 contribution and ending with that week; and

- (b) if she has paid (either with or without any other reckonable contribution) twenty-six reckonable Class 1 contributions in respect of the appropriate weeks, a Class 1 contribution for every week in the period beginning with the commencement of the last complete contribution year before the benefit year which includes that one of the appropriate weeks in respect of which she paid the twenty-sixth reckonable Class 1 contribution and ending with that week:

so, however, no contribution shall be so credited for any week which did not fall wholly within the period of the marriage in question.

(3) Contributions shall be credited to a woman under this regulation -

- (a) for the purpose of her satisfying, as respects the fifty reckonable contributions required to have been paid or credited in a contribution year, the contribution conditions for unemployment benefit, sickness benefit and invalidity benefit; and
- (b) for the purpose of satisfying the conditions attaching to exception from liability to pay, and to the crediting of, contributions which are contained in the First Schedule to the Social Insurance (Contributions) (Guernsey) Regulations, 1978.

Modifications, in relation to widows, of provisions with respect to unemployment benefit, sickness benefit, invalidity benefit and old age pensions

13.(1) Subject to the provisions of this regulation, where, otherwise than by reason of re-marriage or cohabitation with a man as his wife, a woman ceases to be entitled to a widow's allowance, to a widow's pension by virtue of regulation two of the Social Insurance (Widow's Benefit and Old Age Pension) (Guernsey) Regulations, 1978, or to a widowed mother's allowance (in the last case without becoming entitled to a widow's pension or an old age pension) -

- (a) she shall be deemed to have satisfied, as respects the twenty-six reckonable contributions required to have been paid, the contribution conditions for unemployment benefit, sickness benefit and invalidity benefit;
- (b) for the purpose of her satisfying, as respects the fifty reckonable contributions required to have been paid or credited in a contribution year, the contribution conditions for unemployment benefit, sickness benefit and invalidity benefit and of her satisfying the conditions attaching to exemption from liability to pay, and to the crediting of, contributions which are contained in the Second Schedule to the Social Insurance (Contributions) (Guernsey) Regulations, 1978, a Class 1 contribution shall be credited to her for each week which began in the period commencing with the beginning of the last complete contribution year before the beginning of the benefit year which includes the day on which she ceases to be entitled as aforesaid and ending with that day;

(c) for the purposes of the provisions of subsection (1) of section twenty-four of the Law (which relates to the duration of unemployment benefit), if the day on which she ceases to be entitled as aforesaid falls during a period of interruption of employment, any part of that period before that day shall be left out of account and, if on that day her right to unemployment benefit is exhausted, she shall be deemed to have requalified therefor on that day; and

(d) she shall be deemed to have satisfied, as respects the one hundred and fifty-six reckonable contributions required to have been paid, the contribution conditions for an old age pension.

(2) In relation to a widow who, at her husband's death, would be entitled to a widow's allowance but for the fact that the conditions for a widow's allowance specified in subsection (1) of section thirty of the Law (which relates to widow's allowance) are not satisfied, sub-paragraph (d) of the last foregoing paragraph shall, subject to the provisions of the next following paragraph, apply as if she had then ceased to be entitled to a widow's allowance.

(3) Where a woman who has ceased to be entitled to widow's benefit remarries before she attains pensionable age, the provisions of sub-paragraph (d) of paragraph (1) of this regulation shall not apply in her case by reason of her ceasing to be so entitled before her remarriage.

(4) In determining for the purposes of paragraph (1) of this regulation whether a woman ceases to be, or becomes, entitled to widow's benefit as is mentioned in that paragraph, a woman in whose case the Authority is satisfied that she would be, or would have been, entitled to widow's benefit or an old age pension for any period but for -

- (a) her delay or failure to make a claim therefor;
- (b) her disqualification for the receipt of benefit for any other reason, except her cohabitation with a man as his wife; or
- (c) the operation of Part V of the Social Insurance (Benefits)(Miscellaneous Provisions) (Guernsey) Regulations, 1978;

shall be treated as if she is, or (as the case may be) was, entitled thereto throughout that period.

(5) In determining for the purposes of paragraph (2) of this regulation whether a woman would be entitled to a widow's allowance but for the fact mentioned in that paragraph, a woman in whose case the Authority is satisfied that she would be so entitled but for that fact and for any one or more of the factors mentioned in the last foregoing paragraph shall be treated as if she would be so entitled but for that fact.

(6) A woman who ceases to be entitled to widow's benefit as is mentioned in paragraph (1) of this regulation on more than one occasion shall be entitled to the benefit of the provisions of that paragraph, subject as therein mentioned, on each such occasion.

(7) Where, but for this paragraph, the other provisions of this regulation and the provisions of the last foregoing regulation would be applicable for the purpose of determining a woman's right to unemployment benefit, sickness benefit or invalidity benefit for any day, her right thereto shall be determined by reference to the provisions of whichever of those two regulations is more favourable to her, to the exclusion of the provisions of the other.

Old age pensions for women whose marriages have been dissolved

14.(1) Where a woman's marriage has been terminated otherwise than by the death of her husband and she was under pensionable age on the date of that termination, she may elect that, in calculating the yearly average of the reckonable contributions paid by or credited to her for the purpose of her right to an old age pension by virtue of her own insurance, there shall be treated as so paid or credited -

- (a) for each contribution year falling wholly or partly before the termination of their marriage; or
- (b) for each contribution year falling wholly or partly during the period of their marriage;

a number of reckonable contributions equal to the yearly average (ascertained as at the date of the termination of their marriage or of her husband's attaining pensionable age, whichever is the earlier) of the reckonable contributions paid by or credited to her husband, instead of the number of reckonable contributions paid by or credited to her for that year.

(2) Where a woman's marriage has been terminated otherwise than by the death of her husband and she was not under pensionable age on the date of that termination, she shall, subject to the provisions of the Law, be entitled to an old age pension by virtue of his insurance as if he had died on the date of that termination.

(3) Where at the date of the termination of a marriage otherwise than by death the husband would, had he then died, have satisfied, as respects the number of reckonable contributions required to have been paid since entry into insurance, the contribution conditions for an old age pension, the wife shall, for the purpose of her right to an old age pension by virtue of her own insurance, be deemed to have satisfied those contribution conditions in that respect.

(4) The foregoing provisions of this regulation shall not apply in the case of a woman whose marriage has been terminated otherwise than by the

death of her husband if, being under pensionable age on the date of that termination, she has remarried after that termination and before attaining that age.

Additional conditions for receipt by a married woman of an increase of benefit for a child

15. Where a married woman is residing with her husband and claims an increase of benefit for a child of their family, it shall be an additional condition with respect to the receipt of that increase that her husband is incapable of self-support.

Special provision relating to disqualification of married women for unemployment benefit

16. The question whether a married woman is subject to any of the disqualifications for unemployment benefit contained in subsection (1) of section twenty-six of the Law (which relates to disqualifications for receiving unemployment benefit) shall be determined on the same basis as that applicable to a single woman.

Special provision relating to disqualification of women for certain industrial injuries benefits in certain cases

17. A woman shall not be entitled to industrial medical benefit, industrial injury benefit or industrial disablement benefit in respect of an accident other than an accident arising out of and in the course of her employment (if any) under a contract of service if at the time of the accident she is excepted from liability to pay Class 2 contributions under paragraph (1) of regulation three of these regulations or has elected not to pay such contributions under paragraph (1) of regulation six of these regulations:

Provided that this regulation shall not apply in relation to a woman who at the time of the accident has elected to be liable to pay Class 2 contributions under paragraph (2) of the said regulation three.

PART V

TRANSITIONAL PROVISIONS

Elections by married women under the Law of 1964 to be deemed to be elections under the Law

18.(1) Where there is operative immediately before the appointed day an election by a married woman under paragraph (1) of regulation one A of the former Married Women Regulations (which relates to married women who are employed persons), that election shall be deemed to have been made by her under paragraph (1) of regulation two of these regulations.

(2) Where a notice in writing was given to the Authority before the appointed day by a married woman in pursuance of sub-paragraph (a) of paragraph (7) of the said regulation one A but the election in respect of which that notice was so given had not become operative before that day, she shall be deemed to have made an election under paragraph (1) of regulation two of these regulations operative from and including the appointed day.

(3) Where a notice in writing was given to the Authority before the appointed day by a married woman in pursuance of sub-paragraph (b) of paragraph (7) of the said regulations one A but the cancellation in respect of which that notice was given had not become operative before that day, she shall be deemed to have cancelled the election which she is deemed to have made by virtue of paragraph (1) of this regulation in pursuance of paragraph (4) of regulation two of these regulations and such cancellation shall be operative from and including the appointed day.

(4) Where there is operative immediately before the appointed day an election by a married woman under regulation two of the former Married Women Regulations (which relates to married women who are self-employed persons), then -

(a) where that election was an election to pay contributions as a self-employed person under the Law of 1964, that election shall be deemed to be an election made by her under paragraph (2) of regulation three of these regulations to be liable to pay Class 2 contributions;

(b) where that election was an election to pay contributions as a non-employed person under the Law of 1964, that election shall be deemed to be an election made by her under the said paragraph (2) to be liable to pay Class 3 contributions.

(5) Where there is operative immediately before the appointed day an election by a married woman under regulation three of the former Married Woman Regulations (which relates to married women who are non-employed persons), that election shall be deemed to have been made by her under regulation four of these regulations.

Elections by widows under the Law of 1964 to be deemed to be elections under the Law

19.(1) Where there is operative immediately before the appointed day an election by a widow under subsection (1) of section ten of the Law of 1964 (which relates to widows who are employed persons), that election shall be deemed to have been made by her under paragraph (1) of regulation five of these regulations.

(2) Where a notice in writing was given to the Authority by a widow before the appointed day in pursuance of subsection (6) of the said section ten, being a notice of her intention to cease to pay contributions in accordance with the provisions of subsection (1) of that section, but the date on which the cessation of her liability to pay such contributions was thereby to have effect had not occurred before that day, she shall be deemed to have cancelled the election which is deemed to have been made by virtue of paragraph (1) of this regulation in pursuance of paragraph (4) of regulation five of these regulations and such cancellation shall be

operative from and including the appointed day.

(3) Where there is operative immediately before the appointed day an election by a woman under paragraph (3) of regulation eight of the former Contributions Regulations (which paragraph relates to widows who are self-employed persons), that election shall be deemed to have been made by her under regulation six of these regulations.

(4) Where a notice in writing was given to the Authority by a woman before the appointed day in pursuance of paragraph (4) of regulation eight of the former Contributions Regulations (which paragraph also relates to widows who are self-employed persons), but the date on which the provisions of paragraph (3) of that regulation would have thereby ceased to apply to her had not occurred before that day, she shall be deemed to have cancelled the election which she is deemed to have made by virtue of the last foregoing paragraph in pursuance of paragraph (4) of regulation six of these regulations and such cancellation shall be operative from and including the appointed day.

Provisions supplementary to regulations eighteen and nineteen of these regulations

20. Nothing in regulation eighteen or regulation nineteen of these regulations shall affect the liability of a woman to pay any contributions under the Law of 1964 which accrued before the appointed day or the right of a woman which accrued before that day to pay contributions under that Law which she was entitled but not liable to pay before that day.

Modification of regulation twelve of these regulations

21. Regulation twelve of these regulations shall have effect in relation to a woman whose marriage has been terminated by the death of her husband or otherwise and who is a former contributor as follows, that is to say -

- (a) for the purpose specified in sub-paragraph (a) of paragraph (3) of that regulation -

- (i) where the day for which unemployment benefit, sickness benefit or invalidity benefit, as the case may be, is claimed falls within the period beginning on the appointed day and ending on the thirtieth day of June, nineteen hundred and seventy-nine, and within any transitional benefit year appropriate to that woman, as if the references in paragraph (2) of that regulation to the benefit year were references to that transitional benefit year and as if the references in that paragraph to the last complete contribution year were references to the contribution year under the Law of 1964 specified in the second column of the First Schedule to these regulations against the reference to that transitional benefit year in the first column of that Schedule;
- (ii) where the day for which any such benefit as aforesaid is claimed falls within the period beginning on the first day of July, nineteen hundred and seventy-nine, and ending on the thirtieth day of June, nineteen hundred and eighty, as if the references in paragraph (2) of that regulation to the last complete contribution year were references to the transitional contribution year; and
- (iii) where the one of the appropriate weeks in respect of which she paid the twenty-sixth reckonable Class 1 or Class 2 contribution, as the case may be, occurred before the appointed day, as if that

week were the week commencing on the appointed day;

- (b) for the purpose specified in sub-paragraph (b) of paragraph (3) of that regulation -

(i) where the relevant week within the meaning of the Second Schedule to the Social Insurance (Contributions) (Guernsey) Regulations, 1978, falls within the period beginning on the appointed day and ending on the thirtieth day of June, nineteen hundred and seventy-nine, and within any transitional benefit year appropriate to that woman, as if the references in paragraph (2) of that regulation to the benefit year were references to that transitional benefit year and as if the references in that paragraph to the last complete contribution year were references to the contribution year under the Law of 1964 specified in the second column of the First Schedule to these regulations against the reference to that transitional benefit year in the first column of that Schedule;

(ii) where the relevant week as aforesaid falls within the period beginning on the first day of July, nineteen hundred and seventy-nine, and ending on the thirtieth day of June, nineteen hundred and eighty, as if the references in paragraph (2) of that regulation to the last complete contribution year were references to the transitional contribution year; and

- (iii) where the one of the appropriate weeks in respect of which she paid the twenty-sixth reckonable Class 1 or Class 2 contribution, as the case may be, occurred before the appointed day, as if that week were the week commencing on the appointed day.

Modification of regulation thirteen of these regulations

22. Regulation thirteen of these regulations shall have effect in relation to a woman who is a former contributor and who -

- (a) ceases to be entitled to widow's benefit as mentioned in that regulation on any day which falls within the period beginning on the appointed day and ending on the thirtieth day of June, nineteen hundred and seventy-nine, and within any transitional benefit year appropriate to that woman, as if the reference in sub-paragraph (b) of paragraph (1) of that regulation to the benefit year were a reference to that transitional benefit year and as if the reference in that sub-paragraph to the last complete contribution year were a reference to the contribution year under the Law of 1964 specified in the second column of the First Schedule to these regulations against the reference to that transitional benefit year in the first column of that Schedule;
- (b) ceases to be entitled to widow's benefit as mentioned in that regulation on any day which falls within the period beginning on the first day of July, nineteen hundred and seventy-nine, and ending on the thirtieth day of June, nineteen hundred and eighty, as if the

reference in the said sub-paragraph (b)  
to the last complete contribution year  
were a reference to the transitional  
contribution year.

Modification of regulation fourteen of these regulations

23.(1) Regulation fourteen of these regulations shall have effect in relation to a woman whose husband was a former contributor and who makes an election under paragraph (1) of that regulation as follows, that is to say -

(a) where the husband attained pensionable age before the appointed day and before the termination of the marriage, the number of reckonable contributions to be treated under that paragraph as paid by or credited to her for any year shall be equal to the yearly average of the contributions under the Law of 1964 paid by or credited to her husband as ascertained at the date of her husband's attaining pensionable age;

(b) where the marriage was terminated before the appointed day and before the husband attained pensionable age, the number of reckonable contributions to be treated as aforesaid shall be equal to the yearly average which would have been the yearly average of the reckonable contributions paid by or credited to her husband ascertained as at the date of the termination of the marriage had the appointed day occurred before that day.

(2) Where a woman's marriage has been terminated before the appointed day, otherwise than by the death of her husband, regulation fourteen of these regulations shall have effect as if in paragraph (3) thereof there were substituted the following paragraph -

"Where at the date of the termination of a marriage, . . . otherwise than by death, the husband would, had he then died, have satisfied the contribution conditions for an old age pension under the Law of 1964 as respects the number of contributions required to have been paid since entry into insurance under that Law, the wife shall, for the purpose of her right to an old age pension under the Law by virtue of her own insurance, be deemed to have satisfied the contribution conditions for an old age pension under the Law as respects the number of reckonable contributions required to have been paid since entry into insurance under the Law".

PART VI

MISCELLANEOUS

Notice of marriage

24. It shall be the duty of every woman who, being an insured person, marries, to furnish any evidence of her marriage as may be required by the Authority and to give notice to the Authority in writing of her marriage not later than thirteen weeks thereafter, or, if she claims benefit before the expiration of that period, at the time of making such a claim.

Repeals

25. The regulations specified in the Second Schedule to these regulations are hereby repealed.

Citation

26. These regulations may be cited as the Social Insurance (Married Women and Widows) (Guernsey) Regulations, 1978.

Commencement

27. 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.

## TRANSITIONAL BENEFIT YEARS

Transitional benefit year (1)	Contribution year under the Law of 1964 (2)
7th August, 1978 to 30th June, 1979.	7th March, 1977, to 5th March, 1978.
6th November, 1978 to 30th June, 1979.	6th June, 1977, to 4th June, 1978.
6th February, 1978 to 4th February, 1979.	6th September, 1976, to 4th September, 1977.
5th February, 1979 to 30th June, 1979.	5th September, 1977, to 3rd September, 1978.
1st May, 1978 to 30th June, 1979.	6th December, 1976, to 4th December, 1977.

## REGULATIONS REPEALED

The Social Insurance (Married Women) (Guernsey) Regulations, 1964

The Social Insurance (Married Women) (Amendment) (Guernsey) Regulations, 1967

The Social Insurance (Married Women) (Amendment) (Guernsey) Regulations, 1968

The Social Insurance (Married Women) (Amendment) (Guernsey) Regulations, 1971

The Social Insurance (Married Women) (Amendment) (Guernsey) Regulations, 1972

#### EXPLANATORY NOTE

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

These regulations modify the Social Insurance (Guernsey) Law, 1978, in its application to women who are or have been married. The main provisions contained in Part II and Part III of the regulations relate to elections by married women not to be liable to pay primary Class 1 contributions at the standard rate; elections by married women to pay Class 2 or Class 3 contributions; elections by widows not to be liable to pay primary Class 1 contributions at the standard rate; elections by widows not to be liable to pay Class 2 contributions; the exception of widows from liability to pay Class 3 contributions; and the exception of widows from liability to pay Class 2 or Class 3 contributions during the period of twenty-six weeks following the death of the husband.

Part IV of the regulations contain special provisions as to the entitlement to benefit of women who are or have been married; and Part V of the regulations prescribe transitional provisions as to elections by married women and widows made under the Social Insurance (Guernsey) Law, 1964, and as to other matters.