
GUERNSEY STATUTORY INSTRUMENT

1978 - No. 24

The Social Insurance (Widow's Benefit and Old Age Pensions)(Guernsey)
Regulations, 1978

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

THE STATES INSURANCE AUTHORITY, in exercise of the powers conferred upon it by section fifteen, section thirty-two, section thirty-three, section thirty-nine, section fifty-eight and 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 :-

Interpretation

1.(1) In these regulations, except where the context otherwise requires, any expressions have the same meanings as in the Social Insurance (Guernsey) Law, 1978 (hereafter in these regulations referred to as "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be construed as including a reference to that enactment or those regulations, as the case may be, as amended, extended, repealed, replaced or revoked by or under any other enactment or by any other regulations.

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

Widow's pensions for widows incapable of self-support

2. Where a widow in relation to whom neither of the conditions for a widow's pension contained in subsection (1) of section thirty-two of the Law are satisfied, would, but for this regulation, cease to be entitled to widow's benefit at a time when she is by reason of any infirmity incapable of self-support and is under pensionable age, she shall, for any subsequent period during which she is incapable of self-support by reason of that infirmity have the same right (if any) to a widow's pension in respect of the marriage in respect of which she was entitled to the widow's benefit as if the said conditions were satisfied.

Condition of entitlement to a widowed mother's allowance otherwise than by virtue of the widow having a family

3. Sub-paragraph (b) of subsection (1) of section thirty-one of the Law shall have effect subject to the exception that a widow shall not be entitled thereunder to a widowed mother's allowance in respect of a child, unless either that child cannot, by reason of the provisions of subsection (3) of section twenty-two of the Family Allowances Law be treated as a member of any family or that child is not a son or daughter of hers and the husband's and could not by reason of the provisions of the said subsection (3) be treated at the date of the husband's death, as a member of any family.

Choice of old age pension by woman

4. A woman who, but for provisions of subsection (6) of section thirty-three of the Law would be entitled for the same period to more than one old age pension may by notice in writing to the Authority choose from time to time which pension she shall be entitled to for any week commencing after the date on which such notice is so given:

Provided that for any period in respect of which no such notice is given the woman shall be treated as if she had chosen the pension which, excluding any increase for a child, is payable at the higher or highest rate.

Priority between a man and his wife to increase of old age pension for a child

5.(1) Where but for paragraph (a) of subsection (3) of section fifty-eight of the Law, a man and his wife would both be entitled for the same period, by virtue of his insurance, to an increase of old age pension in respect of the same child, or to such an increase at the rate applicable to an only, elder or eldest child in respect of different children, the following provisions shall apply :-

- (a) if and so long as the man and his wife are living together, the man shall, and his wife shall not, be entitled to the increase, or, as the case may be, to the increase at such rate as aforesaid;
- (b) if and so long as they are not living together, such one of them shall, and such other of them shall not, be entitled to the increase, or, as the case may be, to the increase at such rate as aforesaid, as the Authority may in its discretion from time to time determine.

(2) For the purpose of this regulation, a man and his wife shall not be deemed to be living otherwise than together unless they are permanently living in separation either by agreement or under an order of a court, or one of them has deserted the other and the separation which is incident to the desertion has not come to an end.

Partial satisfaction of contribution conditions and reduced rates of benefit

6.(1) Where a person would be entitled to widow's benefit or old age pension but for the fact that the relevant contribution conditions are not satisfied as respects the yearly average of reckonable contributions paid or credited, that person shall nevertheless be entitled to benefit in accordance with the next succeeding paragraph, if the yearly average of reckonable contributions paid or credited is not less than ten.

(2) Where the full weekly rate of widow's benefit or old age pension or increase of old age pension for an adult dependant under the Law is at one of the rates set out at the head of columns (2), (3) and (4) of the Schedule to these regulations, then the benefit or pension or increase thereof shall be payable at the reduced rate specified in the appropriate column of the said Schedule which corresponds with the yearly average of reckonable contributions paid or credited as shown in column (1) of the said Schedule.

Entitlement to old age pensions of widows formerly entitled to widow's benefit by virtue of section fifty-three of the Law

7. A widow who, on attaining pensionable age, is entitled to a widow's benefit by virtue of the provisions of section fifty-three of the Law or who would be so entitled but for one or more of the following factors, namely -

- (a) that she is disqualified for the receipt of benefit for any reason other than her cohabitation with a man as his wife;
- (b) the operation of Part V of the Social Insurance (Benefits)(Miscellaneous Provisions)(Guernsey) Regulations, 1978;

shall, for the purposes of entitlement to an old age pension, be deemed to have satisfied the relevant contribution conditions.

Return of contributions to late-age entrants

8.(1) A person who becomes insured under the Law and who was not, immediately before the appointed day, an insured person under the Law of 1964, shall be entitled to a refund under this regulation in respect of each contribution paid by him where he becomes insured under the Law at such an age as would prevent him, on attaining pensionable age, from establishing a yearly average of at least ten reckonable contributions paid or credited under the Law.

(2) The refund to which a person shall be entitled under this regulation shall be in such amount as shall be determined by the Authority

in each particular case.

Repeals

9. The Social Insurance (Widow's Benefit and Old Age Pensions) (Guernsey) Regulations, 1971, the Social Insurance (Widow's Benefit and Old Age Pensions)(Amendment)(Guernsey) Regulations, 1974, and the Social Insurance (Widow's Benefit and Old Age Pensions)(Amendment) (Guernsey) Regulations, 1977, are hereby repealed.

Citation

10. These regulations may be cited as the Social Insurance (Widow's Benefit, and Old Age Pensions)(Guernsey) Regulations, 1978.

Commencement

11. These regulations shall come into operation 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.

SCHEDULE

Regulation six

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

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

EXPLANATORY NOTE

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

These regulations contain miscellaneous provisions affecting widow's benefit and old age pensions. Regulation two relates to pensions where the widow is incapable of self-support; regulation three relates to the condition of entitlement to a widowed mother's allowance otherwise than by virtue of the widow having a family; regulation four relates to the choice of old age pension by women who, but for the provisions prohibiting double entitlement, would be entitled to more than one old age pension; regulation five relates to the priority as between a man and his wife to an increase of old age pension for a child; regulation six relates to the payment of benefit at reduced rates in the case of deficient contribution records; regulation seven relates to the entitlement to old age pensions of widows formerly entitled to widow's benefit by virtue of the death of their husbands as the result of industrial accidents; and regulation eight relates to the return of contributions to late-age entrants.