
GUERNSEY STATUTORY INSTRUMENT

1978 - No. 27

The Social Insurance (Special Cases)(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 subsection (4) of section one, subsection (3) and subsection (4) of section six, section twelve and section fifteen of the Social Insurance (Guernsey) Law, 1978, and in exercise of all other powers enabling it in that behalf, hereby orders:-

Classification of insured persons in special cases

1. Notwithstanding anything contained in the Law and any regulations made thereunder modifying the provisions of the Law as to the classification of insured persons, where the Authority is satisfied, having regard to any special circumstances, that it would be in the interest of any person to be included in a class of insured persons other than the class of insured persons in which that person would fall to be included but for this regulation and that it would not lead to inequalities or injustice to the general body of insured persons or of any class of insured persons, the Authority may direct, subject to such conditions as the Authority may deem

fit, that such person shall be included in the first-mentioned class of insured persons, and if such direction is given, that person shall be treated for the purposes of the Law as included in that first-mentioned class of insured persons with effect from such date as shall be specified by the Authority in its direction.

Application for, and grant of, special certificate of assessment of earnings-related Class 2 contributions in cases where persons fall to be treated as self-employed persons by virtue of directions given under regulation two of these regulations

2.(1) Notwithstanding the provisions of Part III of the Social Insurance (Contributions)(Guernsey) Regulations, 1978, the provisions of this regulation shall apply in relation to a person in respect of whom a direction has been given by the Authority under regulation one of these regulations that that person shall be treated as a self-employed person.

(2) A person to whom this regulation applies who desires to pay a Class 2 contribution under and in accordance with the provisions of subsection (3) of section six of the Law during the whole or any part of any contribution year shall, as soon as may be after the direction under regulation one of these regulations in respect of him has been given -

- (a) make an application to the Authority, in such form as may for the time being be approved by the Authority, for the grant of a certificate under the next following paragraph; and
- (b) furnish to the Authority such information and evidence as the Authority may require as to his relevant earnings.

(3) Where, upon application being made to it under and in accordance with the last foregoing paragraph, the Authority is satisfied that the relevant earnings of the applicant are below the current upper annual earnings limit in respect of Class 2 contributions, the Authority shall grant to the applicant a certificate (hereafter in this regulation referred

to as a "special certificate of assessment") in such form as may for the time being be approved by the Authority specifying the amount of the Class 2 contribution which the applicant shall be liable to pay in respect of each week of the period specified in the certificate, being an amount -

- (a) equal to such percentage as shall for the time being be determined by the States by Ordinance under subsection (1) of section six of the Law of one fifty-second of the relevant earnings of the applicant; or
- (b) equal to such percentage as aforesaid of the current lower weekly earnings limit;

whichever is the greater.

(4) A person to whom a special certificate of assessment has been granted shall be liable to pay Class 2 contributions in such amount as shall be specified in the certificate in respect of each week of the period which shall be specified by the Authority in the certificate, being such period as the Authority thinks proper ending not later than the expiration of the relevant contribution year.

(5) In this regulation -

- (a) "relevant earnings" means, in relation to any person and in relation to the relevant contribution year, such amount as the Authority considers appropriate;
- (b) "relevant contribution year" means the contribution year to which an application made under paragraph (1) of this regulation relates.

Earnings paid at intervals of more than a month to be treated as paid monthly in certain cases

3.(1) Notwithstanding the provisions of the Social Insurance (Contributions) (Guernsey) Regulations, 1978, where earnings are normally paid to an employed person in respect of any employed contributor's employment at intervals of more than a month, the Authority may, if it thinks fit, approve arrangements whereby -

- (a) those earnings shall be treated as paid monthly at such monthly rate calculated in accordance with such directions as shall from time to time be given by or on behalf of the Authority;
- (b) the employer of that person shall maintain and furnish at such times and in such manner as shall be specified in those arrangements records as to the earnings paid or to be paid by him in respect of that period to and in respect of that person and as to the contributions payable in respect of those earnings;
- (c) the employer shall remit to the Authority at such times as shall be so specified the contributions recorded as being payable in respect of those earnings;

and in that event those contributions shall, where those arrangements have been complied with, be treated for the purposes of those regulations as having been paid monthly as aforesaid and those regulations shall apply subject to such arrangements for so long as those arrangements continue in force.

(2) Any such arrangements as aforesaid may include such other provision as the Authority may deem necessary or expedient.

(3) Any contravention of or failure to comply with any requirements of any such arrangements as aforesaid shall be deemed to be a contravention of or failure to comply with the Social Insurance (Contributions)(Guernsey) Regulations, 1978.

(4) The Authority may from time to time approve the variation of any such arrangements as aforesaid, and in the event of any such variation being approved, any reference in this regulation to such arrangements will be construed as a reference to such arrangements as so varied.

Citation

4. These regulations may be cited as the Social Insurance (Special Cases)(Guernsey) Regulations, 1978.

Commencement

5. 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.

EXPLANATORY NOTE

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

These regulations empower the Authority to make directions as to the classification of insured persons in any case where the Authority is satisfied that it would be in the interest of an insured person that he should fall to be included but for these regulations in a class of insured persons other than the class of insured person in which he would fall to be included but for this regulation and that such a direction would not lead to inequalities or injustice to the general body of insured persons or any class of insured persons (see regulation one). These regulations also contain special provisions as to the assessment of earnings-related Class 2 contributions in cases where persons fall to be treated as self-employed persons by virtue of directions given under these regulations (see regulation two); and provisions empowering the Authority to approve arrangements in certain cases whereby earnings paid at intervals of more than a month shall be treated as paid monthly (see regulation three).