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GUERNSEY STATUTORY INSTRUMENT

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1978 - No. 30

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

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

ARRANGEMENT OF REGULATIONS

Regulation

PART 1

INTERPRETATION

1. Interpretation

PART II

SHORT-TERM BENEFITS

2. Modifications relating to "entry into insurance" under the Law
3. Modifications relating to "contribution year" and "benefit year"
4. Continuity of periods of interruption of employment
5. Continuity of entitlement to unemployment benefit, etc.
6. Exhaustion of and requalification for unemployment benefit
7. Disqualifications for unemployment benefit
8. Continuity of entitlement to sickness benefit
9. Conversion of sickness benefit under the Law of 1964, or under both the Law of 1964 and the Law, into invalidity benefit
10. Conversion of sickness benefit under the Law of 1964 into industrial injury benefit

11. Continuity of entitlement to maternity allowance
12. Continuity of entitlement to maternity grant
13. Continuity of entitlement to travelling allowance grant
14. Continuity of entitlement to death grant
15. Continuity of entitlement to limited medical benefit and industrial medical benefit

### PART III

#### LONG-TERM BENEFITS

16. Modifications relating to "entry into insurance" under the Law
17. Continuity of entitlement to widow's benefit, old age pension, child's special allowance and guardian's allowance
18. Continuity of entitlement to industrial disablement benefit, etc.

### PART IV

#### PRE-1964 WIDOW PENSIONERS, PRE-1964 OLD AGE PENSIONERS, WIDOWS OF PRE-1964 OLD AGE PENSIONERS AND WIDOWS OF PRE-1964 CONTRIBUTORS, ETC.

19. Descriptions and rates of additional benefit to be treated as benefit under the Law
20. Application of Part III of the Social Insurance (Married Women and Widows)(Guernsey) Regulations, 1978, to certain pre-1964 widow pensioners
21. Special provisions as to entitlement of certain pre-1964 widow pensioners to widow's pension and old age pension
22. Continuity of entitlement of pre-1964 widow pensioners to widow's basic pension and old age pension, etc
23. Pre-1964 widow pensioners outside Guernsey on the 4th January, 1965
24. Widows of pre-1964 old age pensioners who died before the appointed day
25. Widows of pre-1964 old age pensioners who died on or after the appointed day
26. Pre-1964 old age pensioners outside Guernsey on the 4th January, 1965
27. Calculation of yearly average of reckonable contributions paid by or credited to certain pre-1964 widow pensioners
28. Election under subsection (3) of section thirty-three of the Law by the widow of a pre-1964 contributor

29. Continuity of entitlement of widows of pre-1964 contributors to widow's basic pension and contributory old age pension
30. Special provisions relating to the rate of widow's benefit and the rate of old age pension payable to certain widows of pre-1964 contributors
31. Continuity of entitlement to sickness benefit of certain pre-1964 contributors
32. Entitlement of certain pre-1964 beneficiaries to partial disablement benefit

#### PART V

#### MISCELLANEOUS

33. Postponement of pensionable age in the case of a new entrant under the Law of 1964 who elected before the appointed day to be deemed not to have attained pensionable age
34. Return of contributions to new entrants under the Law of 1964 who have not attained pensionable age before the appointed day
35. Postponement of pensionable age in the case of a person who has elected before the appointed day to be treated as if he were not entitled to an old age pension
36. Special provisions as to the wives or widows of persons to whom paragraph (1) of regulation thirty-five applied on the appointed day
37. Repeals
38. Citation
39. Commencement

#### SCHEDULE - REGULATIONS REPEALED

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THE STATES INSURANCE AUTHORITY, in exercise of the powers conferred upon it by Part II of the Fourth Schedule to the Social Insurance (Guernsey) Law, 1978 and 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 Contributory Pensions Laws" means the Contributory Pensions (Guernsey) Laws, 1955 to 1962;

"the Existing Beneficiaries Regulations" means the Social Insurance (Pensions, Existing Beneficiaries and

Other Persons)(Transitional)(Guernsey) Regulations,  
1964;

"the Existing Contributors Regulations" means the Social  
Insurance (Pensions, Existing Contributors)  
(Transitional)(Guernsey) Regulations, 1964;

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

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

"pre-1964 contributor" means a person who was insured,  
deemed to be or treated as insured, under the Contributory  
Pensions (Guernsey) Laws, 1955 to 1962, immediately before  
the fourth day of January, nineteen hundred and sixty-five,  
and who had not attained the age of seventy before that day;

"pre-1964 old age pensioner" means a person who, immediately  
before the fourth day of January, nineteen hundred and  
sixty-five, was entitled to an old age pension under the  
Contributory Pensions Laws;

"pre-1964 widow pensioner" means a woman who, immediately  
before the fourth day of January, nineteen hundred and sixty-  
five, was, or but for any disqualification would have been,  
entitled to a widow's pension under the Contributory  
Pensions Laws;

"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;

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

(2) Any reference in these regulations to benefit to which a person is entitled shall, unless the context otherwise requires, include increases of such benefit for a child or adult dependant to which that person may be or may have been entitled.

(3) Any reference in these regulations to a person who was entitled to benefit under the Law of 1964 (including benefit by virtue of any provision of the Existing Beneficiaries Regulations or of the Existing Contributors Regulations) shall include a person who but for any disqualification would have been entitled to such benefit and where, on or after the appointed day, a person is, by virtue of these regulations, given entitlement to benefit under the Law or the entitlement of a person to benefit under the Law of 1964 is continued, such entitlement shall be subject to any disqualification and subject to any reduction in the rate of benefit payable to which that person's entitlement to benefit under the Law of 1964 as aforesaid would have been subject if the Law of 1964 had not been repealed.

(4) 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.

(5) 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

SHORT-TERM BENEFITS

Modifications relating to "entry into insurance" under the Law

2.(1) For the purpose of establishing the entitlement of any person to unemployment benefit, sickness benefit or invalidity benefit, sub-paragraph (a) of paragraph 1 of the First Schedule to the Law shall have effect in relation to a former contributor as if the reference therein to entry into insurance were a reference to entry into insurance within the meaning of the Law of 1964.

(2) For the purpose of establishing the entitlement of any person to maternity grant, sub-paragraph (1) of paragraph 2 of the First Schedule to the Law shall have effect in relation to any case where the relevant person within the meaning of that paragraph is a former contributor as if the reference in that sub-paragraph to entry into insurance were a reference to entry into insurance within the meaning of the Law of 1964.

(3) For the purpose of establishing the entitlement of any person to death grant, sub-paragraph (1) of paragraph 5 of the First Schedule to the Law shall have effect in relation to any case where the relevant person within the meaning of that paragraph is a former contributor as if the reference in that sub-paragraph to entry into insurance were a reference to entry into insurance within the meaning of the Law of 1964.

Modifications relating to "contribution year" and "benefit year" under the Law

3.(1) For the purpose of establishing the entitlement of any person to unemployment benefit, sickness benefit or invalidity benefit, sub-paragraph (b) of paragraph 1 of the First Schedule to the Law shall have effect in relation to a former contributor -

- (a) in the case where the day for which the benefit 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 contributor -

- (i) as if the reference in that sub-paragraph to the benefit year were a reference to that transitional benefit year; and
- (ii) 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) in the case where the day for which the benefit 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 reference in that sub-paragraph to the last complete contribution year were a reference to the transitional contribution year.

(2) For the purpose of establishing the entitlement of any person to maternity grant, sub-paragraph (1) of paragraph 2 of the First Schedule to the Law shall have effect in relation to any case where the relevant person within the meaning of that paragraph is a former contributor -

- (a) in the case where the relevant time within the meaning of that paragraph (or within the meaning of that paragraph as modified by regulations) 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 such relevant person -

- (i) as if the reference in that sub-paragraph to the benefit year were a reference to that transitional benefit year; and
  - (ii) 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 Second Schedule to these regulations against the reference to that transitional benefit year in the first column of that Schedule;
- (b) in the case where the relevant time 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 reference in that sub-paragraph to the last complete contribution year were a reference to the transitional contribution year.

Continuity of periods of interruption of employment

4. Any day before the appointed day which was a day of interruption of employment for the purposes of the Law of 1964 shall be treated as a day of interruption of employment for the purposes of the Law; and "period of interruption of employment" shall, for the purposes of these regulations, be construed accordingly.

Continuity of entitlement to unemployment benefit, etc.

5. Where a person would have been entitled to unemployment benefit under the Law of 1964 in respect of any day of unemployment before the appointed day if that Law had not been repealed then, whether or not the claim therefor is made before, on or after the appointed day, he shall be entitled to unemployment benefit under the Law of 1964 in respect of such day of unemployment as if that Law had not been repealed.

Exhaustion of and requalification for unemployment benefit

6.(1) For the purposes of determining whether or not a person has

exhausted his right to unemployment benefit in respect of any period of interruption of employment commenced but not completed before the appointed day, the number of days during that part of that period before the appointed day in respect of which he was entitled to unemployment benefit under the Law of 1964 and the number of days during that part of that period on and after the appointed day during which he has been entitled to unemployment benefit under the Law shall be aggregated.

(2) Where a person had before the appointed day exhausted his right to unemployment benefit under the Law of 1964 in respect of any period of interruption of employment which commenced but was not completed before that day, he shall not be entitled to unemployment benefit under the Law in respect of any day in the same period of interruption of employment unless before that day he has requalified for unemployment benefit under section twenty-four of the Law; and for the purpose of determining whether or not he has so requalified for such benefit any week before the appointed day which would have been taken into account in determining whether or not he had requalified for unemployment benefit under that Law shall be taken into account for the corresponding purposes of the Law.

#### Disqualifications for unemployment benefit

7. Where a person was or is disqualified for receiving unemployment benefit under the Law of 1964 in respect of any period commencing but not completed before the appointed day, he shall be disqualified for receiving unemployment benefit under the Law in respect of any day falling within that part of that period occurring on or after the appointed day.

#### Continuity of entitlement to sickness benefit

8.(1) Where a person would have been entitled to sickness benefit under the Law of 1964 in respect of any day of incapacity for work before the appointed day if that Law had not been repealed, then, whether or not the claim therefor is made before or on or after the appointed day, he shall be entitled to such benefit in respect of that day of incapacity for work as if the Law of 1964 had not been repealed.

(2) Subject to the next two following regulations, where, in pursuance of a claim made before the appointed day, a person would have been entitled to sickness benefit under the Law of 1964 in respect of any day of incapacity for work on or after the appointed day if that Law had not been repealed, that claim shall be treated in respect of that day under the Law in all respects as if it had been made on the appointed day and no further claim shall be required to be made for sickness benefit under the Law for that day.

Conversion of sickness benefit under the Law of 1964, or under both the Law of 1964 and the Law, into invalidity benefit

9.(1) Where a person has been entitled to sickness benefit under the Law of 1964 for one hundred and fifty-six days (including, in the case of a woman, any day for which she was entitled to maternity allowance under the Law of 1964) or more in any period of interruption of employment commenced but not completed before the appointed day, then, if he is under pensionable age and satisfies the relevant contribution conditions, he shall be entitled to invalidity benefit for any day of incapacity for work on or after the appointed day which forms part of the same period of interruption of employment.

(2) Where a person has been entitled to sickness benefit under the Law of 1964 for less than one hundred and fifty-six days (including, in the case of a woman, any day for which she was entitled to maternity allowance under the Law of 1964) in any period of interruption of employment commenced but not completed before the appointed day and on and after the appointed day has been entitled to sickness benefit or industrial injury benefit (or, in the case of a woman, maternity allowance) for any day or days on or after the appointed day in the same period of interruption of employment, then, if the days as aforesaid for which he has been entitled

to any such benefits amount in the aggregate to one hundred and fifty-six days or more and if he is under pensionable age and satisfies the relevant contribution conditions, he shall be entitled to invalidity benefit for any subsequent day of incapacity for work which forms part of the same period of interruption of employment.

(3) Where, in respect of any period of interruption of employment commenced but not completed before the appointed day, a person had exhausted his right to sickness benefit under the Law of 1964 in pursuance of the provisions of subsection (2) of section thirteen of that Law, then, if he is under pensionable age and satisfies the relevant contribution conditions he shall be entitled to invalidity benefit for any day of incapacity for work on or after the appointed day which forms part of the same period of interruption of employment.

Conversion of sickness benefit under the Law of 1964 into industrial injury benefit

10.(1) Subject to the last foregoing regulation, where, by reason of any personal injury caused before the appointed day by accident arising out of and in the course of his employment (being such an accident within the meaning of the Law of 1964) a person would have been entitled to sickness benefit under Part II or Part III of the Law of 1964 if that Law had not been repealed in respect of any day of incapacity for work on or after the appointed day, he shall be entitled to industrial injury benefit in respect of that day of incapacity for work as if that injury had been caused on the appointed day by accident arising out of and in the course of his employment.

(2) Subject to the last foregoing regulation, where, by reason of any disease or injury, prescribed under subsection (1) of section thirty-five of the Law of 1964, being a disease or injury due to the nature of his employment (but not caused by accident as aforesaid) and developed (within the meaning of that Law) before the appointed day, a person would have been entitled to sickness benefit under that Law if that Law had not been repealed in respect of any day of incapacity for work on or after the

appointed day, he shall be entitled to industrial injury benefit in respect of that day of incapacity for work as if that disease or injury, as the case may be, had developed on the appointed day.

Continuity of entitlement to maternity allowance

11.(1) Subject to regulation nine of these regulations, where a woman would have been entitled to a maternity allowance under the Law of 1964 in respect of any period, the whole or any part of which elapsed before the appointed day, if that Law had not been repealed, then, whether or not the claim therefor is made before or on or after the appointed day, she shall be entitled to a maternity allowance under the Law of 1964 in respect of the whole of that period as if that Law had not been repealed.

(2) Subject to regulation nine of these regulations, where, immediately before the appointed day, a woman is entitled to a maternity allowance under the Law of 1964 in respect of any period commenced but not completed before the appointed day, she shall be entitled to a maternity allowance under the Law for such part of that period as falls on or after the appointed day as if the claim made therefor and the award made thereof had been made on the appointed day.

◁ INSERT 1979/13  
Continuity of entitlement to maternity grant

12. Where a woman would have been entitled to a maternity grant under the Law of 1964 in respect of a confinement before the appointed day if the Law of 1964 had not been repealed, then, whether or not the claim therefor is made before or on or after that day, she shall be entitled to a maternity grant under the Law of 1964 in respect of that confinement as if that Law had not been repealed.

Continuity of entitlement to travelling allowance grant

13. Where a person would have been entitled to a travelling allowance grant under the Law of 1964 in respect of any event before the appointed day if that Law had not been repealed, then, whether or not the claim

therefor is made before or on or after that day, he shall be entitled to a travelling allowance grant under the Law of 1964 in respect of that event as if that Law had not been repealed.

Continuity of entitlement to death grant

14. Where a person would have been entitled to a death grant under the Law of 1964 in respect of any death before the appointed day if that Law had not been repealed, then, whether or not the claim therefor is made before or on or after that day, he shall be entitled to a death grant under the Law of 1964 in respect of that death as if that Law had not been repealed.

Continuity of entitlement to limited medical benefit and industrial medical benefit

15.(1) Where a person would have been entitled to limited medical benefit or industrial medical benefit under the Law of 1964 in respect of any accident before the appointed day if that Law had not been repealed, then, whether or not the claim therefor is made before, on or after that day, he shall be entitled to limited medical benefit or industrial medical benefit, as the case may be, under the Law of 1964 in respect of that accident as if that Law had not been repealed.

(2) Where a person would have been entitled to industrial medical benefit under the Law of 1964 by reason of any disease or injury prescribed under subsection (1) of section thirty-five of that Law, being a disease or injury due to the nature of his employment (but not caused by accident arising out of and in the course of his employment) and developed (within the meaning of that Law) before the appointed day if that Law had not been repealed, then whether a claim therefor is made before, on or after that day, he shall be entitled to industrial medical benefit under the Law of 1964 in respect of that disease or injury as if that Law had not been repealed.

PART III

LONG-TERM BENEFITS

Modifications relating to "entry into insurance" under the Law

16. For the purpose of establishing the entitlement of any person to widow's benefit, an old age pension or a child's special allowance, sub-paragraph (1) of paragraph 4 of the First Schedule to the Law shall have effect -

- (a) in relation to any case where the relevant person within the meaning of that paragraph is a former contributor who was an existing contributor within the meaning of the Law of 1964 as if the reference in that sub-paragraph to entry into insurance were a reference -
  - (i) to the first day of January, nineteen hundred and fifty-two, if on or before that day he had attained the age of sixteen; or
  - (ii) to the date on which he attained that age, if he attained that age after the first day of January, nineteen hundred and fifty-two;
- (b) in relation to any case where the relevant person within the meaning of that paragraph is a former contributor who is not an existing contributor as aforesaid as if the reference in that sub-paragraph to entry into insurance were a reference to entry into insurance within the meaning of the Law of 1964.

Continuity of entitlement to widow's benefit, old age pension, child's special allowance and guardian's allowance etc.

17.(1) Where, on or after the appointed day, a person claims for a period commencing before the appointed day a benefit under the Law of 1964 of one of

the following descriptions, that is to say:-

- (a) widow's allowance;
- (b) widowed mother's allowance;
- (c) widow's pension;
- (d) old age pension;
- (e) child's special allowance; and
- (f) guardian's allowance;

the claim shall, subject to the next following paragraph, be determined, as respects such period, as if the Law of 1964 had not been repealed.

(2) Where, immediately before the appointed day, a person was entitled to benefit of any of the descriptions set out in paragraph (1) of this regulation, he shall, on and after that day be entitled, without any claim being made therefor or award being made thereof, to benefit of that description under the Law as if such benefit had been claimed and awarded under the Law.

(3) The references in this regulation to benefit under the Law of 1964 shall include references to such benefit by virtue of any provision of the Existing Beneficiaries Regulations.

Continuity of entitlement to industrial disablement benefit etc.

18.(1) Where, immediately before the appointed day, a person was entitled under the Law of 1964 to industrial disablement benefit, he shall, on and after that day, be entitled, without any claim being made therefor or award being made thereof, to industrial disablement benefit under the Law as if such benefit had been claimed and awarded under the Law.

(2) Where a person, not being a person to whom paragraph (1) of this regulation applies, suffers personal injury caused before the appointed day by accident arising out of and in the course of his employment, he shall -

- (a) as respects any period before the appointed day,  
be entitled to industrial disablement benefit

under and in accordance with the Law of 1964  
as if that Law had not been repealed; and

(b) as respects any period on and after the appointed day, be entitled to industrial disablement benefit under and in accordance with the Law notwithstanding that the accident occurred before the appointed day, so, however, that he shall not be entitled to industrial disablement benefit by virtue of this paragraph in respect of that accident if -

(i) he had not been entitled to sickness benefit under the Law of 1964, industrial injury benefit or invalidity benefit by reason of that injury; or

(ii) he would not have been entitled to industrial disablement benefit under the Law of 1964 in respect of that injury by virtue of section four of the Social Insurance (Amendment)(Guernsey) Law, 1967.

(3) Where a person, not being a person to whom paragraph (1) of this regulation applies, suffers from a disease or injury prescribed under subsection (1) of section thirty-five of the Law of 1964, being a disease or injury due to the nature of his employment (but not caused by accident arising out of and in the course of his employment) and developed (within the meaning of that Law) before the appointed day, the provisions of sub-paragraph (a) and sub-paragraph (b) of the last foregoing paragraph shall apply to him as if for the words in the said sub-paragraph (b) -

(a) "the accident occurred before the appointed day" there were substituted the words "the disease or injury, as the case may be, developed before the appointed day";  
and

- (b) "that accident" and "that injury" were substituted by the words "that disease or injury, as the case may be".

#### PART IV

PRE-1964 WIDOW PENSIONERS, PRE-1964 OLD AGE PENSIONERS, WIDOWS OF PRE-1964 OLD AGE PENSIONERS AND WIDOWS OF PRE-1964 CONTRIBUTORS ETC.

Descriptions and rates of additional benefit to be treated as benefit under the Law

19.(1) The following descriptions of benefit, that is to say:-

- (a) widow's basic pension; and
- (b) contributory old age pension;

shall be treated as benefit under the Law.

(2) The rate of a widow's basic pension shall be -

- (a) in the case of a widow who has not attained the age of sixty years, six pounds and fifty-five pence; and
- (b) in the case of a widow who has attained that age, ten pounds and five pence.

(3) Subject to the provisions of these regulations, the rate of a contributory old age pension shall be the same as the rate for the time being of a widow's basic pension payable to a widow who has attained the age of sixty years.

Application of Part III of the Social Insurance (Married Women and Widows) (Guernsey) Regulations, 1978, to certain pre-1964 widow pensioners

20. The provisions of Part III of the Social Insurance (Married Women and Widows)(Guernsey) Regulations, 1978, shall apply in relation to a pre-1964 widow pensioner who before the fourth day of January, nineteen hundred and sixty-five, had attained the age of forty years and who, on or after the appointed day became entitled to a widow's basic pension by virtue of this Part of these regulations as if the references therein to widow's benefit included references to widow's basic pension.

Special provisions as to entitlement of certain pre-1964 widow pensioners to widow's pension and old age pension

21.(1) A pre-1964 widow pensioner shall, if she was entitled to a widowed mother's allowance under the Law of 1964 immediately before the appointed day by virtue of paragraph (1) of regulation five of the Existing Beneficiaries Regulations be entitled to a widow's pension on ceasing to be entitled to a widowed mother's allowance at a time when she was over the age of forty years but under pensionable age as if her late husband had satisfied the relevant contribution conditions:

Provided that a widow's pension shall not be payable by virtue of this paragraph for any period after the widow's remarriage or for any period during which the Authority is satisfied that she is cohabiting with a man as his wife.

(2) A pre-1964 widow pensioner shall -

(a) if she was entitled to a widow's pension under the Law of 1964 immediately before the appointed day by virtue of regulation five or regulation six A of the Existing Beneficiaries Regulations; or

(b) if she is entitled to a widow's pension by virtue of paragraph (1) of this regulation;

on attaining pensionable age, on or after the appointed day, be entitled to an old age pension as if she had satisfied the relevant contribution conditions.

Continuity of entitlement of pre-1964 widow pensioners to widow's basic pension and contributory old age pension etc.

22.(1) A pre-1964 widow pensioner who was entitled to a widow's basic pension under the Law of 1964 immediately before the appointed day by virtue of sub-paragraph (b) of paragraph (2) of regulation six of the Existing Beneficiaries Regulations shall, without any claim being made therefor or award being made thereof, be entitled to a widow's basic pension.

(2) A pre-1964 widow pensioner who was entitled to a contributory old age pension under the Law of 1964 immediately before the appointed day

by virtue of regulation six of the Existing Beneficiaries Regulations shall, without any claim being made therefor or award being made thereof, be entitled to a contributory old age pension.

(3) The widow's basic pension of a widow to whom paragraph (1) of this regulation applies shall cease to be payable -

(a) when she attains pensionable age if she satisfies the following conditions, that is to say -

(i) on or before the fourth day of January, nineteen hundred and sixty-five, she had attained the age of forty years; and

(ii) immediately before that day she was ordinarily resident in Guernsey;

and in that event she shall be entitled to an old age pension as if she had satisfied the relevant contribution conditions;

(b) in any other case, when she attains the age of seventy years, in which event she shall be entitled to a contributory old age pension.

(4) A pre-1964 widow pensioner who -

(a) was entitled to a widowed mother's allowance under the Law of 1964 immediately before the appointed day by virtue of regulation five of the Existing Beneficiaries Regulations and on or after that day to a widowed mother's allowance under the Law; and

(b) upon ceasing to be entitled to such an allowance does not become entitled to a widow's pension;

shall be entitled to a widow's basic pension until she attains the age of seventy years and, on attaining that age, to a contributory old age pension.

(5) The wife of a pre-1964 old age pensioner who was entitled to an old age pension under the Law of 1964 immediately before the appointed day by virtue of paragraph (1) of regulation nine of the Existing Beneficiaries Regulations shall, on attaining pensionable age on or after the appointed day, be entitled to an old age pension by virtue of his insurance.

(6) A woman who -

(a) was entitled to an old age pension under the Law of 1964 immediately before the appointed day by virtue of paragraph (1) or paragraph (2) of regulation nine of the Existing Beneficiaries Regulations;

(b) was entitled to an old age pension under the Law of 1964 immediately before the appointed day by virtue of paragraph (4) of the said regulation nine; or

(c) is entitled to an old age pension by virtue of the last foregoing paragraph;

shall be entitled, on the death of her husband, to an old age pension at the same rate as the rate of the old age pension which would have been payable to her husband if he were still alive.

Pre-1964 widow pensioners outside Guernsey on the 4th January, 1965

23. A pre-1964 widow pensioner who was entitled to any benefit under the Law of 1964 immediately before the appointed day by virtue of regulation seven of the Existing Beneficiaries Regulations, not having been ordinarily resident in Guernsey on the fourth day of January, nineteen hundred and sixty-five shall, on and after the appointed day, continue to be entitled to that benefit in all respects as if the Law of 1964 and those Regulations had not been repealed.

Widows of pre-1964 old age pensioners who died before the appointed day

24. (1) The provisions of this regulation shall apply in relation to a pre-1964 old age pensioner who was entitled to an old age pension under the Law of 1964 by virtue of paragraph (1) of regulation nine of the Existing Beneficiaries Regulations and who died before the appointed day.

(2) Where the widow of a pre-1964 old age pensioner in relation to whom this regulation applies was entitled to widow's benefit under the Law of 1964 immediately before the appointed day by virtue of paragraph (7) of regulation nine of the Existing Beneficiaries Regulations and ceases to be entitled to widow's benefit on attaining pensionable age, she shall be entitled to an old age pension at the same rate as the rate of the old age pension which would have been payable to her husband if he were still alive.

(3) Where the widow of a pre-1964 old age pensioner in relation to whom this regulation applies was, immediately before the appointed day -

(a) entitled to a widow's basic pension under the Law of 1964 by virtue of paragraph (9) of regulation nine of the Existing Beneficiaries Regulations and is under pensionable age on that day, she shall be entitled to a widow's basic pension until she attains pensionable age and, on attaining that age, shall be entitled -

(i) where the rate of the old age pension which would have been payable to her husband were he still alive would exceed the rate of a widow's basic pension payable to a widow over the age of sixty years, to an old age pension at the rate at which her husband's old age pension would have been so payable;

- (ii) in any other case, to a widow's basic pension until she attains the age of seventy years and, on attaining that age, to a contributory old age pension;
- (b) entitled to a widow's basic pension under the Law of 1964 by virtue of the proviso to paragraph (10) of the said regulation nine and is under the age of seventy years on the appointed day, she shall be entitled to a widow's basic pension until she attains that age and, on attaining that age, to a contributory old age pension; or
- (c) entitled to a contributory old age pension by virtue of that proviso, she shall be entitled to a contributory old age pension.

Widows of pre-1964 old age pensioners who died on or after the appointed day

25.(1) The provisions of this regulation shall apply in relation to a pre-1964 old age pensioner who was entitled to an old age pension under the Law of 1964 by virtue of paragraph (1) of regulation nine of the Existing Beneficiaries Regulations and who died on or after the appointed day.

(2) Where a pre-1964 old age pensioner in relation to whom this regulation applies was entitled to an old age pension under the Law of 1964 immediately before the appointed day, his widow, not being a widow to whom paragraph (5) or paragraph (6) of regulation twenty-two of these regulations apply, shall -

- (a) be entitled to widow's benefit at the same rate as the rate of the old age pension which would have been payable to her husband if he were still alive as if her husband had satisfied the relevant contribution conditions if she otherwise satisfies the conditions for entitlement to widow's benefit contained in section thirty-one or thirty-two of the Law, as the case may be;

- (b) upon ceasing to be entitled to widow's benefit by virtue of sub-paragraph (a) of this paragraph on attaining pensionable age, be entitled to an old age pension at that rate;
- (c) if she is not a widow to whom sub-paragraph (a) of this paragraph applies or ceases to be such a widow before attaining pensionable age, be entitled to a widow's basic pension until she attains pensionable age and, on attaining that age -
  - (i) where the rate of the old age pension which would have been payable to her husband were he still alive would exceed the rate of a widow's basic pension payable to a widow over the age of sixty years, to an old age pension at the rate at which her husband's old age pension would have been so payable;
  - (ii) in any other case, to a widow's basic pension until she attains the age of seventy years and, on attaining that age, to a contributory old age pension.

Pre-1964 old age pensioners outside Guernsey on the 4th January, 1965

26. A pre-1964 old age pensioner who was entitled to a contributory old age pension under the Law of 1964 immediately before the appointed day by virtue of paragraph (11) of regulation nine of the Existing Beneficiaries Regulations, not having been ordinarily resident in Guernsey on the fourth day of January, nineteen hundred and sixty-five, shall, on and after the appointed day, continue to be entitled to such pension in all respects as if the Law of 1954 and those Regulations had not been repealed.

Calculation of yearly average of reckonable contributions paid by or credited to certain pre-1964 widow pensioners

27.(1) A pre-1964 widow pensioner who has at any time been entitled to a widow's basic pension under the Law of 1964 or under the Law 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 her late husband's death; 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 which would have been the yearly average of reckonable contributions paid by or credited to him (ascertained as at the date of his attaining the age of seventy years or of his death, whichever is the earlier) had the appointed day occurred before the date of his death.

(2) 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 insurance, a pre-1964 widow pensioner shall be treated as credited with a reckonable Class 3 contribution for each week during the period commencing on the first day of January, nineteen hundred and fifty-two, and ending on the third day of January, nineteen hundred and sixty-five, in respect of which she was entitled to a widow's pension by virtue of the Contributory Pensions Laws.

Election under subsection (3) of section thirty-three of the Law by the widow of a pre-1964 contributor

28. Where the late husband of a widow who has made an election under subsection (2) of section thirty-three of the Law was a pre-1964 contributor, the number of reckonable contributions to be treated as paid by or credited to her under that subsection shall be equal to -

- (a) where her husband attained pensionable age before the appointed day, the yearly average which would have been the yearly average of the reckonable contributions paid by or credited to him (ascertained at the date of his attaining that age) had the appointed day occurred before that date; or
- (b) where her husband died before attaining pensionable age and before the appointed day, the yearly average of the reckonable contributions paid by or credited to him had he died on or after attaining that age and had the appointed day occurred before the date of his death.

Continuity of entitlement of widows of pre-1964 contributors to widow's basic pension and contributory old age pension etc.

29. (1) A widow of a pre-1964 contributor who was entitled to a widow's basic pension under the Law of 1964 immediately before the appointed day by virtue of regulation five of the Existing Contributors Regulations shall, without any claim being made therefor or award being made thereof, be entitled to a widow's basic pension until she attains the age of seventy years and, on attaining that age, to a contributory old age pension.

(2) A widow of a pre-1964 contributor who was entitled to a contributory old age pension under the Law of 1964 immediately before the appointed day by virtue of regulation five of the Existing Contributor's Regulations shall, without any claim being made therefor or award being made thereof, be entitled to a contributory old age pension.

(3) Subject to the two next following paragraphs, the widow of a pre-1964 contributor who was married to her before the fourth day of January, nineteen hundred and sixty-five, and who died before the expiration of the period of ten years commencing on that day shall, for any period when she is not entitled to widow's benefit or an old age pension and if -

- (a) her husband died before attaining pensionable age and not less than one hundred contributions had been paid by or in respect of him or credited to him under the Law of 1964 during the one hundred and four weeks immediately preceding the week in which he died; or
- (b) her husband died after attaining pensionable age and not less than one hundred contributions had been paid by or in respect of him or credited to him under the Law of 1964 during the one hundred and four weeks immediately preceding -
  - (i) the week in which he attained pensionable age, or
  - (ii) the week in which he died or attained the age of seventy years, whichever first occurred;

be entitled to a widow's basic pension while she is under the age of seventy years, and on ceasing to be entitled to such a pension on attaining that age, to a contributory old age pension.

(4) In determining whether the contribution conditions contained in sub-paragraph (a) or sub-paragraph (b) of the last foregoing paragraph have been satisfied, the contributions paid or deemed to have been paid by or in respect of a pre-1964 contributor under the Contributory Pensions Laws shall be treated as having been actually paid under the Law of 1964.

(5) Where the said contributions conditions are not satisfied in the case of a pre-1964 contributor whose death resulted from an accident, those conditions shall be deemed to have been satisfied.

Special provisions relating to the rate of widows benefit and the rate of an old age pension payable to certain widow's of pre-1964 contributors

30. Where a widow of a pre-1964 contributor was immediately before the appointed day a widow to whom regulation five of the Existing Contributors Regulations applied and she is entitled to widow's benefit or an old age pension, the rate at which that benefit or pension is payable shall not be less than the rate of a widow's basic pension appropriate to a woman of her age.

Continuity of entitlement to sickness benefit of certain pre-1964 contributors

31. Notwithstanding regulation nine of these regulations, a pre-1964 contributor who was entitled to sickness benefit under the Law of 1964 immediately before the appointed day by virtue of regulation three or regulation seven of the Social Insurance (Miscellaneous Provisions) (Transitional)(Guernsey) Regulations, 1964, shall, without any claim being made therefor or award being made thereof and if he is under pensionable age, be entitled to sickness benefit as if he had satisfied the relevant contribution conditions.

Entitlement of certain pre-1964 beneficiaries to partial disablement benefit

32.(1) Partial disablement benefit under this regulation shall be treated as benefit under the Law.

(2) A person who was entitled to partial disablement benefit under the Law of 1964 immediately before the appointed day by virtue of regulation six of the Social Insurance (Miscellaneous Provisions)(Transitional) (Guernsey) Regulations, 1964, shall, without any claim being made therefor or award being made thereof and if he is under pensionable age, be entitled to partial disablement benefit under this regulation at such rate as shall be determined by the Authority.

## PART V

## MISCELLANEOUS

Postponement of pensionable age in the case of a new entrant under the Law of 1964 who elected before the appointed day to be deemed not to have attained pensionable age

33. Notwithstanding the provisions of section ten of the Law, where a person has made an election under paragraph (2) of regulation two of the Social Insurance (New Entrants)(Transitional)(Guernsey) Regulations, 1964, and, immediately before the appointed day, had not satisfied the conditions contained in sub-paragraph (a) and sub-paragraph (b) of that paragraph, he shall be entitled to pay a Class 3 contribution as respects any contribution week until -

- (a) he has satisfied the contribution conditions contained in sub-paragraph (a) of paragraph 4 of the First Schedule to the Law; and
- (b) his yearly average of reckonable contributions paid by or credited to him is at least ten;

whereupon he shall be deemed for all the purposes of the Law to have attained pensionable age:

Provided that for the purpose of calculating the amount of the old age pension payable to that person or, by virtue of his insurance, to his wife, the said yearly average shall be deemed not to exceed ten.

Return of contributions to new entrants under the Law of 1964 who have not attained pensionable age before the appointed day

34.(1) A person who was, immediately before the appointed day, a new entrant within the meaning of the Social Insurance (New Entrants)(Transitional)(Guernsey) Regulations, 1964, and who had not attained pensionable age before that day, shall be entitled to a refund under this regulation in respect of each contribution paid by him under the Law of 1964 and under the Law where he became insured under the Law of 1964 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 paragraph (1) of this regulation shall be in such amount as the Authority shall determine in each particular case.

Postponement of pensionable age in the case of a person who has elected before the appointed day to be treated as if he were not entitled to an old age pension

35.(1) Subject to the following provisions of this regulation and notwithstanding the provisions of section ten of the Law, where a person made an election under subsection (2) of section nineteen of the Law of 1964 and, immediately before the appointed day, was by virtue of that election treated as if he were not entitled to an old age pension, he shall, on and after the appointed day continue to be so treated, and shall be treated in all respects as if he had not attained pensionable age, until the day next following the day on which -

- (a) he gives notice to the Authority of the cancellation of the said election in such manner as the Authority shall determine; or
- (b) he attains the age of seventy years;

whereupon he shall, on the day next following the last mentioned day, become entitled to an old age pension under the Law without any claim being made therefor.

(2) The weekly rate of an old age pension payable to a person to whom the provisions of paragraph (1) of this regulation applied immediately before the day on which he became entitled to an old age pension shall be increased -

- (a) by such weekly amount as that rate would have been increased (had the Law of 1964 not been repealed) under subsection (5) of the said section nineteen by virtue of contributions paid by him under the Law of 1964; and

(b) by forty-four pence for every nine reckonable contributions paid by that person in respect of contribution weeks commencing on or after the appointed day.

(3) Subject to the next following paragraph, the provisions of the Law relating to unemployment benefit, sickness benefit, invalidity benefit and industrial injury benefit shall have effect in relation to a person to whom paragraph (1) of this regulation applied on the appointed day and who has not ceased to be treated under that paragraph as not entitled to an old age pension as if he were under pensionable age and had satisfied the relevant contribution conditions.

(4) Unemployment benefit, sickness benefit, invalidity benefit and industrial injury benefit, and any increase thereof in respect of an adult dependant, payable to any person by virtue of the last foregoing paragraph shall be payable at such weekly rate as the Authority shall determine.

Special provisions as to the wives or widows of persons to whom paragraph (1) of regulation thirty-five applied on the appointed day

36.(1) The weekly rate of an old age pension payable to the wife or widow of a person to whom the provisions of paragraph (1) of the last foregoing regulation applied on the appointed day, being an old age pension payable to her by virtue of her husband's insurance, shall be increased -

(a) by such weekly amount as that rate would have been increased (if the Law of 1964 had not been repealed) under paragraph (a) of subsection (3) of section twenty of the Law of 1964 by virtue of contributions paid by him under the Law of 1964; and

(b) by twenty-two pence for every nine reckonable contributions paid by him in respect of contribution weeks commencing on or after the appointed day.

(2) The weekly rate of an old age pension payable to the widow of a person to whom the provisions of paragraph (1) of the last foregoing regulation applied on the appointed day, being an old age pension payable to her by virtue of her husband's insurance, shall be increased -

- (a) by such weekly amount as that rate would have been increased (if the Law of 1964 had not been repealed) under paragraph (b) of subsection (3) of section twenty of the Law of 1964 by virtue of contributions paid by him under the Law of 1964;
- (b) by twenty-two pence for every nine reckonable contributions paid by him in respect of contribution weeks commencing on or after the appointed day;

in addition to any increase under and by virtue of the last foregoing paragraph.

(3) The weekly rate of an old age pension payable (otherwise than by virtue of Part III of these regulations) to the widow -

- (a) of a person who had made an election under subsection (2) of section nineteen of the Law of 1964 and who died before the appointed day; or
- (b) of a person to whom the provisions of paragraph (1) of this regulation applied on the appointed day;

being an old age pension payable to her by virtue of her insurance, shall be increased in accordance with sub-paragraph (a) and sub-paragraph (b) of the last foregoing paragraph.

(4) For the purposes of this regulation, reckonable contributions paid by a person to whom paragraph (1) of this regulation applied on the appointed day which are derived from contributions under the Law of 1964 paid

by him in respect of any contribution weeks within the period commencing on the twentieth day of November, nineteen hundred and seventy-eight, and ending on the day immediately before the appointed day shall be treated as if they were derived from contributions under the Law paid in respect of contribution weeks before he ceased to be treated as not entitled to an old age pension under that paragraph.

(5) For the purposes of the last foregoing paragraph, any contributions paid by any person under the Law of 1964 before the twentieth day of November, nineteen hundred and seventy-eight, which do not on that day make up nine (or a multiple of nine) shall be treated as if they had been paid by him in respect of contribution weeks within the period mentioned in that paragraph.

Repeals

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

Citation

38. These regulations may be cited as the Social Insurance (Benefits) (Transitional 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 one

## 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 (General Transitional)(Guernsey) Regulations, 1964
- The Social Insurance (General Transitional)(Amendment)(Guernsey) Regulations, 1968
- The Social Insurance (General Transitional)(Amendment)(Guernsey) Regulations, 1971
- The Social Insurance (New Entrants)(Transitional)(Guernsey) Regulations, 1964
- The Social Insurance (New Entrants)(Transitional)(Amendment)(Guernsey) Regulations, 1964
- The Social Insurance (New Entrants)(Transitional)(Amendment)(Guernsey) Regulations, 1977
- The Social Insurance (Pensions, Existing Beneficiaries and Other Persons) (Transitional)(Amendment)(Guernsey) Regulations, 1971
- The Social Insurance (Pensions, Existing Beneficiaries and Other Persons) (Transitional)(Amendment)(Guernsey) Regulations, 1973
- The Social Insurance (Pensions, Existing Beneficiaries and Other Persons) (Transitional)(Amendment)(Guernsey) Regulations, 1974
- The Social Insurance (Pensions, Existing Beneficiaries and Other Persons) (Transitional)(Amendment)(Guernsey) Regulations, 1975
- The Social Insurance (Pensions, Existing Beneficiaries and Other Persons) (Transitional)(Amendment)(Guernsey) Regulations, 1976
- The Social Insurance (Pensions, Existing Beneficiaries and Other Persons) (Transitional)(Amendment)(Guernsey) Regulations, 1977
- The Social Insurance (Pensions, Existing Beneficiaries and Other Persons) (Transitional)(Amendment)(Guernsey) Regulations 1978
- The Social Insurance (Pensions, Existing Contributors)(Transitional) (Guernsey) Regulations, 1964
- The Social Insurance (Pensions, Existing Contributors)(Transitional) (Amendment)(Guernsey) Regulations, 1968
- The Social Insurance (Pensions, Existing Contributors)(Transitional) (Amendment)(Guernsey) Regulations, 1971
- The Social Insurance (Pensions, Existing Contributors)(Transitional) (Amendment)(Guernsey) Regulations, 1974

The Social Insurance (Miscellaneous Provisions)(Transitional)(Guernsey)  
Regulations, 1964

The Social Insurance (Miscellaneous Provisions)(Transitional)(Amendment)  
(Guernsey) Regulations, 1971

EXPLANATORY NOTE

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

The regulations contain transitional provisions modifying certain provisions of the Social Insurance (Guernsey) Law, 1978, in their application to persons who were insured under the Social Insurance (Guernsey) Law, 1964, and providing for the continuity of rights to benefit under the said Law of 1964 on and after the 1st January, 1979.

They also contain transitional provisions relating to the rights to benefit on and after that date of persons who were entitled to widow's pensions or old age pensions under the Contributory Pensions (Guernsey) Laws, 1935 to 1962, immediately before the 4th January, 1965, the widows of any persons who were entitled to such old age pensions and the widows of persons who were insured under the said Laws of 1935 to 1962 immediately before the 4th January, 1965.

The regulations further prescribe transitional provisions as to new entrants under the said Law of 1964 who elected before the 1st January, 1979, to be deemed not to have attained pensionable age; for the return of contributions to such new entrants who have not attained pensionable age before that date; as to persons who elected before that date to be treated as if they were not entitled to an old age pension and as to the wives or widows of such persons.