

G U E R N S E Y S T A T U T O R Y I N S T R U M E N T

1981 - No. 33

The Social Insurance (Contributions)(Amendment)(No.3)
(Guernsey) Regulation, 1981

Made 11th December, 1981
Laid before the States
Coming into operation 1st January, 1982.

THE STATES INSURANCE AUTHORITY, in exercise of the powers conferred upon it by section six, section eleven, section fifteen and section twenty of the Social Insurance (Guernsey) Law, 1978, as amended, (a) and in exercise of all other powers enabling it in that behalf, hereby orders:-

Amendment of regulation ten of the principal regulations

1. Item (ii) of sub-paragraph (d) of paragraph (2) of regulation ten of the Social Insurance (Contributions)(Guernsey) Regulations, 1978 (b), as amended (c), (hereinafter referred to as "the principal regulations") is hereby repealed and the following item is hereby substituted therefor -

"(ii) such amount as the Authority deems proper, having regard to all the circumstances of the case, in relation to the relevant contribution year, where -

- (aa) the Authority is satisfied that it is just and equitable to disregard the earned income as aforesaid; or
- (bb) that person has become a self-employed person during the course of either the relevant contribution year or one of the last two contribution years preceding the relevant contribution year; "

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- (a) Ordres en Conseil No. VII 1978, No.VII 1981
 - (b) S.I. 1978 No. 18
 - (c) S.I. 1978 No. 19, S.I.1979 Nos.1,14,26 and 34, S.I. 1980 No.25, S.I. 1981 Nos. 13 and 23

Amendment to regulation eleven of the principal regulations

2. Paragraphs (4) and (5) of regulation eleven of the principal regulations are hereby repealed and the following paragraphs are hereby substituted therefor:-

"(4) Where the income of any person to whom a certificate of assessment has been granted is re-assessed under the Income Tax Law and the relevant earnings of that person to which that certificate relates have consequently been re-assessed at an amount which differs from the amount taken into account in granting that certificate, the Authority may vary that certificate and on the first occasion on which it is so varied -

(a) where the relevant earnings have been assessed at an amount lower than the amount taken into account in granting the certificate, the Authority may, upon application being made to it in that behalf by that person, repay to that person, in respect of any week in respect of which a Class 2 contribution has been paid by him in the amount originally specified in that certificate, an amount equal to the difference between the amount of the contribution so paid and the amount specified in the certificate as so varied; or

(b) where the relevant earnings have been assessed at an amount higher than the amount taken into account in granting the certificate, that person shall pay to the Authority in respect of any week in respect of which a Class 2 contribution has been paid by him in the amount originally specified in the certificate, an amount equal to the difference between the amount of contributions so paid and the amount specified in the certificate as so varied;

so, however, that the Authority shall not repay under this paragraph any amount less than 10p in respect of any week nor shall any person be required to pay under this paragraph any amount less than 10p in respect of any week.

(5) Where any person has become a self-employed person during the course of the relevant contribution year and a certificate of assessment has been granted to that person having regard to his relevant earnings for that year as assessed by the Authority by virtue of sub-item (bb) of item (ii) of sub-paragraph (d) of paragraph (2) of the last foregoing regulation and the earned income included in the assessable income of that person for the year of charge contemporaneous with the relevant contribution year is subsequently assessed under the Income Tax Law at an amount different to the amount taken into account in granting that certificate, the Authority may vary that certificate and on the first occasion on which it is so varied -

- (a) where the relevant earnings have been assessed at an amount lower than the amount taken into account in granting the certificate, the Authority may, upon application being made to it in that behalf by that person, repay to that person, in respect of any week in respect of which a Class 2 contribution has been paid by him in the amount originally specified in that certificate, an amount equal to the difference between the amount of contribution so paid and the amount specified in the certificate as so varied; or
- (b) where the relevant earnings have been assessed at an amount higher than the amount taken into account in granting the certificate, that person shall pay to the Authority in respect of any week in respect of which a Class 2 contribution has been paid by him in the amount originally specified in the certificate, an amount equal to the difference between the amount of contributions so paid and the amount specified in the certificate as so varied;

so, however, that the Authority shall not repay under this paragraph any amount less than 10p in respect of any week nor shall any person be required to pay under this paragraph any amount less than 10p in respect of any week:

Provided that where that person was not a self-employed person in respect of every week during the relevant contribution year, the Authority may direct that any repayment or payment shall be made under this paragraph in such lesser amount than the amount which would otherwise have been repayable or payable under this paragraph as the Authority shall consider to be just and equitable having regard to the extent of the period during which that person was a self-employed person in that year.

(5A) Where a certificate of assessment has been granted to any person having regard to his relevant earnings for the relevant contribution year (not being a contribution year to which paragraph (5) of this regulation applies) as assessed by the Authority by virtue of sub-item (bb) of item (ii) of sub-paragraph (d) of paragraph (2) of the last foregoing regulation and the earned income included in the assessable income of that person for that year is subsequently assessed under the Income Tax Law at an amount different to the amount taken into account in granting that certificate, the Authority may vary that certificate and on the first occasion on which it is so varied -

- (a) where the relevant earnings have been assessed at an amount lower than the amount taken into account in granting the certificate, the Authority may, upon application being made to it in that behalf by that person, repay to that person, in respect of any week in respect of which a Class 2 contribution has been paid by him in the amount originally specified in that certificate, an amount equal to the difference between the amount of contribution so paid and the amount specified in the certificate as so varied; or
- (b) where the relevant earnings have been assessed at an amount higher than the amount taken into account in granting the certificate, that person shall pay to the Authority in respect of any week in respect of which a Class 2 contribution has been paid by him in the amount originally specified in the certificate, an amount equal to the difference between the amount of contributions so paid and the amount specified in the certificate as so varied;

so, however, that the Authority shall not repay under this paragraph any amount less than 10p in respect of any week nor shall any person be required to pay under this paragraph any amount less than 10p in respect of any week:

Provided that where that person was not a self-employed person in respect of every week during the relevant contribution year, the Authority may direct that any repayment or payment shall be made under this paragraph in such lesser amount than the amount which would otherwise have been repayable or payable under this

paragraph as the Authority shall consider to be just and equitable having regard to the extent of the period during which that person was a self-employed person in that year. "

Repeals

3. Paragraph (2) of regulation two of the Social Insurance (Contributions)(Amendment)(Guernsey) Regulations, 1981, and paragraph (2) of regulation four of the Social Insurance (Contributions)(Amendment) (No.2)(Guernsey) Regulations, 1981, are hereby repealed.

Citation and collective title

4. (1) These regulations may be cited as the Social Insurance (Contributions)(Amendment)(No.3)(Guernsey) Regulations, 1981.

(2) These regulations and the Social Insurance (Contributions) (Amendment)(No.2)(Guernsey) Regulations, 1981, the Social Insurance (Contributions) (Amendment)(Guernsey) Regulations, 1981, and the Social Insurance (Contributions)(Guernsey) Regulations, 1978 to 1979, may be cited together as the Social Insurance (Contributions)(Guernsey) Regulations, 1978 to 1981.

Commencement

5. These regulations shall come into force on the first day of January, nineteen hundred and eighty-two.

Dated this eleventh day of December nineteen hundred and
eighty-one.



President of the States Insurance Authority
for and on behalf of the Authority.

EXPLANATORY NOTE

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

Regulation one of these regulations amends regulation ten of the principal regulations so as to enable the Authority to deem an amount of relevant earnings in respect of a person who has become a self-employed person during the relevant contribution year or one of the last two contribution years preceding the relevant contribution year.

Regulation two of these regulations amends regulation eleven of the principal regulations so as to take account of the amendment to regulation ten and to enable the Authority to recover contributions underpaid where a certificate of assessment has been issued and the relevant earnings are subsequently assessed at a higher amount than that upon which the certificate had been issued.