



2006 - No. 35

The Social Insurance (Benefits) (Amendment) Regulations, 2006

Made	...	20 September, 2006
Laid before the States	...	
Coming into operation	...	25 September, 2006

THE SOCIAL SECURITY DEPARTMENT, in exercise of the powers conferred upon it by sections 21, 22, 26 and 116 of the Social Insurance (Guernsey) Law, 1978, as amended¹, and of all other powers enabling it in that behalf, hereby orders:-

Amendment

1. Regulation 30 of the Social Insurance (Benefits) Regulations, 2003, as amended² ("the principal Regulations") is replaced by the following:

"Periods of interruption of employment and periods of incapacity for work

30. (1) In these regulations -

- (a) a "day of maternity" means a day in relation to which maternity allowance may be payable;
- (b) a "day of incapacity for work" means a day in relation to which industrial injury benefit, invalidity benefit or sickness benefit may be payable, or a day of maternity;
- (c) a "day of unemployment" means a day in respect of which unemployment benefit may be payable, or a day of maternity;

(2) Any four days of incapacity for work or of maternity, whether consecutive or not, within a period of seven consecutive days shall be treated as a period of incapacity for work, and any two periods of incapacity for work not separated by a period of more than thirteen weeks ("week" for this purpose meaning any period of seven consecutive days) shall be treated as one period of incapacity for work.

¹ Ordres en Conseil Vol. XXVI, p. 292; Vol. XXVII, pp. 238, 307 and 392; Vol. XXIX, pp. 24, 148 and 422; No. V of 1990; Nos. V and XII of 1993; Ordinance No. XIV of 1993; Ordres en Conseil No. V of 1994, Nos. VI and XIII of 1995; No. I of 1998; No. VI of 1999; No. X of 2000; No. IX of 2001; No XXIV of 2003; No. XI of 2004.

² S.I. 2003 No. 37; S.I. 2004 No. 45

(3) Any four days of unemployment, whether consecutive or not, within a period of seven consecutive days shall be treated as a period of interruption of employment, and any two periods of interruption of employment not separated by a period of not more than thirteen weeks ("week" for this purpose meaning any period of seven consecutive days) shall be treated as one period of interruption of employment.

(4) For the purpose of determining whether days of incapacity, maternity or unemployment constitute a period of incapacity for work or a period of interruption of employment, no account shall be taken of days which are not days of incapacity or unemployment in consequence of participation in any programme operated under the Social Insurance (Back to Work Benefits) Regulations, 2004³.

(5) Where a period of incapacity for work or period of interruption of employment has commenced, subsequent days of incapacity or unemployment, as the case may be, not otherwise forming a period of incapacity for work or period of interruption of employment, and not separated by more than 14 days from the last such day, may be deemed to be part of that period where the Administrator is satisfied that the underlying incapacity or unemployment has continued."

2. Regulation 31 of the principal Regulations is replaced by the following:

" Calculation of daily rate of Benefit

31. The amount payable for any day of incapacity for work, interruption of employment or maternity by way of industrial injury benefit, invalidity benefit, maternity allowance, sickness benefit or unemployment benefit forming part of a period of incapacity for work or period of interruption of employment shall be one-seventh of the appropriate weekly rate."

Repeal

3. (1) Regulation 34 of the principal Regulations is repealed.
- (2) Regulation 36(2) of the principal Regulations is repealed.

Interpretation.

4. The Interpretation (Guernsey) Law, 1948⁴ applies to the interpretation of these regulations throughout the Islands of Guernsey, Alderney, Herm and Jethou.

Citation

5. These Regulations may be cited as the Social Insurance (Benefits) (Amendment) Regulations, 2006.

³ S.I. 2004 No. 46

⁴ Orders en Conseil Vol. XIII, p. 355.

Commencement

5. These Regulations shall come into force on 25th September 2006.

Dated this 20th day of September, 2006.

Mary Lowe

Mary Lowe,
Minister for Social Security,
For and on behalf of the Social Security Department.

EXPLANATORY NOTE

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

These Regulations provide the technical requirements for the simplification of the calculation and payment of the short-term benefits for incapacity, maternity and unemployment.

The result will be

- (a) the abolition of "waiting days", the first three days of any claim held back until a further nine days benefit has been payable, and instead substituting a minimum of four days, all of which would be immediately payable, for any claim to benefit;
- (b) the removal of the disregard of Sunday, which made payments difficult to understand and required additional complex regulations to administer, so that for each day of benefit one seventh of the weekly rate will be payable;
- (c) the separation of periods of incapacity and unemployment, which will have advantages both for claimants, for whom repeated spells of ill-health could have an adverse effect on their entitlement to unemployment benefit, and for the Insurance Fund by removing the possibility of higher-rate benefit becoming payable to persons who had predominantly been unemployed.

The opportunity has also been taken to provide additional safeguard for the benefit entitlement of persons involved in any of the employment rehabilitation schemes recently introduced by the Department.

These Regulations will not affect existing long-term claimants, but it is believed that the simplified rules will enable new claimants better to understand the basis of their payments.