

GUERNSEY STATUTORY INSTRUMENT

1974 - No. 35

The Social Insurance (Widow's Benefit and Old Age Pensions) (Amendment)

(Guernsey) Regulations, 1974

Made *10th October 1974*
Coming into operation *4th November 1974*

THE STATES INSURANCE AUTHORITY, in exercise of the powers conferred upon it by section seventeen, section nineteen, section twenty, section twenty-one, section twenty-three, section sixty-five and section seventy-seven of the Social Insurance (Guernsey) Law, 1964, as amended, and of all other powers enabling it in that behalf, hereby orders:-

Amendments to the principal regulations

1. The Social Insurance (Widow's Benefit and Old Age Pensions) (Guernsey) Regulations, 1971 (hereinafter referred to as "the principal regulations"), are hereby amended as follows, that is to say -

(a) regulation three thereof is hereby repealed and the following regulation is hereby substituted therefor -

"3. Sub-paragraph (ii) of paragraph (b) of subsection (1) of section sixteen of the Law (which sub-paragraph specifies certain conditions of entitlement to widowed mother's allowance otherwise than by virtue of the widow having a family) and sub-paragraph (b) of paragraph (1) of regulation five and sub-paragraph (a) of paragraph (2) of regulation eight of the Social Insurance (Pensions, Existing Beneficiaries and Other Persons) (Transitional) (Guernsey) Regulations, 1971 (which sub-paragraphs specify corresponding conditions applying in certain transitional cases), 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 (Guernsey) Law, 1950 (which subsection makes it a condition of a child being treated as a member of any family that the child is in Guernsey), 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.";

(b) regulations four, five and fifteen thereof and the respective headings thereto are hereby repealed;

(c) regulation seventeen thereof is hereby amended as follows, that is to say-

(i) paragraph (1) thereof is hereby repealed and the following paragraph is hereby substituted therefor -

"(1) Subject to the provisions of the Law, an existing retirement pensioner shall, as from the relevant day, be entitled to an old age pension.";

(ii) in paragraph (3) thereof the words "In the case of a person to whom paragraph (1) of this regulation applies" are hereby repealed and the words "In the case of a person who is an

existing retirement pensioner" are hereby substituted therefor;

- (iii) item (ii) of sub-paragraph (a) of the said paragraph (3) is hereby repealed and the following item is hereby substituted therefor -

"(ii) a reduced rate of pension was payable immediately before the relevant day under the provisions of section twenty-three of the Law (which relates to the partial satisfaction of the contribution conditions) and the full weekly rate of old age pension under the Second Schedule to the Law is at one of the rates set out at the head of columns (2) and (3) of the Second Schedule to these regulations, then the weekly rate of old age pension payable to that person (other than any allowance in respect of an adult dependant to which he may be entitled) shall be at the reduced rate specified in the appropriate column which corresponds with the yearly average of contributions paid or credited as shown in column (1) of the Second Schedule to these regulations;"

- (d) item (ii) of sub-paragraph (a) of paragraph (3) of regulation eighteen thereof is hereby repealed and the following item is hereby substituted therefor -

"(ii) to whom a reduced rate of pension was payable immediately before the relevant day under the provisions of section twenty-three of the Law (which relates to the partial satisfaction of the contribution conditions), the weekly rate of the allowance shall be at the reduced rate specified in column (3) of the Second Schedule to these regulations which corresponds with the yearly average of contributions paid or credited specified in column (1) of the said Schedule;"

Rate of widow's pension to be paid in certain cases

2. Subject to regulation five A of the Social Insurance (Pensions, Existing Contributors) (Transitional) (Guernsey) Regulations, 1964, the rate of widow's pension payable to a widow who ceased to be entitled to a widow's allowance or a widowed mother's allowance before the fourth day of November, nineteen hundred and seventy-four, who was not entitled to a widow's pension immediately before that day, and who became entitled to a widow's pension on that day, shall be the rate to which she would have been entitled on that day had she become entitled to a widow's pension when she ceased to be entitled to a widow's allowance or a widowed mother's allowance, as the case may be.

Citation, collective title and commencement

3.(1) These regulations may be cited as the Social Insurance (Widow's Benefit and Old Age Pensions) (Amendment) (Guernsey) Regulations, 1974.

(2) These regulations and the principal regulations may be cited together as the Social Insurance (Widow's Benefit and Old Age Pensions) (Guernsey) Regulations, 1971 and 1974.

(3) These regulations shall come into operation on the fourth day of November, nineteen hundred and seventy-four.

Dated this *teath*
seventy-four.

day of *October*, nineteen hundred and

E. H. BODMAN

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 two of these regulations relates generally to the rate of widow's pension payable to a widow who becomes entitled to a widow's pension on the 4th November, 1974, in consequence of the reduction to 40 years of the lower age limit for entitlement to a widow's pension in pursuance of the Resolution of the States of the 25th April, 1974. The remainder of the provisions of these regulations are of a minor character.