
GUERNSEY STATUTORY INSTRUMENT

2005 - No. 36

The Social Insurance (Benefits) (Transitional) (Amendment) Regulations, 2005

Made	...	...	...	...	...	...	...	...	...	6th October, 2005
Laid before the States	...	...	...	...	...	...	...	...	...
Deemed to have come into operation	...	...	...	...	...	...	...	...	...	1st January, 2004

THE SOCIAL SECURITY DEPARTMENT, in exercise of the powers conferred upon it by sections 2 and 4 of the Social Insurance (Guernsey) (Amendment) Law, 2003^a, and 116 of the Social Insurance (Guernsey) Law, 1978, as amended^b, of all other powers enabling it in that behalf, hereby orders:-

Amendment

1. Regulation 9 of the Social Insurance (Benefits) (Transitional) Regulations, 2004^c is repealed and replaced as follows:-

"Condition for continuing entitlement and old age pensions for women in receipt of widow's pension at 31st December 2003

9. (1) It shall be a condition of continued entitlement to a widow's pension under the provisions of section 2(1) of the Social Insurance (Guernsey) (Amendment) Law, 2003 that payment in respect of such entitlement shall have been continuous since 1st January 2004.

(2) Where a woman entitled to a widow's pension in accordance with section 2(1) of the Social Insurance (Amendment) (Guernsey) Law, 2003 would not, apart from the operation of this regulation, be entitled at pensionable age to an old age pension at least equal to that of the widow's pension previously payable, she shall be entitled to be credited with such number of Class 3 contributions as will cause the rate of old age pension at least to equal that of the former benefit."

Citation

2. These regulations may be cited as the Social Insurance (Benefits) (Transitional) (Amendment) Regulations, 2005.

^a Order in Council No. XXIV of 2003.

^b 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.

^c 2004 No. 7.

Commencement

3. These Regulations shall be deemed to have come into force on 1st January 2004.

Dated this 6th day of October, 2005.

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 are made to avoid doubt about the interpretation of the transitional provisions made to ensure the continuity of benefit to widows in receipt of a widow's pension at the date of the commencement of the reforms to the Social Insurance Law. Briefly, the new clause provides that a widow whose benefit had ceased or ceases at some future date because of cohabitation is placed in the same position as one who had re-married, and will not again be entitled to receive that benefit.