
GUERNSEY STATUTORY INSTRUMENT

2003 - No. ³⁷

The Social Insurance (Benefits) Regulations, 2003

Made 12th December, 2003
Laid before the States
Coming into operation 5th January, 2004

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GUERNSEY STATUTORY INSTRUMENT

2003 - No.

The Social Insurance (Benefits) Regulations, 2003

Made	December, 2003
Laid before the States	
Coming into operation	5th January 2004

THE GUERNSEY SOCIAL SECURITY AUTHORITY, in exercise of the powers conferred upon it by sections 20 - 24, 26 - 28, 30 - 33, 37 - 39, 61, 63 - 65, 67, 69, 73, 96, 98 and 116 of the Social Insurance (Guernsey) Law, 1978, as amended¹, 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:-

"claim for benefit" does not include any application for the review of an award or a decision; and the expression "claims benefit" and every reference to a claim shall be construed accordingly;

"certifying practitioner" means:

- (a) a recognised dentist within the meaning of the Doctors, Dentists and Pharmacists Ordinance, 1987;²
- (b) a recognised medical practitioner within the meaning of the Doctors, Dentists and Pharmacists Ordinance, 1987;
- (c) a physiotherapist registered with the Health Professions Council under the Health Professions Order 2001;
- (d) a person registered as a fully registered osteopath or a conditionally registered osteopath with the General Osteopathic Council under the Osteopaths Act, 1993;
- (e) a person registered as a chiropractor with the General Chiropractic Council under the Chiropractors Act 1994;

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.

² Ordinance No. XVII of 1987

(f) such other persons as may from time to time be recognised by the Authority, or in any particular case by the Administrator, as competent for the purpose;

"determining authority" means the Administrator or the Tribunal, as the case may require;

"draft" means a payable order or any other instrument payable through a bank;

"Guernsey ship" means a ship or vessel registered in Guernsey of which the owner (or managing owner if there is more than one owner) or the manager resides or has his principal place of business in Guernsey;

"incapacity" means incapacity by reason of which a person is rendered incapable of work;

"manager" means, in relation to any ship or vessel, the ship's husband or other person to whom the management of the ship or vessel is entrusted by or on behalf of the owner; and references to the owner of a ship or vessel shall, in relation to a ship or vessel which has been demised, be construed as referring to the person for the time being entitled as charterer to possession and control of the ship or vessel, by virtue of the demise or any sub-demise;

"mariner" means a person who is or has been employed under a contract of service either as master or a member of the crew of any ship or vessel, or in any other capacity on board any ship or vessel where -

(a) the employment in that other capacity is for the purposes of the ship or vessel or her crew or of any passengers or cargo or mails carried thereby; and

(b) the contract is entered into in Guernsey with a view to its performance (in whole or in part) while the ship or vessel is on her voyage;

"midwife" means a person who is for the time being registered as a midwife under the provisions of the Nurses, Midwives and Health Visitors Ordinance, 1987;³

"prescribed disease" has the meaning assigned to it by regulation 1 of the Social Insurance (Industrial Injuries Benefits) (Guernsey) Regulations, 1978⁴;

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

"pension" means old age pension, bereavement allowance or widowed parent's allowance;

"relevant contribution year" means the last complete contribution year before the benefit year which includes the day for which benefit is claimed;

"the relevant person" means the person by whom the contribution conditions for death grant or survivors' benefits are to be satisfied;

"The Contributions Regulations" means the Social Insurance (Contributions) Regulations, 2000⁵

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

(2) 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.

³ Recueil d'Ordonnances Tome XXIV p. 238

⁴ S.I. 1978 No. 31; S.I. 2002 No. 50.

⁵ S.I. 1999 No. 49.

(3) The Interpretation (Guernsey) Law, 1948⁶, shall apply to the interpretation of these regulations as it applies to the interpretation of a Guernsey enactment

⁶ Ordres en Conseil Vol. XIII p.355.

**PART II
CLAIMS AND PAYMENTS**

**SECTION 1
CLAIMS**

Claims not required in certain cases

2. Invalidity benefit may be paid without a claim being made therefor in the case of a person who, immediately before he became entitled to invalidity benefit, was in receipt of sickness benefit or industrial injury benefit.

Claims to be made to the Authority in writing

3. (1) Every claim for benefit shall be made in writing to the Authority on such form as may, from time to time, be approved by the Authority for the purpose of the benefit for which the claim is made, or in such other manner, being in writing, as the Authority may accept as sufficient in the circumstances of any particular case or class of cases.

(2) Subject to any directions given by or on behalf of the Authority in any particular case or class of case, a person claiming unemployment benefit shall attend in person at the Authority's office.

(3) A person who claims sickness benefit (other than a woman who claims sickness benefit by reason of her expected confinement), invalidity benefit or industrial injury benefit shall furnish evidence of incapacity in respect of the day or days for which the claim is made by means of a certificate given, in accordance with the following provisions of this regulation, by a certifying practitioner, in the form appropriate to the circumstances of the case, or by such other means as the Administrator may accept as sufficient in the circumstances of the case: and for the purposes of this paragraph -

(a) every such certificate shall be completed in writing in ink or other indelible substance and shall bear the date of the examination and signature of the certifying practitioner;

(b) the practitioner shall specify, in such certificate, as precisely as his knowledge of the claimant's condition at the time of the examination permits, the disease, disablement or infirmity for which the examination was undertaken and which renders the claimant incapable of work:

provided that if, in the signatory's opinion, the disclosure to the claimant of the precise disease, disablement or infirmity would be prejudicial to his well-being, the certificate may contain a less precise statement of that disease, disablement or infirmity.

(4) A person who claims industrial medical benefit but not sickness benefit, invalidity benefit or industrial injury benefit, shall furnish evidence of having been examined by a certifying practitioner in respect of a personal injury caused by accident or a prescribed disease by means of a certificate in the form appropriate to the circumstances of the case, or by such other means as the Administrator may accept as sufficient in the circumstances of the case, in either case in accordance with the provisions of the preceding paragraph of this regulation.

(5) (a) Every woman by whom, or on whose behalf, a claim for maternity benefit is made shall furnish evidence -

(i) where the claim is made in respect of expectation of confinement, that she is pregnant and as to the stage which she has reached in her pregnancy; or

(ii) where the claim is made by virtue of the fact of confinement, that she has been confined;

by means of a certificate, given by a certifying practitioner who is a medical practitioner or by a midwife, in the form approved by the Authority;

(b) every certificate of expected confinement or of confinement shall be completed in writing in ink or other indelible substance and shall bear the date of the examination and signature of the medical practitioner or midwife;

(c) no certificate of expected confinement shall be issued earlier than 16 weeks before the week in which it is expected that the woman will be confined.

Claims not on appropriate forms

4. Where a claim for benefit has been made on an approved form other than the form appropriate to the benefit claimed, the Authority may treat the claim as if it had been made on the appropriate form:

Provided that the Authority may in any such case require the claimant to complete the appropriate form.

Information to be given when making a claim for benefit

5. (1) Every person who makes a claim for benefit shall furnish such certificates, documents, information and evidence for the purpose of determining the claim as may be required by or on behalf of the Authority and, if reasonably so required, shall for that purpose attend at such office or place as the Authority may direct.

(2) Every person who makes a claim for widowed parent's allowance shall, in particular, furnish such certificate relating to the birth of the child and such other information to show that the child is or may be treated as included in that person's family, as the Authority may require.

(3) Every person who makes a claim for an increase in respect of a wife shall furnish, if required, information as to her identity, date of birth, usual place of residence, occupation and a certificate of the marriage together with a declaration signed by her confirming the information given.

(4) Every person who makes a claim for a death grant shall, in particular, furnish the following information:-

(a) if required by the Authority, a death certificate relating to the deceased; and, where the claim is in respect of the death of a child, such certificate relating to the birth of a child, and such other information, as the Authority may reasonably require, in support of any contention that immediately before the death of the child or relevant person, as the case may be, the child was a child of the family of the relevant person;

(b) if required by the Authority, the estimate or account of the undertaker.

Amendment of claim forms

6. (1) If, owing to the absence of due signature or of due certification, a claim is defective at the date of its receipt by the Authority, the Authority may, in its discretion, refer the claim to the claimant, and if the form is returned duly signed and certified within one month from the date on which it is so referred, the Authority may treat the claim as if it had been duly made in the first instance.

(2) Any person who has made a claim for benefit in accordance with the provisions of these regulations may amend his claim, at any time before a decision has been given thereon, by notice in writing delivered or sent to the Authority, and any claim so amended may be treated as if it had been made as so amended in the first instance.

Interchange with claims for other benefits under the Law

7. (1) Where it appears that a person who has made a claim for industrial injury, invalidity, maternity, sickness or unemployment benefit may be entitled to any other of those benefits, any such claim may be treated as a claim in the alternative for that other benefit.

(2) Any claim for industrial medical benefit or industrial injury benefit may be treated as a claim in the alternative for the other benefit.

General limitation of right to benefit and prescribed times for the making of claims.

8. (1) Notwithstanding anything contained in these regulations no sum shall be paid to any person on account of any benefit in respect of any period more than twelve months before the date on which the claim therefor is made.

(2) Subject to the further provisions of this regulation if a person fails to make his claim for any benefit within the prescribed time, he shall be disqualified for the receipt of benefit to the extent specified in paragraph (4) of this regulation.

(3) The prescribed times for the making of claims for benefits shall be:

(a) in relation to unemployment benefit, on the day claimed;

(b) in relation to industrial injury benefit, invalidity benefit or sickness benefit, within 3 months of the earliest day in respect of which benefit is claimed;

(c) in relation to a pension or industrial disablement benefit, within 3 months of the date on which, apart from satisfying the condition of making a claim, the claimant becomes entitled thereto;

(d) in relation to maternity benefits, any time within the period beginning with the 16th week before the date on which it is expected that the claimant is to be confined and ending 3 months after the date of the confinement;

(e) in relation to death grant, within 6 months (or such longer period as the Authority may determine in the circumstances of any particular case) of the date of the death of the deceased.

(4) Subject to paragraph (5), where a claim is made after the prescribed time the extent to which a person shall be disqualified for receiving benefit shall be:

(a) in relation to unemployment benefit, death grant or maternity grant, the benefit claimed;

(b) in relation to all other benefits, benefit for any period more than 3 months before the date on which the claim was made.

(5) (a) If in any case the claimant proves that there was good cause for the failure to make the claim before the date on which it was made, the prescribed time for making that claim shall be extended to the date on which the claim is made.

(b) If in any case the claimant proves -

(i) that on a date earlier than the date on which the claim was made, apart from satisfying the condition of making a claim, he was entitled to the benefit; and

(ii) that throughout the period between the earlier date and the date on which the claim was made there was good cause for delay in making such claim:

he shall not be disqualified under this regulation for receiving any benefit to which he would have been entitled if the claim had been made on the said earlier date.

Special provisions for claims to unemployment benefit

9. (1) Every person who makes a claim for unemployment benefit shall attend at the Authority's office or at such other place as the Authority may direct, on every working day, or on such working days as the Authority may direct, at such times as the Authority may direct, and, if required to do so, shall there sign a register to be kept for the purpose at the office of the Authority or at such other place, as the case may be.

(2) A claimant who, under these regulations, attends less frequently than on every working day, may on each attendance sign the register in respect of days on which the terms of the declaration set out in the register were satisfied in his case since his last attendance, as well as in respect of the actual day of attendance.

(3) The determining authority may in any particular case require a claimant, notwithstanding that he has signed the register in accordance with these regulations, to furnish further evidence that he was unemployed and not disentitled to unemployment benefit on all or any of the days in respect of which he has signed the register.

Claims for limited medical benefit

10. (1) For the purposes of section 38(4) of the Law no person shall be entitled to limited medical benefit in respect of any accident occurring on or after 1st January 1996.

(2) A person shall not be entitled to limited medical benefit in respect of an accident which occurred before 1st January 1996 unless a claim to benefit has been made to the Authority within twelve months of the date on which the accident occurred

Claims for industrial medical benefit

11. (1) Subject to the provisions of this regulation, a claim for industrial injury benefit in respect of personal injury caused by accident arising out of and in the course of employment shall also be treated as a claim for industrial medical benefit.

(2) A claim for industrial injury benefit shall not be treated as a claim for industrial medical benefit unless it is made within a period of three months following the date on which the claimant sustained such personal injury or from the date on which such personal injury first became apparent, unless the claimant shows good cause for the delay in submitting the claim.

(3) Where a person is not incapable of work by reason of personal injury as aforesaid, a certificate received from a medical practitioner (or from some other person who may appear to the Authority to be a proper person to issue such a certificate) that he has given that person treatment for that injury shall be treated as a claim for that person for industrial medical benefit.

(4) The provisions of this regulation shall apply to any person whose incapacity for work or whose need for treatment is due to a disease or personal injury which is treated as a prescribed disease or injury in pursuance of regulations made under section 54 of the Law (which relates to industrial diseases and industrial injuries not caused by accident).

Claims in advance for incapacity benefits

12. (1) Where it has been certified -

- (a) that a person is incapable of work and will continue to be incapable of work for the period specified in the certificate; or
- (b) that a person (being a person who, throughout the period of six months immediately preceding the date of the certificate, has been in receipt of sickness benefit) is incapable of work,

a claim for sickness benefit, invalidity benefit or industrial injury benefit may, unless the Authority otherwise directs, be made by that person in respect of the period of thirteen weeks, or such shorter period as the Authority may in the circumstances determine, in either case commencing immediately after the date of the certificate.

(2) Any claim for sickness benefit, invalidity benefit or industrial injury benefit made by any such person may, if it is made on the form containing the certificate, be treated by the Authority as a claim made also in respect of any days in the said period of thirteen weeks or in any such shorter period, as the case may be.

Claims in advance for old age pension

13. (1) A claim for old age pension may be made at any time not more than four months before the date on which the claimant will, subject to the fulfilment of the necessary conditions, become entitled to such a pension.

(2) For the purpose of facilitating the determination of a subsequent claim for old age pension, a person may at any time not more than four months before the date on which he will attain pensionable age submit particulars in writing to the Authority in a form approved by it for that purpose with a view to the determination (in advance of a claim) of any questions under the Law relating to that person's title to an old age pension, and, subject to the necessary modifications, the provisions these regulations shall apply to any such particulars.

SECTION 2
PAYMENTS

Manner of payment of benefits.

- 14 (1) Subject to the provisions of these regulations payment of benefits shall be made:
- (a) by means of an automated credit transfer into a bank or other account:
 - (i) in the name of the person entitled to benefit, his spouse or partner, or a person acting on his behalf; or
 - (ii) in the joint names of the person entitled to benefit and his spouse or partner or person acting on his behalf; or
 - (iii) such other account as may be nominated by the person entitled to benefit; or
 - (b) by a draft sent through the post or collected from the Authority's offices; or
 - (c) by such other means as may be agreed by or on behalf of the Authority after consultation with the person entitled to benefit.

Time of payment of benefit

15. (1) Bereavement payment, death grant, industrial injury benefit, invalidity benefit, maternity grant and sickness benefit shall be paid in accordance with an award thereof, as soon as it is reasonably practicable after such an award has been made by the determining authority.

(2) Bereavement allowance, industrial disablement benefit, maternity allowance, old age pension and widowed parents' allowance shall be paid:

- (a) in respect of persons resident in the British Isles, weekly in advance on Mondays:
- (b) in respect of persons not so resident, in arrears at such interval as the Authority may determine as being appropriate to the country of residence.

(4) Where by reason of any provisions of the Law or of any regulations the date as from which a pension would commence or as from which a change in the rate of a pension would take effect, is a day of the week other than a Monday, the pension shall commence only, or the change in the rate of the pension shall take effect only, as from the Monday next following that day.

(5) Where the date on which a pension would cease to be payable is a day of the week other than a Sunday, the pension shall continue to be payable in respect of the days of the week up to but not including the Monday next following that day.

(9) Notwithstanding anything contained in the foregoing provisions of this regulation, the Authority may in any particular case or class of cases arrange for the payment of any benefit otherwise than as provided in those provisions.

Extinguishment of right to sums payable by way of benefit not obtained within prescribed time

16. (1) The right to any sum payable by way of benefit shall be extinguished where payment thereof is not obtained within the period of twelve months from the date on which that sum is receivable in accordance with the following provisions of this regulation:

Provided that in calculating the said period of twelve months no account shall be taken of -

- (a) any period during which a draft containing the sum is in the possession of the Authority or at the place at which it is payable, other than a period after written notice has been given that the draft is available for collection;
- (b) any period during which the Authority has under consideration any representation that a draft containing the sum has not been received or has been lost, mislaid or stolen;
- (c) any period during which the person concerned is for the time being unable to act by reason of any mental incapacity, subject to the qualification that the total period disregarded on account of such inability to act shall not exceed one year; or
- (d) any period during which the determination of any question as to such extinguishment is pending.

(2) For the purposes of this regulation, a sum payable by way of benefit shall, subject to the provisions of the next following paragraph and of regulation 23(3) of these regulations, be receivable -

- (a) in the case of a sum contained in a draft -
 - (i) if the draft is sent through the post, on the date on which it would be delivered in the ordinary course of post; and
 - (ii) in any other case, on the date of issue of the draft;
- (c) in the case of a sum not contained in a draft, where notice is given orally or in writing that the sum is available for collection -
 - (i) if written notice is sent through the post, on the date on which it would be delivered in the ordinary course of post; and
 - (ii) in any other case, on the date of the notice; and
- (d) in any case to which none of the preceding subparagraphs of this paragraph applies, twelve months (or such longer period as the Authority may determine in the circumstances of any particular case) after the date on which the sum became payable.

(3) In determining when a sum is receivable under the provisions of the foregoing paragraph, the following provisions shall apply:-

- (a) if a person proves that through no fault of his own he did not receive any such draft or written notice until a date later than the appropriate receivable date determined in accordance with the provisions of the foregoing paragraph, the sum contained in the order or draft or referred to in the notice shall be receivable -
 - (i) on that later date; or
 - (ii) on the date which is twelve months after the said appropriate receivable date, whichever is the earlier;
- (b) if a person proves that through no fault of his own he has not received any such draft or written notice, the sum contained in the original draft or referred to in the notice shall be receivable -
 - (i) on the date determined in accordance with the provisions of the foregoing paragraph on the basis of the issue of any further draft or notice in respect of that sum; or
 - (ii) on the date which is twelve months after the receivable date determined in accordance with the provisions of the foregoing paragraph on the basis of the original draft or notice, whichever is the earlier;
- (c) subject to the provisions of the preceding subparagraph, a sum which in accordance with the foregoing provision of this regulation was receivable on any date, shall remain receivable on that date notwithstanding the issue since that date of a draft or notice in respect of that sum or any part thereof.

(4) Where a mariner has failed to obtain payment of benefit within the period of twelve months specified in these regulations, and his failure is due to the fact that he was absent from Guernsey by reason of his employment as a mariner, that proviso shall apply to him with the substitution for that period of such period as the Authority may, in any particular case, determine.

(5) Any sum payable by way of benefit to a person who is for the time being unable to act shall be receivable in accordance with the foregoing provisions of this regulation, notwithstanding his inability to give a receipt therefor.

Information to be given when obtaining payment of benefit

17. (1) Every beneficiary and every person by whom or on whose behalf sums payable by way of benefit are receivable shall furnish in such manner and at such times as the Authority may determine such certificates and other documents and such information of facts affecting the right to benefit or to the receipt thereof as the Authority may require (either as a condition on which any sum or sums shall be receivable or otherwise), and in particular shall notify the Authority in writing of any change of circumstances which he might reasonably be expected to know might affect the right to benefit, or to the receipt thereof, as soon as reasonably practicable after the occurrence thereof.

(2) Upon making any claim for benefit, any mariner who is or has been employed as master or a member of the crew of any ship or vessel shall, if so required, furnish to the Authority the number of his continuous discharge book and particulars of the ships and vessels on board which he was employed during any period material to the claim.

(3) Where any sum is receivable on account of an increase of benefit in respect of a wife the beneficiary shall, in such cases or classes of cases as the Authority may direct, furnish a declaration signed by her confirming the particulars furnished by the claimant.

SECTION 3
MISCELLANEOUS PROVISIONS

Obligations of employers to investigate certain accidents

18. Every employer, on it coming to his knowledge that an employee of his has sustained personal injury caused by accident arising out of and in the course of his employment, shall take reasonable steps to investigate the circumstances of such accident.

Obligations of employers to furnish certain information

19. Every employer who is required so to do by the Administrator by notice in writing shall furnish him, within such period as may be specified in the notice, such information and particulars as he may require -

- (a) of any accident or alleged accident in respect of which benefit may be payable under Part III of the Law to, or in respect of the death of, a person employed by him at the time of the accident or alleged accident; or
- (b) of the nature of and other relevant circumstances relating to any occupation prescribed in pursuance of the provisions of section 55 of the Law in which any person to whom, or in respect of whose death, benefit may be payable under Part III of the Law, was or is alleged to have been employed by him; or
- (c) in order to determine a claim for unemployment benefit.

Payment of industrial benefits to persons under school-leaving age

20. Where industrial injury benefit or industrial disablement benefit is payable to a person who is under school-leaving age, such benefit shall not be payable otherwise than to a parent or guardian of that person or to a person appointed by or on behalf of the Authority to receive the benefit on behalf of that person.

Beneficiaries unfit to deal with benefit

21. (1) In the case of any person to whom benefit is payable, where it appears to the Authority that it is necessary so to do for the purpose of protecting the interests of that person or, where any increase of benefit is payable to that person in respect of any child or adult dependant, for the purpose of protecting the interests of that child or adult dependant, as the case may be, the Authority may appoint any other person to receive and deal with such benefit or such part thereof as the Authority thinks fit.

(2) The Authority may at any time in its absolute discretion revoke any appointment made under this regulation.

(3) Any person appointed under this regulation may, on giving the Authority one month's notice in writing of his intention so to do, resign his office.

(4) Subject to the provisions of the Social Insurance (Duties of Appointees) Regulations, 2002⁷, the receipt of any person appointed under this regulation shall be a good discharge to the Authority and the Guernsey Insurance Fund for any sum paid to him by virtue of his appointment.

(5) A person who has not attained the age of eighteen shall not be capable of being appointed to act under this regulation.

Persons unable to act

22. (1) In the case of any person to whom benefit is payable or who is alleged to be entitled to benefit or by whom or on whose behalf a claim for benefit has been made, and who is a child or a person unable for the time being to act, where such child or person has no guardian, the Authority may, upon written application being made to it, appoint a person to exercise on behalf of the child or person who is unable to act any right to which that child or person may be entitled under the Law and to receive and deal with any sums payable on behalf of such child or person:

Provided that -

- (a) any such appointment by the Authority shall terminate on the day immediately prior to the date on which the Authority is notified that a guardian has been appointed;
- (b) a person who has not attained the age of eighteen shall not be capable of being appointed to act under this regulation; and
- (c) the Authority may at any time in its absolute discretion revoke any appointment made under this regulation; and
- (d) any person appointed under this regulation may, on giving the Authority one month's notice in writing of his intention so to do, resign his office.

(2) Subject to the provisions of the Social Insurance (Duties of Appointees) Regulations, 2002, anything required by these regulations to be done by or to any such person as aforesaid who is a child or who is for the time being unable to act may be done by or to the guardian, if any, or by or to the person appointed under this regulation to act on his behalf, and the receipt of any person appointed under this regulation shall be a good discharge to the Authority and the Guernsey Insurance Fund for any sum paid.

Payments on death

23. (1) On the death of a person who has made a claim for benefit or who is alleged to have been entitled to benefit, or in respect of whose death a death grant is alleged to be payable, the Authority may appoint such person as it may think fit to proceed with or to make a claim for the benefit, and the provisions of these regulations and the Social Insurance (Duties of Appointees) Regulations, 2002 shall apply subject to the necessary modifications to any such claim:

Provided that in the case of a death grant a claim may be made by any person specified in the next succeeding paragraph.

(2) Subject to the provisions of paragraph (6) of this regulation, any sum payable by way of benefit which is payable under an award on a claim proceeded with or made under the foregoing paragraph may be paid or distributed by the Authority to or amongst persons claiming as personal representatives, legatees, next of kin, or creditors of the deceased (or, where the deceased was illegitimate, to or amongst other persons), and the provisions of regulation eleven of these regulations shall apply to any such payment or distribution:

Provided that -

- (a) the receipt of any such person who has attained the age of sixteen shall be a good discharge to the Authority and the Guernsey Insurance Fund for any sum so paid; and

- (b) where the Authority is satisfied that any such sum or part thereof is needed for the benefit of any person under the age of sixteen, it may obtain a good discharge therefor by paying the sum or part thereof to a person over that age (who need not be a person specified in this paragraph) who satisfies the Authority that he will apply the sum so paid for the benefit of the person under the age of sixteen.

(3) Subject as aforesaid any sum payable by way of benefit to the deceased payment of which he had not obtained at the date of his death, may, unless the right thereto was already extinguished at that date, be paid or distributed to or amongst such persons as are mentioned in the last foregoing paragraph, and the provisions of regulation 16 of these regulations and of the proviso to the said paragraph shall apply to any such payment or distribution:

Provided that, for the purpose of paragraph (1) of the said regulation 16, the period of twelve months shall be calculated from the date on which the sum was receivable by any such person, and not from the date on which it was receivable by the deceased, and for this purpose the reference in paragraph (2)(d) of the said regulation 16 to the date on which the sum became payable, shall be construed as a reference to the date of the application to the Authority made in accordance with paragraph (6) of this regulation.

(4) In relation to a death grant, the reference in paragraph (2) of this regulation to creditors shall include a reference to any person who gives an undertaking in writing to pay the whole or part of the deceased's funeral expenses, so, however, that any payment of death grant to a person by virtue of this paragraph shall be subject to the condition that if the person fails to carry out any such undertaking he shall repay to the Guernsey Insurance Fund any death grant so paid to him.

(5) Where any person has received an amount by way of death grant by virtue of the provisions of this regulation and is entitled to reimbursement of the deceased's funeral expenses out of the deceased's estate, his right to such reimbursement shall be reduced by the amount of the death grant received by him.

(6) Paragraphs (2) and (3) of this regulation shall not apply in any case unless written application for the payment of any such sum is made to the Authority within six months from the date of the deceased's death or within such longer period as the Authority may allow in any particular case.

(7) The Authority may dispense with strict proof of the title of any person claiming in accordance with the provisions of this regulation.

PART III
GENERAL PROVISIONS APPLICABLE TO ALL BENEFITS

Partial satisfaction of the contribution conditions

24. (1) Where a person would be entitled to any benefit but for the fact that the relevant contribution conditions set out in the First Schedule to the Law, though satisfied as regards the first condition as to contributions required to have been paid (or, in the case of death grant, paid or credited) are not satisfied in respect of the second condition as to contributions required to have been paid or credited, he shall nevertheless be entitled to benefit payable at a reduced rate in accordance with the following provisions of this regulation; and for the purposes of this regulation -

- (a) the first condition as to contributions means the condition specified in paragraph 1(a), 4(1)(a) or (as the case may require) 5(1)(a) of the First Schedule to the Law;
- (b) the second condition as to contributions means the condition specified in paragraph 1(b), 4(1)(b) or (as the case may require) 5(1)(b) of the First Schedule to the Law.

(2) Where a person would be entitled to invalidity benefit, maternity allowance, sickness benefit or unemployment benefit by virtue of paragraph (1) of this regulation the respective reduced weekly rates of the benefit shall be those set out in the appropriate column of the First Schedule to these regulations opposite to the numbers set out in the first column of the said Schedule which correspond to the number of reckonable contributions of the appropriate class or their equivalent paid by or credited to him in respect of the relevant period.

(3) Where a person would be entitled to a death grant by virtue of paragraph (1) of this regulation the reduced rate of payment shall be that set out in the second column of the Second Schedule to these regulations opposite to the numbers set out in the first column of the said Schedule which correspond to the yearly average of reckonable contributions paid by or credited to the relevant person in respect of the relevant period.

(4) Where a person would be entitled to a bereavement allowance or widowed parent's allowance by virtue of paragraph (1) of this regulation the respective reduced weekly rates of the allowance shall be those set out in the appropriate column of the Third Schedule to these regulations opposite to the numbers set out in the first column of the said Schedule which correspond to the yearly average of reckonable contributions paid by or credited to the relevant person in respect of the relevant period.

(5) Where a person would be entitled by virtue of paragraph (1) of this regulation to an old age pension the reduced weekly rates of the pension or increase of old age pension for a wife shall be those set out in the appropriate column of the Fourth Schedule to these regulations opposite to the numbers set out in the first column of the said Schedule which correspond to the yearly average of reckonable contributions paid by or credited to him in respect of the relevant period.

(6) Where a person would be entitled to a bereavement payment by virtue of paragraph (1) of this regulation the reduced rate of payment shall be that set out in the second column of the Fifth Schedule to these regulations opposite to the numbers set out in the first column of the said Schedule which correspond to the yearly average of reckonable contributions paid by or credited to the relevant person in respect of the relevant period.

Exceptions from disqualification for imprisonment, etc.

25. Section 67 of the Law shall not operate to disqualify a person for receiving industrial medical benefit, sickness benefit, invalidity benefit, industrial injury benefit, industrial disablement benefit, maternity allowance, widow's benefit, or old age pension (including an increase for a wife), for any period during which that person is undergoing imprisonment or detention in legal custody in connection with a charge brought or intended to be brought against him in criminal proceedings or pursuant to any sentence or order for detention made by a court in such proceedings unless, in relation to him, a penalty is imposed at the conclusion of those proceedings.

Suspension of payment of benefit during imprisonment, etc.

26. (1) The payment to any person of any benefit which is payable otherwise than in respect of a period during which he is undergoing imprisonment or detention in legal custody; shall be suspended while that person is undergoing imprisonment or detention in legal custody:

Provided that any such benefit may nevertheless be paid while the beneficiary is undergoing imprisonment or detention in legal custody to any person appointed for the purpose by or on behalf of the Authority to receive and deal with any sums payable on behalf of the beneficiary on account of that benefit, and, subject to the provisions of the Duty of Appointees Regulations, the receipt of any person so appointed shall be a good discharge to the Authority for any sum so paid.

(2) A person shall not be disqualified for receiving a death grant or bereavement payment by reason of undergoing a period of imprisonment or detention in legal custody, but the payment shall be suspended during any such period:

Provided that payment may nevertheless be made during any such period to any person appointed by or on behalf of the Authority to receive and deal with any sum payable on behalf of the beneficiary on account of the grant or payment, and the receipt of any person so appointed shall be a good discharge to the Authority for any sum so paid.

(3) Where, by virtue of the foregoing paragraphs of this regulation, payment of benefit is suspended for any period, the period of suspension shall not be taken into account in calculating whether the right to receive that payment has been extinguished.

Application of the Law and regulations to mariners

27. The provisions of the Law and of the regulations made thereunder shall, so far as they are not inconsistent with the provisions of these regulations, apply to mariners with this modification, that, where a mariner is, on account of his being at sea or outside Guernsey by reason of his employment as a mariner, unable to perform an act required to be done either forthwith or on the happening of a certain event or within a specified time, he shall be deemed to have complied therewith if he performs the act as soon as is reasonably practicable, although after the happening of the event or the expiration of the specified time.

Interim payments, arrears and repayments

28 (1) Subject to the provisions of this regulation, benefit shall be payable in accordance with an award, notwithstanding that an appeal against the award is pending, and, subject as aforesaid and to the provisions of regulation 15 of the Social Insurance (Determination of Claims and Questions) (Guernsey) Regulations, 1978⁸, shall be treated as having been duly paid and shall not be recoverable under the provisions of the Law or otherwise.

(2) Where, in accordance with a decision given on a review or appeal, any benefit is required to be repaid to the Guernsey Insurance Fund, then, without prejudice to any other method of recovery, such benefit shall be recoverable by deduction from any benefit then or thereafter payable to the person by whom it is to be repaid or any persons entitled to receive his benefit on his death.

Overlapping benefits

29. (1) In this regulation “income replacement benefit” means industrial injury benefit, invalidity benefit, maternity allowance, sickness benefit and unemployment benefit.

(2) No person shall receive more than one income replacement benefit in respect of the same period of interruption of employment or period of incapacity for work, but where, apart from the provisions of this regulation, more than one such benefit would be payable, he shall be entitled to receive the most advantageous.

(3) For the avoidance of doubt, nothing in this regulation shall prevent the payment of an income replacement benefit to a person entitled to a bereavement allowance (including a widow pensioner whose entitlement is preserved in accordance with section 2 of the Social Insurance (Amendment) (Guernsey) Law, 2003⁹) or to a woman in respect of whom an increase of old age pension is payable to her husband in accordance with section 61 of the Law.

⁹

O. in C. No. XXIV of 2003.

PART IV
BENEFITS FOR INCAPACITY, MATERNITY AND UNEMPLOYMENT
SECTION 1
GENERAL

Waiting days and periods of interruption of employment or incapacity for work

30. (1) In these regulations -

- (a) a “day of maternity” means a day in relation to which maternity allowance is payable;
- (b) a “day of incapacity for work” means a day in relation to which industrial injury benefit, invalidity benefit or sickness benefit is payable, or a day of maternity;
- (c) a “day of unemployment” means a day in respect of which unemployment benefit is payable;
- (d) a “day of interruption of employment” means a day of unemployment or a day of incapacity for work;
- (e) any two days of interruption of employment, whether consecutive or not, within a period of six consecutive days shall be treated as a single period of interruption of employment, and any two periods of interruption of employment 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 interruption of employment;

(2) A person shall not be entitled to unemployment benefit, sickness benefit or industrial injury benefit for the first three days of any claim unless a further nine days of interruption of employment become payable within the same period of interruption of employment.

Disregard of Sundays and calculation of daily rate of Benefit

31. (1) Sunday, or such other day as may be further prescribed in relation to any particular case, shall not be treated as a day of incapacity for work, a day of maternity or a day of unemployment and shall be disregarded in computing any period of consecutive days.

(2) 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 shall be one-sixth of the appropriate weekly rate.

Reckonable contributions treated as of the appropriate class

32. (1) Where a person makes a claim for invalidity benefit, maternity allowance, sickness benefit or unemployment benefit and, in respect of weeks included in the relevant period, not less than 39 reckonable Class 1 or Class 2 contributions have been paid by or credited to him, then, for the purpose of the reference in the First Schedule to the Law to reckonable contributions of the appropriate class or their equivalent, there shall be treated as equivalent to a reckonable contribution of the appropriate class every reckonable Class 3 contribution paid by the claimant in respect of a week included in the relevant period.

SECTION 2
 INCAPACITY AND UNEMPLOYMENT BENEFITS

Persons deemed to be incapable of work

33. (1) A person who is not incapable of work may be deemed to be incapable of work by reason of some specific disease or bodily or mental disablement for any day on which -

- (a) he is under medical care in respect of a disease or disablement as aforesaid and -
 - (i) it is certified by a medical practitioner that by reason of such disease or disablement he should abstain from work; and
 - (ii) he does not work; or
- (b) he is excluded from work on the certificate of the States Medical Officer of Health and is under medical observation by reason of his being a carrier, or having been in contact with a case, of infectious disease.

(2) Where a mariner is not disqualified on any day for receiving sickness benefit, invalidity benefit or industrial injury benefit although absent from Guernsey, he shall be deemed to be incapable of work by reason of some specific disease or bodily or mental disablement on any such day.

(3) A person who at the commencement of any day is, or thereafter on that day becomes, incapable of work by reason of some specific disease or bodily or mental disablement and does no work as an employed or self-employed person on that day shall be deemed to be so incapable of work throughout that day.

Special provisions relating to day substituted for Sunday

34. (1) In the case of a person who -

- (a) in any week in which, in the normal course, he would work as an employed person on not more than six days including the Sunday is unemployed on that Sunday; and
- (b) claims unemployment benefit for that Sunday;

the day of that week on which, in the normal course, he would not work as an employed person, or (if that week contains more than one day on which in the normal course he would not so work) the later or last of those days, shall be substituted for that Sunday as a day which, by virtue of these regulations, is not to be treated as a day of unemployment or of incapacity for work for the purposes of any provision of the Law relating to unemployment, sickness or invalidity benefit and, for those purposes, is to be disregarded in computing any period of consecutive days.

(2) In the case of a person who -

- (a) in any week, in the normal course, would not work as an employed person on the Sunday;
- (b) objects on religious grounds to working on a specific day in each week other than Sunday, but does not so object to working on Sunday; and
- (c) in respect of that week is unemployed on and claims unemployment benefit for Sunday;

that specific day shall in that week be substituted for Sunday as a day which, by virtue of section 23(1)(d) of the Law, is not to be treated as a day of unemployment or of incapacity for work for the purposes of any provision of the Law relating to unemployment, sickness or invalidity benefit and, for those purposes, is to be disregarded in computing any period of consecutive days.

(3) In this regulation, the expression "week" means a period of seven days commencing with the midnight between Saturday and Sunday.

(4) In the application to a person of paragraph (1)(a) of this regulation, no account shall be taken of any period of short time working due to adverse industrial conditions in determining whether in any week, in the normal course, a person would work as an employed person on not more than six days including the Sunday.

Night workers

35. (1) For the purposes of unemployment, sickness and invalidity benefit, where a period of employment begun on any day extends over midnight into the following day, the person employed shall, in respect of such period -

- (a) be treated as having been employed on the first day only, if the employment before midnight is of longer duration than that after midnight, and, in that case, the first day shall not be treated as a day of interruption of employment; or
- (b) be treated as having been employed on the second day only, if the employment after midnight is of longer duration than that before midnight, or if the employment before and after midnight is of equal duration, and, in either of these cases, the second day shall not be treated as a day of interruption of employment.

(2) Where a person -

- (a) is, by virtue of paragraph (1) of this regulation, to be treated as having been employed on one day only of two days; and
- (b) throughout that part of the other of those two days during which that person is not employed, is, or is deemed in accordance with regulations to be available for employment in an employed contributor's employment or incapable of work by reason of some specific disease or bodily or mental disablement,

that person shall, for the purposes of unemployment, sickness or invalidity benefit, be deemed to be so available for employment, or, as the case may be, to be so incapable of work, throughout that other of those two days.

(3) Where a person -

- (a) is, by virtue of paragraph (1) of this regulation, to be treated as having been employed on the second day only of two days; and,
- (b) throughout the day immediately preceding the first of those two days, is, or is deemed in accordance with regulations to be, incapable of work by reason of some specific disease or bodily or mental disablement,

that person shall, for the purposes of sickness or invalidity benefit, be deemed to be so incapable of work throughout the first of those two days.

Days not to be treated as days of unemployment or incapacity for work

36. (1) For the purposes of unemployment, sickness and invalidity benefit -
- (a) a day shall not be treated as a day of interruption of employment if it is a day in respect of which a person fails to prove, in such manner as the Authority shall require, that he is unemployed and capable of work and available for employment in an employed contributor's employment, or incapable of work, as the case may be;
 - (b) a day shall not be treated as a day of unemployment if it is a day in respect of which a person is disqualified for receiving unemployment benefit;
 - (c) a day shall not be treated as a day of incapacity for work if it is a day in respect of which a person is disqualified for receiving sickness or invalidity benefit;
 - (d) a day shall not be treated as a day of unemployment if it is a day in respect of which a person receives a payment (whether or not a payment made in pursuance of a legally enforceable obligation) in lieu either of notice or of the remuneration which he would have received for that day had his employment not been terminated;
 - (e) a day shall not be treated as a day of unemployment if on that day a person does no work; and -
 - (i) is on holiday; or
 - (ii) is a person who does not ordinarily work on every day in a week (exclusive of Sunday or the day substituted therefor by these regulations) but who has, in the week in which the said day occurs, been employed to the full extent normal in his case;
 - (f) a day shall not be treated as a day of incapacity for work if a person does any work on that day other than -
 - (i) work which is undertaken under medical supervision as part of his treatment while he is a patient in, or of, a hospital or similar institution; or
 - (ii) work which is not so undertaken and which he has good cause for doing, and from which, in the case of work of either description, his weekly earnings, if any, are ordinarily less than half the lower earnings limit prescribed in the Contributions Regulations.
 - (g) (subject to regulation 37) a day shall not be treated as a day of unemployment if on that day an insured person is following any occupation unless the earnings derived from that occupation, in respect of that day, do not exceed that multiple of one pound which exceeds, by one, one twelfth of the lower earnings limit prescribed by the Contributions Regulations, or, where the earnings are earned in respect of a longer period than a day, the earnings do not on the daily average exceed that amount.
- (2) For the purposes of unemployment benefit, where a person is an employed person and his employment as such has not been terminated, then in any week a day shall not be treated as a day of unemployment unless the total number of such days in that week is three or more.

Persons deemed to be available for employment

37. (1) An insured person engaged in -
- (a) the manning of a lifeboat; or
 - (b) the performance of duty as a part time fireman in a fire brigade maintained in pursuance of the provisions of the Law entitled "Loi relative au Service Public pour l'Extinction des Incendies" registered on the 20th August, 1932, or maintained by or on behalf of the States of Alderney, as the case may be;

shall be deemed to be available for employment in an employed contributor's employment, and paragraph (1)(g) of the last foregoing regulation shall not apply to him.

(2) A mariner employed as master or a member of the crew of any crew of any ship or vessel shall notwithstanding that he is absent from Guernsey, be deemed to be available for employment in an employed contributor's employment on any day, if he would be so available were he, on that day, in Guernsey.

Special provisions relating to delay or failure in claiming benefit

38. Notwithstanding anything contained in these regulations, a person who, in respect of any period of interruption of employment, would have been entitled to unemployment benefit for any day but for any delay or failure to make or prosecute a claim, shall, for the purposes of section 24 of the Law be treated as having been entitled to benefit for that day:

Provided that a person shall not be so treated where he shows that he did not intend, by failing to acquire or establish a right to benefit for that day, to avoid the necessity of requalifying for benefit under that section.

Disqualifications for sickness or invalidity benefit

39. (1) A person shall be disqualified for receiving sickness benefit or invalidity benefit for such period not exceeding ten weeks as may be determined in accordance with sections 78 to 85 of the Law if -

- (a) he has become incapable of work through his own misconduct, except that this disqualification shall not apply where the incapacity is due to venereal disease or, in the case of a woman who is not a wife, or, being a wife, is separated from her husband, to pregnancy; or
- (b) he fails without good cause to comply with a notice in writing given by or on behalf of the Authority requiring him to do so, to attend for and to submit himself to medical or other examination on a date not earlier than the third day after the day on which the notice was sent and at a time and place specified in that notice; or
- (c) he fails without good cause to attend for, or to submit himself to, medical or other treatment: provided that this disqualification shall not apply to any failure to attend for, or to submit to, vaccination or inoculation of any kind or to a surgical operation of a minor character, and is considered by the determining authority to be unreasonable; or
- (d) he fails without good cause to observe any of the following rules of behaviour, namely:-
 - (i) to refrain from behaviour calculated to retard his recovery, and to answer any reasonable enquiries (not being enquiries relating to medical examination, treatment or advice) by or on behalf of the Authority directed to ascertaining whether his is doing so;

- (ii) not be absent from his place of residence without leaving word where he may be found;
 - (iii) to do no work for which remuneration is, or would ordinarily be, payable unless it is work which is described in regulation 36(f) of these regulations.
- (2) For the purposes of paragraph (1) of this regulation -
- (a) "week" means any period of seven consecutive days; and
 - (b) in computing the period of notice required to be given by sub-paragraph (b) of that paragraph, Sunday shall not be disregarded.

Requalification for unemployment benefit

40. For the purposes of section 24(3) of the Law, the prescribed earnings shall be a sum which is greater than, or equal to, one fifty-second of the lower annual income limit.

SECTION 3 MATERNITY BENEFIT

Special conditions attaching to maternity benefits

41. (1) A woman who has become entitled to a maternity allowance in respect of expectation of her confinement shall cease to be entitled thereto if, before the beginning of the eleventh week before the expected week of confinement, her pregnancy is terminated otherwise than by confinement.

(2) A claim to either maternity allowance or maternity grant may be withdrawn at any time within the limits prescribed for making such claims and treated as a claim for the other benefit, in which case:

- (a) a woman withdrawing a claim to maternity allowance shall be deemed not to be entitled to that benefit; and
- (b) any payment made in respect of either benefit in consequence of the withdrawn claim shall be treated as having been made on account of payment due in respect of the other.

(3) Subject to the provisions of paragraph (4), where, after the beginning of the sixth week before the week of expected confinement, a woman is incapable of work due to pregnancy or any related condition, any claim to incapacity benefit shall be treated as a claim to maternity allowance, and her maternity allowance period shall be computed from the first day of such incapacity.

(4) Notwithstanding the provisions of paragraph (3), a woman who has ceased to be incapable of work by reason of her pregnancy or a condition related to her pregnancy and has returned to work, may elect to suspend her claim to maternity allowance for any period up to the day of her confinement, after which the period of her maternity allowance shall be computed as if it were continuous from the last day of incapacity.

Maternity grants in respect of multiple births

42. A woman, confined of twins or a greater number of children shall, if the other conditions for the payment of a maternity grant are satisfied in respect of the confinement, be entitled in respect thereof to a maternity grant for each of them.

Disqualification for the receipt of a maternity allowance

43. (1) A woman shall be disqualified for receiving a maternity allowance if, during the period for which the allowance is payable, she does any work as an employed or self-employed person (including any such work which by virtue of any regulations made under the Law is to be disregarded for the purpose of the classification of insured persons), and such disqualification shall be for such part of the said period (but for not less than the number of days on which the woman so worked during the said period) as may be decided by the determining authority.

SECTION 4
MARINERS

Special provisions relating to days of unemployment or incapacity for mariners

44. (1) A mariner employed as master or a member of the crew of any ship or vessel shall notwithstanding that he is absent from Guernsey, be deemed to be available for employment in an employed contributor's employment on any day, if he would be so available were he, on that day, in Guernsey.

(2) Where by virtue of regulation 36 of these regulations a person is not disqualified on any day for receiving sickness benefit, invalidity benefit or industrial injury benefit although absent from Guernsey, he shall be deemed to be incapable of work by reason of some specific disease or bodily or mental disablement on any such day.

Evidence of unemployment or incapacity for mariners

45. (1) For the purpose of any claim to unemployment benefit, sickness benefit, invalidity benefit or industrial injury benefit by a mariner employed as master or a member of the crew of any ship or vessel, evidence may be taken -

- (a) in any part of Her Majesty's dominions, before a judge or magistrate, or by a superintendent;
- (b) in a foreign country, by a British consular officer.

(2) For the purpose of any claim to sickness benefit, invalidity benefit or industrial injury benefit by such a mariner, evidence of incapacity may be furnished by such means as the determining authority may accept as sufficient in the circumstances of any particular case.

PART V

DEATH GRANT, OLD AGE PENSION AND SURVIVOR'S BENEFITS

Calculation of yearly average of reckonable contributions

46. For the purposes of section 20(4) of the Law the yearly average of reckonable contributions paid by or credited to any person in relation to death grant, an old age pension or survivor's benefit shall be calculated by dividing, by the number of years in the relevant period:

- (i) in relation to an award of benefit prior to 6th January 1997, the total of all reckonable contributions paid by or credited to any person in respect of that period, or
- (ii) in relation to any award of benefit after 5th January 1997, the sum total of all reckonable contributions paid by or credited to any person from the date of his entry into insurance up to and including the contribution period containing the relevant time,

other than reckonable contributions derived from the following contributions:-

- (a) contributions which are not paid on their due dates and are not treated in accordance with regulations under the Law as so paid for the purposes of death grant, old age pension or survivor's benefit;
- (b) contributions credited under the Law only for purposes other than for the purposes of death grant, old age pension or survivor's benefit;
- (c) contributions paid or credited under the legislation of another country which are to be treated as paid or credited under the Law in accordance with an agreement made under section 113 of the Law where:
 - (i) the period over which the average is to be calculated is 45 years, and
 - (ii) the combined total number of reckonable contributions will exceed 2270.

Modification of the Law in relation to death grant where the deceased was a child

47. (1) Subject to the following provisions of this regulation, where the deceased was at death a child but the requirements of section 37(1) of the Law are not satisfied, a death grant shall be payable in respect of the death of the deceased if the relevant contribution conditions are satisfied by a parent (including a person who has adopted a child within the meaning of the Adoption (Guernsey) Law, 1960) of the deceased, notwithstanding that the deceased was not at death a child of the family of that parent.

(2) The amount of a death grant payable by virtue of this regulation shall not exceed the amount of the deceased's funeral expenses.

(3) As regards a person deemed to have been a child in accordance with Section 37 of the Law, he shall be treated as if he were, at death, the child of the family of any person:

- (a) in whose family he was, or could have been, but for a failure to make a claim, or for a prior claim by another person, included when he ceased to be a child; or
- (b) who is a parent.

Increase of old age pension for wife

48. For the purposes of an increase an old age pension under section 61 of the Law, two spouses shall not be deemed to have ceased to reside together by reason of any absence of either or both of them while receiving medical or other treatment as an in-patient in a hospital or similar institution, notwithstanding that such absence is not temporary.

Provision as to maintenance of wife

49. (1) For the purposes of section 61 of the Law a beneficiary shall not be deemed to be wholly or mainly maintaining his wife unless he contributes towards her maintenance an amount not less than the amount of the increase of benefit received in respect of her.

Choice of old age pension by woman

50. A woman who, but for the provisions of section 33(4) of the Law would be entitled for the same period to more than one old age pension may by notice in writing to the Authority choose from time to time which pension she shall be entitled to for any week commencing after the date on which such notice is so given:

Provided that for any period in respect of which no such notice is given the woman shall be treated as if she had chosen the pension which is payable at the higher or highest rate.

PART VI
MISCELLANEOUS

Repeals

51. The Social Insurance (Benefits) (Miscellaneous Provisions) Regulations, 2000¹⁰, The Social Insurance (Claims and Payments) (Guernsey) Regulations, 1978¹¹, The Social Insurance (General Benefit) (Guernsey) Regulations, 1978¹², the Social Insurance (Married Women and Widows) (Guernsey) Regulations, 1978¹³, the Social Insurance (Mariners) (Guernsey) Regulations, 1978¹⁴; the Social Insurance (Unemployment, Sickness and Invalidity Benefit) (Guernsey) Regulations, 1978¹⁵ and the Social Insurance (Widow's Benefit and Old Age Pension) (Guernsey) Regulations, 1978¹⁶; are hereby repealed.

Citation

52. These regulations may be cited as the Social Insurance (Benefits) Regulations, 2003.

Commencement

53. These regulations shall come into force on the 5th January 2004.

Dated this 12th day of December, 2003.



O D LeTissier

President of the Guernsey Social Security Authority

For and on behalf of the Authority

EXPLANATORY NOTE

(This note is not part of the Regulations, but is intended to explain their general purport)

These regulations combine and consolidate provisions formerly contained in seven separate regulations, and reflect the simplification that has come about as a consequence of the changes introduced to ensure gender equality in the operation of the Social Insurance Law.

They provide for the manner in which claims are to be made and the time and manner of payments for all benefits, and detailed rules and provisions for all benefits (except those for industrial injuries, which are dealt with in a separate regulation) including reduced rates of benefit where contribution conditions are not fully met, disqualifications, the calculation of benefit entitlement, the appointment of persons to receive benefit for those unable to act and payments after death.

¹⁰ S.I. 1999 No. 47.
¹¹ S.I. 1978 No. 23.
¹² S.I. 1978 No. 26.
¹³ S.I. 1978 No. 22.
¹⁴ S.I. 1978 No. 28.
¹⁵ S.I. 1978 No. 29.
¹⁶ S.I. 1978 No. 24

FIRST SCHEDULE

Regulation 24(2)

Weekly Rates of Maternity Allowance, Sickness, Unemployment and Invalidity Benefits in Cases of Partial Satisfaction of Contribution Conditions

Reckonable Contributions	Maternity Allowance	Sickness Benefit	Unemployment Benefit	Invalidity Benefit
50	£99.00	£99.00	£99.00	£120.00
48 – 49	£96.06	£96.06	£96.06	£116.40
46 – 47	£92.10	£92.10	£92.10	£111.60
43 – 45	£87.12	£87.12	£87.12	£105.60
40 – 42	£81.18	£81.18	£81.18	£98.40
37 – 39	£75.24	£75.24	£75.24	£91.20
34 – 36	£69.30	£69.30	£69.30	£84.00
30 – 33	£62.40	£62.40	£62.40	£75.60
26 – 29	£54.48	£54.48	£54.48	£66.00

SECOND SCHEDULE

Regulation 24(3)

Rates of Death Grant in Cases of Partial Satisfaction of Contribution Conditions

Average of Reckonable Contributions	Death Grant
45 or more	£385.00
30 - 44	£289.00
10 - 29	£193.00

THIRD SCHEDULE

Regulation 24(4)

Weekly Rates of Bereavement Allowance and Widowed Parent's Allowance in Cases of Partial Satisfaction of Contribution Conditions

Contribution Average	Bereavement Allowance	Widowed Parent's Allowance
50	£121.25	£141.25
49	£118.75	£139.25
48	£116.50	£137.25
47	£114.00	£135.25
46	£111.50	£133.25
45	£109.25	£131.25
44	£106.75	£129.00
43	£104.25	£127.00
42	£101.75	£125.00
41	£99.50	£123.00
40	£97.00	£121.00
39	£94.50	£119.00
38	£92.25	£117.00
37	£89.75	£115.00
36	£87.25	£113.00
35	£85.00	£111.00
34	£82.50	£108.75
33	£80.00	£106.75
32	£77.50	£104.75
31	£75.25	£102.75
30	£72.75	£100.75
29	£70.25	£98.75
28	£68.00	£96.75
27	£65.50	£94.75
26	£63.00	£92.75
25	£60.75	£90.75
24	£58.25	£88.50
23	£55.75	£86.50
22	£53.25	£84.50
21	£51.00	£82.50
20	£48.50	£80.50
19	£46.00	£78.50
18	£43.75	£76.50
17	£41.25	£74.50
16	£38.75	£72.50
15	£36.50	£70.50
14	£34.00	£68.25
13	£31.50	£66.25
12	£29.00	£64.25
11	£26.75	£62.25
10	£24.25	£60.25

FOURTH SCHEDULE

Regulation 24(5)

Weekly Rates of Old Age Pension and Increase for a Wife or Old Age Pension for a Wife by
Virtue of her Husband's Record in Cases of Partial Satisfaction of Contribution
Conditions

Contribution Average	Old Age Pension	Increase
50	£130.00	£70.00
49	£127.50	£68.75
48	£124.75	£67.25
47	£122.25	£66.00
46	£119.75	£64.50
45	£117.25	£63.25
44	£114.50	£61.75
43	£112.00	£60.50
42	£109.50	£59.00
41	£107.00	£57.75
40	£104.25	£56.25
39	£101.75	£55.00
38	£99.25	£53.75
37	£96.75	£52.25
36	£94.00	£51.00
35	£91.50	£49.50
34	£89.00	£48.25
33	£86.50	£46.75
32	£83.75	£45.50
31	£81.25	£44.00
30	£78.75	£42.75
29	£76.25	£41.25
28	£73.50	£40.00
27	£71.00	£38.50
26	£68.50	£37.25
25	£66.00	£36.00
24	£63.25	£34.50
23	£60.75	£33.25
22	£58.25	£31.75
21	£55.75	£30.50
20	£53.00	£29.00
19	£50.50	£27.75
18	£48.00	£26.25
17	£45.25	£25.00
16	£42.75	£23.50
15	£40.25	£22.25
14	£37.75	£21.00
13	£35.00	£19.50
12	£32.50	£18.25
11	£30.00	£16.75
10	£27.50	£15.50

FIFTH SCHEDULE

Regulation 24(6)

Reduced Rates of Bereavement Payment in Cases of Partial Satisfaction of Contribution Conditions

Contribution Average	Bereavement Payment
50	£1,220.00
49	£1,196.00
48	£1,171.00
47	£1,147.00
46	£1,122.00
45	£1,098.00
44	£1,074.00
43	£1,049.00
42	£1,025.00
41	£1,000.00
40	£976.00
39	£952.00
38	£927.00
37	£903.00
36	£878.00
35	£854.00
34	£830.00
33	£805.00
32	£781.00
31	£756.00
30	£732.00
29	£708.00
28	£683.00
27	£659.00
26	£634.00
25	£610.00
24	£586.00
23	£561.00
22	£537.00
21	£512.00
20	£488.00
19	£464.00
18	£439.00
17	£415.00
16	£390.00
15	£366.00
14	£342.00
13	£317.00
12	£293.00
11	£268.00
10	£244.00