

2004 - No. 45

The Social Insurance (Benefits) (Amendment) Regulations, 2004

Made 24 November, 2004
Laid before the States
Coming into operation January, 2005

THE SOCIAL SECURITY DEPARTMENT in exercise of the powers conferred upon it by sections 39, 63 – 65, 104 and 116 of the Social Insurance (Guernsey) Law, 1978, as amended^a, and of all other powers enabling it in that behalf, hereby orders:-

Amendment to regulations 3, 17 and 32

1. (1) Regulation 3(1) of the Social Insurance (Benefits) Regulations, 2003^b (the "Principal Regulations") is replaced by the following:

"(1) (a) 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.

(b) Every person making a claim to benefit shall fully disclose any material fact or circumstance which may affect his entitlement to benefit.

(c) A person who fails to disclose any fact or circumstance as required by the preceding sub-paragraph, with intent fraudulently to obtain a benefit, is guilty of an offence and liable, on summary conviction, to a fine not exceeding level 4 on the uniform scale."

(2) Regulation 17(1) of the Principal Regulations is replaced by the following:

"(1) (a) 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.

^a 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.

^b S.I. 2003 No. 37.

(b) Any beneficiary who fails to disclose any such information as is required by the preceding sub-paragraph, with intent fraudulently to obtain a benefit, shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 4 on the uniform scale"

(3) Regulation 32 of the Principal regulations is replaced by the following:-

"32. 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:

(a) every Class 2 contribution paid by or credited to the claimant; and

(b) every Class 3 contribution paid by the claimant;

in respect of a week included in the relevant period"

Amendment of Schedules

2. The five schedules to the principal regulations are, respectively, replaced by the five schedules to these regulations.

Citation

3. These regulations may be cited as The Social Insurance (Benefits) (Amendment) Regulations, 2004.

Commencement

4. These regulations shall come into force on 3rd January 2005

Dated this 24th day of November, 2004.

Mary Lowe

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

EXPLANATORY NOTE

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

Although most of the means by which benefits can be fraudulently obtained constitute offences specified by the Social Insurance Law itself, these Regulations are aimed at two areas which have been identified as potential openings for fraud, in which the absence of a specific offence could make prosecution difficult. The deliberate failure, when making a claim, to make a full disclosure of any matter that could affect entitlement to a benefit, or, once payment of benefit has commenced, to declare any change in circumstances that may have such an effect, will constitute offences for which a substantial fine can be imposed.

Regulation 32 is amended to correct a technical error

The remaining provisions implement the increase in benefit rates agreed by the States in September.

First Schedule, (Regulation 2)

"FIRST SCHEDULE

Regulation 24(2)

Weekly Rates of Maternity Allowance, Sickness, Unemployment and Invalidity Benefits in Cases of Partial Satisfaction of Contribution Conditions: effective 3 January 2005.

Reckonable Contributions	Maternity Allowance	Sickness Benefit	Unemployment Benefit	Invalidity Benefit
50	£103.74	£103.74	£103.74	£126.00
48 – 49	£100.80	£100.80	£100.80	£122.22
46 – 47	£96.60	£96.60	£96.60	£117.18
43 – 45	£91.14	£91.14	£91.14	£110.88
40 – 42	£85.26	£85.26	£85.26	£103.32
37 – 39	£78.96	£78.96	£78.96	£95.76
34 – 36	£72.66	£72.66	£72.66	£88.20
30 – 33	£65.52	£65.52	£65.52	£79.38
26 – 29	£57.12	£57.12	£57.12	£69.30

Second Schedule (Regulation 2)

"SECOND SCHEDULE

Regulation 24(3)

Rates of Death Grant in Cases of Partial Satisfaction of Contribution Conditions: effective 3 January 2005.

Average of Reckonable Contributions	Death Grant
45 or more	£403.00
30 - 44	£302.00
10 - 29	£202.00

Third Schedule (Regulation 2)

"THIRD SCHEDULE

Regulation 24(4)

Weekly Rates of Bereavement Allowance and Widowed Parent's Allowance in Cases of Partial Satisfaction of Contribution Conditions: effective 3 January 2005.

Contribution Average	Bereavement Allowance	Widowed Parent's Allowance
50	£127.00	£148.00
49	£124.50	£146.00
48	£122.00	£143.75
47	£119.50	£141.75
46	£116.75	£139.50
45	£114.25	£137.50
44	£111.75	£135.25
43	£109.25	£133.25
42	£106.75	£131.00
41	£104.25	£129.00
40	£101.50	£126.75
39	£99.00	£124.75
38	£96.50	£122.50
37	£94.00	£120.50
36	£91.50	£118.25
35	£89.00	£116.25
34	£86.25	£114.00
33	£83.75	£112.00
32	£81.25	£109.75
31	£78.75	£107.75
30	£76.25	£105.50
29	£73.75	£103.50
28	£71.00	£101.25
27	£68.50	£99.25
26	£66.00	£97.00
25	£63.50	£95.00
24	£61.00	£93.00
23	£58.50	£90.75
22	£56.00	£88.75
21	£53.25	£86.50
20	£50.75	£84.50
19	£48.25	£82.25
18	£45.75	£80.25
17	£43.25	£78.00
16	£40.75	£76.00
15	£38.00	£73.75
14	£35.50	£71.75
13	£33.00	£69.50
12	£30.50	£67.50
11	£28.00	£65.25
10	£25.50	£63.25

Fourth Schedule (Regulation 2)

"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: effective 3 January 2005.

Contribution Average	Old Age Pension	Increase
50	£139.00	£71.00
49	£136.25	£69.50
48	£133.50	£68.25
47	£130.75	£66.75
46	£128.00	£65.50
45	£125.25	£64.00
44	£122.50	£62.75
43	£119.75	£61.25
42	£117.00	£60.00
41	£114.25	£58.50
40	£111.50	£57.25
39	£108.75	£55.75
38	£106.00	£54.50
37	£103.25	£53.00
36	£100.50	£51.75
35	£97.75	£50.25
34	£95.25	£49.00
33	£92.50	£47.50
32	£89.75	£46.00
31	£87.00	£44.75
30	£84.25	£43.25
29	£81.50	£42.00
28	£78.75	£40.50
27	£76.00	£39.25
26	£73.25	£37.75
25	£70.50	£36.50
24	£67.75	£35.00
23	£65.00	£33.75
22	£62.25	£32.25
21	£59.50	£31.00
20	£56.75	£29.50
19	£54.00	£28.25
18	£51.25	£26.75
17	£48.50	£25.50
16	£45.75	£24.00
15	£43.00	£22.75
14	£40.25	£21.25
13	£37.50	£19.75
12	£34.75	£18.50
11	£32.00	£17.00
10	£29.25	£15.75

Fifth Schedule (Regulation 2)

"FIFTH SCHEDULE

Regulation 24(6)

Reduced Rates of Bereavement Payment in Cases of Partial Satisfaction of Contribution
Conditions: effective 3 January 2005.

Contribution Average	Bereavement Payment
50	£1,280.00
49	£1,254.00
48	£1,229.00
47	£1,203.00
46	£1,178.00
45	£1,152.00
44	£1,126.00
43	£1,101.00
42	£1,075.00
41	£1,050.00
40	£1,024.00
39	£998.00
38	£973.00
37	£947.00
36	£922.00
35	£896.00
34	£870.00
33	£845.00
32	£819.00
31	£794.00
30	£768.00
29	£742.00
28	£717.00
27	£691.00
26	£666.00
25	£640.00
24	£614.00
23	£589.00
22	£563.00
21	£538.00
20	£512.00
19	£486.00
18	£461.00
17	£435.00
16	£410.00
15	£384.00
14	£358.00
13	£333.00
12	£307.00
11	£282.00
10	£256.00