

12 DEC 2003

GUERNSEY

## GUERNSEY STATUTORY INSTRUMENT

2003 - No. 40

**The Social Insurance (Contributions) (Amendment) Regulations, 2003**

Made ... ..	12th December, 2003
Laid before the States ... ..	
Coming into operation ... ..	1st January, 2004

**THE GUERNSEY SOCIAL SECURITY AUTHORITY**, in exercise of the powers conferred upon it by sections 11 and 116 of the Social Insurance (Guernsey) Law, 1978, as amended<sup>1</sup>, and of all other powers enabling it in that behalf, hereby orders:-

**Amendment**

1. The Social Insurance (Contributions) Regulations, 2000, as amended<sup>2</sup>, ("the principal regulations") are hereby further amended in accordance with the Schedule to this Regulation.

**Citation**

2. These regulations may be cited as the Social Insurance (Contributions) (Amendment) Regulations, 2003.

**Commencement**

These regulations shall come into force on 1st January 2004.

Dated this 12th day of December, 2003.



O D Le Tissier

President of the Guernsey Social Security Authority,  
for and on behalf of the Authority.

<sup>1</sup> 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.

<sup>2</sup> S.I. 1999 No. 49; S.I. 2001 No. 43; S.I. 2002 No. 49.

## EXPLANATORY NOTE

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

These amendments follow the revision of the Social Insurance Law for gender equality, providing for the introduction of voluntary contributions and the award of Family Allowance credits.

They also take account of the changed contribution liability of married women, and include other amendments consequent on changes to benefits.

Lastly, as part of a general simplification of the regulations made under the Law, provisions for dealing with payments made at infrequent intervals, formerly contained in the Social Insurance (Special Cases) Regulations, have been incorporated with all other contributions matters.

## SCHEDULE

### Amendment of the principal regulations

#### *Amendment to the Arrangement of Regulations*

1. In the Arrangement of Regulations
  - (a) at 31 for "minimum" substitute "voluntary";
  - (b) at 34, immediately after "receipt of" insert "family allowance and";
  - (c) at 37, substitute "(Repealed)"
  - (d) at 52, for "widow's benefit," substitute "survivor's benefit or" and delete "or child's special allowance".

#### *Amendment of regulation 1*

2. In regulation 1 delete the definitions of "reduced rate" and "student's registration card".

#### *Amendment of regulation 14*

3. Regulation 14(3)(b) is repealed.

#### *Amendment of regulation 16*

4. In regulation 16, immediately after paragraph (6) insert the following:
 

“(7) Where earnings are normally paid to an employed person in respect of any employed contributor's employment at intervals of more than a month, the Authority may, if it thinks fit, approve arrangements whereby -

  - (a) those earnings shall be treated as paid monthly at such monthly rate calculated in accordance with such directions as shall from time to time be given by or on behalf of the Authority;
  - (b) the employer of that person shall maintain and furnish at such times and in such manner as shall be specified in those arrangements records as to the earnings paid or to be paid by him in respect of that period to and in respect

of that person and as to the contributions payable in respect of those earnings;

- (c) the employer shall remit to the Authority at such times as shall be so specified the contributions recorded as being payable in respect of those earnings;

and in that event those contributions shall, where those arrangements have been complied with, be treated for the purposes of those regulations as having been paid monthly as aforesaid and these regulations shall apply subject to such arrangements for so long as those arrangements continue in force.”

*Amendment of regulation 31*

5. In the heading and paragraph (1) of regulation 31, for “minimum” substitute “voluntary”.

*Amendment of regulation 32*

6. In regulation 32(1), immediately after “health benefit” insert “ and long-term care insurance”.

*Amendment of regulation 34*

7. For regulation 34 substitute:

“34. (1) An insured person who is excepted from liability to pay a Class 3 contribution under regulation 38 of these regulations shall be entitled to be credited with a Class 3 contribution (for the purposes of death grant, old age pension or survivor’s benefits only) in respect of any week in which a family allowance is payable for a child under the age of 16.

(2) An insured person shall be entitled to be credited with a Class 1 contribution in respect of any week in which an Invalid Care Allowance is payable in accordance with the provisions of the Attendance and Invalid Care Allowances (Guernsey) Law, 1983.”

*Repeal of regulation 37*

8. Regulation 37 is repealed.

*Amendment of regulation 38*

9. In regulation 38(2) for “minimum” substitute “voluntary”.

*Amendment of regulation 39*

10. In regulation 39 insert “voluntary” immediately before “Class 3”.

*Amendment of regulation 42*

11. In regulation 42(2):
- (a) after “legal custody terminated,” for the phrase “a Class 3 contribution” substitute “a voluntary Class 3 contribution”;
  - (b) for “subsection (2) of section six of the Law” substitute “section 6(3) of the Law.” and delete the remainder of the paragraph.

*Amendment of regulations 45(2), 52(1) and 53(1)(c)*

12. In regulations 45(2), 52(1) and 53(1)(c) for the phrase “widow’s benefit, old age pension or child’s special allowance” substitute “survivor’s benefit or old age pension”.

*Amendment of regulation 59*

13. In regulation 59, immediately after “health benefit” insert “and long-term care insurance”.

*Amendment of regulation 60*

14. For regulation 60 substitute:

“60 (1) Every Class 1 and Class 2 contribution credited to any insured person in respect of any week shall be reckoned respectively as one Class 1 or Class 2 reckonable contribution credited to that person in respect of that week.

(2) Every Class 3 contribution credited to any insured person before 1st January 2004 shall be reckoned as one Class 3 reckonable contribution credited to that person in respect of that week.

(3) Every Class 3 contribution credited to any insured person after 1st January 2004 shall be reckoned as one Class 3 reckonable contribution credited to that person in respect of that week for the purposes only of calculating entitlement to death grant, survivor’s benefit or an old age pension.”

*Amendment of regulation 63*

15. For regulation 63 substitute:

“63. The provisions of this Part of these regulations shall not apply in relation to primary Class 1 contributions paid at the reduced rate at any time prior to 1st January 2004 under and in accordance with the Social Insurance (Married Women and Widows) (Guernsey) Regulations, 1978, by women who were or had been married.”