

12 DEC 2003

GUERNSEY

## GUERNSEY STATUTORY INSTRUMENT

2003 - No. 42

**The Social Insurance (Residence and Persons Abroad) (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 67, 96, 98 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:-

**Amendments**

1. In regulation 1 of the Social Insurance (Residence and Persons Abroad) (Guernsey) Regulations, as amended<sup>2</sup> ("the principal regulations"):

(a) immediately before the definition of "the Law", there is inserted:

"'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;"

(b) immediately after the definition of "the Law", there are inserted the following definitions:

"'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

<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. 1978 No. 25; S.I. 1995 Nos. 5 and 27; 1999 No. 52; 2002 No. 52

(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;"

2. In regulation 5 of the principal regulations for "regulations thirteen or regulation thirty-nine of the Social Insurance (Contributions) (Guernsey) Regulations, 1978" there is substituted "regulations 12, 13 or 36 of the Social Insurance (Contributions) Regulations, 2000"

3. Regulation 7 of the principal regulations is replaced as follows:

*"Modifications of the Law in relation to survivor's benefit, old age pension, travelling allowance grant and industrial disablement benefit*

7. A person shall not be disqualified for receiving survivor's benefit, an old age pension, travelling allowance grant or industrial disablement benefit by reason of being absent from Guernsey."

4. Regulation 10 of the principal regulations is replaced as follows:

*"Removal of disqualification in the case of mariners receiving benefit whilst absent from Guernsey*

10. Any person, who is or has been employed as master or a member of the crew of any ship or vessel or who is or has been under contract to travel at his employer's expense for the purpose of commencing such employment, shall not, by reason of his being absent from Guernsey (but subject to the provisions of paragraph (a) of regulation 39 of the Social Insurance (Benefits) Regulations, 2003<sup>3</sup>) be disqualified on any day for receiving:

(a) sickness benefit, invalidity benefit, limited medical benefit, industrial medical benefit or industrial injury benefit, if -

- (i) on account of any hurt or injury received, or any illness suffered, by him while so employed or under contract so to travel; or
- (ii) in consequence of any action taken, while he is or was so employed or under contract so to travel, for the purpose of preventing infection;

he has been left outside Guernsey or has been discharged or has not commenced such employment; or

(b) unemployment benefit or any such benefit as mentioned in the last foregoing sub-paragraph, if, while so employed or under contract so to travel, he has been left outside Guernsey for any reasons other than those specified in that sub-paragraph and reports to the appropriate superintendent or consular officer or chief officer of customs not later than fourteen days after being so left, or, if, at the time of being so left, he was placed in custody, immediately after his release from custody:

Provided that this regulation shall cease to have effect -

(a) on that person's commencing or resuming employment outside Guernsey; or

<sup>3</sup> S.I. 2003 No. 37.

- (b) in any case where that person does not return to a proper return port without undue delay, on his return being so delayed; or
- (c) in any other case, on his return to a proper return port.”

5. In regulation 11:

(a) in paragraph (b) for “widow’s” there is substituted “survivor’s” and the expression “, or was a child in respect of whom a child’s special allowance or guardian’s allowance was payable” is deleted;

(b) paragraph (c) is repealed;

(c) paragraph (f) is replaced as follows:

“(f) that the deceased immediately before death was employed as a mariner (other than a mariner excepted from insurance by regulation 4(2) of the Social Insurance (Classification) (Guernsey) Regulations, 1978<sup>4</sup>), or was a person who was not disqualified for receiving any benefit by reason of his absence from Guernsey;”.

**Citation**

6. These regulations may be cited as the Social Insurance (Residence and Persons Abroad) (Amendment) Regulations, 2003.

**Commencement**

7. 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.

**EXPLANATORY NOTE**

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

As part of a process to rationalise and reduce the number of different sets of regulations, matters formerly contained in the repealed Mariners’ regulations have been incorporated into these, which deal, in part, with the payment of benefits to persons outside Guernsey. Other changes are a consequence of amendments to the Law and other regulations.

<sup>4</sup>

S.I. 1978 No. 32.

