

Island of  Guernsey

Ordinance of the States **III**
1962

Made 9th March, 1962

Coming into Operation

Whole Ordinance other than

Parts III, IV and V 1st April, 1962

Parts III, IV and V 7th April, 1962

Laid before the States .. 4th April, 1962

**The Contributory Pensions (Increased
Rates of Contributions and Benefits)
Ordinance, 1962**

THE STATES LEGISLATION COMMITTEE,
in exercise of the powers conferred upon them by
paragraph (3) of Article sixty-six of the Reform
(Guernsey) Law, 1948, and section two of the Con-
tributory Pensions (Variation of Rates of Contribu-
tions and Benefits) (Guernsey) Law, 1961, and in
pursuance of the Resolutions of the States of the fifth
day of July, nineteen hundred and sixty-one, and of
the seventh day of February, nineteen hundred and
sixty-two, hereby order:—

PART I

Interpretation

Interpreta-
tion.

1. (1) In this Ordinance, except where the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them—

“the appointed day” means the seventh day of October, nineteen hundred and sixty-one;

“compulsory contributor” means a compulsory contributor under the provisions of the Pensions Laws;

“contributions” means contributions payable under the provisions of the Pensions Laws;

“employer” has the meaning assigned to it by Article 1 of the Law of 1935;

“Guernsey” includes the Islands of Herm and Jethou;

“insured person” means a person insured under the provisions of the Pensions Laws;

“the Law of 1935” means the Contributory Pensions Law, 1935;

“the Law of 1947” means the Benefits and Pensions (Contributory and Non-Contributory) Amendment Law, 1947;

“old age pension” means a benefit payable by way of a pension under the provisions of Article XX of the Law of 1935;

“old age pensioner” means a person who is entitled under the provisions of Article XX of the Law of 1935 to an old age pension by reason of his having been an insured person;

“the Pensions Laws” means the Contributory Pensions Laws, 1935 to 1958;

“registered as unemployed” means registered as unemployed on the register of unemployed persons kept by the States Labour and Welfare Committee;

“the States” means the States of Guernsey;

“voluntary contributor” means a voluntary contributor under the provisions of the Pensions Laws;

“widow’s pension” means a benefit payable under the provisions of the Pensions Laws in respect of the widow of any insured person in respect of the death of that insured person, whether or not as the result of an accident;

“the wife of any old age pensioner” means the wife of any old age pensioner who is not herself an old age pensioner;

“worker” has the meaning assigned to it by Article 1 of the Law of 1935.

(2) Except where the context otherwise requires, any reference in this Ordinance to any enactment shall be construed as a reference to that enactment as amended, extended or applied by or under any other enactment, including this Ordinance.

PART II

Rates of contributions

2. The provisions of this Part of this Ordinance shall apply only in relation to contributions payable in respect of insured persons in Guernsey. Application of Part II.

3. Notwithstanding anything contained in the Pensions Laws but subject to the provisions of the last preceding section, contributions— Rates of contributions.

(a) in respect of any employed compulsory contributor of any description set out in the first

column of Part I of the First Schedule to this Ordinance, shall be payable by that contributor, his employer and the States at the weekly rates specified in the second, third and fourth columns respectively of that Part of that Schedule opposite that description;

- (b) in respect of any compulsory contributor, not being an employed compulsory contributor, of any description set out in the first column of Part II of the First Schedule to this Ordinance, shall be payable by that contributor, the States and the States Labour and Welfare Committee at the weekly rates, if any, specified in the second, third and fourth columns respectively of that Part of that Schedule opposite that description;
- (c) in respect of any voluntary contributor of any description set out in the first column of Part III of the First Schedule to this Ordinance, shall be payable by that voluntary contributor at the weekly rates specified in the second column of that Part of that Schedule opposite that description;
- (d) in respect of any worker who has attained the age of seventy and who is a worker of any description set out in the first column of Part IV of the First Schedule to this Ordinance, shall be payable by the employer of that worker at the weekly rate specified in the second column of that Schedule opposite that description.

PART III

Rates of old age pensions

Application
of Part III.

4. The provisions of this Part of this Ordinance shall apply only in relation to—

- (a) any old age pensioner who was entitled to an old age pension on the appointed day and who was then ordinarily resident in Guernsey;
- (b) any old age pensioner who became entitled to an old age pension after the appointed day and who was ordinarily resident in Guernsey on the day on which he became so entitled;
- (c) any old age pensioner who is not an old age pensioner to whom the provisions of paragraph (a) or paragraph (b) of this section relate but who became ordinarily resident in Guernsey after the appointed day;
- (d) the wife of any old age pensioner if she was entitled to an old age pension on the appointed day and was then ordinarily resident in Guernsey;
- (e) the wife of any old age pensioner if she became entitled to an old age pension after the appointed day and was ordinarily resident in Guernsey on the day on which she became so entitled;
- (f) the wife of any old age pensioner if she is not a person to whom the provisions of paragraph (d) or paragraph (e) of this section relate but who became ordinarily resident in Guernsey after the appointed day and after the day on which she became entitled to an old age pension.

5. (1) Notwithstanding anything contained in the Pensions Laws but subject to the provisions of the last preceding section, old age pensions shall be payable at the following rates, that is to say—

Rates of
old age
pensions.

- (a) in the case of any old age pensioner who would, if this section had not been enacted,

- be entitled for the time being to an old age pension at a rate determined in accordance with the provisions of the proviso to Article 2 of the Law of 1947, at the weekly rate specified in the second column of Part I of the Second Schedule to this Ordinance opposite the appropriate reference in the first column of that Part of that Schedule to the average number of contributions per annum paid or deemed to have been paid under the provisions of the Pensions Laws by or in respect of that old age pensioner;
- (b) in the case of any other old age pensioner, at the weekly rate specified in the second column of Part II of the Second Schedule to this Ordinance opposite the appropriate reference in the first column of that Part of that Schedule to the average number of contributions per annum paid or deemed to have been paid under the provisions of the Pensions Laws by or in respect of that old age pensioner;
- (c) in the case of the wife of any old age pensioner, if she is a person who would, if this section had not been enacted, be entitled for the time being to an old age pension at a rate determined in accordance with the provisions of the proviso to Article 2 of the Law of 1947, at the weekly rate at which the old age pension payable in the case of that old age pensioner is payable in accordance with the provisions of paragraph (a) of this subsection or, if that old age pensioner has predeceased her, would have been so payable had he survived her;
- (d) in the case of the wife of any old age pensioner, if she is not a person to whom the

provisions of the last preceding paragraph relate, at the weekly rate specified in the third column of Part II of the Second Schedule to this Ordinance opposite the reference in the second column of that Part of that Schedule to the weekly rate at which the old age pension payable in the case of that old age pensioner is payable in accordance with the provisions of paragraph (b) of this subsection or, if that old age pensioner has predeceased her, would have been so payable had he survived her.

(2) For the purposes of this section, the average number of contributions per annum paid or deemed to have been paid under the Pensions Laws by or in respect of any old age pensioner shall be deemed to be the average number of contributions per annum so paid or so deemed to have been paid by or in respect of that old age pensioner as calculated in accordance with the provisions of Section 2 of Article XX of the Law of 1935.

PART IV

Rates of widows' pensions.

6. The provisions of this Part of this Ordinance shall apply only in relation to a widow of any of the descriptions set out in the next succeeding section who—

Application
of Part IV.

- (a) was entitled to a widow's pension on the appointed day and who was then ordinarily resident in Guernsey;
- (b) became entitled to a widow's pension after the appointed day and who was ordinarily resident in Guernsey on the day on which she became so entitled;

- (c) is not a widow to whom the provisions of paragraph (a) or paragraph (b) of this section relate but who became ordinarily resident in Guernsey after the appointed day and after the day on which she became entitled to a widow's pension.

Rates of
widow's
pensions in
certain cases.

7. (1) Notwithstanding anything contained in the Pensions Laws but subject to the provisions of the last preceding section and of the next succeeding section, the widow's pension payable in respect of a widow of any of the following descriptions, that is to say—

- (a) a widow who has attained the age of sixty-five years and who, at her husband's death, had been married to him for not less than three years; or
- (b) a widow who is entitled for the time being to receive any benefit in respect of any child in pursuance of Part I or Part II of the Third Schedule to the Law of 1947, as amended by the provisions of section nine of this Ordinance, where such benefit is payable in respect of the death of her husband; or
- (c) a widow who—
- (i) has ceased to be a widow of the description set out in the last preceding paragraph at any time after attaining the age of fifty years; and
 - (ii) has so ceased to be a widow of that description not earlier than the expiration of the three years next following the day on which she and her husband were married; or
- (d) a widow who would have been a widow of the description set out in the last preceding paragraph if the provisions of this Part of

this Ordinance and of section nine of this Ordinance had come into force on the appointed day; or

- (e) a widow who is incapable of supporting herself by reason of physical or mental infirmity and is likely to remain so incapable for a prolonged period; or
- (f) a widow who—
 - (i) has ceased to be a widow of the description set out in the last preceding paragraph at any time after the appointed day and after attaining the age of fifty years; and
 - (ii) has so ceased to be a widow of that description not earlier than the expiration of the three years next following the day on which she and her husband were married;

shall be payable at the weekly rate of forty shillings.

(2) In this section the expression "her husband", in relation to a woman who has been married more than once, refers only to her last husband.

8. (1) Where a widow has been married more than once, then for the purpose of determining whether she is a widow of the description set out in paragraph (a), paragraph (c), paragraph (d) or paragraph (f) of subsection (1) of the last preceding section, the appropriate condition shall be deemed to be satisfied if the sum total of any periods before the relevant time during which she was married or entitled to a benefit in respect of a child in pursuance of the provisions of Part I or Part II of the Third Schedule to the Law of 1947, whether before or after the coming into force of this part of this Ordinance, or only not so entitled by reason of disqualification, amounts to not less than three years:

Special provisions relating to widows who have married more than once.

PROVIDED that, if throughout the three years immediately preceding the date of any marriage of the widow she was neither a married woman nor entitled to such a benefit, apart from any disqualification therefor, any period during which she was married or was entitled to such a benefit before the date of that marriage shall not be taken into account for the purposes of this subsection.

(2) Subject to the provisions of section six of this Ordinance, where a widow has previously been entitled to a widow's pension at the rate specified in subsection (1) of the last preceding section by reason of the fact that she was a widow of the description set out in paragraph (a), paragraph (c), paragraph (d) or paragraph (f) of that subsection, and has at any time subsequently again become entitled to a widow's pension, then the widow's pension to which she has become so entitled shall be payable at the rate so specified notwithstanding that the appropriate condition is not satisfied or deemed to be satisfied.

(3) In this section—

(a) the expression "appropriate condition" means the condition as to the duration of a widow's last marriage contained in paragraph (a) of subsection (1) of the last preceding section, the condition contained in subparagraph (ii) of paragraph (c) of that subsection or the condition contained in subparagraph (ii) of paragraph (f) of that subsection, as the case may require;

(b) the expression "relevant time" means—

(i) for the purposes of paragraph (a) of subsection (1) of the last preceding section, the date of the husband's death;

(ii) for the purposes of paragraph (c) of that subsection, the date on which the widow

ceased to be a widow of the description set out in paragraph (b) of that subsection;

- (iii) for the purposes of paragraph (d) of that subsection, the date on which the widow would have ceased to be a widow of the description set out in paragraph (b) of that subsection if the provisions of this Part of this Ordinance and of the next succeeding section had come into force on the appointed day;
- (iv) for the purposes of paragraph (f) of that subsection, the date on which the widow ceased to be a widow of the description set out in paragraph (e) of that subsection.

PART V

Benefits in respect of children by reason of the death of insured persons.

9. (1) Part I of the Third Schedule to the Law of 1947 is hereby amended as follows, that is to say:—

Amendment of Part I and Part II of the Third Schedule to the Law of 1947.

- (a) sub-paragraph (iii) of paragraph (b) thereof is hereby repealed and the following sub-paragraph is hereby substituted therefor—

“(iii) Subject to the provisions of the next two succeeding paragraphs, if a widow entitled to a benefit and child or children survive:

In addition to such benefit, the sum of twenty shillings per week in respect of the elder or eldest or only such

child and the sum of twelve shillings and six pence per week in respect of each other such child.”;

- (b) sub-paragraph (iv) of paragraph (b) thereof is hereby repealed and the following sub-paragraph is hereby substituted therefor—

“(iv) Subject to the provisions of the next two succeeding paragraphs, if no widow or widower entitled to a benefit survives:

In respect of any surviving child there shall be paid the sum of twenty-seven shillings and six pence per week.”;

- (c) immediately after paragraph (b) thereof, there are hereby inserted the following two additional paragraphs—

“(c) Where, apart from the provisions of this paragraph, any benefit is payable to any person in respect of any child in pursuance of the provisions of sub-paragraph (iii) or sub-paragraph (iv) of the last preceding paragraph, that benefit shall not be payable unless that child is for the time being included in the family of that person and that person is ordinarily resident in Guernsey and unless—

- (i) that child is living with that person; or
- (ii) contributions to the cost of providing for that child are being made by that person or, where that person is one of spouses living together, by those spouses taken

together, at a weekly rate not less than the weekly rate at which that benefit is payable, being, if an allowance under the Family Allowances (Guernsey) Law, 1950, as amended, is payable in respect of that child as a child of that person's family, contributions over and above those required for the purposes of subsection (2) of section three of that Law, as amended, or, as the case may be, for the purposes of the proviso to subparagraph (1) of paragraph 1 of the Schedule to that Law, as amended.

(d) For the purposes of this Part of this Schedule—

(i) the expression "child" means a person who would be treated as a child for the purposes of the Family Allowances (Guernsey) Law, 1950, as amended;

(ii) a person shall be deemed to have a family which includes a child or children if that person (not being a child) and a child or children (with or without a wife or husband of that person) would be treated for the purposes of the Family Allowances (Guernsey) Law, 1950, as amended, as constituting a family, and references to a child of a person's family shall be construed accordingly."

(2) Part II of the Third Schedule to the Law of 1947 is hereby repealed and the following Part is hereby substituted therefor—

“PART II

Where Death results otherwise than from an
Accident.

The benefits which would be payable in respect of the death of an insured person in pursuance of the provisions of Part I of this Schedule, other than the provisions of paragraph (a) thereof, had the death of that insured person resulted from an accident.”.

Saving.

10. Notwithstanding anything contained in Part I or Part II of the Third Schedule to the Law of 1947 as amended by the provisions of the last preceding section, Part I or Part II of that Schedule, as the case may be, shall continue to apply in all respects as if those provisions had not been enacted in relation to any child in respect of whom—

- (a) a benefit was payable in pursuance of Part I or Part II of that Schedule immediately before the coming into force of that section; and
- (b) a benefit is not, and has not at any time been, payable in pursuance of Part I or Part II of that Schedule as amended by those provisions.

PART VI

States' Annual Grant, citation and
commencement.

11. Section eight of Article V of the Law of 1935 is hereby repealed and the following section is hereby substituted therefor—

“8. There shall be paid out of the General Revenue of the States of Guernsey into the Insurance Fund account—

States' Annual Grant; amendment of Section eight of Article V of the Law of 1935.

- (a) in respect of the period commencing on the seventh day of April, nineteen hundred and sixty-two, and ending on the thirty-first day of December, nineteen hundred and sixty-two, the sum of one hundred and seventeen thousand nine hundred and eighteen pounds;
- (b) in the year 1963 and annually thereafter, the sum of one hundred and sixty thousand pounds.”.

12. This Ordinance may be cited as the Contribu- Citation.
 tory Pensions (Increased Rates of Contributions and
 Benefits) Ordinance, 1962.

13. (1) This Ordinance, other than the provisions of Part III, Part IV and Part V thereof, shall come Commence-
 into force on the first day of April, nineteen hundred ment.
 and sixty-two.

(2) The provisions of Part III, Part IV and Part V of this Ordinance shall come into force on the seventh day of April, nineteen hundred and sixty-two.

FIRST SCHEDULE Section three
 Rates of contributions

PART I

Weekly rates of contributions in respect of employed compulsory contributors.

Descriptions	Rates payable by contributors	Rates payable by employers	Rates payable by the States
Male contributors	Two shillings	Two shillings	One shilling and six pence
Female contributors	One shilling	One shilling	Nine pence

PART II

Weekly rates of contributions in respect of compulsory contributors, not being employed compulsory contributors.

Descriptions	Rates payable by contributors	Rates payable by the States	Rates payable by the States Labour and Welfare Committee
Male contributors who are not registered as unemployed	Four shillings	One shilling and six pence	—
Male contributors who are registered as unemployed	—	One shilling and six pence	Four shillings
Female contributors who are not registered as unemployed	Two shillings	Nine pence	—
Female contributors who are registered as unemployed	—	Nine pence	Two shillings

PART III

Weekly rates of contributions in respect of voluntary contributors.

Descriptions	Rates payable by contributors
Male contributors	Five shillings and six pence
Female contributors	Two shillings and nine pence

PART IV

Weekly rates of contributions in respect of workers who have attained the age of seventy years.

Descriptions	Rates payable by employers
Male workers	Two shillings
Female workers	One shilling and six pence

SECOND SCHEDULE Section five
Rates of old age pensions

PART I

Weekly rates of old age pensions payable in the case of old age pensioners, and the wives of old age pensioners, who would, if section five of this Ordinance had not been enacted, be entitled for the time being to old age pensions at rates determined in accordance with the provisions of the proviso to Article 2 of the Law of 1947.

Average number of contributions	Rates
25 and under 30	Eighteen shillings
20 and under 25	Sixteen shillings
15 and under 20	Fourteen shillings and six pence
10 and under 15	Twelve shillings
Under 10	—

PART II

Weekly rates of old age pensions payable in the case
of other old age pensioners and their wives.

Average number of contributions	Rates payable in the case of old age pensioners	Rates payable in the case of wives of old age pensioners
50 and over	Forty shillings	Twenty-five shillings
45 and under 50	Thirty-six shillings	Twenty-two shillings and six pence
40 and under 45	Thirty-two shillings	Twenty shillings
35 and under 40	Twenty-eight shillings	Seventeen shillings and six pence
30 and under 35	Twenty-four shillings	Fifteen shillings
25 and under 30	Twenty-one shillings	Twelve shillings and six pence
Under 25	—	—

R. H. VIDELO,

Her Majesty's Greffier.