

Island of  Guernsey

Ordinance of the States. **IX**

1955

Made 20th April, 1955.

Coming into Operation .. 23rd April, 1955.

The Contributory Pensions (Service in Her Majesty's Forces) Ordinance, 1955.

THE STATES, in pursuance of their Resolutions of the 8th day of April, 1953, and in exercise of the powers conferred upon them by the Contributory Pensions (Amendment) Law, 1955, and of all other powers enabling them in that behalf, hereby order:—

1. Subject to the provisions of this Ordinance any person who on or after the day on which this Ordinance comes into force enlists in, is called up under the provisions of the National Service (Guernsey) Law, 1954, to serve in, or is recalled to, Her Majesty's Forces and was immediately prior to so enlisting, being so called up or being so recalled ordinarily resident in Guernsey shall be deemed to be a compulsory contributor during the period, not exceeding one hundred and fifty-six weeks in all, commencing with the beginning of the week in which he is so enlisted, so called up or so recalled, throughout which he is serving a period of whole-time service in those Forces.

Insurance under the Laws of persons serving in Her Majesty's Forces.

Special provisions in respect of certain persons serving or having served in Her Majesty's Forces.

2. (1) If on or after the day on which this Ordinance comes into force the Authority is satisfied that, but for this Ordinance, Article 9 of the Benefits and Pensions (Contributory and Non-Contributory) Amendment Law, 1947, would have, but has not been, applied to a person who on or before that day is serving or has served in Her Majesty's Forces, it shall deem that person to be a compulsory contributor to the extent permitted by subsection (2) of this section.

(2) The period throughout which a person who is deemed to be a compulsory contributor under the provisions of subsection (1) of this section shall be—

- (a) the period of his whole-time service in Her Majesty's Forces starting from the beginning of the week in which he was so enlisted or so recalled to the date on which he ceased so to serve in those Forces, if that date is not later than the date on which this Ordinance comes into force; or
- (b) the period of his whole-time service in those Forces starting from the beginning of the week in which he was so enlisted or so recalled to the date on which this Ordinance comes into force, if on that date that person is still serving in those Forces and was so serving throughout the one hundred and fifty-six weeks immediately preceding that date; or
- (c) the period of his whole-time service in those Forces of one hundred and fifty-six weeks starting from the beginning of the week in which he was so enlisted or so recalled, if that period does not end until after the date on which this Ordinance comes into force.

(3) The foregoing provisions of this section shall not apply to a person who was serving in Her Majesty's Forces on the thirty-first day of December, 1938.

3. (1) Subject to the provisions of this section, any person who on or after the day on which this Ordinance comes into force rejoins Her Majesty's Forces, otherwise than by being recalled thereto, and was immediately prior to so rejoining ordinarily resident in Guernsey, shall be deemed to be a compulsory contributor to the extent permitted by subsection (2) of this section.

Limitation as regards a person who rejoins Her Majesty's Forces.

(2) A person who is deemed to be a compulsory contributor under the provisions of subsection (1) of this section shall be deemed to be a compulsory contributor for each week throughout the whole of which he is serving a period of whole-time service in Her Majesty's Forces save that he shall cease to be so deemed on the expiration of one hundred and fifty-six weeks service following the date on which he so rejoined.

(3) In calculating the period of one hundred and fifty-six weeks for the purposes of subsection (2) of this section—

- (a) there shall be taken into account the number of weeks during which that person was deemed to be a compulsory contributor in accordance with the provisions of sections one or two of this Ordinance,
- (b) there shall not be taken into account any weeks during which a person continues to be deemed a compulsory contributor in accordance with section four of this Ordinance.

4. If on the day on which a person would otherwise cease to be deemed to be a compulsory contributor under the provisions of this Ordinance that person does not cease to serve a period of whole-time service in Her Majesty's Forces, he shall continue to be so deemed for so long as the Authority is satisfied that

Extension of period during which a person is deemed to be a compulsory contributor.

the failure to cease so serving in those Forces is due to circumstances outside the control of that person and that those circumstances are shown to the satisfaction of the Authority not to be due to the negligence or default of that person.

Person guilty of desertion not to be treated as a compulsory contributor.

5. Notwithstanding the preceding provisions of this Ordinance a person who is found guilty of desertion from Her Majesty's Forces shall cease to be deemed to be a compulsory contributor as from the expiration of the week preceding the day on which he deserted.

Persons deemed to be compulsory contributors to be granted contribution credits.

6. For each week in which a person, in accordance with the provisions of this Ordinance, is deemed to be a compulsory contributor, the Authority shall credit that person with a contribution; any contribution so credited shall be treated as if it had been paid by such contributor.

Voluntary insurance, modification of conditions, and notification on payment of benefit.

7. (1) Where a person, to whom section two of this Ordinance applies, being a person entitled to become a voluntary contributor fails so to do within three months after the date on which he ceases to be deemed to be a compulsory contributor, he may nevertheless become or be deemed to have become a voluntary contributor from the day following that on which he ceased to be deemed to be a compulsory contributor if the following conditions are satisfied—

- (a) it is proved to the satisfaction of the Authority that there was good cause for such failure; and
- (b) all arrears of contributions at the voluntary rate are paid in such manner and in such time as the Authority approves:

PROVIDED that benefit shall not commence to be payable in respect of any incident to which title to benefit would not exist but for the payment of all

arrears of contributions at the voluntary rate, until the date on which those arrears are paid in full.

(2) The last preceding subsection, with the exception of paragraph (a) thereof, shall apply to any person who enlists in, is called up as aforesaid to serve in, or is recalled to, Her Majesty's Forces on or after the day on which this Ordinance comes into force, if the Authority fails to notify that person within three months before the date on which he would cease to be deemed to be a compulsory contributor, of his right to become a voluntary contributor if on that date he is so entitled under the provisions of the Laws.

8. (1) Benefit shall not accrue in favour of any insured person while he is serving a period of whole-time service in Her Majesty's Forces on account of an incident while so serving but benefit shall commence to accrue and shall become payable in accordance with the provisions of the Laws when such person ceases so to serve.

Restrictions
on the pay-
ment of
benefit.

(2) Where benefit is payable as aforesaid to or in respect of a person, the amount of benefit payable under the Laws in any week shall be reduced by the amount of any weekly sum which is payable because of that incident under Royal Warrant or by the appropriate Service Authority as compensation for the death or incapacity giving rise to that benefit.

(3) If an insured person, after ceasing to serve a period of whole-time service in those Forces, claims benefit under Part II of the Second Schedule to the Contributory Pensions Law, 1935, in respect of an injury sustained whilst so serving in those Forces, the amount of the average weekly earnings of that person shall be deemed to be the amount of his Service pay and allowances for the week preceding that in which the incident which gives rise to the injury

occurred, plus such sum as the Authority may consider a fair equivalent to the value of any free board, lodging or clothing provided to that person by the appropriate Service Authority, and in calculating such sum the Authority may also take into consideration any other amenity provided to that person by the appropriate Service Authority.

Repeals.

9. Paragraph (a) of Article VII and Article IX of the Contributory Pensions Law, 1935, and Article 9 of the Benefits and Pensions (Contributory and Non-Contributory) Amendment Law, 1947, are hereby repealed.

Interpretation.

10. In this Ordinance, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them—

“the Authority” means the States Insurance Authority appointed under the provisions of the National Insurance (Guernsey) Law, 1951;

“appropriate Service Authority” means the Board of Admiralty, the Army Council or the Air Council, as the case may be;

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

“contribution” means a contribution payable under the provisions of the Laws;

“Guernsey” includes the Islands of Herm and Jethou;

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

“the Laws” means the Contributory Pensions Laws, 1935 to 1953;

“voluntary contributor” means a voluntary contributor under the provisions of the Laws.

11. (1) This Ordinance may be cited as the Contributory Pensions (Service in Her Majesty's Forces) Ordinance, 1955. Citation and commencement.

(2) This Ordinance shall come into force on the 23rd day of April, 1955.

JAMES E. LE PAGE,

Her Majesty's Greffier.