

# ORDER IN COUNCIL

**XVI**  
**1951**

ratifying a Projet de Loi

ENTITLED

## **National Insurance (Guernsey) Law, 1951.**

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(Registered on the Records of the Island of Guernsey  
on the 1st day of September, 1951.)

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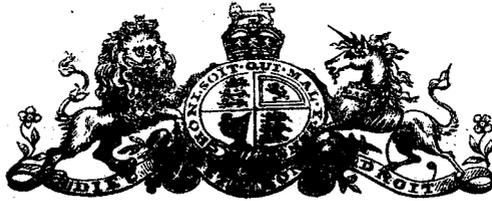


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1951.

## ORDER IN COUNCIL.



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

*The 1st day of September, 1951, before Sir Ambrose James Sherwill, C.B.E., M.C., Bailiff; present:— Ernest de Garis, Esquire, O.B.E., Sir John Leale, Arthur Falla, Walter John Sarre, Esquires, Richard Henry Johns, Esquire, O.B.E., William Robert Freake Clark, Walter John Gavey, Ernest Francis Lainé, Bertram Bartlett, Esquire, Donald Carey Brock, Esquire, C.B.E., and Osmond Priaulx, Esquire, Jurats.*

The Bailiff having this day placed before the Court an Order of His Majesty in Council dated the 11th day of July, 1951, ratifying a *Projet de Loi* entitled "National Insurance (Guernsey) Law, 1951",—the Court, after the reading of the said Order in Council and after having heard His Majesty's Comptroller thereon, ordered that the said Order in Council be registered on the records of this Island and that an extract of this present Act, together with a copy of the said Order in Council, be sent by His Majesty's Greffier to the Clerk of the Court of Alderney for registration on the records of that Island, of which Order in Council the tenor followeth:—

## At the Court at Buckingham Palace.

The 11th day of July, 1951.

Present,

**The King's Most Excellent Majesty**

LORD PRIVY SEAL.

MR. SECRETARY EDE.

MR. NOEL-BAKER.

SIR HUMPHREY O'LEARY.

MR. GRENFELL.

MR. YOUNGER.

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 9th day of July, 1951, in the words following, viz.:—

“YOUR MAJESTY having been pleased, by Your General Order of Reference of the 18th day of December, 1936, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth:—

‘1. That, in pursuance of their Resolutions of the 14th day of March, 1951, and of the 25th day of April, 1951, the States of Deliberation at a meeting held on the 2nd day of May, 1951, approved a Bill or “Projet de Loi” entitled “National Insurance (Guernsey) Law, 1951” and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for

Your Royal Sanction thereto: 2. That, at a meeting held on the 23rd day of May, 1951, the States of Deliberation confirmed their Resolution of the 2nd day of May, 1951, approving the said Bill or "Projet de Loi": 3. That the said Bill or "Projet de Loi" is in the words and figures set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or "Projet de Loi" of the States of Guernsey entitled "National Insurance (Guernsey) Law, 1951" and to order that the same shall have the force of Law in the Islands of Guernsey, Alderney, Herm and Jethou.'

"THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, have taken the said Petition and the said Projet de Loi into consideration, and do this day agree humbly to report, as their opinion, to Your Majesty, that it may be advisable for Your Majesty, to comply with the prayer of the said Petition and to approve of and ratify the said Projet de Loi."

HIS MAJESTY having taken the said Report into consideration is pleased, by and with the advice of His Privy Council, to approve of and ratify the said Projet de Loi, and to order, as it is hereby ordered, that the same shall have the force of Law within the Islands of Guernsey, Alderney, Herm and Jethou.

AND HIS MAJESTY doth hereby further direct that this Order, and the said Projet de Loi (a copy whereof is hereunto annexed) be entered upon the Register of the Island of Guernsey and observed accordingly.

AND the Lieutenant Governor and Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other His Majesty's Officers, for the time being, in the said Island, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

F. J. FERNAU.

Projet de Loi referred to in the foregoing  
Order in Council.

## PROJET DE LOI

ENTITLED

# **National Insurance (Guernsey) Law, 1951.**

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# PROJET DE LOI

ENTITLED

## **National Insurance (Guernsey) Law, 1951.**

THE STATES, in pursuance of their Resolutions of the 14th day of March, 1951, and of the 25th day of April, 1951, have approved the following provisions, which, subject to the Sanction of His Most Excellent Majesty in Council, shall have the force of law in this Island and in the Islands of Alderney, Herm and Jethou:—

### *PART I.*

#### INSURED PERSONS AND CONTRIBUTIONS.

Description  
and  
classifica-  
tion of  
insured  
persons.

1.—(1) Subject to the provisions of this Law, every person who on or after the appointed day, being over school leaving age and under pensionable age, is in Guernsey, and fulfils such conditions as may be prescribed as to residence in Guernsey, shall become insured under this Law and thereafter continue throughout his life to be so insured.

(2) For the purposes of this Law, insured persons shall be divided into the following three classes:—

- (a) employed persons, that is to say persons gainfully occupied in employment in Guernsey, being employment under a contract of service;
- (b) self-employed persons, that is to say persons gainfully occupied in employment in Guernsey who are not employed persons;

- (c) non-employed persons, that is to say persons who are not employed or self-employed persons.

Hereafter in this Law any employment by virtue whereof an insured person is an employed person is referred to as an "employed contributor's employment".

(3) Provision may be made by regulations for modifying the said classification in relation to cases where it appears to the Authority desirable by reason of the nature or circumstances of a person's employment or otherwise, and such regulations may in particular provide—

- (a) for treating as an employed contributor's employment—
- (i) employment under the States of Guernsey or the States of Alderney or under a parochial authority constituted in Guernsey notwithstanding that it is not employment under a contract of service;
  - (ii) employment outside Guernsey in continuation of any employed contributor's employment;
- (b) for treating as not being an employed contributor's employment, or for disregarding,—
- (i) employment which is of a casual or subsidiary nature or in which the insured person is engaged only to an inconsiderable extent;
  - (ii) employment in the service, or for the purposes of the trade or business, or as partner, of the insured person's husband or wife;
  - (iii) employment by a relative in the common home of the insured person and the employer;

- (c) for treating a person's employment as continuing during periods of holiday, unemployment or incapacity for work and in such other circumstances as may be prescribed.

Source of funds.

2.—(1) For the purpose of providing the funds required for paying benefit, and for making any other payments which under this Law are to be made out of the Guernsey Insurance Fund established under this Law, contributions shall be payable by insured persons, by employers and out of moneys provided by the States in accordance with the following provisions of this section.

(2) Subject to the provisions of this Law—

- (a) every employed person of any description set out in the first column of Part I of the First Schedule to this Law shall be liable, as from the appointed day, to pay weekly contributions at the rate respectively set out in the second column of the said Part I;
- (b) every employer of an employed person of any description set out in the first column of Part II of the said Schedule, or of any person of any such description who is to be treated by virtue of that Part of that Schedule as an employed person, shall be liable, as from the said day, to pay weekly contributions in respect of that person at the rate respectively set out in the second column of the said Part II;
- (c) every self-employed person of any description set out in the first column of Part III of the said Schedule, shall be liable, as from the said day, to pay weekly contributions at the rate respectively set out in the second column of the said Part III;

(d) every non-employed person of any description set out in the first column of Part IV of the said Schedule shall be liable, as from the said day, to pay weekly contributions at the rate respectively set out in the second column of the said Part IV.

(3) The States may, at any time and from time to time after the first report by the Authority shall have been laid before the States under the provisions of subsection (2) of section thirty-eight of this Law, by Ordinance provide that contributions instead of being paid as set out in the First Schedule to this Law, shall, for such periods as may be specified by such Ordinance, be paid at such increased rates, subject to the provisions of the two next succeeding subsections, as may be so specified.

(4) Any Ordinance made under the last preceding subsection shall not provide—

(a) for increasing the rate of the States supplement for any contribution; or

(b) for increasing the rates of contribution as set out in the said First Schedule by a sum in excess of sixpence in respect of insured persons who have attained the age of eighteen years or by a sum in excess of threepence in respect of insured persons who have not attained the age of eighteen years.

(5) Subject to the provisions of this Law, where an employer is liable to pay contributions in respect of any employed person any increase payable in respect of such employed person's insurance under any Ordinance made under subsection (3) of this section shall be paid as to one half by that employer and as to the other half by that employed person:

PROVIDED that if that employed person is above the age of eighteen years and his

weekly remuneration is thirty shillings or less any increase payable in respect of his insurance shall be paid as to two thirds by that employer and as to one third by that employed person.

(6) If, in calculating the increased rates of contribution under the two last preceding subsections, fractions of a half-penny are involved, any such fraction which amounts to one half or more than one half shall be treated as amounting to one half-penny, and any such fraction which amounts to less than one half shall be ignored.

(7) Subject to the provisions of this Law, there shall be paid into the Guernsey Insurance Fund out of moneys provided by the States in such manner and at such times as the Board of Administration may determine—

- (a) for each contribution as an employed, self-employed or non-employed person paid by a person of any description set out in the first column of Part V of the said First Schedule, and for each employer's contribution paid in respect of a person of any such description, the sum (hereafter in this Law referred to as "the States supplement") respectively set out in the said Part V in relation to a contribution of that class and a person of that description; and
- (b) in addition to the States supplements, sums sufficient to ensure that the income of the Guernsey Insurance Fund is never less than its expenditure.

For the purpose of paragraph (a) of this subsection, the number of contributions of any class paid in any period by or in respect of persons of any description shall be estimated in such manner as the Board of Administration may determine.

(8) Subject to the provisions of this Law and of any regulations, no person shall be entitled to pay any contribution thereunder other than a contribution which he is liable to pay.

(9) If any employer or insured person fails to pay any contribution which he is liable under this Law to pay, he shall be liable on conviction to a fine not exceeding ten pounds.

3.—(1) Where it appears to the Authority expedient so to do with a view to maintaining a stable level of employment, it may by order direct that contributions, instead of being paid at the rates set out in the First Schedule to this Law or at such rates as may be provided by any Ordinance made under the preceding section of this Law, shall, for such periods as may be specified by or determined in accordance with the order, be paid at such higher or lower rates, subject to the next following subsection, as may be so specified or determined.

Variation of contribution rates to stabilise employment.

(2) An order under this section shall not provide—

- (a) for increasing or reducing the rate of any contribution as an employed person and the rate of the corresponding employer's contribution by different amounts ;
  - (b) for increasing or reducing the rate of the States supplement for any contributions except—
    - (i) where the rate of those contributions is also increased or is also reduced ; and
    - (ii) in such a manner as not to affect (except so far as appears to the Authority expedient for convenience of calculation) the proportion which the rate of the supplement bears to that of the contributions.
- (3) Contributions payable in accordance with

any order under this section shall be deemed for the purposes of this Law to be contributions payable in accordance with the relevant provisions of the last foregoing section and the said First Schedule.

(4) Any order under this section may be varied or revoked by a further order thereunder.

Number and  
class of  
contribution  
for any  
week.

4.—(1) A person shall not be liable to pay more than one contribution as an insured person for any contribution week, and not more than one employer's contribution shall be payable in respect of any person for any contribution week.

(2) Subject to the following provisions of this section, an insured person shall be deemed for the purpose of the provisions of this Part of this Law relating to contributions to be—

- (a) an employed person as respects any contribution week during any part of which he is an employed person ;
- (b) a self-employed person as respects any other contribution week during any part of which he is a self-employed person ;
- (c) a non-employed person as respects any contribution week during no part of which he is either an employed or a self-employed person.

(3) Where, as respects any employed contributor's employment—

- (a) no services are rendered by an employed person in any contribution week ;  
and
- (b) no remuneration is paid wholly or partly in respect of any day in that week other than a day on which he either—
  - (i) is incapable of work and would but for the incapacity have been working ; or
  - (ii) does not work in a normal week

then that employment shall, in relation to that week, be disregarded for the purposes of the foregoing provisions of this section; and regulations may provide, as respects any period during which no services are rendered by an employed person, that for the purposes of this subsection any payments which he receives or is entitled (whether conditionally or not) to receive in any prescribed circumstances are or are not to be deemed to be remuneration paid in respect of any day in that period.

(4) Regulations may provide for disregarding for the purposes of this section any employment in which a person engages or continues to be engaged solely or mainly for the purpose of acquiring or preserving a right or a larger right to benefit.

- 5.—(1) Subject to the provisions of subsection (2) of this section, regulations may provide for—
- (a) excepting insured persons from liability to pay contributions for periods—
- (i) of unemployment or of incapacity for work;
  - (ii) of full time education or of full time unpaid apprenticeship;
  - (iii) when they are not in receipt (or are deemed in accordance with the regulations not to be in receipt) of an income exceeding one hundred and four pounds a year;
- and for such other periods as may be prescribed;
- (b) crediting contributions to insured persons for—
- (i) periods for which they are excepted from liability to pay them by virtue of the foregoing paragraph; and
  - (ii) the period between the beginning of the contribution year last preceding that in which they become
- Exceptions from liability for, and crediting of, contributions.

insured persons and their entry into insurance.

(2) Regulations made under sub-paragraph (iii) of paragraph (a) of the foregoing subsection shall not provide for excepting a person from liability to pay contributions otherwise than on that person's own application; and regulations made under paragraph (b) of that subsection shall not provide for crediting contributions to a person excepted from liability to pay them by virtue of the said sub-paragraph (iii) otherwise than for the purpose of entitling that person to unemployment benefit or sickness benefit for periods after he has ceased to be so excepted.

Contributions of employed persons and employers.

6.—(1) Except where regulations otherwise prescribe, an employer liable to pay a contribution in respect of a person employed by him shall, in the first instance, be liable to pay also, on behalf of and to the exclusion of that person, any contribution as an insured person payable by that person for the same contribution week, and for the purposes of this Law contributions paid by an employer on behalf of an insured person shall be deemed to be contributions by the insured person.

(2) Notwithstanding any contract to the contrary, an employer shall not be entitled to deduct from the wages or other remuneration of a person employed by him, or otherwise to recover from such a person, the employer's contribution in respect of that person; and any employer who deducts or attempts to deduct the whole or any part of the employer's contribution in respect of any person from his wages or other remuneration shall be liable on conviction to a fine not exceeding ten pounds.

(3) An employer shall be entitled, subject to and in accordance with regulations, to recover from an insured person the amount of any contribution paid or to be paid by him on behalf of that person, and, notwithstanding anything in any enactment,

regulations under this subsection may authorise recovery by deductions from the insured person's wages or remuneration:

PROVIDED that any such regulations shall provide that—

- (a) where the insured person does not receive any wages or other pecuniary remuneration in respect of an employed contributor's employment either from the employer or from any other person, the employer shall not be entitled to recover the amount of any such contribution from him; and
- (b) where the insured person does receive any such wages or remuneration from the employer, the employer shall not be entitled to recover any such contribution otherwise than by deductions from the wages or remuneration.

(4) The Authority may in such cases and on such conditions as it may prescribe, make an arrangement with any employer who is liable to pay employer's contributions under this Law whereby, in respect of persons engaged by that employer through an employment exchange or other agency approved by the Authority, or in the employ of that employer on the date of the arrangement, the performance of all or any of the duties required under this Part of this Law to be performed by the employer in respect of those persons, whether on his own behalf or on behalf of those persons, shall be undertaken on behalf of the employer by the employment exchange or other agency.

(5) For the purposes of this section, references to a person's remuneration shall be construed, in relation to any period, as including any payments which by virtue of regulations made under subsection (3) of the last but one foregoing section are to,

be deemed for the purposes of that subsection to be remuneration paid to him in respect of any day in that period.

General provisions as to payment and collection of contributions, etc.

7.—(1) Regulations may provide—

- (a) for any matters incidental to the payment and collection of contributions under this Law ;
- (b) for treating, for the purpose of any right to benefit, contributions paid after the due dates as paid on those dates or on such later dates as may be prescribed, or as not having been paid and for treating, for the purpose aforesaid, contributions payable by an employer on behalf of an insured person, but not paid, as paid where the failure to pay is shown not to have been with the consent or connivance of, or attributable to any negligence on the part of, the insured person ;
- (c) for treating contributions of the wrong class or at the wrong rate as paid on account of the contributions properly payable ;
- (d) for the return of contributions under this Law paid in error ;
- (e) (without prejudice to any other remedy) for the recovery, on prosecutions brought under or by virtue of this Law, of contributions under this Law.

(2) Where under regulations made by virtue of subsection (1) of this section contributions under this Law are payable by means of adhesive stamps, those stamps (hereafter in this Law referred to as "insurance stamps") shall be prepared and issued in such manner as the Authority may direct ; and the Authority may—

- (a) provide for the sale of insurance stamps through any approved agent ; and
- (b) by regulations provide for applying, with the necessary adaptations, as respects insurance stamps, any provision or provisions of a like nature to all or any of the provisions (including penal provisions) of the Stamp Duties Management Act, 1891, as amended by any subsequent enactment, section nine of the Stamp Act, 1891, as so amended, and section sixty-five of the Post Office Act, 1908, as so amended.

(3) Regulations made by the Authority by virtue of this section providing for the payment of contributions, at the option of the persons liable to pay, either—

- (a) by means of insurance stamps ; or
- (b) by some alternative method, the use of which involves greater expense in administration to the Authority than would be incurred if the contributions were paid by means of insurance stamps ;

may include provision for the payment to the Authority by any person who adopts any alternative method, and for the recovery by the Authority, of the prescribed fees in respect of the difference in the expense in administration.

8.—(1) In relation to persons who—

- (a) are employed by more than one employer in any contribution week ; or
- (b) work under the general control or management of some person other than their immediate employer ;

Persons to  
be treated  
as  
employers.

and in relation to any other cases for which it appears to the Authority that special provision is needed,

regulations may provide that for the purposes of this Law the prescribed person shall be treated as their employer ; and regulations made by virtue of paragraph (b) of this subsection may provide for adjusting the rights between themselves of the person prescribed as the employer, the immediate employer and the persons employed.

(2) References in this Law to a person's employer shall not be construed as including his employer in any employment other than one which is an employed contributor's employment (or, in the case of a person who is not, but would if he were under pensionable age, be, an insured person, an employment which would be an employed contributor's employment in his case if he were under that age).

## PART II.

### BENEFIT.

#### *Preliminary.*

Descriptions and rates of benefit and contribution conditions.

9.—(1) Benefit shall be of the following descriptions:—

- (a) unemployment benefit ;
  - (b) sickness benefit ;
  - (c) maternity benefit, which shall include maternity grant, attendance allowance and maternity allowance ;
  - (d) widow's benefit, which shall include widow's allowance, widowed mother's allowance and widow's pension ;
  - (e) guardian's allowance ;
  - (f) retirement pension ;
  - (g) death grant.
- (2) Subject to the provisions of this Law—
- (a) the weekly rates of the several descriptions of benefit, other than grants, shall be as set out in the second column

of Part I of the Second Schedule to this Law and the amount of a maternity grant or a death grant shall be as set out in the second column of Part II of that Schedule ; and

- (b) the contribution conditions for the several descriptions of benefit shall be as set out in the Third Schedule to this Law.

(3) References in this Law to contributions of the appropriate class shall be construed—

- (a) in relation to unemployment benefit, as references to contributions as an employed person ;
- (b) in relation to sickness benefit and maternity allowance, as references to contributions as an employed or self-employed person ;
- (c) in relation to any other description of benefit, as references to contributions as an insured person of any class ;

and, for the purpose of any reference in this Law to contributions of the appropriate class or their equivalent, there shall be treated as equivalent to a contribution of the appropriate class such number of contributions not of that class as may be prescribed.

(4) Subject to the provisions of this Law, any reference therein to the yearly average of the contributions paid by or credited to any person shall be construed as referring to contributions as an insured person only, and to that average (calculated in the prescribed manner) over the period—

- (a) beginning with the beginning of the contribution year in which he attained school leaving age ; and
- (b) ending with the end of the last complete contribution year before the date as at which the average is to be ascertained.

*Unemployment and sickness benefit.*

Right to  
unemploy-  
ment and  
sickness  
benefit.

10.—(1) Subject to the provisions of this Law, a person shall be entitled to unemployment benefit in respect of any day of unemployment which forms part of a period of interruption of employment, and to sickness benefit in respect of any day of incapacity for work which forms part of such a period, if—

- (a) (subject as hereafter provided) he is under pensionable age on the day for which the benefit is claimed ; and
- (b) he satisfies the relevant contribution conditions :

PROVIDED that a person shall not be entitled to either benefit for the first three days of any period of interruption of employment, unless, within the period of thirteen weeks beginning with the first of those days, he has a further nine days of interruption of employment forming part of the same period of interruption of employment.

(2) For the purposes of any provision of this Law relating to unemployment or sickness benefit—

- (a) a day shall not be treated in relation to any person—
  - (i) as a day of unemployment unless on that day he is capable of work and is, or is deemed in accordance with regulations to be, available for employment in an employed contributor's employment ;
  - (ii) as a day of incapacity for work unless on that day he is, or is deemed in accordance with regulations to be, incapable of work by reason of some specific disease or bodily or mental disablement ;

- (b) the expression "day of interruption of employment" means a day which is a day of unemployment or of incapacity for work ;
  - (c) any two days of interruption of employment, whether consecutive or not, within a period of six consecutive days shall be treated as a period of interruption of employment, and any two such periods not separated by a period of more than thirteen weeks shall be treated as one period of interruption of employment ;
  - (d) Sunday or such other day in each week as may be prescribed shall not be treated as a day of unemployment or of incapacity for work and shall be disregarded in computing any period of consecutive days.
- (3) Regulations may make provision (subject to the last foregoing subsection) as to the days which are or are not to be treated for the purposes of unemployment benefit and sickness benefit as days of unemployment or incapacity for work.
- (4) The amount payable by way of benefit for any day of unemployment or of incapacity for work shall be one sixth of the appropriate weekly rate.

11.—(1) A person who, in respect of any period of interruption of employment, has been entitled to unemployment benefit for one hundred and eighty days shall not thereafter be entitled to that benefit for any day of unemployment (whether in the same or a subsequent period of interruption of employment) unless before that day he has requalified for benefit :

Exhaustion  
of and  
requalifica-  
tion for  
benefit.

PROVIDED that, in the case of a person who before exhausting his right to unemployment benefit under this subsection has qualified in accordance with regulations

for additional days of unemployment benefit (depending on the contributions of the appropriate class paid by him and the unemployment benefit to which he has been entitled), this subsection shall apply with the substitution for the reference to one hundred and eighty days of a reference to such greater number of days as may be allowed by the regulations.

(2) A person who—

- (a) in respect of the period between his entry into insurance and any day of incapacity for work has paid less than one hundred and fifty-six contributions of the appropriate class ; and
- (b) before that day has been entitled, in respect of any period of interruption of employment (whether including that day or not), to sickness benefit for three hundred and twelve days ;

shall not be entitled to sickness benefit for that day unless since the last of the said three hundred and twelve days and before that day he has requalified for benefit.

(3) Where a person has exhausted his right to either of the said benefits—

- (a) he shall requalify therefor when he has paid thirteen contributions of the appropriate class in respect of contribution weeks begun or ended since the last day for which he was entitled to that benefit ;
- (b) on his requalifying therefor, subsection (1) or (2), as the case may be, of this section shall again apply to him, but, in a case where the period of interruption of employment in which he exhausted his right to that benefit

continues after his requalification, as if the part before and the part after his requalification were distinct periods of interruption of employment.

(4) Regulations may provide for treating a person for the purposes of this section as having been entitled to benefit for any day if he would have been so entitled but for any delay or failure to make or prosecute a claim or give a notice:

PROVIDED that a person shall not be so treated where he shows that he did not intend, by failing to acquire or establish a right to benefit for that day, to avoid the necessity of requalifying for benefit under this section.

12.—(1) A person who has lost employment in an employed contributor's employment by reason of a stoppage of work which was due to a trade dispute at his place of employment shall be disqualified for receiving unemployment benefit so long as the stoppage of work continues, except in a case where, during the stoppage of work, he has become *bona fide* employed elsewhere in the occupation which he usually follows or has become regularly engaged in some other occupation:

Disqualifications and special conditions.

PROVIDED that this subsection shall not apply in the case of a person who proves—

- (a) that he is not participating in or financing or directly interested in the trade dispute which caused the stoppage of work; and
- (b) that he does not belong to a grade or class of workers of which, immediately before the commencement of the stoppage, there were members employed at his place of employment any of whom are participating in or financing or directly interested in the dispute.

(2) A person shall be disqualified for receiving unemployment benefit for such period not exceeding six weeks as may be determined in such manner as may be prescribed by regulations made under the provisions of this Law relating to the determination of claims to benefit, if—

- (a) he has lost his employment in an employed contributor's employment through his misconduct, or has voluntarily left such employment without just cause ;
- (b) after a situation in any suitable employment has been notified to him by an employment exchange, or by or on behalf of an employer, as vacant or about to become vacant, he has without good cause refused or failed to apply for that situation or refused to accept that situation when offered to him ;
- (c) he has neglected to avail himself of a reasonable opportunity of suitable employment ;
- (d) he has without good cause refused or failed to carry out any written recommendations given to him by an officer of an employment exchange with a view to assisting him to find suitable employment, being recommendations which were reasonable having regard to his circumstances and to the means of obtaining that employment usually adopted in the island in which he resides ; or
- (e) he has without good cause refused or failed to avail himself of a reasonable opportunity of receiving training approved by the Authority in his case for the purpose of becoming or keep-

ing fit for entry into or return to regular employment.

(3) Regulations may provide for disqualifying a person for receiving sickness benefit for such period not exceeding six weeks as may be determined in such manner as may be prescribed by regulations made under the provisions of this Law relating to the determination of claims to benefit, if—

- (a) he has become incapable of work through his own misconduct ; or
- (b) he fails without good cause to attend for or to submit himself to such medical or other examination or treatment as may be required in accordance with the regulations, or to observe any prescribed rules of behaviour.

(4) Regulations may also provide for imposing in the case of any class of persons additional conditions with respect to the receipt of unemployment benefit or sickness benefit and restrictions on the rate and duration thereof, if, having regard to special circumstances, it appears to the Authority necessary so to do for the purpose of preventing inequalities, or injustice to the general body of employed persons or of employed and self-employed persons, as the case may be.

(5) For the purposes of this section, employment shall not be deemed to be employment suitable in the case of any person if it is either—

- (a) employment in a situation vacant in consequence of a stoppage of work due to a trade dispute ; or
- (b) employment in his usual occupation in the island where he was last ordinarily employed at a rate of remuneration lower, or on conditions less favourable, than those which he might reasonably

have expected to obtain having regard to those which he habitually obtained in his usual occupation in that island, or would have obtained had he continued to be so employed ; or

- (c) employment in his usual occupation in any other island at a rate of remuneration lower, or on conditions less favourable, than those generally observed in that island by agreement between associations of employers and employees, or, failing any such agreement, than those generally recognized in that island by good employers ;

but, after the lapse of such an interval from the date on which he becomes unemployed as in the circumstances of the case is reasonable, employment shall not be deemed to be unsuitable by reason only that it is employment of a kind other than employment in his usual occupation, if it is employment at a rate of remuneration not lower, and on conditions not less favourable, than those generally observed by agreement between associations of employers and of employees, or, failing any such agreement, than those generally recognized by good employers.

(6) In this section—

- (a) the expression “ place of employment ” in relation to any person, means the factory, workshop, farm or other premises or place at which he was employed, so, however, that, where separate branches of work which are commonly carried on as separate businesses in separate premises or at separate places are in any case carried on in separate departments on the same premises or at the same place, each of those departments shall for the purposes of this paragraph be deemed to

be a separate factory or workshop or farm or separate premises or a separate place, as the case may be ;

- (b) the expression "trade dispute" means any dispute between employers and employees or between employees and employees which is connected with the employment or non-employment or the terms of employment or the conditions of employment of any persons, whether employees in the employment of the employer with whom the dispute arises or not.

*Maternity benefit.*

13.—(1) Subject to the provisions of this Law, a woman shall be entitled to a maternity grant and attendance allowance if—

Maternity grant and attendance allowance.

- (a) it is certified by a qualified practitioner that she has been confined ; and
- (b) she or her husband satisfies the relevant contribution conditions :

PROVIDED that she shall not be entitled—

- (i) to a maternity grant or an attendance allowance by virtue both of her own and of her husband's insurance ; or
- (ii) to an attendance allowance if she satisfies the contribution conditions for a maternity allowance.

(2) The period for which an attendance allowance is payable shall be the period of four weeks beginning with the date of the confinement :

PROVIDED that, if the woman entitled to the allowance dies, the allowance shall not be payable for any subsequent week.

(3) Regulations may provide for disqualifying a woman for receiving an attendance allowance if, during the period of four weeks beginning with the date of the confinement, she does any work as an employed or self-employed person, or fails without good cause to observe any prescribed rules of behaviour.

(4) Except where regulations otherwise provide, a woman shall not be entitled to a maternity grant or an attendance allowance in respect of a confinement if on the date of the confinement she is outside Guernsey.

(5) A woman certified in accordance with subsection (1) of this section to have been confined of twins or a greater number of children shall, if the other conditions for payment of a maternity grant are satisfied in respect of the confinement, be entitled to a maternity grant for each of them.

(6) Regulations may modify the provisions of this section so far as they relate to a maternity grant with a view to making the grant payable, if the woman's claim indicates that she so desires, by virtue of a certificate that it is to be expected that she will be confined, instead of by virtue of a certificate that she has been confined.

(7) For the purposes of this section the expression "husband" includes a widow's late husband, where the benefit is claimed in respect of a posthumous son or daughter of his.

Maternity  
allowance.

14.—(1) Subject to the provisions of this Law, a woman shall be entitled to a maternity allowance, if—

- (a) it is certified by a qualified practitioner that it is to be expected that she will be confined in a week specified in the certificate (hereafter in this section referred to as the "expected week of confinement"), not being more than the prescribed number of weeks after

that in which the certificate is given ;  
and

(b) she satisfies the relevant contribution conditions.

(2) Subject to the following provisions of this section, the period for which a maternity allowance is payable shall be the period of thirteen weeks beginning with the sixth week before the expected week of confinement :

PROVIDED that—

(a) if the woman entitled to the allowance dies, the allowance shall not be payable for any subsequent week ;

(b) if the date of the confinement occurs after the expected week of confinement, the allowance shall, subject to the foregoing proviso, continue to be payable until the expiration of the sixth week after the week in which that date occurs.

(3) Where any question arises as to the correctness of the certificate by virtue of which a woman claims or is entitled to a maternity allowance, she may, unless the confinement has already occurred, be required in accordance with regulations to submit herself to medical examination with a view to obtaining a further certificate, and in the case of any difference between the original certificate and the further certificate her right to a maternity allowance may be determined as if the original certificate had agreed with the further certificate.

(4) Regulations may modify subsections (1) and (2) of this section in relation to cases where—

(a) it is certified by a qualified practitioner that a woman has been confined ; and

(b) either—

(i) no such certificate as is referred to in paragraph (a) of the said subsection (1) has been given ; or

(ii) the date of the confinement was more than seven weeks before the expected week of confinement.

(5) Regulations may provide for disqualifying a woman for receiving a maternity allowance if—

- (a) during the period for which the allowance is payable, she does any work as an employed or self-employed person or fails without good cause to observe any prescribed rules of behaviour ; or
- (b) she fails without good cause to attend for or to submit herself to any medical examination in accordance with subsection (3) of this section.

(6) In this section the expression “ week ” means a contribution week.

Supplemental provisions as to maternity benefit.

15.—(1) For the purpose of the provisions of this Law relating to maternity benefit—

- (a) the expression “ confinement ” means labour resulting in the issue of a living child, or labour after twenty-eight weeks of pregnancy resulting in the issue of a child whether alive or dead, and the expression “ confined ” shall be construed accordingly ;
- (b) references to the date of the confinement shall be taken as referring, where labour begun on one day results in the issue of a child on another day, to the date of the issue of the child or, if the woman is confined of twins or a greater number of children, to the date of issue of the last of them ;
- (c) (subject to any regulations made as to certificates given in respect of women outside Guernsey) the expression “ qualified practitioner ” means a registered medical practitioner, authorised

to practise in Guernsey, a certificated or a registered midwife or such other midwife as may be prescribed.

(2) In deciding whether or not he shall make an order under the Law entitled "Loi relative à l'Entretien des Enfants Illégitimes, 1927", for the payment of the expenses incidental to the birth of a child, the Magistrate shall not take into consideration the fact that the mother of the child is entitled to maternity benefit.

*Widow's benefit.*

16.—(1) Subject to the provisions of this Law, a widow shall be entitled to widow's benefit if the husband satisfied the relevant contribution conditions, and—

- (a) in the case of a widow's allowance, if at the husband's death either he was not entitled to a retirement pension or she was under pensionable age;
  - (b) in the case of a widowed mother's allowance, if the widow has a family which includes a child who, or children one of whom, either was at the husband's death a child of his family or is a son or daughter of theirs;
  - (c) in the case of a widow's pension, if (subject to the next following section) at the husband's death he and the widow had been married for not less than ten years and she was over the age of fifty but under pensionable age.
- (2) The period for which widow's benefit is payable to a widow shall be—
- (a) in the case of a widow's allowance, the thirteen weeks next following the husband's death;
  - (b) in the case of a widowed mother's allowance, any period during which

she has such a family as aforesaid and for which she is not entitled to a widow's allowance; and

- (c) in the case of a widow's pension, any period during which she is under pensionable age and for which she is not entitled to a widow's allowance or widowed mother's allowance:

PROVIDED that the benefit shall not be payable for any period after her death or remarriage or for any period during which she is cohabiting with a man as his wife.

(3) Where the earnings of the widow have exceeded forty shillings for the week preceding any week for which she is entitled to a widowed mother's allowance or a widow's pension, the weekly rate of the allowance or pension shall for the last mentioned week be reduced by one shilling for each complete shilling of the excess.

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

Widows' pensions in special cases.

17.—(1) Where a widow, in relation to whom the conditions for a widow's pension contained in paragraph (c) of subsection(1) of the last foregoing section are not satisfied, ceases to be entitled to a widowed mother's allowance at a time when—

- (a) she is over the age of forty but under pensionable age; and  
 (b) ten years have elapsed since the date of the marriage in respect of which the allowance is payable;

she shall for any subsequent period have the same right (if any) to a widow's pension in respect of that marriage as if the said conditions were satisfied.

(2) Where a widow, in relation to whom

neither the said conditions for a widow's pension nor the alternative conditions contained in the foregoing subsection are satisfied, ceases to be entitled to a widow's allowance or to a widowed mother's allowance at a time when she is pregnant by her late husband, she shall, for the remainder of the period of that pregnancy, have the same right (if any) to a widow's pension in respect of her marriage to the husband as if the said conditions were satisfied.

(3) Regulations may provide that, where a widow, in relation to whom neither the said conditions for a widow's pension nor the alternative conditions contained in subsection (1) of this section are satisfied, would but for the regulations cease to be entitled to widow's benefit at a time when she is by reason of any infirmity incapable of self-support and is under pensionable age, she shall, for any subsequent period during which she is incapable of self-support by reason of that infirmity have the same right (if any) to a widow's pension in respect of the marriage in respect of which she was entitled to the widow's benefit as if the said conditions were satisfied.

(4) Where a widow is entitled to a widow's pension by virtue of the last foregoing subsection but ceases to be so entitled at a time when—

- (a) she is over the age of fifty but under pensionable age ; and
- (b) ten years have elapsed since the date of the marriage in respect of which the pension is payable ;

she shall for any subsequent period have the same right (if any) to a widow's pension in respect of that marriage as if she had attained the age of fifty and the said ten years had elapsed before the husband's death.

(5) Where a widow has been married more than once, regulations may relax, for the purpose of her right to a widow's pension in respect of her last

marriage, the condition as to the duration of that marriage contained in paragraph (c) of subsection (1) of the last foregoing section (or, in a case to which instead of that condition the alternative condition contained in paragraph (b) of subsection (1) or subsection (4) of this section applies, the said alternative condition).

*Guardian's allowance.*

**Guardian's allowance.**

18.—(1) Subject to the provisions of this Law, a person shall be entitled to a guardian's allowance in respect of any child who is for the time being a child of his family, if—

- (a) the parents of the child are dead ; and
- (b) one at least of them was an insured person :

PROVIDED that regulations may modify paragraphs (a) and (b) of this subsection in relation to cases—

- (i) where a child has been adopted, or is illegitimate ; or
- (ii) where the marriage of a child's parents was terminated by divorce, or the child's parents or one of them cannot be traced.

(2) In the case of a child who is a child of the family of a man and his wife, the wife only shall be entitled to a guardian's allowance, but subsections (2) and (3) of section four of the Family Allowances (Guernsey) Law, 1950 (which relate to the person to receive an allowance under that Law payable in respect of such a child) shall apply in relation to a guardian's allowance as they apply in relation to an allowance under that Law.

(3) In this section the expression "parent" includes a step-parent.

*Retirement pensions.*

19.—(1) Subject to the provisions of this Law, a person shall be entitled to a retirement pension if— Retirement pensions.

- (a) he is over pensionable age and has retired from regular employment ; and
- (b) he satisfies the relevant contribution conditions.

(2) For the purposes of this Law—

- (a) a person may, subject to the next following paragraph, be treated as having retired from regular employment at any time after he has attained pensionable age—
  - (i) whether or not he has previously been engaged in a gainful occupation ;
  - (ii) notwithstanding that he is engaged or intends to engage in a gainful occupation, if he is engaged or intends to engage therein only occasionally or to an inconsiderable extent or otherwise in circumstances not inconsistent with retirement ;
- (b) subject to the next following paragraph, a person shall not be treated as having retired from regular employment unless he has given the prescribed notice of his retirement, but if on the date of the notice (or, where the notice specifies a later date as the date of retirement, on the date so specified) he has so retired, he shall be deemed so to retire on that date ;
- (c) a person who has not previously retired from regular employment shall be deemed so to retire on the expiration of five years from his attaining pensionable age ; and

(d) references to the date of a person's retirement shall be construed accordingly.

(3) Subject to the provisions of this Law, a retirement pension shall be payable from the date of retirement for life.

(4) Subject to the next following subsection, the weekly rate of a retirement pension shall be increased by one shilling for every twenty-five contributions as an employed or self-employed person paid by the beneficiary under this Law in respect of the period after his attaining pensionable age.

(5) Where the earnings of a beneficiary who is less than five years over pensionable age have exceeded forty shillings for the week preceding any week for which he is entitled to a retirement pension, the weekly rate of his pension shall for the last mentioned week be reduced by one shilling for each complete shilling of the excess:

PROVIDED that this subsection shall not affect the rate of the pension for the first week after the date of the beneficiary's retirement.

Special provisions as to women.

20.—(1) Subject to the provisions of this Law, a woman over pensionable age shall be entitled to a retirement pension by virtue of the insurance of her husband; being a husband—

- (a) to whom she is married at the time when she attains that age; or
- (b) in respect of whose death she was immediately before attaining that age entitled to widow's benefit; or
- (c) whom she has married after attaining that age;

if the following conditions are satisfied, that is to say:—

- (i) either that he is over pensionable age and both have retired from

regular employment, or that he is dead ; and

- (ii) that he satisfies the relevant contribution conditions ; and
- (iii) in a case where she has married the husband after attaining pensionable age, such further conditions as may be prescribed.

(2) Subject to the provisions of this Law, a retirement pension payable to a woman by virtue of her husband's insurance shall commence from the date on which the provisions of the foregoing subsection are satisfied in relation to the pension and shall be payable for life :

PROVIDED that, if a widow entitled to a retirement pension by virtue of her late husband's insurance remarries, the pension shall not be payable for any subsequent period.

(3) Subsections (4) and (5) of the last foregoing section shall apply to a retirement pension payable to a woman by virtue of her husband's insurance as they apply to a pension payable by virtue of a person's own insurance, subject in the case of the said subsection (4) to the modifications that—

- (a) any increase in the rate under that subsection shall depend on his contributions and not on hers ; and
- (b) contributions paid by him for any period while he was over, but she was under, pensionable age, shall not be taken into account for the purposes of that subsection ;

and, where she has married him after she attained pensionable age, to such other modifications as may be prescribed.

(4) A woman shall not be entitled for the same

period to more than one retirement pension, but if she would be so entitled but for this provision may, on such occasions and in such manner as may be prescribed, choose which she shall be entitled to.

(5) Where on attaining pensionable age a woman is married, she shall not be entitled to a retirement pension by virtue of her own insurance unless the number of contributions paid by or credited to her in respect of the period between the date of the marriage and her attaining that age is not less than one half of the number of complete contribution weeks in the period.

(6) Where immediately before attaining pensionable age a woman is a widow not entitled to widow's benefit, she may elect that, in calculating for the purpose of her right to a retirement pension by virtue of her own insurance the yearly average of the contributions paid by or credited to her, there shall be treated as so paid or credited either—

- (a) for each contribution year falling wholly or partly before her husband's death; or
- (b) for each contribution year falling wholly or partly during the period of their marriage;

a number of contributions equal to the yearly average (ascertained as at the date of his attaining pensionable age or dying under that age) of the contributions paid by or credited to him, instead of the number of contributions actually paid by or credited to her for that year.

#### *Death grant.*

Death  
grant.

21.—(1) Subject to the provisions of this Law, a person shall be entitled to a death grant in respect of the death of any person (hereafter in this section referred to as "the deceased") if—

- (a) he has reasonably incurred or reasonably intends to incur, in connection

with the deceased's death, expenses to which this section applies ; and

- (b) the deceased either himself satisfied the relevant contribution conditions, or was at death the husband, wife, widower, widow, or a child of the family, of a person satisfying the said conditions, or a child who—
  - (i) had, immediately before the death of some other person satisfying the said conditions, been a child of the family of that other person ; or
  - (ii) was a posthumous son or daughter of a man satisfying the said conditions.

(2) The expenses to which this section applies are any expenses, of an appreciable amount, in connection with the funeral of the deceased, or with the claimant's attendance thereat, or with the attendance thereat of other persons, or with the purchase of mourning ; and for the purposes of this subsection—

- (a) the expression "funeral" includes any memorial service or similar observance ; and
- (b) references to expenses in connection with attendance at a funeral include references to any loss of remunerative time due to the attendance.

(3) Except where regulations otherwise provide, a death grant shall not be payable in respect of a death occurring outside Guernsey.

(4) A death grant shall not be payable to any body corporate or to any unincorporated association of persons, or to any person in respect of expenses incurred as a member of or on behalf of any such body or association.

(5) The cost, to such amount as may be prescribed, of the burial or cremation of any person by or under the direction of the States Public Assistance

Authority, or by or under the direction of any such other association of persons as may be approved by the Authority may be paid to the States Public Assistance Authority or to such association out of the Guernsey Insurance Fund if—

- (a) the conditions for the payment of a death grant in respect of the said person's death are satisfied so far as relates to paragraph (b) of subsection (1) and subsection (3) of this section ; and
  - (b) no such death grant has been paid ;
- and where any sum is paid under this subsection in respect of any person's burial or cremation any death grant subsequently paid in respect of his death shall be reduced by the amount of the said sum.

(6) Not more than one person shall be entitled to a death grant in respect of the same death ; and regulations may make provision—

- (a) as to the priority of two or more claimants satisfying the conditions for receipt of the grant in respect of the same death ; and
- (b) for suspending proceedings on any claim where there is reason to suppose that another claim may be or may have been made in respect of the same death by a person having a prior right by virtue of the foregoing paragraph.

*Additional rights to benefit.*

Medical  
attendance.

22. Where an insured person who has satisfied the relevant contribution conditions for sickness benefit under this Law and is below pensionable age, or, not being below pensionable age, has not retired from regular employment and would have been entitled to a retirement pension had he then retired from regular employment and made the necessary claim, suffers injury by accident the Authority—

- (a) may pay a reasonable fee for the first medical attendance arising in respect of such accident ; and
- (b) may pay the whole or any part of the medical and hospital expenses, and of any expenses arising in connection with the supply of appliances, arising in respect of such accident ;

and the Authority shall by regulation prescribe the manner in which and conditions upon which any such payment is to be made.

23.—(1) Subject in the case of a retirement pension to the following provisions of this section, the weekly rate of unemployment benefit, sickness benefit, a retirement pension or a widow's allowance shall, for any period for which the beneficiary has a family which includes a child or children, be increased in respect of that child or the elder or eldest of those children by the amount set out in the third column of Part I of the Second Schedule to this Law.

Increase of  
benefit for  
children.

(2) Where the beneficiary is a man, a child of the family of any woman for the time being residing with him shall be treated for the purposes of this section as a child of his family if the child—

- (a) is an illegitimate son or daughter of theirs ; or
  - (b) was born not less than six months before the day for which benefit is claimed and wholly or mainly maintained by the beneficiary throughout the six months ending immediately before that day.
- (3) In the case of a retirement pension—
- (a) subsection (1) of this section, so far as it relates to the amount of the increase, shall have effect subject to the provisions of this Law reducing the rate of the pension in respect of the beneficiary's earnings ;

- (b) where a man and his wife are both entitled to a pension by virtue of his insurance, they shall not both be entitled for the same period to an increase under this section, whether in respect of the same child or different children ;
- (c) for any reference in subsection (2) of this section to the day for which benefit is claimed there shall be substituted a reference to the date of retirement.

(4) Where, but for paragraph (b) of the last foregoing subsection, a man and his wife would both be entitled to an increase of a retirement pension under this section, regulations may make provision as to their priority.

Increase of  
benefit for  
adult  
dependants.

24.—(1) Subject to the following provisions of this section, the weekly rate of unemployment benefit, sickness benefit or a retirement pension shall be increased by the amount set out in the fourth column of Part I of the Second Schedule to this Law for any period during which the beneficiary is residing with or is wholly or mainly maintaining his wife who is not engaged in any gainful occupation or occupations from which her weekly earnings exceed twenty shillings.

(2) The weekly rate of unemployment benefit or sickness benefit shall, except in the case of a beneficiary entitled to an increase thereof in respect of his wife under the last foregoing subsection, be increased by the amount set out as aforesaid for any period during which—

- (a) the beneficiary is wholly or mainly maintaining her husband who is incapable of self-support ;
- (b) the beneficiary has residing with him and is wholly or mainly maintaining such other relative as may be prescribed, being a relative in relation to

whom such further conditions as may be prescribed are fulfilled ; or

- (c) some female person (not being a child) has the care of a child or children of the beneficiary's family, or of a child or children treated as such for the purposes of the last foregoing section, being a person in relation to whom such further conditions as may be prescribed are fulfilled :

PROVIDED that a beneficiary shall not be entitled for the same period to an increase of benefit under this subsection in respect of more than one person.

(3) In the case of a retirement pension, this section—

- (a) shall not apply where the beneficiary is a married man and his wife is over pensionable age ; and  
 (b) so far as it relates to the amount of the increase, shall have effect subject to the provisions of this Law reducing the rate of the pension in respect of the beneficiary's earnings.

(4) In this section the expression "relative" does not include any person who is a child, but includes a person who is a relative by marriage or adoption and a person who would be a relative if some person born illegitimate had been born legitimate.

25.—(1) Subject to the provisions of this section, regulations may provide for entitling to unemployment benefit, sickness benefit, widow's benefit, a retirement pension or a death grant persons who would be entitled thereto but for the fact that the relevant contribution conditions are not satisfied as respects the number of contributions paid or credited in a

Partial satisfaction of contribution conditions.

contribution year or the yearly average of contributions paid or credited.

(2) Regulations under this section shall provide that benefit payable by virtue of any such regulations shall be payable at a rate, or shall be of an amount, less than that specified in the Second Schedule to this Law, and the rate or amount prescribed by the regulations may vary with the extent to which the contribution conditions are satisfied:

PROVIDED that the amount of—

- (a) any increase of benefit in respect of a child ; and
- (b) any increase of a retirement pension in respect of contributions paid after attaining pensionable age ;

shall be the same as if the relevant contribution conditions had been fully satisfied.

Unemployment and sickness benefit for persons over pensionable age.

26.—(1) The provisions of this Law making it a condition for unemployment or sickness benefit that the claimant should be under pensionable age on the day for which benefit is claimed shall not apply to a person who on that day has not retired from regular employment ; but a person shall not be entitled by virtue of this section—

- (a) to either such benefit for any day unless on that day he would have been entitled to a retirement pension had he then retired from regular employment and made the necessary claim ; or
- (b) subject to the following provisions of this section, to either such benefit at a weekly rate which is in excess either—
  - (i) of that at which the said retirement pension would have been payable ;
  - or
  - (ii) of twenty-six shillings.

(2) For the purposes of paragraph (b) of the foregoing subsection, any increase, whether of the

retirement pension or of the unemployment or sickness benefit, in respect of a child shall be disregarded.

(3) Where the beneficiary is a married man, any increase, whether of the retirement pension or of the unemployment or sickness benefit, in respect of his wife shall also be disregarded for the purposes of the said paragraph (b), but—

(a) where his wife is under pensionable age, he shall not be entitled to such an increase of the unemployment or sickness benefit at a rate in excess of that of the increase of the retirement pension ;

(b) where his wife is over pensionable age, he shall not be entitled either—

(i) to such an increase of the unemployment or sickness benefit for any day unless on that day she would have been entitled to a retirement pension by virtue of his insurance had they both then retired from regular employment and had she made the necessary claim ; or

(ii) to such an increase of that benefit at a rate in excess of that at which her said retirement pension would have been payable.

(4) In determining for the purposes of the foregoing provisions of this section the rate at which a retirement pension would have been payable (including the rate of any increase thereof), the provisions of this Law reducing the rate of a retirement pension in respect of a beneficiary's earnings shall be deemed not to apply.

(5) Where the claimant or beneficiary is a woman and is or has been married, any reference in subsection (1) of this section to a retirement pension shall be construed as referring only to a retirement pension payable by virtue of her own insurance.

Supple-  
mentary  
schemes.

27.—(1) Any body of persons claiming to represent, or to be entitled to be treated as representing, insured persons of any class and (if or in so far as the class is a class of employed persons) their employers may submit to the Authority a scheme (hereafter in this Law referred to as a “supplementary scheme”) for supplementing the rights conferred on those insured persons by this Law, whether by providing for additional payments in cases for which benefit is provided by this Law, or by providing for payments in other cases, or otherwise.

(2) The Authority may by order approve, whether with or without amendment, any supplementary scheme if it is satisfied that it is expedient that the scheme should come into operation:

PROVIDED that the Authority before approving a supplementary scheme shall take steps to ascertain so far as practicable the views of any insured persons or employers affected thereby who in its opinion are not represented by the body submitting the scheme.

(3) Subject to the provisions of this section, a supplementary scheme may—

- (a) apply for the purposes of the scheme (including in particular the purpose of determining any question as to the application of the scheme to any person or class of persons) any of the provisions of this Law or of regulations, with or without modifications;
- (b) make such provision for the constitution of a body to be charged with the administration of the scheme and with respect to the supervision of the administration of the scheme and accounts as the Authority considers to be necessary for the purpose of giving effect to the scheme (including provision for

the making of returns to the Authority as to matters affecting the operation of the scheme);

- (c) provide for the participation of the Authority in the administration of the scheme to such an extent and for such purposes as may be therein specified;
- (d) provide for the defraying, out of any funds which may be available for the purposes of the scheme, of such fees and other charges as may be determined by the Authority, with the concurrence of the States Finance Committee, in respect of the participation of the Authority in the administration of the scheme as aforesaid;
- (e) contain such other provisions as the Authority considers to be necessary for the purpose of giving effect to the scheme.

(4) No part of the funds required for providing benefits under a supplementary scheme or otherwise in connection therewith shall be derived from moneys provided by the States:

PROVIDED that nothing in this subsection shall prevent the making, in respect of persons whose remuneration is or may be defrayed out of moneys provided by the States, of a scheme whereunder contributions are payable by employers.

(5) The provisions (other than this section) of this Law, and the provisions of any regulations, shall not, except in so far as they are applied by a supplementary scheme, apply to or have effect in relation to or for the purposes of the scheme.

(6) A supplementary scheme when approved by the Authority shall continue in force until determined in accordance with the provisions thereof.

(7) The Authority may by order—

(a) vary or amend the provisions of a supplementary scheme in any manner and at any time if so requested by—

(i) the body by whom it was submitted, or any other body of persons which in its opinion is concerned as representing insured persons or employers ; or

(ii) the body charged with the administration of the scheme ; and

(b) where it appears to it that, having regard to any periodic audit and valuation, the fund constituted under the scheme—

(i) is or is likely to become, and is likely to continue to be, insufficient to discharge its liabilities ; or

(ii) is and is likely to continue to be more than reasonably sufficient to discharge its liabilities ;

after consultation with the last mentioned body make such modifications in any of the rates of contribution or the rates or periods of benefit under the scheme as appear to it to be required in order to make the fund, as the case may be, sufficient or no more than reasonably sufficient to discharge its liabilities ;

and a supplementary scheme may empower the body charged with the administration of the scheme to make, if the Authority so directs, such temporary modification in any of the rates of contribution or the rates or periods of benefit under the scheme as are, in the opinion of the Authority, sufficient to secure the solvency of the fund constituted under the scheme.

*Miscellaneous provisions as to benefit.*

28.—(1) Subject to the provisions of subsections (3) and (4) of this section, it shall be a condition of any person's right to any benefit that he makes a claim therefor in the prescribed manner. Claims  
and  
notices.

(2) Regulations may provide for disqualifying a person—

- (a) (subject to the provisions of subsection (3) of this section) for the receipt of any benefit if he fails to make his claim therefor within the prescribed time ; and
- (b) for the receipt of sickness benefit if he fails, on becoming or again becoming incapable of work, to give the prescribed notice of that fact within the prescribed time :

PROVIDED that any such regulations shall provide for extending, subject to any prescribed conditions, the time within which the claim may be made or notice may be given in cases where good cause is shown for delay.

(3) Nothing in the foregoing provisions of this section relating to the making of claims shall affect any right of a widow to a retirement pension by virtue of the insurance of her husband in respect of whose death she was immediately before attaining pensionable age entitled to widow's benefit.

(4) Any claim for any benefit under this Law may be treated—

- (a) for the purposes of this section as a claim, in the alternative, for such other benefit thereunder as may be prescribed ; or
- (b) for the purposes of the Family Allowances (Guernsey) Law, 1950, (in any

prescribed cases) as a claim, in the alternative, for a payment under that Law ; and any claim for a payment under the Family Allowances (Guernsey) Law, 1950, may be treated for the purposes of this section as a claim, in the alternative, for such benefit under this Law as may be prescribed.

(5) For the purposes of this Part of this Law any claim or notice made or sent by post shall be deemed to have been made or given on the day on which it was posted.

Disqualifi-  
cation or  
suspension  
for  
absence  
abroad or  
imprison-  
ment.

29.—(1) Except where regulations otherwise provide, a person shall be disqualified for receiving any benefit, and an increase of benefit shall not be payable in respect of any person as the beneficiary's wife or husband, for any period during which that person—

- (a) is absent from Guernsey ; or
- (b) is undergoing imprisonment or detention in legal custody.

(2) Regulations may provide for the suspension of payment to or in respect of any person during any such period as aforesaid of benefit which is excepted from the operation of the foregoing subsection or which is payable otherwise than in respect of that period.

Overlapping  
benefits,  
etc.

30.—(1) Regulations may provide—

- (a) for adjusting benefit payable to or in respect of any person, or the conditions for the receipt thereof, where—
  - (i) any pension or allowance payable out of public funds (excluding an allowance under the Family Allowances (Guernsey) Law, 1950, but including any other benefit under this Law whether of the same or a different description) is payable to or in respect of that person or his wife or her husband ; or
  - (ii) that person is undergoing medical

or other treatment as an in-patient in a hospital or similar institution ;

- (b) for suspending payment of benefit to a person during any period during which he is undergoing medical or other treatment as aforesaid.

(2) Where but for regulations made by virtue of paragraph (a) of the foregoing subsection two persons would both be entitled to an increase of benefit in respect of a third person, regulations may make provision as to their priority.

(3) Regulations may provide for adjusting sickness benefit payable to any person in respect of an injury or disease, or the conditions for the receipt thereof, where that person is or has been entitled in respect of that injury or disease to a weekly payment under either—

- (a) the Workmen's Compensation Acts or under any contracting-out scheme duly certified thereunder ; or
- (b) the Law entitled "Loi relative à la Compensation des Ouvriers", registered on the Records of the Island of Guernsey on the 8th day of June, 1929, or any enactment substituted therefor as respects the Island of Alderney.

(4) Where a person is entitled to a guardian's allowance in respect of a child, the allowances payable under the Family Allowances (Guernsey) Law, 1950, for his family shall be such only as would be payable if that child were not included in the family.

(5) Where payments in respect of unemployment, sickness, maternity, or widow's benefit, guardian's allowance, or retirement pension under this Law are in arrears for any period and outdoor relief has been granted under the Public Assistance Law, 1937, for that period by reference to the requirements of

the person to whom the payments are due, the payments may, at the discretion of the Authority, be abated to the extent to which the actual amount of the said relief exceeds what would have been the amount, as decided by the authority granting the said relief, if the said payments had not fallen into arrears.

(6) Where the liabilities of the Guersey Insurance Fund hereinafter referred to are reduced by virtue of the last foregoing subsection, there shall be paid out of that fund to the authority granting the said relief an amount equal to the reduction.

(7) In this section—

(a) the expression “hospital” means any institution for the reception and treatment of persons suffering from illness or mental defectiveness, any maternity home, and any institution for the reception and treatment of persons during convalescence or persons requiring medical rehabilitation, and includes clinics, dispensaries and out-patient departments maintained in connection with any such institution or home as aforesaid, and “hospital accommodation” shall be construed accordingly;

(b) the expression “public funds” includes the public funds of Great Britain, Northern Ireland, Jersey and the Isle of Man; and

(c) the expression “Workmen’s Compensation Acts” means the Workmen’s Compensation Acts, 1925 to 1945 and any amendment of the same, or the enactments repealed by the Workmen’s Compensation Act, 1925, or the enactments repealed by the Workmen’s Compensation Act, 1906.

31. Regulations may provide that a person who would be entitled to any benefit but for the operation of either of the two last foregoing sections or of any other provision of this Law disqualifying him for receipt of that benefit shall be treated as if entitled thereto for the purpose of any rights or obligations under this Part of this Law (whether of himself or any other person) which depend on his being so entitled, other than the right to payment of that benefit:

Disqualifications etc. to be disregarded for certain purposes.

PROVIDED that regulations under this subsection shall not provide that a person disqualified for receiving unemployment benefit or sickness benefit by reason only of a delay or failure to make a claim or give a notice shall be treated as having been entitled thereto for the purpose of ascertaining whether his right to that benefit has been exhausted.

32. Subject to the provisions of this Law, every assignment of, attachment of, or charge on, benefit, and every agreement to assign or charge benefit shall be void, and, on the bankruptcy of a beneficiary, the benefit shall not pass to any trustee or other person acting on behalf of his creditors.

Benefit to be inalienable.

#### *Supplementary.*

33.—(1) Where an employer has failed or neglected—

(a) to pay any contributions which under this Law he is liable to pay on behalf of any employed person in his employment; or

(b) to comply, in relation to any such person, with the requirements of any regulations relating to the payment and collection of contributions;

and by reason thereof that person has lost, in whole

Proceedings by employees for benefit lost by employer's default.

or in part, any unemployment benefit, sickness benefit, maternity benefit or free medical attendance to which he or she would have been entitled, that person shall be entitled to recover from the employer as a civil debt a sum equal to the amount of the benefit so lost.

(2) Where the employed person is a man, his wife or widow shall have the same right to recover under the foregoing subsection in respect of maternity benefit lost by her as if the employer's failure or neglect had been in respect of her.

(3) Proceedings may be taken under this section notwithstanding that proceedings have been taken under any other provision of this Law in respect of the same failure or neglect.

(4) Proceedings under this section may, notwithstanding any enactment to the contrary, be brought at any time within one year after the date on which the employed person or his wife or widow, but for the failure or neglect of the employer, would have been entitled to receive the benefit lost.

Provisions  
as to  
maintenance.

34.—(1) Regulations may provide for determining the circumstances in which a person is or is not to be deemed for the purposes of this Part of this Law to be wholly or mainly maintaining another person.

(2) Regulations under the foregoing subsection may provide, for the purpose of the provisions relating to an increase of benefit in respect of a wife or other adult dependant, that where—

- (a) a person is partly maintained by each of two or more beneficiaries, each of whom would be entitled to such an increase in respect of that person if he were wholly or mainly maintaining that person ; and
- (b) the contributions made by those two or more beneficiaries towards the maintenance of the person amount in the aggregate to sums which would, if they had been contributed by one of those

beneficiaries, be sufficient to satisfy the requirements of regulations made by virtue of subsection (1) of this section ; that person shall be deemed for the purpose of the said provisions to be wholly or mainly maintained by such of those beneficiaries as may be prescribed.

### PART III.

## FINANCE, ADMINISTRATION AND LEGAL PROCEEDINGS.

### *Finance.*

35.—(1) For the purposes of this Law, there shall be established, under the control and management of the Authority, a fund called “the Guernsey Insurance Fund”, into which shall be paid all contributions payable under this Law by employers and insured persons and out of moneys provided by the States, and out of which shall be paid all claims for benefit and the expenses incurred in the administration of this Law.

Guernsey  
Insurance  
Fund.

(2) Accounts of the Guernsey Insurance Fund shall be prepared in such form, in such manner and at such times as the Authority shall direct and auditors appointed by the States shall examine, certify annually and report upon every such account ; the Authority shall lay copies thereof, together with such auditors’ report thereon, before the States.

36.—(1) For the purposes of this Law, there shall be established, under the control and management of the Authority, a fund called “the Guernsey Insurance (Reserve) Fund”, to which shall be carried all such assets held for the purposes of the enactments repealed by this Law as are by this Law directed to be held on behalf of the said fund, and which shall be maintained as a reserve for the Guernsey Insurance Fund.

Guernsey  
Insurance  
(Reserve)  
Fund.

(2) Subsection (2) of the last foregoing section shall apply to the Guernsey Insurance (Reserve) Fund as it applies to the Guernsey Insurance Fund.

(3) Income of the Guernsey Insurance (Reserve) Fund shall be paid into the Guernsey Insurance Fund.

(4) Subject to the foregoing provisions of this section a payment out of the Guernsey Insurance (Reserve) Fund shall not be made otherwise than under the authority of a resolution of the States and shall be made subject to such conditions as to repayment or otherwise as may be specified in the resolution.

(5) There may be transferred from time to time from the Guernsey Insurance Fund to the Guernsey Insurance (Reserve) Fund such assets as the Authority, with the approval of the States, may determine.

(6) Any sums which are transferred under the provisions of the last preceding subsection shall not, until re-transferred into the Guernsey Insurance Fund, be treated for the purposes of this Law as being income of the Guernsey Insurance Fund.

Reports by  
Actuary.

37.—(1) The Government Actuary of Great Britain if he be willing or an actuary nominated by him, or, if the said Government Actuary be unwilling so to act or to nominate, an actuary appointed by the States, shall review the operation of this Law during the period ending with the thirty-first day of December next after the expiration of five years from the appointed day and thereafter during the period ending with the thirty-first day of December in every fifth year and, on each such review, make a report to the Authority on the financial condition of the Guernsey Insurance Fund and the adequacy or otherwise of the contributions payable under this Law to support the benefits payable thereunder and any other liabilities under this Law:

PROVIDED that the States may at any time direct that the period to be covered by a review and report under this subsection shall be reduced and that the making of that and subsequent reviews and reports under this subsection shall be accelerated accordingly.

(2) The Authority shall, as soon as is practicable, lay before the States a copy of every report made to it under this section.

38.—(1) As soon as may be after a copy of any report under the last foregoing section is laid before the States, the Authority shall review the rates and amounts of benefit in relation—

Quinquennial reviews of rates of benefit.

- (a) to the circumstances at the time of insured persons in Guernsey, including in particular the expenditure which is necessary for the preservation of health and working capacity; and
- (b) to any changes in those circumstances since the rates and amounts of benefit were laid down by this Law or any Law amending it and to the likelihood of future changes.

(2) On the completion of any review under this section the Authority shall lay a report thereon before the States.

#### *Administration.*

39.—(1) Subject to the provisions of this Law, regulations may provide for the determination by the Authority, the Administrator or the tribunal hereinafter referred to of any question arising under or in connection with this Law, including any claim for benefit, and subject to the provisions of this Law and of the regulations the decision in accordance therewith of any such question shall be final.

Determination of claims and questions.

(2) The foregoing subsection shall not apply to any question—

- (a) whether any person is or was a child or is or was under school leaving age ;
- (b) whether any person has or had a family including a child or children, or is or was a child of some other person's family (not, however, including the question whether a person is to be treated for the purpose of any provision of this Law as having a family as aforesaid, or as being a child of some other person's family) ;

but any such question shall be determined in like manner, subject to any prescribed modifications and adaptations, as a corresponding question arising in respect of an allowance under the Family Allowances (Guernsey) Law, 1950 ; and any decision of any such question, if given for the purposes of that Law, shall have effect also for the purposes of this Law or, if given for the purposes of this Law, shall have effect also for the purposes of that Law.

(3) Regulations under subsection (1) of this section shall not provide for the determination by the Authority of questions as to the right to benefit, but shall provide—

- (a) for the submission of such questions in the first instance to the Administrator ;
- (b) for authorising the Administrator either himself to determine any such question or to refer it to a tribunal, which said tribunal shall be appointed by the Royal Court either generally or in respect of a particular reference or appeal and shall be constituted as the Royal Court may decide, and for enabling appeals to be brought from the Administrator's decision to that tribunal :

PROVIDED that this subsection shall not apply to questions—

- (i) whether the contribution conditions for any benefit are satisfied, or otherwise relating to an insured person's contributions ; or
  - (ii) as to entitlement to a death grant ; or
  - (iii) which of two or more persons satisfying the conditions for an increase of benefit, whether of the same or a different description, shall be entitled to the increase where by virtue of some provision of this Law not more than one of them is entitled to the increase ; or
  - (iv) as to the class of insured persons in which a person is to be included.
- (4) (a) The Administrator or any person aggrieved by a decision of the tribunal made under the last foregoing subsection may appeal from that decision to the Royal Court sitting as an Ordinary Court within such period and in accordance with such procedure as shall be laid down by Order of the Royal Court ; and
- (b) the decision of the Royal Court sitting as an Ordinary Court under the last foregoing paragraph shall be final.
- (5) (a) The Authority may refer to the Royal Court sitting as an Ordinary Court for decision any question of law arising in connection with the determination of a question by the Authority under this section in such manner and

within such period as shall be laid down by Order of the Royal Court ; and

- (b) any person aggrieved by a decision of the Authority on any question of law under this section may appeal from that decision to the Royal Court sitting as an Ordinary Court within such period and in accordance with such procedure as shall be laid down by Order of the Royal Court.

(6) On any reference or appeal to it under the last foregoing subsection—

- (a) the Court may order the Authority to pay the costs of any other person whether or not the decision is in his favour and whether or not the Authority appears on the reference or appeal ; and
- (b) the decision of the Court shall be subject to a right of appeal from its decision to the Channel Islands Court of Appeal.

(7) Subject to the provisions of this section, regulations or Orders of the Royal Court made thereunder may, in relation to the determination of questions in accordance with the regulations or Orders of the Royal Court, include provision—

- (a) as to the procedure which is to be followed, the form which is to be used for any document, the evidence which is to be required and the circumstances in which any official record or certificate is to be sufficient or conclusive evidence ;
- (b) as to the time to be allowed for making any claim or appeal, for raising any question with a view to the review of any decision or for producing any evidence ;

- (c) for summoning persons to attend and give evidence or produce documents and for authorising the administration of oaths to witnesses.

It is hereby declared that the power to prescribe procedure includes power to make provision as to the representation of one person, at any hearing of a case, by another person whether having professional qualifications or not.

(8) Regulations may provide that where in any proceedings—

- (a) for an offence under this Law ; or
- (b) involving any question as to the payment of contributions under this Law ;  
or
- (c) for the recovery of any sums due to the Guernsey Insurance Fund ;

any question arises which is required by regulations under this section to be determined by the Authority, or is required by subsection (2) of this section to be determined in like manner as a corresponding question arising under the Family Allowances (Guernsey) Law, 1950, the decision of that question on its determination as aforesaid shall be conclusive for the purpose of those proceedings ; and the regulations under this subsection may make provision for obtaining such a decision when it has not been given, and for adjourning the proceedings until such a decision has been given.

40.—(1) The Authority may pay—

- (a) to any person charged under this Law with the duty of determining questions under the last foregoing section such sum by way of recompense for such duty in accordance with the rate and under the conditions from time to time prescribed by resolution of the States ;
- (b) to any person required to attend at any proceedings under regulations made by

Remuneration and expenses of persons under section thirty-nine.

virtue of the last foregoing section or on any appeal under that section to the tribunal under section five of the Family Allowances (Guernsey) Law, 1950, such travelling and other allowances as the Authority may determine ;

(c) such other expenses incurred in connection with the work of any person appointed under the last foregoing section or in connection with proceedings on any such reference as aforesaid as the Authority may determine ;

(d) to any person required to attend at any proceedings under the last foregoing section before the Royal Court sitting as an Ordinary Court such travelling and other allowances as the Authority may determine.

(2) The Authority may pay, to any person required under this Law (whether for the purposes of the last foregoing section or otherwise) to attend for or to submit himself to medical or other examination or treatment, such travelling and other allowances as the Authority may determine.

(3) In this section references to travelling and other allowances include references to compensation for loss of remunerative time :

PROVIDED that such compensation shall not be paid to any person in respect of any time during which he is in receipt of remuneration under this section.

Administra-  
tion of  
benefit.

41.—(1) Provision may be made by regulations as to the time and manner of payment of benefit, and as to the information and evidence to be furnished by beneficiaries when applying for payment.

(2) Regulations made under this section as to the time of payment of benefit may provide—

- (a) notwithstanding anything in this Law, for adjusting the commencement and termination of benefit, or of changes in the rate of benefit, so that, except in the case of unemployment benefit and sickness benefit, payments shall not be made in respect of periods less than a week or at different rates for different parts of a week ;
  - (b) for extinguishing the right to any sum payable by way of benefit where payment thereof is not obtained within six months or such shorter period as may be prescribed from the time at which that sum is receivable in accordance with the regulations.
- (3) Regulations may also provide—
- (a) for enabling a person to be appointed to exercise, on behalf of a claimant or beneficiary who is a child or who may be or become unable for the time being to act, any right or power which the claimant or beneficiary may be entitled to exercise under this Law, and for authorising a person so appointed to receive and deal with any sum payable by way of benefit on behalf of the claimant or beneficiary ;
  - (b) in connection with the death of any person, for enabling a claim for benefit to be made or proceeded with in his name, for authorising payment or distribution of benefit to or amongst persons claiming as his personal representatives, legatees, next of kin or creditors (or, in cases of illegitimacy of deceased persons, to or amongst others) and for dispensing with strict proof of the title of persons so claiming.

(4) For the purposes of paragraph (b) of the last foregoing subsection, the expression "next of kin" shall be construed as referring to persons who would answer to that description if the provisions of the National Insurance Act, 1946, were applicable.

Interim  
payments,  
arrear and  
repayments.

42.—(1) Regulations may make provision as respects matters arising—

- (a) pending the determination under this Law (whether in the first instance or on an appeal or reference, and whether originally or on review) of any claim for benefit or of any question affecting any person's right to benefit or to the receipt thereof or any person's liability for contributions ; or
- (b) out of the revision on appeal or review of any decision under this Law on any such claim or question.

(2) Without prejudice to the generality of the foregoing subsection, regulations thereunder may include provision—

- (a) for the suspension of benefit where it appears to the Authority that there is or may be a question whether the conditions for receipt thereof in accordance with an award are or were fulfilled or whether the award ought to be revised ;
- (b) as to the date from which any decision on a review is to have effect or to be deemed to have had effect ;
- (c) for treating any benefit paid to any person under an award or by virtue of any provision of the regulations, which it is subsequently decided was not payable, as properly paid or as paid on account of any other benefit which it is decided was payable to him, or for the repayment of any such benefit and

the recovery thereof by deduction from other benefit or otherwise ;

- (d) for treating benefit paid to one person in respect of another as being a child of the family, or the wife or husband, or an adult dependant, of the first-mentioned person as having been properly paid for any period, notwithstanding that under regulations relating to overlapping benefits it is not payable for that period by reason of a subsequent decision either—
- (i) that the said other person is himself entitled to benefit for that period ;
  - or
  - (ii) that a third person is entitled to benefit for that period in respect of the said other person in priority to the first-mentioned person ;
- and for reducing or withholding accordingly any arrears payable for that period by virtue of the subsequent decision.

(3) Where a person has received sums on account of an allowance under the Family Allowances (Guernsey) Law, 1950, to which by virtue of this Law he was not entitled by reason of his being entitled to a guardian's allowance subsequently awarded (whether in respect of the same or a different child), those sums shall be treated as paid on account of the guardian's allowance.

43. Where, in the case of any person, any sum may by virtue of any provision of the Family Allowances (Guernsey) Law, 1950, be recovered by deduction from any payment under that Law, it may instead be recovered from him in whole or in part by deduction from benefit under this Law.

Recovery of sums by deduction from benefit.

44.—(1) For the purposes of this Law, the Authority may appoint such inspectors as it may determine.

Inspectors.

(2) An inspector appointed under this Law shall, for the purposes of the execution of this Law, have power to do all or any of the following things, namely—

- (a) to enter at all reasonable times any premises or place liable to inspection under this section ;
- (b) to make such examination and inquiry as may be necessary for ascertaining whether the provisions of this Law are being or have been complied with in any such premises or place ;
- (c) to examine, either alone or in the presence of any other person, as he thinks fit, with respect to any matters under this Law on which he may reasonably require information, every person whom he finds in any such premises or place, or whom he has reasonable cause to believe to be or to have been an insured person, and to require every such person to be so examined ;
- (d) to exercise such other powers as may be necessary for carrying this Law into effect.

(3) The occupier of any premises or place liable to inspection under this section, and any person who is or has been employing any person, and the servants and agents of any such occupier or other person, and any insured person, shall furnish to an inspector all such information and produce for inspection all such documents as the inspector may reasonably require for the purpose of ascertaining whether contributions are or have been payable, or have been duly paid, by or in respect of any person, or whether benefit is or was payable to or in respect of any person.

(4) If any person—

- (a) wilfully delays or obstructs an inspec-

tor in the exercise of any power under this section ; or

- (b) refuses or neglects to answer any question or to furnish any information or to produce any document when required so to do under this section ;

he shall be liable on conviction to a fine not exceeding ten pounds in the case of a first offence under this subsection and not exceeding fifty pounds in the case of a second or subsequent such offence :

PROVIDED that no one shall be required under this section to answer any questions or to give any evidence tending to incriminate himself.

(5) Every inspector shall be furnished with a certificate of his appointment, and on applying for admission to any premises or place for the purposes of this Law shall, if so required, produce the said certificate.

(6) The premises and places liable to inspection under this section are any premises or places where an inspector appointed under this Law has reasonable grounds for supposing that any persons are employed, except that they do not include any private dwelling-house not used by or by permission of the occupier for the purposes of a trade or business.

(7) Where any premises or place are or is liable to be inspected by an inspector or officer appointed or employed by, or are or is under the control of, some other States department, the Authority may make arrangements with that other States department for any of the powers or duties of inspectors under this section being carried out by an inspector or officer employed by that other States department, and, where such an arrangement is made, such inspectors or officers shall have all the powers of an inspector under this section.

Information as to, and proof of, age, marriage and death.

45. Regulations may provide for the furnishing by His Majesty's Greffier, subject to the payment of such fee as may be prescribed by the regulations, of such information for the purposes of this Law, including copies or extracts from the registers in his custody, as may be so prescribed.

Exemption from stamp duty.

46. Stamp duty shall not be chargeable upon such documents used in connection with business under this Law as are specified in the Fourth Schedule to this Law.

### *Legal proceedings.*

General provisions as to offences and penalties.

47.—(1) If any person—

- (a) buys, sells or offers for sale, takes or gives in exchange, or pawns or takes in pawn any insurance card or any used insurance stamp ; or
- (b) affixes any used insurance stamp to any insurance card ; or
- (c) for the purpose of obtaining any benefit or other payment under this Law, whether for himself or some other person, or for any other purpose connected with this Law—
  - (i) knowingly makes any false statement or false representation ; or
  - (ii) produces or furnishes, or causes or knowingly allows to be produced or furnished, any document or information which he knows to be false in a material particular ;

he shall be liable on conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months, or to both such fine and such imprisonment.

(2) Regulations may provide for the recovery on conviction of monetary penalties in respect of any

offence under this Law, being a contravention of or failure to comply with regulations, so, however, that such penalties shall not exceed ten pounds for each offence or, where the offence consists of continuing any such contravention or failure after conviction thereof, ten pounds together with a further ten pounds for each day on which it is so continued.

(3) Where an offence under this Law which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any negligence on the part of, any director, manager, secretary or other officer of the body corporate, he as well as the body corporate shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(4) In this section the expression "insurance card" means any card issued under regulations for the purpose of the payment of contributions by affixing insurance stamps thereto ; and in any proceedings under subsection (1) of this section with respect to used stamps, a stamp shall be deemed to have been used if it has been affixed to an insurance card or cancelled or defaced in any way whatsoever and whether it has actually been used for the purpose of payment of a contribution or not.

(5) Nothing in this section shall be construed as preventing the Authority from recovering by means of civil proceedings any sums due to the Guernsey Insurance Fund.

48.—(1) Proceedings for an offence under this Law shall not be instituted except by or with the consent of the Authority or by the Administrator authorised in that behalf by special or general directions of the Authority.

General provisions as to prosecutions under Law.

(2) Notwithstanding any provision in any Law prescribing the period within which proceedings may be commenced, proceedings for an offence under this

Law may be commenced at any time within the period of three months from the date on which evidence, sufficient in the opinion of the Authority to justify a prosecution for the offence, comes to its knowledge, or within the period of twelve months after the commission of the offence, whichever period last expires.

(3) For the purposes of the last foregoing subsection, a certificate purporting to be signed by or on behalf of the Authority as to the date on which such evidence as aforesaid came to its knowledge shall be conclusive evidence thereof.

(4) In any proceedings for an offence under this Law, the wife or husband of the accused shall be competent to give evidence, whether for or against the accused:

PROVIDED that the wife or husband shall not be compellable either to give evidence or, in giving evidence, to disclose any communication made to her or him during the marriage by the accused.

Civil  
proceedings  
to recover  
sums due to  
Guernsey  
Insurance  
Fund.

49.—(1) All sums due to the Guernsey Insurance Fund shall be recoverable as debts due to the Authority, and without prejudice to any other remedy may be recovered by the Authority as a civil debt.

(2) Proceedings for the recovery as civil debts of sums due to the Guernsey Insurance Fund may, notwithstanding anything in any Law to the contrary, be brought at any time within three years from the time when the matter complained of arose.

(3) Proceedings for the recovery as civil debts of sums due to the Guernsey Insurance Fund may be instituted by the Administrator.

## PART IV.

## MISCELLANEOUS AND GENERAL.

*Application to special classes of persons.*

50. This Law shall apply to persons employed by or under the Crown, subject to any special provision made by or by virtue of any other section thereof, in like manner as if the employer were a private person, with such modifications as may be made therein by Order of His Majesty in Council for the purpose of adapting the provisions of this Law to the case of such persons.

Crown  
Servants.

51.—(1) Subject to any prescribed exceptions, any person who on or after the appointed day, being over school leaving age and under pensionable age, is serving as a member of any naval, military or air force constituted in Guernsey shall, notwithstanding that he does not fulfil the conditions of section one of this Law, be an insured person, and any such person while he is serving as aforesaid shall, in respect of his membership of those forces, be an employed person under the States.

Members of  
forces  
constituted  
in  
Guernsey.

(2) Without prejudice to the generality of any other power to make regulations, the Authority may make regulations modifying in such manner, subject to the foregoing provisions of this section, as it thinks proper the provisions of this Law in their application in relation to persons who are or have been members of such forces as aforesaid.

(3) Without prejudice to the generality of the last foregoing subsection, regulations thereunder may in particular provide—

- (a) for the application of subsection (1) of this section in relation to any auxiliary forces to the said naval, military and air forces ;
- (b) in the case of persons who are employed persons in respect of their membership

of any of the said naval, military or air forces, for reducing the rate of the contributions as an employed person and as employer and of the States supplement to those contributions, and for determining the deductions to be made on account of those contributions from the pay of those persons ;

- (c) for preventing a person who is discharged from any of the said forces at his own request from being by reason thereof disqualified for receiving unemployment benefit on the ground that he has voluntarily left his employment without just cause.

Mariners  
and  
airmen.

52.—(1) Without prejudice to the generality of any other power to make regulations, the Authority may make regulations modifying in such manner as it thinks proper the provisions of this Law in their application in relation to persons who are or have been employed on board any ship, vessel or aircraft.

(2) Without prejudice to the generality of the foregoing subsection, regulations thereunder may in particular provide—

- (a) for the insurance under this Law of persons who are or have been employed on or after the appointed day on board ships, vessels or aircraft, notwithstanding that they do not fulfil the conditions of section one of this Law ;
- (b) for excepting from insurance by virtue of the said section one, or from liability to pay contributions as insured persons, any persons employed as aforesaid who neither are domiciled nor have a place of residence in Guernsey ;
- (c) for requiring payment of employers' contributions in respect of persons employed as aforesaid, whether or not

they are insured persons or employed persons ;

- (d) for the taking of evidence, for the purpose of any claim to benefit—
  - (i) in any part of His Majesty's dominions, before a judge or magistrate or by a superintendent within the meaning of the Merchant Shipping Act, 1894 ;
  - (ii) in a foreign country, by a British consular officer ;
- (e) for enabling persons employed on board ships, vessels or aircraft to authorise the payment of the whole or any part of any benefit to which they are or may become entitled to such of their dependants as may be prescribed.

(3) The employer's contribution, if any, payable either—

- (a) in respect of a person employed on board a ship or vessel for any week for which that person is by virtue of this section excepted from liability to pay contributions as an insured person ; or
- (b) by virtue of this section, in respect of a person employed as aforesaid who is not an employed person ;

shall not be taken into account for the purpose of estimating the contributions to be paid out of moneys provided by the States, and shall be administered and applied in such manner and for such purposes as may be prescribed.

53.—(1) Without prejudice to the generality of any other power to make regulations, the Authority may make regulations modifying in such manner, subject to the following provisions of this section, as it thinks proper the provisions of this Law in their application in relation to married women, and in relation to women who have been married and during

Married women.

their marriage were affected by any such regulations :

PROVIDED that, save as expressly authorised by the following provisions of this section, regulations thereunder shall not modify any provision of this Law which has any special application in relation to a married woman or widow as such.

(2) Regulations under this section shall provide, subject to any prescribed conditions and exceptions—

- (a) for excepting a woman, if she so elects or if she does not elect otherwise (as may be provided by the regulations)—
  - (i) from insurance during any period during which she is married and is a non-employed person ;
  - (ii) from liability to pay contributions as an insured person for any period during which she is married and is not excepted from insurance ;
- (b) for crediting to a woman, for the purpose of her right to a maternity allowance, contributions as an employed or self-employed person for periods in respect of which she would have been liable to pay such contributions but for the foregoing provisions of this subsection.

(3) Without prejudice to the generality of subsection (1) of this section, regulations thereunder may in particular provide—

- (a) for making it a condition for the receipt of benefit by a woman, or in respect of her insurance, that she shall have been an insured person at such time, or during such period, as may be prescribed ;
- (b) for determining the manner in which references to entry into insurance are

to be construed in relation to a woman who has been an insured person for two or more distinct periods.

54.—(1) Without prejudice to the generality of any other power to make regulations, the Authority may make regulations modifying in such manner, subject to the next following subsection, as it thinks proper the provisions of this Law in their application in relation to persons who are or have been outside Guernsey while insured under this Law.

Insured  
persons  
outside  
Guernsey.

(2) Regulations under this section shall provide that, where an insured person is throughout any contribution week outside Guernsey and is not in that week an employed person, he shall not be liable to pay any contribution as an insured person for that week.

(3) Without prejudice to the generality of subsection (1) of this section, regulations thereunder may in particular make provision for entitling a person to pay a contribution as a non-employed or, if the regulations so provide, as a self-employed person, for any week for which by virtue of the last foregoing subsection he is not liable to pay a contribution as an insured person.

55. In relation to any person who on the appointed day is under the age of sixteen, this Law shall apply subject to the following modifications:—

Persons  
under sixteen  
on the  
appointed  
day.

(a) he shall not be liable to pay a contribution as a non-employed person for any period before he attains the age of sixteen ;

(b) regulations may provide for crediting contributions to him for periods after the beginning of the contribution year in which he attains that age, being periods for which he would have been liable to pay contributions as a non-employed person but for the foregoing paragraph ;

- (c) for the purpose of calculating the yearly average of the contributions paid by or credited to him—
- (i) he shall not be deemed to attain or to have attained school leaving age before the date on which he attains the age of sixteen ;
  - (ii) there shall nevertheless be taken into account any contributions as an employed or self-employed person paid by him for periods before the beginning of the contribution year in which he attains the age of sixteen.

*Corresponding systems outside Guernsey.*

Reciprocal  
arrangements  
with Great  
Britain,  
Northern  
Ireland,  
Dominions,  
colonies and  
foreign  
countries.

56.—(1) Where any scheme relating to payments in respect of interruption of employment by unemployment, sickness or otherwise, or payment in respect of the confinement of women, widowhood, orphanhood, retirement, old age or death, appearing to the Authority to be one substantially corresponding to the scheme established by this Law, is in force by virtue of legislative enactment in Great Britain, Northern Ireland or in any other country being part of His Majesty's dominions, or any foreign country, the Authority may with the consent of the States make reciprocal arrangements with the government or authority administering the scheme of Great Britain or of Northern Ireland or of that other country. The Authority may also with the consent of the States provide by order that any agreement made by the Imperial Government under the provisions of the National Insurance Act, 1946, or any Act amending the same, with the government of any part of His Majesty's dominions or the government of any foreign country, shall apply to Guernsey under the provisions of this Law, subject to such modifications and adaptations as the order may prescribe.

(2) The Authority may with the consent of the States enter into an agreement with the Imperial Government (and from time to time revise and modify such agreement) granting the like insurance to seamen, marines, soldiers and airmen (who are serving or have served in His Majesty's Forces and who prior to their entering into such service were ordinarily resident in Guernsey) as are granted to such persons under the National Insurance Act, 1946, and any Acts amending or extending the same. Any such agreement shall have effect as if the same were embodied in this Law. Such agreement shall as soon as possible after the same has been completed be laid before the States.

(3) For the purpose of giving effect to any arrangement or agreement referred to in subsection (1) of this section, it shall be lawful for the Authority with the consent of the States to make provision by order for modifying or adapting this Law in its application to cases affected by the arrangement or agreement, as the case may be.

(4) The modifications or adaptations of this Law which may be made by virtue of the foregoing subsection shall include provision—

- (a) for securing that acts, omissions and events having any effect for the purposes of the law of the country in respect of which the agreement is made shall have a corresponding effect for the purposes of this Law (but not so far as to confer a right to double benefit);
- (b) for determining, in cases where rights accrue both under this Law and under the law of the said country, which of those rights shall be available to the person concerned;
- (c) for making any provisions as to administration and enforcement contained

in this Law or in any regulations applicable also for the purposes of the law of the said country ;

- (d) for making any necessary financial adjustments by payments into or out of the Guernsey Insurance Fund.

*Repeals, consequential and transitional provisions and savings.*

Termination and repeal of existing insurance codes and continuity of insurance and benefit.

57.—(1) No person shall on or after the appointed day be insured or deemed to be or treated as insured under the Contributory Pensions Laws, 1935 to 1949, and accordingly, subject to the following provisions of this Law, the enactments set out in the Fifth Schedule to this Law as from the day specified in the third column of that Schedule are hereby repealed to the extent mentioned in the second column of that Schedule.

(2) Subject as aforesaid, the foregoing provisions of this Law shall, in relation to—

(a) persons (hereafter in this Law referred to as “existing contributors”) who within the prescribed time before the appointed day are so insured or deemed to be or treated as so insured ; and

(b) persons (hereafter so referred to as “existing beneficiaries”) to or in respect of whom immediately before that day any benefit or pension is, or would but for any disqualification or forfeiture be, payable under or by virtue of the enactments repealed by this Law ;

have effect with such modifications, additions and exceptions as may be prescribed for securing the continuity of this Law with those enactments or otherwise for the preservation of rights conferred under or by virtue of those enactments.

(3) Regulations under the last foregoing subsection shall in particular provide—

(a) as respects existing contributors—

(i) for the insurance under this Law of such of them as, on the appointed day, being under the age of seventy are outside Guernsey and continue in any employment outside Guernsey by virtue of which they are existing contributors ;

(ii) for modifying the conditions for receipt of benefit under this Law, whether by an existing contributor or in respect of his insurance by another, so as to take into account, for such purposes and in such manner and subject to such conditions as may be prescribed, contributions paid or deemed to be or treated as paid under the said enactments and periods of insurance thereunder ;

(b) as respects existing beneficiaries, either—

(i) for substituting for any right to any benefit or pension payable under or by virtue of the said enactments a right to such benefit under this Law as may be prescribed as corresponding thereto ; or

(ii) for preserving any such right and giving effect thereto (whether under this Law or by continuing in whole or in part the operation of the said enactments in relation thereto) ;

but in any case subject to such modifications (if any) as appear to the Authority to be appropriate.

58.—(1) Subject to the following provisions of this Law, on the appointed day the following assets, that is to say—

Transfer of  
assets and  
liabilities.

- (a) all sums standing to the credit of the Income and Expenditure Account and the Insurance Fund Account constituted under the Contributory Pensions Law, 1935 ;
- (b) all assets of or entrusted to the States Insurance Authority constituted under Article II of the Contributory Pensions Law, 1935 ;

shall in so far as they are determined in accordance with the directions of the States Finance Committee to be of a revenue nature become assets of the Guernsey Insurance Fund, and in so far as they are determined as aforesaid to be of a capital nature become assets of the Guernsey Insurance (Reserve) Fund.

(2) Subject as aforesaid, any liabilities accrued on or accruing after the appointed day to which the assets mentioned in the foregoing subsection would have been applicable but for this Law shall be liabilities of the Guernsey Insurance Fund.

Consequen-  
tial  
amendments.

59. As from the appointed day—

(1) the expressions “ Administrator ” and “ Insurance Authority ” in the Contributory Pensions Laws, 1935 to 1938, (so far as unrepealed), shall have the same meanings as those respectively attributed to the expressions “ Administrator ” and “ Authority ” in this Law.

(2) paragraph (i) of the second proviso of the First Schedule to the Old Age and Blindness Pensions (Guernsey) Law, 1950, is hereby amended by the substitution, for the reference therein to the Contributory Pensions Laws, 1935 to 1949, of a reference to this Law.

(3) the Old Age and Blindness Pensions (Guernsey) Law, 1950, and the Family Allowances (Guernsey) Law, 1950, are hereby amended by the substitution, in section twelve of the former Law and in section twenty-one of the latter Law, for the references in those sections to the Contributory Pensions Laws, 1935 to 1949, of references to this Law.

(4) in subsection (2) of section eight of the Old Age and Blindness Pensions (Guernsey) Law, 1950, and in subsection (2) of section five of the Family Allowances (Guernsey) Law, 1950, the words "be constituted as the Royal Court may decide" are hereby substituted for the words "consist of a Chairman and Deputy Chairman appointed by the Royal Court and such other members as the Royal Court may decide".

(5) in Article XXXII of the Contributory Pensions Law, 1935:—

- (a) the expression "insured person" shall be deemed to include a person insured under this Law;
- (b) the expression "this Law" shall be deemed to include the National Insurance (Guernsey) Law, 1951.

60.—(1) Without prejudice to any specific power conferred by section fifty-seven of this Law, regulations may be made for facilitating its operation or the introduction of the system of insurance established by this Law, including in particular regulations providing—

Power to make further consequential and transitional provisions.

- (a) for modifying, as respects the period before the appointed day, any enactment repealed by the foregoing provisions of this Part of this Law;
- (b) for making any savings or additional savings from the effect of any repeal.

(2) The modifications of the enactments repealed by the foregoing provisions of this Law which may be made by virtue of paragraph (a) of the last foregoing subsection include, as respects any benefit or pension payable under the said enactments—

- (a) making the right to any such benefit or pension subject to additional or altered conditions with a view to bringing the conditions therefor into conformity with those for the corresponding benefit under this Law (and in particular for

making the right to any such pension of a person attaining pensionable age on or after the date when the regulations take effect conditional on his having retired from regular employment);

(b) modifying the period for which any such benefit or pension is payable and, in connection therewith, shall include also—

(i) modifying any provisions as to contributions and to sums payable out of moneys provided by the States; and

(ii) facilitating the revision of awards made before the regulations take effect.

(3) Provision for modifying or winding up, in connection with the passing of this Law, any scheme for the provision of pensions or other benefits (including any scheme evidenced only by one or more policies of insurance) may be made by regulations made by such person or body of persons and under such conditions as may be determined by the States Advisory Council to be appropriate in relation to the scheme to which the regulations are to apply.

(4) Regulations made under this Part of this Law shall have effect notwithstanding anything contained in section nineteen of the Interpretation (Guernsey) Law, 1948, (which relates to the effect of repeals) but, subject to the express provisions of this Law, nothing in this Law shall be taken as excluding the operation of that section.

61.—(1) If on the appointed day regulations under section one of this Law provide for treating as employed contributor's employments employments outside Guernsey prescribed by those regulations, then regulations under this subsection may provide for the insurance under this Law as from the appointed

Transitional provisions as to new entrants over school leaving age on appointed day.

day of persons not so insured by virtue of any other provision of this Law, who—

- (a) are on that day—
  - (i) over school leaving age and under pensionable age ; and
  - (ii) gainfully occupied in any such employment ; and
- (b) fulfil such conditions as may be prescribed as to residence in Guernsey before the appointed day.

(2) In relation to persons becoming insured under this Law on or after the appointed day who immediately before the appointed day are over school leaving age and under pensionable age but are not existing contributors the foregoing sections of this Law shall have effect with such modifications, additions and exceptions as may be prescribed for adjusting them to the case of such persons.

(3) As respects any person who is, immediately before the appointed day, over the age of fifty-five, in the case of a man, of fifty, in the case of a woman, and is not an existing contributor or beneficiary under the Contributory Pensions Laws, 1935 to 1949, regulations under the last foregoing subsection shall in particular provide—

- (a) that for the purposes only of any retirement pension, widow's benefit or death grant payable by virtue of his insurance, any such person shall be deemed to attain pensionable age on the expiration of ten years from the appointed day, if then alive, and to retire from regular employment immediately thereafter, and shall be deemed not to attain that age or to retire from regular employment before that time, so, however, that regulations under this paragraph shall not extend the

operation of the provisions of this Law reducing the rate of a retirement pension in respect of the beneficiary's earnings ;

(b) that no such person shall be liable to pay a contribution as an employed or self-employed person for any period after attaining the age of sixty-five (or, in the case of a woman, sixty), but that, subject to the following paragraph of this subsection,—

(i) any employer's contribution paid in respect of any such person for any such period shall be treated for the purposes aforesaid as a contribution as an insured person paid by him or her ; and

(ii) any such person shall be entitled to pay a contribution as a non-employed person, at the same rate as a person under the age of sixty-five (or, in the case of a woman, sixty), for any such period for which no employer's contribution is paid in respect of him or her ;

(c) that any such person shall be entitled, not later than the prescribed time after attaining the age of sixty-five (or, in the case of a woman, sixty), to elect not to be qualified for a retirement pension, and that, if such an election is made by any person—

(i) no retirement pension shall be payable by virtue of that person's insurance either to that person or, during his life, to his wife ;

(ii) that person shall be entitled to a refund after attaining the said age of so much of the contributions paid

by that person as may be prescribed together with such interest thereon as may be prescribed ;

- (iii) the regulations made by virtue of paragraph (b) of this subsection shall not apply to that person except in so far as they confer exemption from liability to pay contributions.

(4) Subject to any prescribed exceptions, regulations under the last but one foregoing subsection shall also provide that the yearly average of the contributions paid by or credited to any such person as is mentioned in that subsection shall be calculated, in the case of a person over the age of sixteen on the appointed day, only over the period—

- (a) beginning with the beginning of the contribution year in which the appointed day occurs ; and
- (b) ending with the end of the last complete contribution year before the date as at which that average is to be ascertained.

62.—(1) Death grant shall not be payable in respect of—

- (a) the death under the age of ten of any person born before the appointed day ;
- (b) the death of any person who immediately before that day was over pensionable age ;
- (c) the death within a year from the appointed day of any other person.

Transitional provisions as to death grant.

(2) In the case of the death of a person who immediately before the appointed day was over the age of fifty-five, in the case of a man, or fifty, in the case of a woman, ten pounds shall be substituted for the twenty pounds specified as the amount of the death grant in the Second Schedule to this Law.

(3) Regulations under the foregoing provisions of this Part of this Law shall not provide for taking into account for the purposes of death grant contributions paid or treated as paid under the enactments repealed by this Law ; and for the purposes of death grant subsection (4) of the last foregoing section shall apply to persons who are existing contributors as it applies to persons who are not existing contributors.

(4) Notwithstanding any of the provisions of subsections (1) and (2) of this section, regulations may provide for the payment of a death grant of an amount not exceeding ten pounds or the reasonable funeral expenses, whichever is the lesser sum, in the case of an existing beneficiary in respect of his own insurance, or of an existing contributor, whose death is attributable to an accident suffered by that person when he was under the age of seventy and was then an insured person or an existing contributor.

Provisions  
as to  
commence-  
ment of  
insurance  
under this  
Law.

63.—(1) In this Law the expression “ the appointed day ” means, subject to the following provisions of this section, such day as the Authority may by order appoint and different days may be appointed for different purposes of this Law or for the same purpose in relation to different cases or classes of case.

(2) Any order under subsection (1) of this section may, if the day thereby appointed is appointed for some only of the purposes of this Law or in relation only to some cases or classes of case, contain such incidental or supplementary provisions as appear to the Authority to be necessary or expedient as respects the period when this Law is to have a partial operation only, or as respects the transition from that period to the period when this Law is in full operation.

(3) Without prejudice to the generality of the last foregoing subsection, the provisions which may be made thereunder include in particular provision for modifying and supplementing, in relation to the

period to which the order is to apply, the provisions of this Law and (where the repeal or amendment has not yet taken effect) of any Law repealed or amended by this Law; and where the order is made for the purposes of this Law, the modifications of this Law which may be made thereby include provisions limiting the persons to be insured during any period during which this Law is to operate as respects some only of the benefits thereby conferred and reducing the rates of any contributions payable for any such period.

(4) Any such order as is mentioned in this section may be varied or revoked by a subsequent order appointing a day or a different day for the purposes of this Law.

*Pensions under Old Age and Blindness  
Pensions (Guernsey) Law, 1950.*

64.—(1) As from the appointed day the Old Age and Blindness Pensions (Guernsey) Law, 1950, shall have effect with such modifications as may be prescribed of paragraph (c) of subsection (1) of section two thereof and the First Schedule thereto (which make the right to and rate of pension depend on the yearly means of the applicant or pensioner and provide for determining those means), and as from such date as may be prescribed that Law shall have effect also with such modifications (if any) as may be prescribed of section three thereof (which takes away the right to pension for certain periods).

Provisions  
as to non-  
contributory  
pensions.

(2) Notwithstanding anything in the Old Age and Blindness Pensions (Guernsey) Law, 1950, or any other enactment—

(a) no pension shall, after the appointed day, be payable to any person under the said Law (otherwise than as a blind person) unless that person had before that date attained the age of fifty-five; and

- (b) a person shall not after the appointed day be entitled for the same period both to a pension under that Law and to a retirement pension or widow's benefit under this Law.

*Regulations and orders.*

General provisions as to regulations and orders.

65.—(1) Except in so far as this Law otherwise provides, any power conferred thereby to make regulations or an order may be exercised—

- (a) either in relation to all cases to which the power extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified cases or classes of case ; and
- (b) so as to make, as respects the cases in relation to which it is exercised—
- (i) the full provision to which the power extends or any less provision (whether by way of exception or otherwise) ;
- (ii) the same provision for all cases in relation to which the power is exercised or different provision for different cases or classes of case, or different provision as respects the same case or class of case for different purposes of this Law ;
- (iii) any such provision either unconditionally or subject to any specified condition.

(2) Without prejudice to any specific provision in this Law, any regulations or order under this Law may contain such incidental or supplementary provisions as appear to the authority making the regulations or order to be expedient for the purposes of the regulations or order.

66.—(1) Every document purporting to be an instrument made or issued by the Authority and to be signed by any person authorised by the Authority, shall be received in evidence and be deemed to be so made or issued without further proof unless the contrary is shown.

Instruments made or issued by the Authority.

(2) A certificate signed by the President of the Authority on behalf of that Authority that any instrument purporting to be made or issued by it was so made or issued shall be conclusive evidence of that fact.

67.—(1) No order shall be made under section three or section twenty-seven of this Law and no regulations shall be made under the following provisions of this Law, namely, subsection (4) of section twelve, section fifty-two or section fifty-three, unless a draft of the order or regulations has been laid before the States and has been approved by resolution of the States.

Regulations and orders to be laid before the States.

(2) Where a draft of an order under the said section three is laid before the States, there shall be laid with it a report by an actuary appointed by the Authority on the estimated consequences of the proposed order to the Guernsey Insurance Fund.

(3) All orders made by the Authority under this Law and all regulations made (whether by the Authority or otherwise) under this Law, other than an order or regulations to which subsection (1) of this section applies, shall be laid before the States immediately after they are made, in such manner as the States may, by general resolution, from time to time direct and if, at the Meeting of the States in the course of which any order or regulations made by the Authority is laid before them or at the next subsequent Meeting, the States resolve that the order or regulations be annulled, the order or regulations shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder or to the making of any new order or regulations.

*Supplementary.*Interpreta-  
tion.

68.—(1) In this Law the following expressions have the meanings hereby respectively assigned to them—

“Administrator” means the Administrator to the Authority appointed for the time being by the States Appointments Board ;

“Authority” means the States Insurance Authority, which shall hereafter be constituted by Ordinance under the provisions of the Sixth Schedule to this Law, or the Authority referred to in paragraph 5 of the said Schedule, as the case may be ;

“beneficiary” means a person entitled to benefit ;

“benefit” means, unless the context otherwise requires, benefit under this Law ;

“benefit year” means, in relation to any person, such period of fifty-two or fifty-three contribution weeks as may be prescribed ;

“contract of service” means any contract of service or apprenticeship, whether written or oral, and whether expressed or implied ;

“contribution week” means a period of seven days commencing from midnight between Sunday and Monday, and  
“contribution year” means, in relation to any person, such period of fifty-two or fifty-three contribution weeks as may be prescribed ;

“earnings” includes any remuneration or profit derived from a gainful occupation ;

“employer’s contribution” means a contribution payable by a person otherwise than as an insured person ;

“employment” includes any trade, business, profession, office or vocation and “employed” shall be construed accordingly except in the expression “employed person” ;

“employment exchange” means any organization constituted by the States of Guernsey or the States of Alderney for the purpose of direction of or to, or of training for, labour ;

“entry into insurance” means, in relation to any person, the date on which he becomes an insured person ;

“Guernsey” includes the Islands of Alderney, Herm and Jethou ;

“His Majesty’s dominions” includes British protectorates and protected states and any territory in respect of which a mandate has been accepted by His Majesty and is being exercised by the Government of any part of His Majesty’s dominions ;

“incapable of self-support” means the circumstances in which a person is incapable of supporting himself by reason of physical or mental infirmity and is likely to remain so incapable for a prolonged period ;

“incapable of work” means incapable of work by reason of some specific disease or bodily or mental disablement or deemed, in accordance with regulations, to be so incapable ;

“insured person” means a person insured under this Law ;

“pensionable age” means the age of sixty-five, in the case of a man, and sixty, in the case of a woman ;

“prescribed” means, unless the context otherwise requires, prescribed by regulations ;

“regulations” means, unless the context otherwise requires, regulations made by the Authority under this Law ;

“relevant contribution conditions”, in relation to benefit of any description, means the contribution conditions for benefit of that description ;

“States department” means any Authority, Board, Committee or Council of the States.

(2) For the purposes of this Law—

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

(b) a person shall be deemed to have attained or not to have attained school leaving age if he would be treated as being, as the case may be, over or under the upper age limit below which education is compulsory by law for the purposes of the said Law ;

(c) 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 said Law as constituting a family, and references to a child of a person’s family shall be construed accordingly.

(3) For the purposes of this Law, two persons shall not be deemed to have ceased to reside together by reason of any temporary absence of either or both of them, and in particular by reason of any such absence at school or while receiving medical treatment as an in-patient in a hospital or similar institution.

(4) For the purposes of this Law—

- (a) a person shall be deemed to be over or under any age therein mentioned if he has or has not attained that age ;
- (b) a person shall be deemed to be between two ages therein mentioned if he has attained the first-mentioned age but has not attained the second-mentioned age ;
- (c) a person shall be deemed not to have attained the age of eighteen years until the commencement of the eighteenth anniversary of the day of his birth, and similarly with respect to any other age ;
- (d) regulations may provide that, for the purpose of determining whether a contribution is payable in respect of any person, or at what rate a contribution is payable, that person shall be treated as having attained at the beginning of a contribution week, or as not having attained until the end of a contribution week, any age which he attains during the course of that week.

(5) For the purposes of this Law, the amount of a person's earnings for any period, and the rate of a person's remuneration, shall be calculated or estimated in such manner and on such basis as may be prescribed.

(6) References in this Law to any benefit or pension payable under or by virtue of any enactment repealed or amended by this Law shall be construed

as referring also to any benefit or pension payable under or by virtue of any corresponding enactment previously repealed.

Commence-  
ment.

69. This Law shall come into force on the day of the registration on the records of the Island of Guernsey of the Order of His Majesty in Council sanctioning it.

**SCHEDULES.****FIRST SCHEDULE.  
CONTRIBUTION RATES.**

Section 2.

**PART I.  
Employed Persons.**

<i>Description of employed person.</i>	<i>Weekly rate of contribution.</i>
	s. d.
Men between the ages of 18 and 70 (not including men over the age of 65 who have retired from regular employment)—	
Earning remuneration at a weekly rate exceeding 30s. ....	3 9
Earning remuneration at a weekly rate of 30s. or less .....	2 2
Women between the ages of 18 and 65 (not including women over the age of 60 who have retired from regular employment)—	
Earning remuneration at a weekly rate exceeding 30s. ....	3 2
Earning remuneration at a weekly rate of 30s. or less .....	1 9
Boys under the age of 18 .....	2 2
Girls under the age of 18 .....	1 9

For the purposes of this and Part II of this Schedule a person shall be deemed to be earning remuneration at a weekly rate of thirty shillings or less if, but only if, his remuneration does not include the provision of board and lodging by the employer and the rate of remuneration does not exceed thirty shillings a week, and to be earning remuneration at a weekly rate exceeding thirty shillings in any other case.

## PART II.

*Employers.*

<i>Description of employed person.</i>	<i>Weekly rate of contribution.</i>
	s. d.
Men over the age of 18—	
Earning remuneration at a weekly rate exceeding 30s. or not being liable to pay a contribution as an employed person.	3 6
Earning remuneration at a weekly rate of 30s. or less and being liable to pay a contribution as an employed person ...	5 1
Women over the age of 18—	
Earning remuneration at a weekly rate exceeding 30s. or not being liable to pay a contribution as an employed person.	2 11
Earning remuneration at a weekly rate of 30s. or less and being liable to pay a contribution as an employed person ...	4 4
Boys under the age of 18 .....	2 0
Girls under the age of 18 .....	1 8

For the purpose of this Part of this Schedule a person over pensionable age, not being an insured person, shall be treated as an employed person if he would be an insured person were he under pensionable age and would be an employed person were he an insured person.

## PART III.

*Self-employed Persons.*

<i>Description of self-employed person.</i>	<i>Weekly rate of contribution.</i>
	s. d.
Men between the ages of 18 and 70 (not including men over the age of 65 who have retired from regular employment) .....	6 4
Women between the ages of 18 and 65 (not including women over the age of 60 who have retired from regular employment) .....	5 6
Boys under the age of 18 .....	3 8
Girls under the age of 18 .....	3 2

## PART IV.

*Non-employed Persons.*

<i>Description of non-employed person.</i>	<i>Weekly rate of contribution.</i>
	s. d.
Men between the ages of 18 and 65 .....	4 6
Women between the ages of 18 and 60 .....	3 7
Boys under the age of 18 .....	2 7
Girls under the age of 18 .....	2 0

## PART V.

*States Supplement.*

Description of person by or in respect of whom contribution is paid.	Amount of Supplement.			
	For contribution as employed person.	For employer's contribution.	For contribution as self-employed person.	For contribution as non-employed person.
	s. d.	s. d.	s. d.	s. d.
Men over the age of 18 .....	9	9	1 2	10
Women over the age of 18 .....	8	7	1 0	8
Boys under the age of 18 .....	5	5	8	6
Girls under the age of 18 .....	5	4	7	5

## SECOND SCHEDULE.

Section 9.

## RATE OR AMOUNT OF BENEFIT.

## PART I.

*Rates of Periodical Benefits and of Increases for Dependants.*

Description of Benefit.	Weekly Rate.	Increase for child (where payable).	Increase for adult dependant (where payable).
	s. d.	s. d.	s. d.
i. Unemployment benefit—			
(a) in the case of a person over the age of eighteen, not being a married woman .....	26 0	7 6	16 0
(b) in the case of a person under the age of eighteen, not being a married woman—			
(i) during any period during which that person is entitled to an increase of benefit in respect of a child or adult dependant...	26 0	7 6	16 0
(ii) during any other period .....	15 0	—	—
(c) in the case of a married woman over the age of eighteen—			
(i) during any period during which she is entitled to an increase of benefit in respect of her husband, or during which she is not residing with and is unable to obtain any financial assistance from her husband .....	26 0	7 6	16 0

Description of Benefit.	Weekly Rate.	Increase for child (where payable).	Increase for adult dependant (where payable).
	s. d.	s. d.	s. d.
(ii) during any other period .....	20 0	7 6	16 0
(d) in the case of a married woman under the age of eighteen—			
(i) during any period during which she is entitled to an increase of benefit in respect of her husband, or during which she is entitled to an increase of benefit in respect of a child or an adult dependant other than her husband and she is not residing with and is unable to obtain any financial assistance from her husband .....	26 0	7 6	16 0
(ii) during any other period during which she is entitled to an increase of benefit in respect of a child or adult dependant .....	20 0	7 6	16 0
(iii) during any other period .....	15 0	—	—
2. Sickness benefit—			
(a) in the case of a person over the age of eighteen, not being a married woman .....	26 0	7 6	16 0
(b) in the case of a person under the age of eighteen, not being a married woman—			

Description of Benefit.	Weekly Rate.	Increase for child (where payable).	Increase for adult dependant (where payable).
	s. d.	s. d.	s. d.
(i) during any period during which that person is entitled to an increase of benefit in respect of a child or adult dependant...	26 0	7 6	16 0
(ii) during any other period .....	15 0	—	—
(c) in the case of a married woman over the age of eighteen—			
(i) during any period during which she is entitled to an increase of benefit in respect of her husband, or during which she is not residing with and is unable to obtain any financial assistance from her husband .....	26 0	7 6	16 0
(ii) during any other period .....	16 0	7 6	16 0
(d) in the case of a married woman under the age of eighteen—			
(i) during any period during which she is entitled to an increase of benefit in respect of her husband, or during which she is entitled to an increase of benefit in respect of a child or an adult			

Description of Benefit.	Weekly Rate.	Increase for child (where payable).	Increase for adult dependant (where payable).
	s. d.	s. d.	s. d.
dependant other than her husband and she is not residing with and is unable to obtain any financial assistance from her husband .....	26 0	7 6	16 0
(ii) during any other period during which she is entitled to an increase of benefit in respect of a child or adult dependant .....	16 0	7 6	16 0
(iii) during any other period .....	15 0	—	—
3. Attendance allowance .....	20 0	—	—
4. Maternity allowance .....	36 0	—	—
5. Widow's allowance .....	36 0	7 6	—
6. Widowed mother's allowance.	33 6	—	—
7. Widow's pension .....	26 0	—	—
8. Guardian's allowance .....	12 0	—	—
9. Retirement pension—			
(a) where the pension is payable to a woman by virtue of a husband's insurance and he is alive .....	16 0	7 6	—
(b) in any other case .....	26 0	7 6	16 0

## PART II.

*Amount of Grants.*

<i>Description of grant.</i>	<i>Amount</i>
	£ s. d.
1. Maternity grant .....	4 0 0
2. Death grant, where the person in respect of whose death the grant is paid was at his death—	
(a) under the age of three .....	6 0 0
(b) between the ages of three and six .....	10 0 0
(c) between the ages of six and eighteen .....	15 0 0
(d) over the age of eighteen .....	20 0 0

## THIRD SCHEDULE. Section 9.

*CONTRIBUTION CONDITIONS.**Unemployment and Sickness Benefit.*

1. The contribution conditions for unemployment benefit or for sickness benefit are that—

- (a) not less than twenty-six contributions of the appropriate class have been paid by the claimant in respect of the period between his entry into insurance and the day for which the benefit is claimed; and
- (b) not less than fifty contributions of the appropriate class or their equivalent have been paid by or credited to him in respect of the last complete contribution year before the beginning of the benefit year which includes the day for which the benefit is claimed.

*Maternity Grant and Attendance Allowance.*

2.—(1) The contribution conditions for a maternity grant or an attendance allowance are—

- (a) that not less than twenty-six contributions of the appropriate class have been paid by the relevant person in respect of the period beginning with that person's entry into insurance and ending immediately before the relevant time; and
- (b) that not less than twenty-six such contributions have been paid by or credited to that person in respect of the last complete contribution year before the relevant time.

(2) In this paragraph—

- (a) the expression “relevant person” means the person by whom the conditions are to be satisfied ;
- (b) the expression “relevant time” means the date of the confinement, or, where the relevant person is the husband and he was dead or over pensionable age on that date, the date of his attaining pensionable age or dying under that age.

*Maternity Allowance.*

3. The contribution conditions for a maternity allowance are that—

- (a) not less than forty-five contributions of the appropriate class have been paid by or credited to the claimant in respect of the fifty-two weeks immediately preceding the period for which the allowance is payable ; and
- (b) of those contributions not less than twenty-six are either contributions actually paid or contributions credited by virtue of the section contained in Part IV of this Law relating to married women.

*Widow's Benefit and Retirement Pension.*

4.—(1) The contribution conditions for widow's benefit or a retirement pension are that—

- (a) not less than one hundred and fifty-six contributions of the appropriate class have been paid by the relevant person in respect of the period between that person's entry into insurance and the relevant time ; and

- (b) the yearly average of the contributions paid by or credited to that person (ascertained as at the relevant time) is not less than fifty.
- (2) In this paragraph—
- (a) the expression “relevant person” means the person by whom the conditions are to be satisfied;
  - (b) the expression “relevant time” means the date of the relevant person attaining pensionable age or dying under that age.

*Death Grant.*

5.—(1) The contribution conditions for death grant are that—

- (a) not less than twenty-six contributions of the appropriate class have been paid by or credited to the relevant person in respect of the period between the appointed day and the relevant time; and
  - (b) either—
    - (i) not less than forty-five such contributions have been paid by or credited to that person in respect of the last complete contribution year before the relevant time; or
    - (ii) the yearly average of the contributions paid by or credited to that person (ascertained as at the relevant time) is not less than forty-five.
- (2) In this paragraph—
- (a) the expression “relevant person” means the person by whom the conditions are to be satisfied;

- (b) the expression "relevant time" means the date of the deceased's death or, where immediately before that date the relevant person was dead or over pensionable age, the date of that person attaining pensionable age or dying under that age.

FOURTH SCHEDULE. Section 46.

*DOCUMENTS EXEMPT FROM STAMP DUTY.*

1. Draft or order or receipt given in respect of benefit payable under this Law or under any supplementary scheme, or in respect of any sums payable to the body charged with the administration of a supplementary scheme.
2. Letter or power of attorney granted by any person as trustee for the transfer of any money vested in his name in the public funds or in any other securities and forming part of any funds applicable for the purpose of any supplementary scheme.
3. Agreement, bond or other security made or given for the purpose of, or in connection with, any supplementary scheme.
4. Appointment or revocation of appointment of an agent, appointment of a new trustee, and any conveyance or transfer made for effectuating the appointment of a new trustee, and any other document authorised by or in pursuance of this Law or of any supplementary scheme or otherwise required in order to give effect to the provisions of this Law, including a statutory declaration.
5. Receipt given in respect of a refund or return of contributions paid under this Law.

## FIFTH SCHEDULE.

Section 57.

## ENACTMENTS REPEALED.

<i>Law.</i>	<i>Extent of Repeal.</i>	<i>Date of Repeal.</i>
The Contributory Pensions Law, 1935.	The whole Law with the exception of sections 1, 2 (other than sub-paragraph (ii) of paragraph (a) thereof), 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 14 of Article XIV and Article XXXII.	On the appointed day.
The Contributory Pensions (Amendment) Law, 1937.	Sections 1, 2 (other than sub-paragraph (ii) of paragraph (a) thereof), 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 14 of Article XIV and Article XXXII.	On such date after the date of registration of this Law as the States shall by Ordinance appoint.
The Contributory Pensions (Supplementary Provisions) Law, 1938.	The whole Law.	On the appointed day.
The Contributory Pensions (Emergency Provisions) Law (Guernsey), 1939.	The whole Law.	On such date after the date of registration of this Law as the States shall by Ordinance appoint.
The Contributory Pensions (Emergency Provisions) Law (Guernsey), 1939.	The whole Law.	On the appointed day.
The Non-Contributory Old Age and Blind Persons Pensions Law, 1931, and the Contributory Pensions Law, 1935, (Increase of Pensions and Benefits) Amendment Law, 1943.	Article 2, sections (b), (c) and (d) of Article 3, Articles 4 and 5.	On the appointed day.
The Contributory Pensions Law, 1935, Amendment Law, 1945.	The whole Law.	On the appointed day.

<i>Law.</i>	<i>Extent of Repeal.</i>	<i>Date of Repeal.</i>
The Contributory Pensions Law, 1935, Amendment Law, 1947.	The whole Law.	On the appointed day.
The Benefits and Pensions (Contributory and Non-Contributory) Amendment Law, 1947.	The whole Law.	On the appointed day.
The States Committees (Amendment) Law, 1948.	Article 5.	On the appointed day.
The Contributory Pensions Supplementary Law, 1949.	The whole Law.	On the appointed day.

## SIXTH SCHEDULE. Section 68.

*STATES INSURANCE AUTHORITY.*

1. The States shall, for the purpose of administering the provisions of this Law and for the purpose of controlling the system of insurance instituted thereby, appoint a Committee, including a President thereof, called "the States Insurance Authority", hereinafter referred to as "the Authority".

2. The Authority shall be constituted in such manner as the States may from time to time by Ordinance determine.

3. The Administrator shall be appointed by the States Appointments Board at such salary and upon such conditions as shall be determined by resolution of the States and the Authority may, subject to the provisions of this Law, confer upon the Administrator such powers in relation to the administration of the provisions of this Law as the Authority may deem expedient.

4. It shall be lawful for the Authority to appoint from time to time from among such persons as it may determine such sub-committees as it shall consider necessary for the purposes of this Law, and to direct their procedure.

*Transitory provisions.*

5. Until the Authority is appointed in accordance with the provisions of paragraph 1 of this Schedule, the Authority shall be the States Insurance Authority constituted in accordance with the provisions of Article two of the Contributory Pensions Law, 1935, and notwithstanding the repeal of the said Law, the said Article, with the exception of sub-section (c) of, and the provisos to, section 2 thereof, shall, until such

appointment is made, have effect save that for the words "The States Insurance Scheme instituted by this Law" and the words "The States Insurance Scheme" respectively wherever they occur there shall be substituted the words "The system of insurance established by the National Insurance (Guernsey) Law, 1951", and the word "Administrator" shall be defined as in the said Law of 1951.

6.—(1) The Authority shall, on the day of its appointment in accordance with the provisions of this Law, and in the event of the Contributory Pensions Laws, 1935 to 1949, not having been repealed on or before that day, have conferred upon it all the powers and duties hitherto conferred upon the Insurance Authority by those Laws, until such time as those Laws shall be repealed in accordance with the provisions of this Law.

(2) The Administrator shall on the day of his appointment in accordance with the provisions of this Law, and in the event of the Contributory Pensions Laws, 1935 to 1949, not having been repealed on or before that day, have conferred upon him all the powers and duties hitherto conferred upon the person for the time being holding the office of Administrator by those Laws until such time as those Laws shall be repealed in accordance with the provisions of this Law.

JAMES E. LE PAGE,

H.M. Greffier.

