

ORDER IN COUNCIL

ratifying a Projet de Loi

ENTITLED

The Social Insurance (Amendment) (Guernsey) Law, 1967

(Registered on the Records of the Island of Guernsey
on the 4th day of July, 1967.)



1967.

VII
1967

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 4th day of July, 1967, before Dr. Francis Coningsby, Lieutenant-Bailiff; present :—Bertram Guy Blampied, Claude Fortescue Nason, Stanley Walter Gavey, Esquires, Gilbert Carey de Jersey, Esquire, C.B., Carl Edward Blad, Albert Victor Dorey, William Burton Fox, Esquires, Edward James Lainé, Esquire, C.B.E., D.F.C., and Edward Martel, Esquire, Jurats.

The Lieutenant-Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 24th day of May, 1967, ratifying a *Projet de Loi* entitled "The Social Insurance (Amendment) (Guernsey) Law, 1967", the Court, after the reading of the said Order in Council and after having heard Her 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 Her 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 24th day of May 1967

PRESENT,

The Queen's Most Excellent Majesty.

MR SECRETARY CROSLAND

MR GORDON WALKER

MR WIGG

MISS JENNIE LEE

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 22nd day of May, 1967, in the words following, viz.:—

“YOUR MAJESTY having been pleased, by Your General Order of Reference of the 22nd day of February, 1952, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth:—

‘1. That, in pursuance of their Resolution of the 28th day of September, 1966, the States of Deliberation at a meeting held on the 22nd day of April, 1967, approved a Bill or “Projet de Loi” entitled “The Social Insurance (Amendment) (Guernsey) Law, 1967” and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. 2. 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 “The Social

Insurance (Amendment) (Guernsey) Law, 1967” and to order that the same shall have 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.”

HER MAJESTY having taken the said Report into consideration is pleased, by and with the advice of Her 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 HER 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 Her 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.

W. G. Agnew.

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

PROJET DE LOI

ENTITLED

The Social Insurance (Amendment) (Guernsey) Law, 1967

THE STATES, in pursuance of their Resolution of the twenty-eighth day of September, nineteen hundred and sixty-six, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Islands of Guernsey, Alderney, Herm and Jethou.

1. The Social Insurance (Guernsey) Law, 1964, as amended^(a) (hereinafter referred to as "the principal Law") is hereby further amended as follows, that is to say:—

Amendments
to Law of
1964.

- (a) in sub-paragraph (i) of paragraph (b) of sub-section (1) of section sixteen thereof the words "at the rate of twenty shillings or more a week" are hereby repealed and the words "at the rate specified in the third column of the Second Schedule to this Law opposite to sub-paragraph (a) of paragraph three in the first column of the said Schedule or more a week" are hereby substituted therefor;

(a) Ordres en Conseil Vol. XIX, p. 286;
No. XVII of 1965.

- (b) in subsection (4) of section nineteen thereof immediately after the words "pensionable age" there are hereby inserted the words "or for every such other number of such contributions as the States may by Ordinance provide";
- (c) in paragraph (a) and paragraph (b) of subsection (3) of section twenty thereof immediately after the word "contributions" there are hereby inserted the words "or for every such other number of such contributions as the States may by Ordinance provide";
- (d) in subsection (1) of section twenty-three thereof the words "by virtue of the provisions of subsection (4) of section nineteen of this Law (which relates to retirement pensions) or by virtue of the provisions of subsection (3) of section twenty of this Law (which relates to special provisions as to women)" are hereby repealed and the words "by virtue of contributions as an employed or self-employed person paid by an insured person in respect of the period after his attaining pensionable age" are hereby substituted therefor.

Provisions as to increases in pensions for contributions paid after pensionable age.

2. (1) The provisions of any Ordinance made in pursuance of the provisions of subsection (4) of section nineteen or of subsection (3) of section twenty of the principal Law, as amended by section one of this Law, shall not affect the operation of either of the said subsections as respects contributions paid for contribution weeks commencing before the date of the coming into force of any such Ordinance but any such Ordinance may make transitional provision for cases where the relevant contributions so paid do not make up the number or a multiple of the

number of contributions required by the said subsection (4) or the said subsection (3), as the case may be, in order to obtain an increase in the weekly rate of a retirement pension (including provision for making up the contributions so paid to a multiple of the said number with the aid of contributions paid for later weeks, or making up the contributions paid for later weeks to a multiple of the number of contributions required to be paid after the date of the coming into force of any such Ordinance in order to obtain an increase in the weekly rate of a retirement pension with the aid of the said contributions).

(2) The provisions of any regulations made in pursuance of the provisions of paragraph (b) of subsection (2) of section twenty-three of the principal Law solely by reason of the fact that an Ordinance is made in pursuance of the provisions of subsection (4) of section nineteen or of subsection (3) of section twenty of the principal Law, as amended by section one of this Law, shall not affect the operation of any regulations made in pursuance of the provisions of the said paragraph before the date of the coming into force of any such first mentioned regulations as respects contributions paid for contribution weeks commencing before the said date but any such regulations may make transitional provision for cases where the relevant contributions so paid do not make up the number or a multiple of the number of contributions required by the said regulations in order to obtain an increase in the weekly rate of a retirement pension (including provision for making up the contributions so paid to a multiple of the said number with the aid of contributions paid for later weeks, or making up the contributions paid for later weeks to a multiple of the number of contributions required to be paid

after the date of the coming into force of any such regulations in order to obtain an increase in the weekly rate of a retirement pension with the aid of the said contributions).

Effect of awards made before, or in respect of period beginning before, certain days.

3. (1) Where an award of any benefit has been made in pursuance of the provisions of the principal Law before the date of the coming into force of an Ordinance made in pursuance of the provisions of subsection (3) of section eleven of the principal Law or regulations made in pursuance of the provisions of paragraph (a) of subsection (2) of section twenty-three of the principal Law, as the case may be, for the payment of benefit of the description to which the award relates at a higher weekly rate than the benefit shall, without any claim being made therefor, become payable, as from that date, at the higher weekly rate and the award shall have effect accordingly.

(2) Where any such award—

(a) is made—

(i) after the States have made an Ordinance as aforesaid but before the date of the coming into force of that Ordinance, or

(ii) after a date has been appointed for the coming into force of any such regulations as aforesaid,

for the payment of benefit of the description to which the award relates at the higher weekly rate, and

(b) is made before that date;

the award may provide for the benefit to be paid as from that date at the higher weekly rate.

4. (1) Notwithstanding anything contained in Part III of the principal Law a self-employed person or a person who is treated as a self-employed person by virtue of regulations made in pursuance of the provisions of section one of the principal Law shall not be entitled by virtue of the provisions of the said Part to sickness benefit, industrial medical benefit, or industrial disablement benefit in respect of a personal injury caused by accident arising out of and in the course of his employment which occurred after the date of the coming into force of this Law unless he satisfies one of the following conditions, namely, that in the week immediately preceding the week in which he sustained the personal injury—

Conditions
as to receipt
of certain
benefits.

- (a) he was liable to pay a contribution as either an employed or a self-employed person in respect of that week and that such contribution was paid in that week; or
- (b) he was entitled to be credited with a contribution in respect of that week by reason of incapacity for work or unemployment, as the case may be.

(2) The conditions contained in the last preceding subsection shall be deemed to be satisfied by an insured person to whom that subsection applies and who sustained a personal injury caused by accident arising out of and in the course of his employment during the period commencing on the day in the week in which he has become insured under the provisions of the principal Law and ending on the last day of that week.

(3) The provisions of this section shall be construed as one with the provisions of Part III of the principal Law.

Citation and
collective
title.

5. This Law may be cited as the Social Insurance (Amendment) (Guernsey) Law, 1967, and this Law and the Social Insurance (Guernsey) Laws, 1964 and 1965, may be cited together as the Social Insurance (Guernsey) Laws, 1964 to 1967.

Commence-
ment.

6. (1) This Law, other than section one and section two thereof, shall come into force on the day on which it is registered on the Records of the Island of Guernsey.

(2) Section one and section two of this Law shall be deemed to have come into force on such date as shall be appointed in that behalf by Ordinance of the States of Guernsey.

R. H. VIDELO,

Her Majesty's Greffier.