

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 22nd day of October, 1974, before John Henry Loveridge, Esquire, C.B.E., Bailiff; present:— Bertram Guy Blampied, Esquire, O.B.E., Stanley Walter Gavey, Esquire, Gilbert Carey de Jersey, Esquire, C.B., D'Arcy George Le Tissier, Esquire, Edward James Lainé, Esquire, C.B.E., D.F.C., Richard Alan Kinnersly, Esquire, Harry Wall Poat, Esquire, D.S.O., M.C., A.D.C. and Richard Brook Sutcliffe, Esquire, Jurats.

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 6th day of September, 1974, ratifying a *Projet de Loi* entitled "The Social Insurance (Amendment) (Guernsey) Law, 1974", the Court, after the reading of the said Order in Council and after having heard Her Majesty's Procureur 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 Balmoral

The 6th day of September 1974

PRESENT,

The Queen's Most Excellent Majesty in Council

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 3rd day of September 1974, 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 25th day of April 1974, the States of Deliberation at a meeting held on the 29th day of May 1974, approved a Bill or “Projet de Loi” entitled “The Social Insurance (Amendment) (Guernsey) Law, 1974” 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, 1974” and to order that the same shall have force of

law in the Islands of Guernsey, Alderney, Herm and Jethou.'

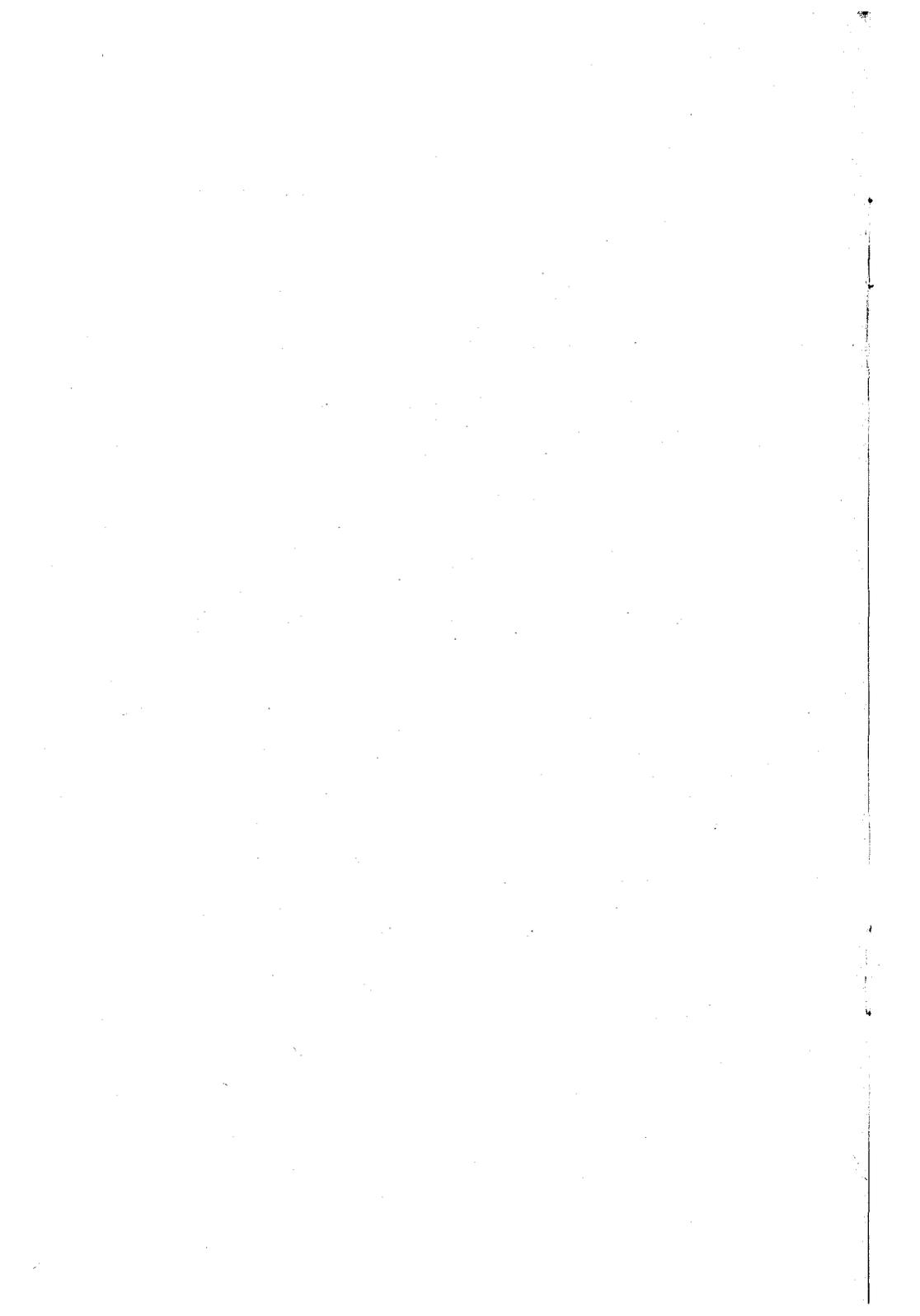
"THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, have taken the said Petition and the said Projet de Loi into consideration, and do this day agree humbly to report, as their opinion, to Your Majesty, that it may be advisable for Your Majesty to comply with the prayer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

N. E. Leigh.



Projet de Loi referred to in the foregoing
Order in Council

PROJET DE LOI

ENTITLED

**The Social Insurance (Amendment)
(Guernsey) Law, 1974**

THE STATES, in pursuance of their Resolution of the twenty-fifth day of April, nineteen hundred and seventy-four, 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. Subsection (3) of section eleven (which relates to the descriptions and rates of benefit and contribution conditions) of the Social Insurance (Guernsey) Law, 1964(a), as amended(b) (hereafter in this Law referred to as "the principal Law") is hereby repealed and the following subsection is hereby substituted therefor:—

Amend-
ment of
section 11
of the
principal
Law.

"(3) The States may by Ordinance vary—

- (a) the weekly rates of the several descriptions of benefit set out in the second column of the Second Schedule to this Law and the amounts by which those rates may be increased in respect of a child or children or an adult dependant, as the case may be, respectively set out in the third, fourth and fifth columns of that Schedule;

(a) Ordres en Conseil Vol. XIX, p. 286.

(b) Ordres en Conseil Vol. XX, p. 126; Vol. XXI, p. 143; Nos. III, VII and XX of 1971; and No. XVII of 1973.

- (b) the amounts of maternity grant and death grant respectively set out in the second column of the Eighth Schedule to this Law.”

Amend-
ment of
section 15A
of the
principal
Law.

2. Subsection (4) of section fifteen A of the principal Law (which relates to maternity grant) is hereby repealed and the following subsection is hereby substituted therefor:—

“(4) Regulations may—

- (a) provide that the provisions of this section shall apply to a woman, in a case where her claim indicates that she so desires, with the substitution for the condition that she has been confined of the condition that she is pregnant and has reached a stage in her pregnancy which is not more than the prescribed number of contribution weeks before that in which it is to be expected that she will be confined;
- (b) modify the contribution conditions for a maternity grant in their application to such a case; and
- (c) provide that, where the amount of maternity grant has been increased by an Ordinance made under subsection (3) of section eleven of this Law and which commenced to have effect after a woman has become entitled to a maternity grant in such a case (whether payment is made or not) but on or before the date of her confinement or, as the case may be, the date on which her pregnancy is otherwise terminated, she shall be entitled to

a maternity grant of the increased amount.”.

3. Paragraph (c) of subsection (1) of section sixteen of the principal Law (which relates to widow's benefit) is hereby repealed and the following paragraph is hereby substituted therefor:—

Amendment of section 16 of the principal Law.

“(c) in the case of a widow's pension, if (subject to the next following section) at the husband's death the widow was over the age of forty but under pensionable age.”.

4. Section seventeen of the principal Law (which relates to widows' pensions in special cases) is hereby further amended as follows, that is to say:—

Amendment of section 17 of the principal Law.

(a) subsection (1) thereof is hereby repealed and the following subsection is hereby substituted therefor—

“(1) Subject to subsection (4) of this section, 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—

(a) at a time when she is over the age of forty but under pensionable age; or

(b) where she is over pensionable age and has elected under subsection (2) of section nineteen of this Law to be treated as if she were not entitled to an old age pension, at any time during the period during which such election has effect;

she shall for any subsequent period 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 widowed mother's allowance as if the said conditions were satisfied.”;

- (b) subsection (3) thereof is hereby repealed and the following subsection is hereby substituted therefor—

“(3) Subject to the next following subsection, where a widow is entitled to a widow's pension by virtue of the last foregoing subsection but ceases to be so entitled—

(a) at a time when she is over the age of forty but under pensionable age; or

(b) where she is over pensionable age and has elected under subsection (2) of section nineteen of this Law to be treated as if she were not entitled to an old age pension, at any time during the period during which such election has effect;

she shall for any subsequent period have the same right (if any) to a widow's pension in respect of the marriage in respect of which she was entitled to a widow's pension as aforesaid as if she had attained the age of forty before her husband's death.”;

- (c) subsection (4) thereof is hereby repealed and the following subsection is hereby substituted therefor—

“(4) Regulations may provide that a widow shall not be entitled to a widow's pension where her husband was over pensionable age at the date of their marriage and died

within one year of that date unless she satisfies such further conditions as may be prescribed.”.

5. Subsection (1) of section twenty of the principal Law (which contains special provisions as to women) is hereby repealed and the following subsection is hereby substituted therefor:—

Amendment of section 20 of the principal Law.

“(1) Subject to the provisions of this Law, a woman over pensionable age shall be entitled to an old age 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) whom she has married after attaining that age;

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

- (c) he is entitled to an old age pension or has, or had, elected under the provisions of subsection (2) of section nineteen of this Law to be treated as if he were not so entitled; or
- (d) in the case where the husband was over pensionable age at the date of their marriage and died within one year of that date, such conditions as may be prescribed.”.

6. Subsection (2) of section twenty C of the principal Law (which relates to travelling allowance grant) is hereby amended as follows, that is to say:—

Amendment of section 20C of the principal Law.

- (a) in paragraph (b) thereof the word "sixteen" is hereby repealed and the word "eighteen" is hereby substituted therefor;
- (b) immediately after paragraph (b) thereof there is hereby inserted the following new paragraph "(bb)"—

"(bb) without prejudice to the last foregoing paragraph, where the patient has not attained the age of six years, the travelling expenses of both parents of the patient;"

Amend-
ment of
section 68
of the
principal
Law.

7. Paragraph (a) of subsection (1) of section sixty-eight of the principal Law (which relates to reciprocal agreements with H.M. dominions and foreign countries) is hereby repealed and the following paragraph is hereby substituted therefor:—

"(a) reciprocity in matters relating to payments in respect of interruption of employment by sickness or otherwise, or payment in respect of the confinement of women, widowhood, orphanhood, old age or death; or".

New Eighth
Schedule
to the
principal
Law.

8. The Eighth Schedule to the principal Law (which specifies the respective amounts of maternity grant and death grant) is hereby repealed and the Schedule set out in the Schedule to this Law is hereby substituted therefor.

Citation,
collective
title and
commence-
ment.

9. (1) This Law may be cited as the Social Insurance (Amendment) (Guernsey) Law, 1974.

(2) This Law and the Social Insurance (Guernsey) Laws, 1964 to 1973, may be cited together as the Social Insurance (Guernsey) Laws, 1964 to 1974.

(3) This Law shall come into force on the fourth day of November, nineteen hundred and seventy-four.

SCHEDULE

Section eight

“ EIGHTH SCHEDULE

Sections fifteen A
and twenty B

AMOUNTS OF GRANTS

| Description of grant | Amount |
|--|--------|
| 1. Maternity grant | £25.00 |
| 2. Death grant, where the person in respect of whose death the grant is paid was at his death— | |
| (a) under the age of 3 | £9.00 |
| (b) between the ages of 3 and 6 | £15.00 |
| (c) between the ages of 6 and 18 | £22.50 |
| (d) over the age of 18 | £30.00 |

”

R. H. VIDELO,
Her Majesty's Greffier.