

ORDER IN COUNCIL

XII
1993

ratifying a Projet de Loi

ENTITLED

The Social Insurance (Amendment) (Guernsey) Law, 1993

(Registered on the Records of the Island of Guernsey
on the 4th October, 1993.)



1993

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 4th day of October, 1993 before Sir Graham Dorey, Kt., Bailiff; present:—Harry Wilson Bisson, Herbert Nicolle Machon, Geoffrey Ernest Le Page, Stanley Walter John Jehan, Raymond Arthur Heaume, Esquires, Mrs. Dorothy Winifred Le Pelley, Leonard Arthur Moss, John Edward Morris, Charles Anthony Spensley, Kenneth John Rowe, Lawrence Oscar Ozanne and John Richard Rowe Henry, Esquires, Jurats.

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 20th July, 1993, approving and ratifying a *Projet de Loi* entitled “The Social Insurance (Amendment) (Guernsey) Law, 1993”, THE COURT, after the reading of the said Order in Council and after having heard Her Majesty’s Procureur thereon, ordered:-

1. That the said Order in Council be registered on the records of this Island; and
2. 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 20th day of July 1993

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 22nd day of June 1993 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 Resolutions of the 6th day of March 1991 and the 27th day of January 1993 the States of Deliberation at a meeting held on the 31st March 1993 approved a Bill or “Projet de Loi” entitled “The Social Insurance (Amendment) (Guernsey) Law, 1993” 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, 1993”, 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, and 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. H. Nicholls

(No.XII - 1993)

PROJET DE LOI

ENTITLED

The Social Insurance (Amendment) (Guernsey) Law, 1993

THE STATES, in pursuance of their Resolutions of the 6th day of March, 1991(a) and the 27th day of January, 1993(b), 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.

Amendments to 1978 Law

1. The Social Insurance (Guernsey) Law, 1978, as amended(c) ("the principal Law"), is hereby amended as follows: -

(a) in section 8, delete the words from "of any of the following descriptions" to "females under the age of eighteen years;" inclusive;

(b) in section 20(5) -

(i) in subsections (a)(i) and (ii) and (b)(i) and (ii), for "sixteen" substitute "twenty"; and

(ii) at the end thereof, insert the

(a) Article IX of Billet d'État No. V of 1991.

(b) Article XV of Billet d'État No. I of 1993.

(c) Ordres en Conseil, Vol. XXVI, p. 292; Vol. XXVII, pp. 238, 307 and 392; Vol. XXIX, pp. 24, 148 and 422; No. V of 1990.

following proviso -

"Provided that, in relation to a claim to widow's benefit, old age pension or death grant, where a person has died before the end of the contribution year in which he had, or would have, attained the age of twenty years and the contribution condition set out in paragraph 4(1)(a) or 5(1)(a), as the case may be, of the First Schedule to this Law has been satisfied in relation to him, the number of years in the relevant period shall be deemed to be one.";

(c) in section 37 -

(i) insert immediately after subsection (2)-

"(2A) Where the deceased was not at death a child but had not attained the age of twenty three years and did not himself satisfy the relevant contribution conditions, he shall, for the purposes of this section, be deemed to be the child of the family of such other person satisfying those conditions as may be prescribed.";

(ii) insert immediately after subsection (5) the following additional subsection -

"(6) Any reference in this section to a person satisfying the relevant contribution conditions shall include a person deemed to have satisfied those conditions by virtue of section 53A of this Law.";

(d) immediately after section 53, insert -

"Death grant in respect of industrial accidents"

53A. Subject to the provisions of this Law, an insured person who dies as the result of the relevant injury and who, at the date of his death, had not satisfied the relevant contribution conditions for a death grant shall be deemed to have satisfied those conditions for the purposes of section 37 of this Law.";

(e) in section 92(2)(a) and in section 92(b)(i) and (ii), insert "sitting" before "member" or "members", as the case may be;

(f) in section 92(3), for "thirtieth day of April" substitute "1st day of May";

(g) for section 92(6) substitute the following subsections -

"(6) The Authority shall elect a Vice-President from amongst those of

its members who are sitting members of the States.

(6A) Subject to subsection (6B), the Vice-President shall be elected at the Authority's first meeting after the election of its President.

(6B) If, when the said meeting is held, there is a vacancy in the Authority's membership, the Vice-President shall be elected at the Authority's first meeting after the filling by the States of that vacancy.

(6C) Subject to subsections (6D) and (6E), the term of office of the Vice-President shall run concurrently with that of the President.

(6D) If the Vice-President -

(a) tenders his resignation from the office of Vice-President;
or

(b) ceases to be a sitting member of the States or a member of the Authority,

he shall thereupon cease to hold the office of Vice-President and

his term of office shall be completed by a new Vice-President who shall be elected by the Authority from amongst those of its members who are sitting members of the States.

(6E) If the President ceases to hold the office of President prior to the expiration of his term of office, the Vice-President shall remain in office until the election by the States of a new President when the Vice-President shall cease to hold the office of Vice-President and his term of office shall be completed by a new Vice-President who shall be elected from amongst those of its members who are sitting members of the States.

(6F) A new Vice-President shall not be elected under subsection (6D) or (6E) until all vacancies in the Authority's membership have been filled by the States.";

(h) in section 92(10), immediately before the word "members" in the second place where it appears, insert "sitting";

(i) for section 99 and the heading thereto substitute -

"Persons under twenty on entry into insurance

99. In relation to any person who on his entry into insurance is under the age of twenty, this Law shall apply subject to the following modifications -

(a) he shall not be liable, but shall be entitled if he so desires, to pay a Class 3 contribution in respect of any contribution week comprised in the period between his entry into insurance and before the commencement of the contribution year in which he attains twenty years of age;

(b) for the purpose of calculating the yearly average of the reckonable contributions paid by or credited to him there shall be taken into account any Class 1 or Class 2 contributions paid by or credited to him and any Class 3 contributions paid by him for periods before the commencement of the contribution year in which he attains the age of twenty."

Repeals

2. Sections 33(3) and 69(3) of the principal Law are hereby repealed.

Citation

3. This Law may be cited as The Social Insurance (Amendment) (Guernsey) Law, 1993.

Commencement

4. This Law shall come into force on the twenty eighth day after the registration of this Law on the records of the Island of Guernsey.