

PROJET DE LOI

ENTITLED

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

[CONSOLIDATED TEXT]

NOTE

This consolidated version of the enactment incorporates all amendments listed in the footnote below. It has been prepared for the Guernsey Law website and is believed to be accurate and up to date, but it is not authoritative and has no legal effect. No warranty is given that the text is free of errors and omissions, and no liability is accepted for any loss arising from its use. The authoritative text of the enactment and of the amending instruments may be obtained from Her Majesty's Greffier, Royal Court House, Guernsey, GY1 2PB.

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* No. XII of 1993, Ordres en Conseil Vol. XXXIV, p. 510; as amended by the Social Insurance (Amendment) (Guernsey) Law, 1995 (No. VI of 1995).

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ARRANGEMENT OF SECTIONS

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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,¹
- (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 following proviso –

^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.

"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.",²

(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) ...

(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."

NOTE

In section 1, paragraph (f) was repealed by the Social Insurance (Amendment) (Guernsey) Law, 1995, section 3, with effect from 11th July, 1995.

Repeals.

2. Sections 33(3)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.

NOTE

The Law was registered on the Records of the Island of Guernsey on 4th October, 1993.

¹ For subsequent amendments, see the consolidated text of the Social Insurance (Guernsey) Law, 1978.

² For subsequent amendments, see the consolidated text of the Social Insurance (Guernsey) Law, 1978.

³ For subsequent amendments, see the consolidated text of the Social Insurance (Guernsey) Law, 1978.