

ORDER IN COUNCIL

VI
1995

ratifying a Projet de Loi

ENTITLED

The Social Insurance (Amendment) (Guernsey) Law, 1995

(Registered on the Records of the Island of Guernsey
on the 11th July, 1995.)



1995

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 11th day of July, 1995 before Sir Graham Dorey, Bailiff; present:—Stanley Walter John Jehan, Leonard Arthur Moss, John Edward Morris, Kenneth John Rowe, Lawrence Oscar Ozanne, John Richard Rowe Henry, David Charles Lowe, Esquires, Mrs. Eileen May Glass, Derek Martin Le Page and Stephen Edward Francis Le Poidevin, Esquires, Jurats.

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 11th April, 1995, approving and ratifying a *Projet de Loi* entitled “The Social Insurance (Amendment) (Guernsey) Law, 1995” 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 Windsor Castle

The 11th day of April, 1995

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 28th day of March 1995 in the words following, viz.:—

“YOUR MAJESTY having been pleased, by Your General Order of Reference of the 22nd day of February 1992, 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 27th day of July 1994, the States of Deliberation at a meeting held on the said 25th day of January 1995 approved a Bill or “Projet de Loi” entitled “The Social Insurance (Amendment) (Guernsey) Law, 1995”, 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 as set forth in the Schedule hereunto annexed. And most humbly praying that Your Royal Sanction to the Bill or “Projet de Loi” of the States of Guernsey entitled “The Social Insurance (Amendment) (Guernsey) Law, 1995”, 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

PROJET DE LOI

ENTITLED

**The Social Insurance (Amendment) (Guernsey)
Law, 1995**

THE STATES, in pursuance of their Resolutions of the 29th September, 1993(a) and the 27th day of July, 1994(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.

Class 3 contributions

1. For section 8 of the Social Insurance (Guernsey) Law, 1978, as amended(c) (hereinafter referred to as "the principal Law"), substitute:-

"Class 3 contributions payable by non-employed persons

8. (1) For the purposes of this Law, the current upper annual income limit for Class 3 contributions means an amount equal to the product of the current upper weekly earnings limit and fifty two.

(2) Subject to the provisions of this Law, an Insured person who as respects any contribution week is a non-employed person shall be liable to pay in respect of that week a Class 3 contribution in an amount equal to such percentage as the States shall from time to time by Ordinance determine (hereinafter called "the Class 3 rate") of one fifty-second of the current upper annual income limit; and different percentages may be determined for different classes of non-employed persons.

(a) Article XXIII of Billet d'État No. XVIII of 1993.

(b) Article XVI of Billet d'État No. XVI of 1994.

(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; No. XII of 1993.

(3) Subject to the following subsections, where any person who, but for this subsection, would be liable to pay Class 3 contributions in accordance with subsection (2) as respects any contribution year or part of a contribution year has satisfied the Authority that his relevant income is below the current upper annual income limit for that year in respect of Class 3 contributions and has satisfied such other conditions as may be prescribed, then, subject to and in accordance with regulations, he shall be liable to pay a Class 3 contribution in respect of each contribution week in that year or part of that year, as the case may be, at such percentage as may be prescribed of his relevant income; and different percentages may be prescribed in respect of different descriptions of non-employed persons.

(4) Where, in respect of any week, a person who is normally in employed contributor's employment is non-employed, or is liable to pay a Class 3 contribution in accordance with section 9 of this Law, and satisfies such additional conditions as may be prescribed he shall be liable to pay a Class 3 contribution in respect of that week at a rate equal to one fifty-second of the product of the Class 3 rate and such lower annual income limit as the States shall from time to time by Ordinance determine (hereinafter called a "minimum Class 3 contribution").

(5) Regulations may provide that a non-employed person of such description as may be prescribed who has been excepted by regulations from liability to pay a Class 3 contribution shall be entitled, subject to such conditions as may be prescribed, to pay a minimum Class 3 contribution for any week in respect of which that exception is in force.

(6) Regulations may provide:-

(a) for further reducing or increasing any reduced rate of Class 3 contribution paid or payable by virtue of subsection (3) of this section;

- (b) for the repayment of any amount of contributions paid which may be due to a person in consequence of any such further reduction;
- (c) for the payment by a person of any amount of contributions which has become payable for any period in consequence of any such increase,

in such circumstances and subject to such conditions as may be prescribed.

(7) For the purposes of this section "relevant income", in relation to any contribution year or any part of a contribution year, means such income as may be prescribed."

Constitution of the Guernsey Social Security Authority

2. (1) For section 92(3) of the principal Law substitute:-

"(3) Subject to subsection (3A), the President of the Authority shall hold office until 31st May in the third year following that of his election.

(3A) The President of the Authority elected to hold office as from 1st June, 1997 shall hold office until 31st May, 1998."

(2) For section 92(5) of the principal Law, substitute:-

"(5) An ordinary member of the Authority shall hold office until 31st May in the sixth year following that of his election.

(5A) One third of the ordinary members shall retire in each alternate year (the first such members having retired in 1981, 1983 and 1985) and the order of retirement shall be determined by the Authority."

Repeals

3. Section 11(5) of the Reform (Election of Conseillers and Minor Amendments) (Guernsey) Law, 1993(d) and section 1(f) of the Social Insurance (Amendment) (Guernsey) Law, 1993(e) are repealed.

Citation

4. This Law may be cited as the Social Insurance (Amendment) (Guernsey) Law, 1995.

Commencement

5. (1) Section 1 of this Law shall come into force on 1st January, 1996.

(2) The remaining provisions of this Law shall come into force on the date of its registration on the records of the Island of Guernsey.

(d) Order in Council No. V of 1993.

(e) Order in Council No. XII of 1993.