ORDER IN COUNCIL

X

1964

ratifying a Projet de Loi

ENTITLED

The Social Insurance (Guernsey) Law, 1964

(Registered on the Records of the Island of Guernsey on the 5th day of October, 1964.)

1974

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ORDER IN COUNCIL

IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 5th day of October, 1964, before Sir William Arnold, Kt., C.B.E., C.St.J., Bailiff; present:— Sir John Leale, Wilfred John Corbet, Esquire, O.B.E., Théophile Le Messurier Allez, Bertram Guy Blampied, Stanley Walter Gavey, Esquires, Gilbert Carey de Jersey, Esquire, C.B., Carl Edward Blad, Albert Victor Dorey, Esquires, Laurence Francis de Vic Carey, Esquire, C.B., C.B.E., D'Arcy George Le Tissier and William Burton Fox, Esquires, Jurats.

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 25th day of September, 1964, ratifying a Projet de Loi entitled "The Social Insurance (Guernsey) Law, 1964", 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 Buckingham Palace

The 25th day of September, 1964.

PRESENT,

The Queen's Most Excellent Majesty.

LORD CHANCELLOR
LORD PRESIDENT
MR. SECRETARY BROOKE
MR. SECRETARY BUTLER
SIR KEITH JOSEPH

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 15th day of September, 1964, 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 12th day of December, 1962, the 29th day of May, 1963, the 26th day of February, 1964, and the 29th day of July, 1964, the States of Deliberation at a meeting held on the 29th day of July, 1964, approved a Bill or "Projet de Loi" entitled "The Social Insurance (Guernsey) Law, 1964" 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 (Guernsey) Law, 1964" 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 (Guernsey) Law, 1964

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PROJET DE LOI

ENTITLED

The Social Insurance (Guernsey) Law, 1964

THE STATES, in pursuance of their Resolutions of the twelfth day of December, nineteen hundred and sixty-two, the twenty-ninth day of May, nineteen hundred and sixty-three, the twenty-sixth day of February, nineteen hundred and sixty-four, and the twenty-ninth day of July, nineteen hundred and sixty-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.

PART I

INSURED PERSONS AND CONTRIBUTIONS

Description and classification of insured persons.

1. (1) Subject to the provisions of this Law, every person who on or after the appointed day, being over school leaving age and under pensionable age, is in Guernsey, and fulfils such conditions as may be prescribed as to residence in Guernsey, shall become insured under this Law and thereafter continue throughout his life to be so insured.

(2) For the purposes of this Law, insured persons shall be divided into the following three classes:—

(*a*) employed persons, that is to say persons gainfully occupied in employment in Guernsey, being employment under a contract of service;

(*b*) self-employed persons, that is to say persons gainfully occupied in employment in Guernsey who are not employed persons;

(*c*) non-employed persons, that is to say persons who are not employed or self-employed persons.

(3) In and for the purposes of this Law any employment by virtue whereof an insured person is an employed person is referred to as an "employed contributor's employment".

(4) Provision may be made by regulations for modifying the said classification in relation to cases where it appears to the Authority desirable by reason of the nature or circumstances of a person's employment or otherwise, and such regulations may, in particular, provide—

(*a*) for treating as an employed contributor's employment—

(i) employment under a public or parochial authority in Guernsey notwithstanding that it is not employment under a contract of service;

(ii) employment outside Guernsey in continuation of any employed contributor's employment;

(*b*) for treating as not being an employed contributor's employment, or for disregarding—

(i) employment which is of a casual or subsidiary nature or in which the insured person is engaged only to an inconsiderable extent;

(ii) employment in the service, or for the purposes of the trade or business, or as partner, of the insured person's husband or wife;

(iii) employment by a relative in the common home of the insured person and the employer;

(c) for treating a person's employment as continuing during periods of holiday, unemployment or incapacity for work and in such other circumstances as may be prescribed.

Source of funds.

2. (1) For the purpose of providing the funds required for paying benefit and for making any other payments which under this Law are to be made out of the Guernsey Insurance Fund established under this Law, contributions shall be payable by insured persons, by employers and out of moneys provided by the States in accordance with the following provisions of this section.

(2) Subject to the provisions of this Law—

(a) every employed person of any description set out in the first column of Part I of the First Schedule to this Law shall be liable, on and after the appointed day, to pay weekly contributions, as follows:—

(i) as respects benefits other than limited medical benefit, at the rate set out in relation to that description in the second column of the said Part I, and

(ii) as respects limited medical benefit, at the rate set out in relation to that description in the third column of the said Part I;

(b) every employer of an employed person of any description set out in the first column of Part II of the said Schedule, or of any person of that description who is to be treated by virtue of that Part of that Schedule as an employed person, shall be liable, on and after the said day, to pay weekly contributions in respect of that person at the rate set out in relation to that

description in the second column of the said Part II;

(*c*) every self-employed person of any description set out in the first column of Part III of the said Schedule, shall be liable, on and after the said day, to pay weekly contributions, as follows:—

(i) as respects benefits other than limited medical benefit, at the rate in relation to that description set out in the second column of the said Part III; and

(ii) as respects limited medical benefit, at the rate in relation to that description set out in the third column of the said Part III;

(*d*) every non-employed person of any description set out in the first column of Part IV of the said Schedule, shall be liable, on and after the said day, to pay weekly contributions, as follows:—

(i) as respects benefits other than limited medical benefit, at the rate in relation to that description set out in the second column of the said Part IV, and

(ii) as respects limited medical benefit, at the rate in relation to that description set out in the third column of the said Part IV.

(3) Subject to the provisions of this Law, there shall be paid into the Guernsey Insurance Fund out of moneys provided by the States in such manner and at such times as the States Advisory and Finance Committee shall determine—

(*a*) for each contribution as an employed, self-employed or non-employed person, other

than a contribution as respects limited medical benefit, paid by a person of any description set out in the first column of Part V of the First Schedule to this Law or, in the case where no such contribution is paid by an employed person, for each contribution paid in respect of that employed person by his employer, the sum (hereafter in this Law referred to as "the States supplement") set out in the second, third or fourth column of the said Part V, as the case may be, in relation to a contribution of that class and a person of that description; and

(*b*) in addition to the States supplement, an annual grant (hereafter in this Law referred to as "the States grant") of four hundred thousand pounds sterling.

(4) For the purposes of paragraph (*a*) of the last preceding subsection, the number of contributions of any class paid in any period shall be estimated in such manner as the States Advisory and Finance Committee shall determine.

(5) The States may by Ordinance vary the provisions of this section—

(*a*) as to the rates of contributions,

(*b*) as to the amount of the States supplement,

(*c*) as to the amount of the States grant.

(6) Subject to the provisions of this Law and of any regulations, no person shall be entitled to pay any contribution thereunder other than a contribution which he is liable to pay.

(7) If any employer or insured person fails to pay any contribution which he is liable under this Law to pay, he shall be guilty of an offence and liable, on conviction, to a fine not exceeding ten pounds.

3. (1) Where it appears to the States expedient so to do with a view to maintaining a stable level of employment, they may by Ordinance provide that contributions, instead of being paid at the rates set out in the First Schedule to this Law, shall, for such periods, as may be specified by or determined in accordance with the Ordinance, be paid at such higher or lower rates, subject to the next following subsection, as may be so specified or determined.

Variation of contribution rates to stabilise employment.

(2) An Ordinance under this section shall not provide—

(*a*) for increasing or reducing the rate of any contribution as an employed person and the rate of the corresponding employer's contribution by different amounts;

(*b*) for increasing or reducing the rate of the States supplement for any contributions except—

(i) where the rate of those contributions is also increased or is also reduced; and

(ii) in such manner as not to affect (except so far as appears to the States expedient for convenience of calculation) the proportion which the rate of the supplement bears to that of the contributions.

(3) Contributions payable in accordance with any Ordinance under this section shall be deemed for the purposes of this Law to be contributions payable in accordance with the relevant provisions of the last foregoing section and the said First Schedule.

4. (1) A person shall not be liable to pay more than one contribution as an insured person for any contribution week, and not more than one employer's contribution shall be payable in respect of any person for any contribution week.

Number and class of contribution for any week.

(2) Subject to the following provisions of this section, an insured person shall be deemed for the purposes of the provisions of this Part of this Law relating to contributions to be—

(*a*) an employed person as respects any contribution week during any part of which he is an employed person;

(*b*) a self-employed person as respects any other contribution week during any part of which he is a self-employed person;

(*c*) a non-employed person as respects any contribution week during no part of which he is either an employed or a self-employed person.

(3) Where, as respects any employed contributor's employment—

(*a*) no services are rendered by an employed person in any contribution week; and

(*b*) no remuneration is paid wholly or partly in respect of any day in that week other than a day on which he either—

(i) is incapable of work and would but for the incapacity have been working; or

(ii) does not work in a normal week;

then that employment shall, in relation to that week, be disregarded for the purposes of the foregoing provisions of this section; and regulations may provide, as respects any period during which no services are rendered by an employed person, that for the purposes of this subsection any payments which he receives or is entitled (whether conditionally or not) to receive in any prescribed circumstances are or are not to be deemed to be remuneration paid in respect of any day in that period.

(4) Regulations may provide for disregarding for the purposes of this section any employment in which a person engages or continues to be engaged solely or mainly for the purpose of acquiring or preserving a right or a larger right to benefit.

Exception from liability for, and crediting of, contributions.

5. (1) Subject to the provisions of subsection (2) of this section, regulations may provide for—

(*a*) excepting insured persons from liability to pay contributions, in whole or in part, for periods—

(i) of unemployment or of incapacity for work;

(ii) of full time education or of full time unpaid apprenticeship;

(iii) when they are not in receipt (or are deemed in accordance with the regulations not to be in receipt) of an income exceeding two hundred and eight pounds a year or such other sum as the States may by Ordinance determine;

and for such other periods as may be prescribed;

(*b*) crediting contributions, other than contributions as respects limited medical benefit, to insured persons for—

(i) periods for which they are excepted from liability by virtue of the foregoing paragraph; and

(ii) the period between the beginning of the contribution year last preceding that in which they become insured persons and their entry into insurance.

(2) Regulations made under sub-paragraph (iii) of paragraph (*a*) of the foregoing subsection shall not provide for excepting a person from liability to pay

contributions, in whole or in part, otherwise than on that person's own application but may provide for so excepting a person with effect from any date not earlier than thirteen weeks before the date on which his application was made and regulations made under paragraph (*b*) of that subsection shall not provide for crediting contributions to a person excepted from liability to pay them by virtue of the said sub-paragraph (iii) otherwise than for the purpose of entitling that person to unemployment benefit or sickness benefit for periods after he has ceased to be so excepted.

Contributions of employed persons and employers.

6. (1) Except where regulations otherwise prescribe, an employer liable to pay a contribution in respect of a person employed by him shall, in the first instance, be liable to pay also, on behalf of and to the exclusion of that person, any contribution as an insured person payable by that person for the same contribution week, and for the purposes of this Law contributions paid by an employer on behalf of an insured person shall be deemed to be contributions by the insured person.

(2) Notwithstanding any contract to the contrary, an employer shall not be entitled to deduct from the wages or other remuneration of a person employed by him, or otherwise to recover from such a person, the employer's contribution in respect of that person; and any employer who deducts or attempts to deduct the whole or any part of the employer's contribution in respect of any person from his wages or other remuneration shall be guilty of an offence and liable, on conviction, to a fine not exceeding ten pounds.

(3) An employer shall be entitled, subject to and in accordance with regulations, to recover from an insured person the amount of any contribution paid or to be paid by him on behalf of that person, and

regulations under this subsection may authorise recovery by deductions from the insured person's wages or remuneration:

Provided that any such regulations shall provide that—

(*a*) where the insured person does not receive any wages or other pecuniary remuneration in respect of an employed contributor's employment either from the employer or from any other person, the employer shall not be entitled to recover the amount of any such contribution from him; and

(*b*) where the insured person does receive any such wages or remuneration from the employer, the employer shall not be entitled to recover any such contribution otherwise than by deductions from the wages or remuneration.

(4) The Authority may, in such cases and on such conditions as it may prescribe, make an arrangement with any employer who is liable to pay employer's contributions under this Law whereby, in respect of persons engaged by that employer through an employment exchange or other agency approved by the Authority, or in the employ of that employer on the date of the arrangement, the performance of all or any of the duties required under this Part of this Law to be performed by the employer in respect of those persons, whether on his own behalf or on behalf of those persons, shall be undertaken on behalf of the employer by the employment exchange or other agency.

(5) For the purposes of this section, references to a person's remuneration shall be construed, in relation to any period, as including any payments which by virtue of regulations made under subsection (3) of section four of this Law (which relates to the

number and class of contribution for any week) are to be deemed for the purposes of that subsection to be remuneration paid to him in respect of any day in that period.

General provisions as to payment and collection of contributions, etc.

7. (1) Regulations may provide—

(*a*) for any matters incidental to the payment and collection of contributions under this Law;

(*b*) for treating, for the purpose of any right to benefit, contributions paid after the due dates as paid on those dates or on such later dates as may be prescribed, or as not having been paid and for treating, for the purpose aforesaid, contributions payable by an employer on behalf of an insured person, but not paid, as paid where the failure to pay is shown not to have been with the consent or connivance of, or attributable to any negligence on the part of, the insured person;

(*c*) for treating contributions of the wrong class or at the wrong rate as paid on account of the contributions properly payable;

(*d*) for the return of contributions under this Law paid in error;

(*e*) without prejudice to any other remedy, for the recovery, on prosecutions brought under or by virtue of this Law, of contributions under this Law.

(2) Where under regulations made by virtue of subsection (1) of this section contributions under this Law are payable by means of adhesive stamps, those stamps (hereafter in this Law referred to as "insurance stamps") shall be prepared and issued in such manner as the Authority may direct, and the Authority may provide for the sale of insurance stamps through any agent approved by the Authority.

(3) Regulations made by the Authority by virtue of this section providing for the payment of contributions, at the option of the persons liable to pay, either—

(*a*) by means of insurance stamps; or

(*b*) by some alternative method, the use of which involves greater expense in administration to the Authority than would be incurred if the contributions were paid by means of insurance stamps;

may include provision for the payment to the Authority by any person who adopts any alternative method, and for the recovery by the Authority, of the prescribed fees in respect of the difference in the expense in administration.

(4) The States may by Ordinance provide for applying, with the necessary adaptations, as respects insurance stamps, all or any of the provisions (including penal provisions) of the Stamp Duties Management Act, 1891, section nine of the Stamp Act, 1891, and section sixty-three of the Post Office Act, 1953.

Persons to be treated as employers.

8. (1) In relation to persons who—

(*a*) are employed by more than one employer in any contribution week; or

(*b*) work under the general control or management of some person other than their immediate employer;

and in relation to any other cases for which it appears to the Authority that special provision is needed, regulations may provide that for the purposes of this Law the prescribed person shall be treated as their employer; and regulations made by virtue of paragraph (*b*) of this subsection may provide for adjusting the rights between themselves of the person prescribed

as the employer, the immediate employer and the persons employed.

(2) References in this Law to a person's employer shall not be construed as including his employer in any employment other than one which is an employed contributor's employment (or, in the case of a person who is not, but would if he were under pensionable age be, an insured person, an employment which would be an employed contributor's employment in his case if he were under that age).

Women seasonal workers.

9. (1) Notwithstanding the provisions of section two of this Law (which relates to source of funds) an employed person who is a woman ordinarily resident in Guernsey shall be liable during any period when she is a seasonal worker, if she elects by notice in writing to the Authority to pay contributions in accordance with the provisions of this section instead of paying contributions at a rate in accordance with the provisions of sub-paragraph (i) of paragraph (*a*) of subsection (2) of the said section two, to pay a weekly contribution of two pence or of such other amount as the States may by Ordinance determine.

(2) Any woman who elects to pay contributions in accordance with the provisions of the last preceding subsection shall not, by virtue of the payment of such contributions, be entitled to any benefits in pursuance of the provisions of this Law other than sickness benefit, industrial disablement benefit and industrial medical benefit in respect of personal injury caused by accident arising out of and in the course of her employment as a seasonal worker.

(3) Any contributions paid in accordance with the provisions of subsection (1) of this section shall not, for the purposes of this Law, be treated as contributions of the appropriate class.

(4) A contribution credit granted in pursuance of any regulations made under the provisions of section five of this Law (which relates to exception from liability for, and crediting of, contributions) to a woman who is liable to pay contributions in accordance with the provisions of subsection (1) of this section shall not be taken into account for the purposes of establishing entitlement to any benefit other than any of the benefits to which she would be entitled in accordance with the provisions of subsection (2) of this section.

(5) Any woman who elects to pay contributions in accordance with the provisions of subsection (1) of this section shall so pay such contributions as from the beginning of the contribution week in which she notifies the Authority of that election and she shall cease to so pay such contributions—

(*a*) from the beginning of the contribution week next following the contribution week in which the Authority receives a notice in writing of her intention to cease to so pay such contributions, or

(*b*) from the end of the contribution week in which she ceases to be a seasonal worker.

(6) Regulations may provide for determining the circumstances in which, and the conditions subject to which, an insured person who is a woman shall be treated as a seasonal worker for the purposes of this Law.

(7) The provisions of this section shall not apply to a widow to whom the provisions of the next succeeding section of this Law apply.

Widows who are employed persons.

10. (1) Notwithstanding the provisions of section two of this Law (which relates to source of funds), a

widow who is entitled to widow's benefit in accordance with the provisions of section sixteen (which relates to widow's benefit) and section seventeen (which relates to widows' pensions in special cases) of this Law and who is an employed person shall be liable, if she elects by notice in writing to the Authority, to pay contributions in accordance with the provisions of this section instead of paying contributions at a rate in accordance with the provisions of sub-paragraph (i) of paragraph (*a*) of subsection (2) of the said section two, to pay a weekly contribution of two pence or of such other amount as the States may by Ordinance determine.

(2) A widow who elects to pay contributions in accordance with the provisions of the last preceding subsection shall not, by virtue of the payment of such contributions, be entitled to any benefits in pursuance of the provisions of this Law other than sickness benefit, industrial disablement benefit and industrial medical benefit in respect of personal injury caused by accident arising out of and in the course of her employment as an employed person.

(3) Any contributions paid in accordance with the provisions of subsection (1) of this section shall not, for the purposes of this Law, be treated as contributions of the appropriate class.

(4) For each week in which a widow pays a contribution in accordance with the provisions of subsection (1) of this section she shall be entitled to a contribution credit in pursuance of any regulations made under the provisions of section five of this Law (which relates to exception from liability for, and crediting of, contributions) save that any such contribution credit shall only be taken into account for the purposes of determining whether she qualifies for a retirement pension.

(5) If for any week a widow to whom subsection (1) of this section applies and who has elected to pay contributions in accordance with the provisions of that subsection is entitled to a contribution credit because of her incapacity for work, in pursuance of any regulations made under the provisions of section five of this Law, that contribution credit shall only be taken into account for the purposes of determining whether she qualifies for a retirement pension.

(6) A widow who elects to pay contributions in accordance with the provisions of subsection (1) of this section shall so pay such contributions as from the beginning of the contribution week in which she notifies the Authority of that election and she shall cease to so pay such contributions—

(*a*) from the beginning of the contribution week next following the contribution week in which the Authority receives a notice in writing of her intention to cease to so pay such contributions, or

(*b*) from the end of the contribution week in which she ceases to be an employed person.

PART II

BENEFIT

Preliminary

Descriptions and rates of benefit and contribution conditions.

11. (1) Benefit shall be of the following descriptions:—

(*a*) unemployment benefit;

(*b*) sickness benefit;

(*c*) limited medical benefit;

(*d*) widow's benefit, which shall include widow's allowance, widowed mother's allowance and widow's pension;

(*e*) guardian's allowance;

(*f*) retirement pension;

(*g*) industrial disablement benefit;

(*h*) industrial medical benefit.

(2) Subject to the provisions of this Law—

(*a*) the weekly rates of the several descriptions of benefit, other than limited medical benefit, industrial disablement benefit and industrial medical benefit, shall be as set out in the second column of the Second Schedule to this Law; and

(*b*) the contribution conditions for the several descriptions of benefit, other than limited medical benefit, industrial disablement benefit and industrial medical benefit, shall be as set out in the Third Schedule to this Law.

(3) The States may by Ordinance vary 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.

(4) Subject to the provisions of this Law, references in this Law to contributions of the appropriate class shall be construed—

(*a*) in relation to unemployment benefit, as references to contributions as an employed person;

(*b*) in relation to sickness benefit, industrial disablement benefit and industrial medical benefit, as references to contributions as an employed or self-employed person;

(*c*) in relation to any other description of benefit as references to contributions as an insured person of any class;

and, for the purpose of any reference in this Law to contributions of the appropriate class or their equivalent, there shall be treated as equivalent to a contribution of the appropriate class such number of contributions not of that class as may be prescribed.

(5) Subject to the provisions of this Law, any reference therein to the yearly average of the contributions paid by or credited to any person shall be construed as referring to contributions as an insured person only, and to that average (calculated in the prescribed manner) over a period—

(*a*) beginning—

(i) if the insured person attained the age of sixteen years on or after the first day of January, nineteen hundred and fifty-two, with the beginning of the contribution year in which that insured person attained that age, or

(ii) if the insured person attained the age of sixteen years before the first day of January, nineteen hundred and fifty-two, with the beginning of the contribution year in which that day occurred, and

(*b*) ending with the end of the last complete contribution year before the date as at which the yearly average is to be ascertained.

Unemployment and sickness benefit

Right to unemployment and sickness benefit.

12. (1) Subject to the provisions of this Law, a person shall be entitled to unemployment benefit in respect of any day of unemployment which forms part of a period of interruption of employment, and to sickness benefit in respect of any day of incapacity for work which forms part of such a period, if—

(*a*) (subject as hereafter provided) he is under pensionable age on the day for which the benefit is claimed; and

(*b*) he satisfies the relevant contribution conditions:

Provided that a person shall not be entitled to either benefit for the first three days of any period of interruption of employment, unless, within the period of thirteen weeks beginning with the first of those days, he has a further nine days of interruption of employment forming part of the same period of interruption of employment.

(2) For the purposes of any provision of this Law relating to unemployment or sickness benefit—

(*a*) a day shall not be treated in relation to any person—

(i) as a day of unemployment unless on that day he is capable of work and is, or is deemed in accordance with regulations to be, available for employment in an employed contributor's employment;

(ii) as a day of incapacity for work unless on that day he is, or is deemed in accordance with regulations to be, incapable of work by reason of some specific disease or bodily or mental disablement;

(*b*) the expression "day of interruption of employment" means a day which is a day of unemployment or of incapacity for work;

(*c*) any two days of interruption of employment, whether consecutive or not, within a period of six consecutive days shall be treated as a period of interruption of employment, and any two such periods not separated by a period of more than thirteen weeks shall be treated as one period of interruption of employment;

(*d*) Sunday or such other day in each week as may be prescribed shall not be treated as a

day of unemployment or of incapacity for work and shall be disregarded in computing any period of consecutive days.

(3) Regulations may make provisions (subject to the last foregoing subsection) as to the days which are or are not to be treated for the purposes of unemployment benefit and sickness benefit as days of unemployment or incapacity for work.

(4) The amount payable by way of benefit for any day of unemployment or of incapacity for work shall be one sixth of the appropriate weekly rate.

Exhaustion of and requalification for benefit.

13. (1) A person who, in respect of any period of interruption of employment, has been entitled to unemployment benefit for one hundred and eighty days shall not thereafter be entitled to that benefit for any day of unemployment (whether in the same or a subsequent period of interruption of employment) unless before that day he has requalified for benefit: Provided that, in the case of a person who before exhausting his right to unemployment benefit under this subsection has qualified in accordance with the provisions of an Ordinance made in that behalf under this subsection for additional days of unemployment benefit (depending on the contributions of the appropriate class paid by him and the unemployment benefit to which he has been entitled), this subsection shall apply with the substitution for the reference to one hundred and eighty days of a reference to such greater number of days as may be allowed by the Ordinance.

(2) A person who—

(*a*) in respect of the period between his entry into insurance and any day of incapacity for work has paid less than one hundred and fifty-six contributions of the appropriate class; and

(*b*) before that day has been entitled, in respect of any period of interruption of employment (whether including that day or not), to sickness benefit for three hundred and twelve days;

shall not be entitled to sickness benefit for that day unless since the last of the said three hundred and twelve days and before that day he has requalified for benefit.

(3) Where a person has exhausted his right to either of the said benefits—

(*a*) he shall requalify therefor when he has paid thirteen contributions of the appropriate class in respect of contribution weeks begun or ended since the last day for which he was entitled to that benefit;

(*b*) on his requalifying therefor, subsection (1) or subsection (2), as the case may be, of this section shall again apply to him, but, in a case where the period of interruption of employment in which he exhausted his right to that benefit continues after his requalification, as if the part before and the part after his requalification were distinct periods of interruption of employment.

(4) Regulations may provide for treating a person for the purposes of this section as having been entitled to benefit for any day if he would have been so entitled but for any delay or failure to make or prosecute a claim or give a notice:

Provided that a person shall not be so treated where he shows that he did not intend, by failing to acquire or establish a right to benefit for that day, to avoid the necessity of requalifying for benefit under this section.

14. (1) A person who has lost employment in an employed contributor's employment by reason of a stoppage of work which was due to a trade dispute at his place of employment shall be disqualified for receiving unemployment benefit so long as the stoppage of work continues, except in a case where, during the stoppage of work, he has become bona fide employed elsewhere in the occupation which he usually follows or has become regularly engaged in some other occupation:

Disqualifications and special conditions.

Provided that this subsection shall not apply in the case of a person who proves—

(*a*) that he is not participating in or financing or directly interested in the trade dispute which caused the stoppage of work; and

(*b*) that he does not belong to a grade or class of workers of which, immediately before the commencement of the stoppage, there were members employed at his place of employment any of whom are participating in or financing or directly interested in the dispute.

(2) A person shall be disqualified for receiving unemployment benefit for such period not exceeding ten weeks as may be determined in such manner as may be prescribed by regulations made under the provisions of this Law relating to the determination of claims to benefit, if—

(*a*) he has lost his employment in an employed contributor's employment through his misconduct, or has voluntarily left such employment without just cause:

(*b*) after a situation in any suitable employment has been notified to him by or on behalf of the Authority, or by or on behalf of an employer, as vacant or about to become vacant, he has without good cause refused or

failed to apply for that situation or refused to accept that situation when offered to him:

(*c*) he has neglected to avail himself of a reasonable opportunity of suitable employment;

(*d*) he has without good cause refused or failed to carry out any written recommendations given to him by or on behalf of the Authority with a view to assisting him to find suitable employment, being recommendations which were reasonable having regard to his circumstances; or

(*e*) he has without good cause refused or failed to avail himself of a reasonable opportunity of receiving training approved by the Authority in his case for the purpose of becoming or keeping fit for entry into or return to regular employment.

(3) Regulations may provide for disqualifying a person for receiving sickness benefit for such period not exceeding ten weeks as may be determined in such manner as may be prescribed by regulations made under the provisions of this Law relating to the determination of claims to benefit, if—

(*a*) he has become incapable of work through his own misconduct; or

(*b*) he fails without good cause to attend for or to submit himself to such medical or other examination or treatment as may be required in accordance with the regulations, or to observe any prescribed rules of behaviour.

(4) Regulations may also provide for imposing in the case of any class of persons additional conditions with respect to the receipt of unemployment benefit or sickness benefit and restrictions on the rate and duration thereof, if, having regard to special

circumstances, it appears to the Authority necessary so to do for the purpose of preventing inequalities, or injustice to the general body of employed persons or of employed and self-employed persons, as the case may be.

(5) For the purposes of this section—

(*a*) employment shall not be deemed to be employment suitable in the case of any person if it is employment in a situation vacant in consequence of a stoppage of work due to a trade dispute; or

(*b*) employment shall be deemed to be employment suitable in the case of any person if the Authority in its absolute discretion so determines.

(6) In this section—

(*a*) the expression "place of employment" in relation to any person, means the factory, workshop, farm or other premises or place at which he was employed, so, however, that, where separate branches of work which are commonly carried on as separate businesses in separate premises or at separate places are in any case carried on in separate departments on the same premises or at the same place, each of those departments shall for the purposes of this paragraph be deemed to be a separate factory or workshop or farm or separate premises or a separate place, as the case may be;

(*b*) the expression "trade dispute" means any dispute between employers and employees or between employees and employees which is connected with the employment or non-employment or the terms of employment or the conditions of employment of any persons,

whether employees in the employment of the employer with whom the dispute arises or not.

Limited medical benefit

Limited medical benefit.

15. (1) Subject to the provisions of this Law, the States may by Ordinance make provision enabling the Authority to provide grants in respect of limited medical benefit of such amount or of such nature as the Authority may in its absolute discretion determine to, or in respect of, insured persons to whom this section applies in respect of personal injury not caused by accident arising out of and in the course of their employment, in such manner and subject to such conditions as may be specified in the Ordinance and any such Ordinance shall provide that the contributions paid in pursuance of the provisions of sub-paragraph (ii) of paragraph (*a*), sub-paragraph (ii) of paragraph (*c*) and sub-paragraph (ii) of paragraph (*d*) of subsection (2) of section two of this Law (which relates to source of funds) shall be paid into a subsidiary account of the Guernsey Insurance Fund.

(2) Limited medical benefit shall be payable only out of the amount for the time being standing to the credit of the said account.

(3) There shall be charged to the said account the expenses, as determined by the Authority from time to time, incurred in connection with the administration of so much of this Law as relates to limited medical benefit.

(4) Any contributions paid in pursuance of the provisions of sub-paragraph (ii) of paragraph (*a*), sub-paragraph (ii) of paragraph (*c*) and sub-paragraph (ii) of paragraph (*d*) of subsection (2) of section two of this Law shall not, for the purposes of this Law, be treated, in relation to any benefit, as contributions of the appropriate class.

(5) The provisions of this section shall apply to any insured person who is liable to pay contributions as respects limited medical benefit in pursuance of the provisions of sub-paragraph (ii) of paragraph (*a*), sub-paragraph (ii) of paragraph (*c*) and sub-paragraph (ii) of paragraph (*d*) of subsection (2) of section two of this Law other than insured persons who are excepted from liability to pay contributions as aforesaid in pursuance of the provisions of any regulations made under the provisions of section five of this Law (which relates to exception from liability for, and crediting of, contributions) for reasons other than unemployment or incapacity for work.

(6) For the purposes of subsection (1) of this section the expression "limited medical benefit" includes the provision of medical, surgical and pharmaceutical aid, the supply and renewal of artificial limbs and surgical appliances, the payment for hospital accommodation and travelling expenses.

Widow's benefit

Widow's benefit.

16. (1) Subject to the provisions of this Law, a widow shall be entitled to widow's benefit if the husband satisfied the relevant contribution conditions, and—

(*a*) in the case of a widow's allowance, if at the husband's death either he was not entitled to a retirement pension or she was under pensionable age;

(*b*) in the case of a widowed mother's allowance—

(i) if the widow has a family which includes a child who—

(*aa*) at the husband's death was, or could have been treated under paragraph 3 of the Schedule to

the Family Allowances (Guernsey) Law, 1950, as, a child of his family; or

(*bb*) is a son or daughter of theirs; or

(*cc*) subject to such exceptions and conditions as may be prescribed, having at the death of a previous husband of the widow by a marriage which ended with that husband's death been a child of that husband's family, was at the death of the last husband a child of the widow's family,

and who, if for the time being included in the widow's family only by virtue of her contributing to the cost of providing for him, is so included by virtue of her so contributing at the rate of twenty shillings or more a week; or

(ii) subject to such exceptions and conditions as may be prescribed, if the widow, while not having such a family as aforesaid, has residing with her a person who is under the age of eighteen years and is, has been, or would, but for the fact that at the husband's death that person had attained the upper limit of the compulsory school age or was not in Guernsey, be or have been, a child falling within paragraph (*aa*), (*bb*) or (*cc*) of the foregoing sub-paragraph; or

(iii) if the widow is pregnant by the husband;

(*c*) in the case of a widow's pension, if (subject to the next following section) at the husband's death he and the widow had been

married for not less than three years and she was over the age of fifty but under pensionable age.

(2) Notwithstanding the provisions of the last preceding subsection, a widow whose husband dies as a result of personal injury caused by an accident arising out of and in the course of his employment on or after the appointed day or as a result of a prescribed disease or injury within the meaning of that expression in Part III of this Law, whether as an employed person or as a self-employed person, shall be entitled to widow's benefit notwithstanding that the husband did not satisfy the relevant contribution conditions: Provided that a widow whose husband dies in circumstances as aforesaid being an employed person or a self-employed person but who immediately prior to his death either—

(*a*) was deemed to be a non-employed person by virtue of any regulations made in pursuance of the provisions of subsection (4) of section one of this Law (which relates to description and classification of insured persons), or

(*b*) was excepted from liability to pay contributions by virtue of any regulations made in pursuance of sub-paragraph (iii) of paragraph (*a*) of subsection (1) of section five of this Law (which relates to exception from liability for, and crediting of, contributions),

shall not be entitled to widow's benefit by virtue of the provisions of this subsection.

(3) The period for which widow's benefit is payable to a widow shall be—

(*a*) in the case of a widow's allowance, the thirteen weeks next following the husband's death;

(*b*) in the case of a widowed mother's allowance, any period during which she satisfies the requirements of paragraph (*b*) of subsection (1) of this section and for which she is not entitled to a widow's allowance; and

(*c*) in the case of a widow's pension, any period during which she is under pensionable age or, being over pensionable age, has not retired from regular employment and for which she is not entitled to a widow's allowance or widowed mother's allowance:

Provided that the benefit shall not be payable for any period after her death or remarriage or for any period during which the Authority is satisfied that she is cohabiting with a man as his wife.

(4) Where the earnings of the widow have exceeded—

(*a*) one hundred and ten shillings for the calendar week ending last before any week for which she is entitled to a widowed mother's allowance, or

(*b*) eighty shillings for the calendar week ending last before any week for which she is entitled to a widow's pension,

the weekly rate of the allowance or pension shall for the week for which she is so entitled be reduced by sixpence for each complete shilling of the excess and a further sixpence for each complete shilling by which the earnings exceeded, in the case of a widowed mother's allowance, one hundred and thirty shillings, or, in the case of a widow's pension one hundred shillings:

Provided that a widowed mother's allowance shall not be reduced by virtue of this subsection—

(*a*) where the allowance is payable by virtue of the widow having a family (that is, where

payable under sub-paragraph (i) of paragraph (*b*) of subsection (1) of this section) to less than twenty-six shillings, plus any increase in the allowance in respect of any child of the family, or

(*b*) in any other case, to less than twenty-six shillings.

(5) The States may by Ordinance vary the provisions of the last preceding subsection by altering—

(*a*) the amount of earnings which is taken into consideration in calculating the weekly rate of the allowance or pension of any widow;

(*b*) the sum by which the weekly rate of the allowance or pension is to be reduced for each shilling of the excess.

(6) In this section the expression "the husband", in relation to a woman who has been married more than once, refers only to her last husband.

Widows' pensions in special cases.

17. (1) 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 at a time when—

(*a*) she is over the age of fifty but under pensionable age or, being over pensionable age, has not retired from regular employment; and

(*b*) three years have elapsed since the date of the marriage in respect of which the allowance is payable;

she shall for any subsequent period have the same right (if any) to a widow's pension in respect of that marriage as if the said conditions were satisfied.

(2) Regulations may provide that, where a widow, in relation to whom neither the said conditions for

a widow's pension nor the alternative conditions contained in subsection (1) of this section are satisfied, would but for the regulations cease to be entitled to widow's benefit at a time when she is by reason of any infirmity incapable of self-support and is under pensionable age, she shall, for any subsequent period during which she is incapable of self-support by reason of that infirmity 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 widow's benefit as if the said conditions were satisfied.

(3) Where a widow is entitled to a widow's pension by virtue of the last foregoing subsection but ceases to be so entitled at a time when—

(*a*) she is over the age of fifty but under pensionable age or, being over pensionable age, has not retired from regular employment; and

(*b*) three years have elapsed since the date of the marriage in respect of which the pension is payable;

she shall for any subsequent period have the same right (if any) to a widow's pension in respect of that marriage as if she had attained the age of fifty and the said three years had elapsed before the husband's death.

(4) Where a widow has been married more than once, regulations may relax, for the purpose of her right to a widow's pension in respect of her last marriage, the condition as to the duration of that marriage contained in paragraph (*c*) of subsection (1) of the last foregoing section (or, in a case to which instead of that condition the alternative condition contained in paragraph (*b*) of subsection (1) or subsection (3) of this section applies, the said alternative condition)

Guardian's allowance

Guardian's allowance.

18. (1) Subject to the provisions of this Law, a person shall be entitled to a guardian's allowance in respect of any child who is for the time being a child of his family, if—

(*a*) the parents of the child are dead; and

(*b*) one at least of them was an insured person:

Provided that regulations may modify paragraphs (*a*) and (*b*) of this subsection in relation to cases—

(i) where a child has been adopted, or is illegitimate; or

(ii) where the marriage of a child's parents was terminated by divorce; or

(iii) where one of the child's parents is dead and the person claiming the allowance shows that he was at the date of the death unaware of, and has failed after all reasonable efforts to discover, the whereabouts of the other parent.

(2) Regulations may provide for the payment of guardian's allowance under this section in respect of a child as if both parents of the child were dead, in cases where one parent is dead and the surviving parent is serving (or is to be treated in accordance with the regulations as serving) a sentence of imprisonment of not less than the prescribed length or of imprisonment for life, or is (or is to be so treated as being) in legal custody in any other prescribed circumstances.

(3) Regulations made in pursuance of the provisions of the last preceding subsection may include provision—

(*a*) for suspending payment of an allowance awarded by virtue of this section where the conviction, sentence or order in consequence

of which it was awarded is subject to appeal, and for any matters arising from the decision of any such appeal; and

(*b*) for requiring sums paid by virtue of this section by way of guardian's allowance in respect of a child for a period during which one of the child's parents is alive to be repaid by that parent to the Guernsey Insurance Fund.

(4) In a case for which the conditions for payment of guardian's allowance set out in subsection (1) of this section are modified by virtue of the proviso to that subsection so as to make guardian's allowance payable in respect of a child not on the death of the child's parents but on the death of two persons who are not the child's parents, or of whom one is not the child's parent, this section shall apply as if those persons were the child's parents.

(5) In the case of a child who is a child of the family of a man and his wife, the wife only shall be entitled to a guardian's allowance, but subsection (2) and subsection (3) of section four of the Family Allowances (Guernsey) Law, 1950 (which relate to the persons to receive an allowance under that Law payable in respect of such a child) shall apply in relation to a guardian's allowance as they apply in relation to an allowance under that Law.

Retirement pensions

Retirement pensions.

19. (1) Subject to the provisions of this Law, a person shall be entitled to a retirement pension if—

(*a*) he is over pensionable age and has retired from regular employment; and

(*b*) he satisfies the relevant contribution conditions.

(2) For the purposes of this Law—

(*a*) a person may, subject to the next following paragraph, be treated as having retired from regular employment at any time after he has attained pensionable age—

(i) whether or not he has previously been engaged in a gainful occupation;

(ii) notwithstanding that he is engaged or intends to engage in a gainful occupation, if he is engaged or intends to engage therein only occasionally or to an inconsiderable extent or otherwise in circumstances not inconsistent with retirement or if his earnings can be expected not to exceed, or only occasionally to exceed, the amount any excess over which would, under subsection (5) of this section, involve a reduction of the weekly rate of any retirement pension awarded to him;

(*b*) subject to the next following paragraph, a person shall not be treated as having retired from regular employment unless he has complied with the prescribed requirements as to notice of the date of his retirement and—

(i) where the date of retirement specified in the notice falls before the date when the notice is given, that person shall not be treated as having so retired earlier than on the date of commencement of the prescribed period before the giving of the notice;

(ii) where the date of retirement specified in the notice falls after the date when the notice is given, an award of a retirement pension as from the date of retirement so specified may be made before

that date but shall be conditional on that person's having retired on or before that date;

(*c*) a person who has not previously retired from regular employment shall be deemed so to retire on the expiration of five years from his attaining pensionable age; and

(*d*) references to the date of a person's retirement shall be construed accordingly.

(3) Subject to the provisions of this Law, a retirement pension shall be payable from the date of retirement for life.

(4) Subject to the next following subsection, the weekly rate of a retirement pension shall, in the case of a person who satisfies condition (*b*) of sub-paragraph (1) of paragraph two of the Third Schedule to this Law, be increased by one shilling or such other amount as the States may by Ordinance provide for every ten contributions as an employed or self-employed person paid by the beneficiary in respect of the period after his attaining pensionable age.

(5) Where the earnings of a beneficiary who is less than five years over pensionable age have exceeded eighty shillings for the calendar week ending last before any week for which he is entitled to a retirement pension, the weekly rate of his pension shall for the last mentioned week be reduced by sixpence for each complete shilling of the excess and a further sixpence for each complete shilling by which the earnings exceeded one hundred shillings:

Provided that this subsection shall not affect the rate of the pension for the first week after the date of the beneficiary's retirement.

(6) The States may by Ordinance vary the provisions of the last preceding subsection by altering—

(*a*) the amount of earnings which is taken into consideration in calculating the weekly rate of the pension of any beneficiary;

(*b*) the sum by which the weekly rate of the pension is to be reduced for each shilling of the excess.

(7) Regulations may provide that, in the case of a person of such description as may be prescribed who—

(*a*) has retired from regular employment or has otherwise become entitled to a retirement pension but is under the age of seventy; and

(*b*) elects, in such manner and in accordance with such conditions as may be prescribed, that the regulations shall apply in his case;

this Law shall have effect as if that person had not retired or become entitled as aforesaid:

Provided that, where a husband and wife have both become entitled to retirement pensions by virtue of the husband's insurance, the husband shall not be entitled to elect as aforesaid without the consent of the wife, unless that consent is unreasonably withheld.

(8) Any such regulations may make such modifications to this Law in its application to a case where a person elects as aforesaid as may appear to the Authority to be necessary or expedient, and may in particular provide for determining how contributions paid by that person, whether before or after that person's first retirement or, as the case may be, first becoming entitled to a retirement pension, are to be dealt with for the purposes of subsection (4) of this section.

Special provisions as to women.

20. (1) Subject to the provisions of this Law, a woman over pensionable age shall be entitled to a retirement 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—

(i) either that he is over pensionable age and both have retired from regular employment, or that he is dead; and

(ii) that he satisfies the relevant contribution conditions; and

(iii) in a case where she has married the husband after attaining pensionable age, such further conditions as may be prescribed.

(2) Subject to the provisions of this Law, a retirement pension payable to a woman by virtue of her husband's insurance shall commence from the date on which the provisions of the foregoing subsection are satisfied in relation to the pension and shall be payable for life.

(3) Subject to the provisions of this Law, where a man who satisfies condition (*b*) of sub-paragraph (1) of paragraph two of the Third Schedule to this Law, pays contributions as an employed or self-employed person for a period after his attaining pensionable age, then in respect of those contributions—

(*a*) the weekly rate of any retirement pension payable to his wife or widow by virtue of his insurance shall be increased by sixpence or such other amount as the States may by Ordinance provide for every ten contributions, other than those paid for a period before she attains pensionable age; and

(*b*) the weekly rate of any retirement pension payable to his widow by virtue of his insurance or of hers shall be increased by sixpence

or such other amount as the States may by Ordinance provide for every ten contributions (in addition to the increase, if any, under paragraph (*a*) of this subsection).

(4) Where by virtue of an election under subsection (7) of the last preceding section, a woman pays contributions as an employed or self-employed person for a period after her attaining pensionable age then in relation to a retirement pension payable by virtue of her husband's insurance the contributions so paid by her for any period after his death shall be taken into account under subsection (3) of this section as if they were contributions paid by him as mentioned in that subsection.

(5) Subsection (5) of the last preceding section shall apply to a retirement pension payable to a woman by virtue of her husband's insurance as it applies to a pension payable by virtue of a person's own insurance.

(6) A woman shall not be entitled for the same period to more than one retirement pension, but if she would be so entitled but for this provision may, on such occasions and in such manner as may be prescribed, choose that to which she shall be entitled.

(7) Where immediately before attaining pensionable age a woman is a widow, she may elect that, in calculating for the purpose of her right to a retirement pension by virtue of her own insurance the yearly average of the contributions paid by or credited to her, there shall be treated as so paid or credited either—

(*a*) for each contribution year falling wholly or partly before her husband's death; or

(*b*) for each contribution year falling wholly or partly during the period of their marriage;

a number of contributions equal to the yearly average (ascertained as at the date of his attaining pension-

able age or dying under that age) of the contributions paid by or credited to him, instead of the number of contributions actually paid by or credited to her for that year.

(8) Subsections (3) and (4) of this section, in relation to a retirement pension payable to a woman by virtue of her husband's insurance, shall have effect in place of subsection (4) of the last preceding section.

(9) In relation to a woman who marries after attaining pensionable age subsections (3) and (4) above shall have effect subject to any prescribed modifications.

Additional rights to benefit

Increase of benefit for children.

21. (1) Subject to the provisions of this Law, of subsection (5) of this section and, in the case of a retirement pension, to the provisions of subsections (3) and (4) of this section—

(*a*) the weekly rate of unemployment benefit, sickness benefit, a retirement pension or a widow's allowance shall, for any period for which the beneficiary has a family which includes a child or children, be increased in respect of that child or the elder or eldest of those children by the amount specified in the third column of the Second Schedule to this Law and, for any such period for which the family includes two or more of those children, be increased in respect of each of those children other than the elder or eldest by the amount specified in the fourth column of the said Schedule; and

(*b*) the weekly rate of a widowed mother's allowance payable under sub-paragraph (i) of paragraph (*b*) of subsection (1) of section sixteen

of this Law (which relates to widow's benefit) shall, for any period during which the widow has a child or children in her family such as are mentioned in that sub-paragraph, be increased in respect of that child or the elder or eldest of those children by the amount specified in the third column of the said Schedule and, for any such period for which the family includes two or more of those children, be increased in respect of each of those children other than the elder or eldest by the amount specified in the fourth column of the said Schedule.

(2) A child of the family of any woman for the time being residing with the beneficiary shall be treated for the purposes of this section as a child of the beneficiary's family if the child—

(*a*) is an illegitimate son or daughter of theirs; or

(*b*) was born not less than six months before the day for which benefit is claimed and wholly or mainly maintained by the beneficiary throughout the six months ending immediately before that day.

(3) In the case of a retirement pension—

(*a*) subsection (1) of this section, so far as it relates to the amount of the increase, shall have effect subject to the provisions of this Law reducing the rate of the pension in respect of the beneficiary's earnings;

(*b*) where a man and his wife are both entitled to a pension by virtue of his insurance—

(i) they shall not both be entitled for the same period to an increase under this section in respect of the same child;

(ii) if they would both (but for this provision) be entitled for the same period to an increase under this section at the rate applicable to an only, elder or eldest child in respect of different children, one of them shall be entitled to an increase at that rate and the other (subject to subparagraph (i) hereof) to an increase at the rate applicable to a child other than an only, elder or eldest child;

(*c*) for any reference in subsection (2) of this section to the day for which benefit is claimed there shall be substituted a reference to the date of retirement or, where the beneficiary is a woman who became entitled to the pension without having retired, the date when she so became entitled.

(4) Where, but for paragraph (*b*) of the last foregoing subsection, a man and his wife would both be entitled to an increase of a retirement pension under this section, regulations may make provision as to their priority.

(5) Where a person is entitled to receive payment in respect of a child who is, or who falls to be treated for the purposes of the relevant provision hereinafter mentioned as, a child of that person's family of an amount—

(*a*) under section eighteen of this Law by way of guardian's allowance; or

(*b*) under this section;

that amount shall not be payable unless one of the following conditions is satisfied, that is to say—

(i) that the child in question is living with the beneficiary; or

(ii) that contributions to the cost of providing for the child in question are being made at a weekly rate not less than that of the amount in question by the beneficiary or, where the beneficiary is one of spouses living together, by those spouses taken together, being, if an allowance under the Family Allowances (Guernsey) Law, 1950, is payable in respect of the child as a child of the beneficiary's family, contributions over and above those required for the purposes of subsection (2) of section three of that Law or, as the case may be, for the purposes of the Proviso to sub-paragraph (1) of paragraph 1 of the Schedule to that Law.

Increase of benefit for adult dependants.

22. (1) Subject to the provisions of this Law and to the following provisions of this section, the weekly rate of unemployment benefit, sickness benefit or a retirement pension shall be increased by the amount set out in the fifth column of the Second Schedule to this Law for any period during which the beneficiary is residing with or is contributing at a weekly rate of not less than that amount to the maintenance of his wife who is not engaged in any gainful occupation or occupations from which her weekly earnings exceed that amount.

(2) The weekly rate of unemployment benefit or sickness benefit shall, except in the case of a beneficiary entitled to an increase thereof in respect of his wife under the last foregoing subsection, be increased by the amount set out as aforesaid for any period during which—

(*a*) the beneficiary is wholly or mainly maintaining her husband who is incapable of self-support;

(*b*) the beneficiary has residing with him and is wholly or mainly maintaining such other relative as may be prescribed, being a relative in relation to whom such further conditions as may be prescribed are fulfilled; or

(*c*) some female person (not being a child) has the care of a child or children of the beneficiary's family, or of a child or children treated as such for the purposes of the last foregoing section, being a person in relation to whom such further conditions as may be prescribed are fulfilled:

Provided that a beneficiary shall not be entitled for the same period to an increase of benefit under this subsection in respect of more than one person.

(3) The weekly rate of a retirement pension shall be increased by the amount set out as aforesaid for any period during which the requirements of paragraph (*c*) of subsection (2) of this section are satisfied in respect of the beneficiary:

Provided that this subsection shall not apply if the beneficiary—

(*a*) being a man, is entitled to an increase of the pension in respect of his wife under subsection (1) of this section; or

(*b*) is a man whose wife is entitled to a retirement pension by virtue of his insurance; or

(*c*) being a woman, is entitled to the pension by virtue of her husband's insurance.

(4) In the case of a retirement pension, this section so far as it relates to the amount of the increase,

shall have effect subject to the provisions of this Law reducing the rate of the pension in respect of the beneficiary's earnings.

(5) In this section the expression "relative" does not include any person who is a child, but includes a person who is a relative by marriage or adoption and a person who would be a relative if some person born illegitimate had been born legitimate.

Partial satisfaction of contribution conditions.

23. (1) Subject to the provisions of this section, regulations may provide for entitling to unemployment benefit, sickness benefit, widow's benefit, a retirement pension or an increase to a retirement pension 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) persons who would be entitled thereto but for the fact that the relevant contribution conditions are not satisfied as respects the number of contributions paid or credited in a contribution year or the yearly average of contributions paid or credited.

(2) Regulations under this section may provide that—

(*a*) benefit payable by virtue of any such regulations shall be payable at a rate less than that specified in the Second Schedule to this Law; or

(*b*) any increase to a retirement pension payable by virtue of any such regulations may be payable at a rate less than that specified in subsection (4) of section nineteen of this Law or subsection (3) of section twenty of this Law;

and the rate prescribed by the regulations may vary with the extent to which the contribution conditions are satisfied:

Provided that the amount of any increase in benefit in respect of a child shall be the same as if the relevant contribution conditions had been fully satisfied.

Unemployment and sickness benefit for persons over pensionable age.

24. (1) Subject to the next succeeding subsection, a person who is over pensionable age but has not retired from regular employment shall be entitled to unemployment or sickness benefit in respect of any day for which he would be so entitled if for the conditions specified in paragraphs (*a*) and (*b*) of subsection (1) of section twelve of this Law (which relates to the right to unemployment and sickness benefit) there were substituted a condition that on the day for which benefit is claimed he would be entitled to a retirement pension had he retired from regular employment on attaining pensionable age and made the necessary claim.

(2) Where unemployment or sickness benefit is payable by virtue of this section—

(*a*) the weekly rate thereof, apart from any increase by virtue of any provision of this Law, shall be that at which, apart from any such increase, the said retirement pension would have been payable;

(*b*) paragraphs (*a*) and (*b*) of subsection (2) of section twenty-two of this Law (which relates to increase of benefit for adult dependants) shall not apply in relation to the unemployment or sickness benefit; and

(*c*) if the beneficiary would have been entitled to the retirement pension only by virtue of the last preceding section, that section shall

have effect in relation to an increase of the weekly rate of unemployment or sickness benefit as if he were entitled to that benefit only by virtue of that section and as if the relevant contribution conditions for that benefit were those for the retirement pension.

(3) In determining for the purposes of the foregoing provisions of this section the rate at which a retirement pension would have been payable the provisions of this Law reducing the rate of a retirement pension in respect of a beneficiary's earnings shall be deemed not to apply.

(4) Where the claimant or beneficiary is a woman and is or has been married, any reference in subsection (1) of this section to a retirement pension shall be construed as referring only to a retirement pension payable by virtue of her own insurance.

PART III

INDUSTRIAL INJURIES

Application

Application and interpretation.

25. (1) Subject to the provisions of this Law, all insured persons to whom this Part of this Law applies shall be insured under and in accordance with the provisions of this Law against personal injury caused by accident arising out of and in the course of their employment if the accident occurred on or after the appointed day.

(2) For the purposes of this Law, an accident arising in the course of an insured person's employment shall be deemed, in the absence of evidence to the contrary, also to have arisen out of that employment.

(3) Subject to the provisions of this Part of this Law, this Part of this Law applies to insured persons other than non-employed persons and any reference therein to an insured person shall be construed accordingly.

Accidents happening while acting in breach of regulations, etc.

26. For the purposes of this Law, an accident shall be deemed to arise out of and in the course of an insured person's employment, notwithstanding that he is at the time of the accident acting in contravention of any statutory or other regulations applicable to his employment, or of any orders given by or on behalf of his employer, or that he is acting without instructions from his employers, if—

(*a*) the accident would have been deemed so to have arisen had the act not been done in contravention as aforesaid or without instructions from his employer, as the case may be; and

(*b*) the act is done for the purposes of and in connection with the employer's trade or business.

Accidents happening while travelling in employer's transport.

27. (1) For the purposes of this Law, an accident happening while an insured person is, with the express or implied permission of his employer, travelling as a passenger by any vehicle to or from his place of work shall, notwithstanding that he is under no obligation to his employer to travel by that vehicle, be deemed to arise out of and in the course of his employment, if—

(*a*) the accident would have been deemed so to have arisen had he been under such an obligation; and

(*b*) at the time of the accident, the vehicle—

(i) is being operated by or on behalf of his employer or some other person by whom

it is provided in pursuance of arrangements made with his employer; and

(ii) is not being operated in the ordinary course of a public transport service.

(2) In this section references to a vehicle include references to a ship, vessel or aircraft.

Accidents happening while meeting emergency.

28. An accident happening to an insured person in or about any premises at which he is for the time being employed for the purposes of his employer's trade or business shall, for the purposes of this Law, be deemed to arise out of and in the course of his employment if it happens while he is taking steps, on an actual or supposed emergency at those premises, to rescue, succour or protect persons, who are, or are thought to be or possibly to be, injured or imperilled, or to avert or minimise serious damage to property.

Extension of class of accidents treated as arising out of employment.

29. For the purposes of this Law, an accident shall be deemed (where it would not be apart from this section) as arising out of a person's employment if—

(*a*) the accident arises in the course of the employment; and

(*b*) the accident either is caused by another person's misconduct, skylarking or negligence, or by steps taken in consequence of any such misconduct, skylarking or negligence, or by the behaviour or presence of an animal (including a bird, fish or insect), or is caused by or consists in the insured person being struck by any object or by lightning; and

(*c*) the insured person did not directly or indirectly induce or contribute to the happening of the accident by his conduct outside the employment or by any act not incidental to the employment.

Accidents in course of illegal employment, etc.

30. (1) Where a claim for benefit is made under this Law in respect of any accident or of any prescribed disease or injury the Authority may direct that for the purposes of this Law the relevant employment shall, in relation to that accident, disease or injury, be treated as having been lawful employment, notwithstanding that, by reason of a contravention of or non-compliance with some provision contained in or having effect under any enactment passed for the protection of employed persons or of any class of employed persons, the contract purporting to govern the employment was void or the employed person was not lawfully employed therein at the time when or in the place where the accident happened or the disease or injury was contracted or received.

(2) In this section the expression "relevant employment" means, in relation to an accident, the employment out of and in the course of which the accident arises and, in relation to a prescribed disease or injury, the employment to the nature of which the disease or injury is due.

Description of benefit and general conditions thereof

Relaxation of relevant contribution conditions as respects sickness benefit.

31. (1) Subject to the provisions of this Law, for the purposes of this Part of this Law an insured person who does not otherwise satisfy the relevant contribution conditions for the purposes of paragraph (*b*) of subsection (1) of section twelve of this Law (which relates to the right to unemployment and sickness benefit) shall be deemed to satisfy those conditions for the purposes of that paragraph in respect of any day of incapacity for work if he proves to the Administrator that that incapacity is due to personal injury caused by an accident arising out of and in the course of his employment and any day in respect of which he is deemed as aforesaid to satisfy

the said conditions shall not be taken into account for the purposes of subsection (2) of section thirteen of this Law (which relates to exhaustion of and re-qualification for benefit).

(2) Any day of incapacity for work in respect of which an insured person satisfies the relevant contribution conditions for the purposes of paragraph (*b*) of subsection (1) of section twelve of this Law shall not be taken into account for the purposes of subsection (2) of section thirteen of this Law if he proves to the Administrator that the incapacity for work is due to personal injury caused by an accident arising out of and in the course of his employment.

Industrial medical benefit.

32. (1) Subject to the provisions of this Part of this Law, an insured person who suffers personal injury caused by accident arising out of and in the course of his employment, shall be entitled to industrial medical benefit, if the accident occurred on or after the appointed day.

(2) For the purpose of the preceding subsection the expression "industrial medical benefit" includes the provision of such medical, surgical and pharmaceutical aid as is recognised by the Authority to be necessary in consequence of his injuries and shall include the provision and, subject to any conditions which may be prescribed, the supply and renewal of artificial limbs and surgical appliances.

(3) The Authority, if it is satisfied that an insured person to whom this section applies should receive medical or surgical treatment, including medical or surgical examination, may meet any travelling expenses of that person, including the provision of such attendants as it may consider necessary.

(4) Regulations may provide for disqualifying a person from receiving industrial medical benefit, if—

(i) the need therefor is due to his own misconduct; or

(ii) he fails without good cause to attend for or to submit himself to such medical or other examination or treatment as may be required in accordance with the regulations, or to observe any prescribed rules of behaviour.

(5) In this section the expression "insured person" means—

(*a*) a self-employed person who had not attained pensionable age on the day on which he suffered personal injury caused by accident arising out of and in the course of employment; and

(*b*) an employed person of any age.

(6) For the purposes of this section, a person over pensionable age, not being an insured person, shall be treated as an employed person if he would be an insured person were he under pensionable age and would be an employed person were he an insured person.

Industrial disablement benefit.

33. (1) Subject to the provisions of this section, an insured person shall be entitled to industrial disablement benefit if, after ceasing to be entitled to sickness benefit, he suffers as the result of the relevant accident from loss of physical or mental faculty such that the extent of the resulting disablement assessed in accordance with the following provisions of this section amounts to not less than twenty per centum; and for the purpose of those provisions there shall be deemed not to be any relevant loss of faculty when the extent of the resulting disablement, if so assessed, would not amount to twenty per centum.

(2) For the purposes of this section, the extent of disablement shall be assessed, by reference to the disabilities incurred by the claimant as a result of the relevant loss of faculty, in accordance with the following general principles, that is to say:—

(*a*) save as hereafter provided in this subsection, the disabilities to be taken into account shall be all disabilities (whether or not involving loss of earning power or additional expense) to which the claimant may be expected, having regard to his physical and mental condition at the date of the assessment, to be subject during the period taken into account by the assessment as compared with a person of the same age and sex whose physical and mental condition is normal;

(*b*) any such disability shall be treated as having been incurred as a result of the relevant loss of faculty except that, subject to the provisions of any regulations made under the next following subsection, it shall not be so treated in so far as the claimant either—

(i) would in any case have been subject thereto as the result of a congenital defect or of an injury or disease received or contracted before the relevant accident; or

(ii) would not have been subject thereto but for some injury or disease received or contracted after, and not directly attributable to, that accident;

(*c*) the assessment shall be made without reference to the particular circumstances of the claimant other than age, sex, and physical and mental condition;

(*d*) the disabilities resulting from such loss of faculty as may be prescribed shall be taken

as amounting to one hundred per centum disablement and other disabilities shall be assessed accordingly.

(3) Provision may be made by regulations for further defining the principles on which the extent of disablement is to be assessed and such regulations may in particular direct that a prescribed loss of faculty shall be treated as resulting in a prescribed degree of disablement; and in connection with any such direction nothing in paragraph (*c*) of the last foregoing subsection shall be taken to prevent the making of different provision, in the case of loss of faculty in or affecting hand or arm, for right handed and for left handed persons.

(4) The period to be taken into account by an assessment of the extent of a claimant's disablement shall be the period (beginning not earlier than the end of the sickness benefit period, and limited by reference either to the claimant's life or to a definite date) during which the claimant has suffered and may be expected to continue to suffer from the relevant loss of faculty:

Provided that, if on any assessment the condition of the claimant is not such, having regard to the possibility of changes therein (whether predictable or not), as to allow of a final assessment being made up to the end of the said period—

(*a*) a provisional assessment shall be made, taking into account such shorter period only as seems reasonable having regard to his condition and the possibility aforesaid; and

(*b*) on the next assessment the period to be taken into account shall begin with the end of the period taken into account by the provisional assessment.

(5) An assessment shall state the degree of disablement in the form of a percentage and shall also

specify the period taken into account thereby and, where that is limited by reference to a definite date, whether the assessment is provisional or final:

Provided that—

(*a*) the said percentage and period shall not be specified more particularly than is necessary for the purpose of determining in accordance with this section the claimant's rights as to industrial disablement benefit; and

(*b*) a percentage between twenty and one hundred which is not a multiple of ten shall be treated—

(i) if it is a multiple of five, as being the next higher percentage which is a multiple of ten;

(ii) if it is not a multiple of five, as being the nearest percentage which is a multiple of ten.

(6) Subject to the provisions of the next succeeding subsection, where the extent of the disablement is assessed for the period taken into account as amounting to twenty per centum or more, industrial disablement benefit shall be payable for that period, for the several degrees of disablement set out in the first column of the Fourth Schedule to this Law, at the respective weekly rates set out in the second column of that Schedule:

Provided that—

(*a*) where the period is limited by reference to a definite date, the benefit shall cease on the death of the beneficiary before that date; and

(*b*) where entitlement to benefit relates to a period which includes part of a week, benefit payable for each day in that part of that week, Sunday being excluded, shall be one sixth of the appropriate weekly rate.

(7) The States may by Ordinance vary for the several degrees of disablement set out in the first column of the Fourth Schedule to this Law the respective weekly rates set out in the second column of that Schedule.

(8) In this section the expression "insured person" means an employed person or a self-employed person who had not attained pensionable age on the day on which he suffered personal injury caused by accident arising out of and in the course of employment.

Adjustments for successive accidents.

34. Where a person suffers personal injury in or as the result of two or more successive accidents arising out of and in the course of his employment he shall not be entitled to receive industrial disablement benefits at an aggregate weekly rate exceeding fifty shillings or such other amount as the States may by Ordinance determine.

Extension of insurance to diseases, etc.

Industrial diseases and industrial injuries not caused by accident.

35. (1) Subject to the provisions of this Part of this Law, a person who is under this Part of this Law insured against personal injury caused by accident arising out of and in the course of his employment shall be insured also against any prescribed disease and against any prescribed personal injury not so caused, being a disease or injury due to the nature of that employment and developed on or after the appointed day.

(2) A disease or injury may be prescribed for the purposes of this Part of this Law in relation to any persons, if the Authority is satisfied that—

(*a*) it ought to be treated, having regard to its causes and incidence and any other relevant considerations, as a risk of their occupations and not as a risk common to all persons; and

(*b*) it is such that, in the absence of special circumstances, the attribution of particular cases to the nature of the employment can be established or presumed with reasonable certainty.

(3) Regulations prescribing any disease or injury for the purposes of this Part of this Law may provide that a person who developed the disease or injury on or at any time after a date specified in the regulations, being a date before the regulations came into force but not before the appointed day, shall be treated for the purposes of this Part of this Law, subject to any prescribed modifications, as if the regulations had been in force when he developed the disease or injury.

(4) Provision may be made by regulations for determining the time at which a person is to be treated for the purposes of this Law as having developed any disease or injury prescribed for the purposes of this Part of this Law, and the circumstances in which any such disease or injury is, where the person in question has previously suffered therefrom, to be treated as having recrudesced or as having been contracted or received afresh.

(5) Nothing in this Part of this Law shall affect the right of any person to benefit in respect of a disease which is a personal injury caused by accident within the meaning of this Law, except that a person shall not be entitled to benefit in respect of a disease as being an injury caused by accident arising out of and in the course of any employment if at the time of the accident the disease is in relation to him a prescribed disease by virtue of the occupation in which he is engaged in that employment.

Application to prescribed diseases and injuries of provisions as to benefit and claims.

36. (1) The benefits payable under this Law in respect of a prescribed disease or injury, and the conditions for receipt of such benefit, shall be the same

as in the case of personal injury caused by accident arising out of and in the course of a person's employment, subject, however, to the power to make different provision by regulations as respects any matter which is to be prescribed and to the following provisions of this Part of this Law.

(2) Regulations may provide, in relation to prescribed diseases and injuries, for modifying the provisions of this Part of this Law relating to industrial disablement benefit and for adapting references in the said provisions to accidents.

(3) Without prejudice to the generality of the foregoing subsection, the said regulations may in particular include provision—

(*a*) for presuming any prescribed disease or injury—

(i) to be due, unless the contrary is proved, to the nature of a person's employment where he was employed in any prescribed occupation at the time when, or within a prescribed period or for a prescribed length of time (whether continuous or not) before, he developed the disease or injury;

(ii) not to be due to the nature of a person's employment unless he was employed in some prescribed occupation at the time when, or within a prescribed period or for a prescribed length of time (whether continuous or not) before, he developed the disease or injury;

(*b*) for such matters as appear to the Authority to be incidental to or consequential on provisions included in the regulations by virtue of the foregoing provisions of this section.

PART IV

SUPPLEMENTARY PROVISIONS

Disqualification or suspension for absence abroad or imprisonment.

37. (1) Except where regulations otherwise provide, a person shall be disqualified for receiving any benefit, and an increase of benefit shall not be payable in respect of any person as the beneficiary's wife or husband, for any period during which that person—

(*a*) is not ordinarily resident in Guernsey; or

(*b*) is undergoing imprisonment or detention in legal custody.

(2) Regulations may provide for the suspension of payment to or in respect of any person during any such period as aforesaid of benefit which is excepted from the operation of the foregoing subsection or which is payable otherwise than in respect of that period.

Overlapping benefits, etc.

38. (1) Regulations may provide—

(*a*) for adjusting benefit payable to or in respect of any person, or the conditions for the receipt thereof, where—

(i) any pension or allowance payable out of public funds (excluding an allowance under the Family Allowances (Guernsey) Law, 1950, but including any other benefit under this Law whether of the same or a different description) is payable to or in respect of that person or his wife or her husband; or

(ii) that person is undergoing medical or other treatment as an in-patient in a hospital or similar institution;

(*b*) for suspending payment of benefit to a person during any period during which he is

undergoing medical or other treatment as aforesaid.

(2) Where but for regulations made by virtue of paragraph (*a*) of the last foregoing subsection two persons would both be entitled to an increase of benefit in respect of a third person, regulations may make provision as to their priority.

(3) Where a person is entitled to a guardian's allowance in respect of a child, the allowances payable under the Family Allowances (Guernsey) Law, 1950, for his family shall be such only as would be payable if that child were not included in the family.

Disqualifications, etc., to be disregarded for certain purposes.

39. Regulations may provide that a person who would be entitled to any benefit but for the operation of either of the two last foregoing sections or of any other provisions of this Law disqualifying him for receipt of that benefit shall be treated as if entitled thereto for the purpose of any rights or obligations under Part II or Part III of this Law (whether of himself or any other person) which depend on his being so entitled, other than the right to payment of that benefit:

Provided that regulations under this section shall not provide that a person disqualified for receiving unemployment benefit or sickness benefit by reason only of a delay or failure to make a claim or give a notice shall be treated as having been entitled thereto for the purpose of ascertaining whether his right to that benefit has been exhausted.

Benefit to be inalienable.

40. Subject to the provisions of this Law, every assignment of, or charge on, benefit, and every agreement to assign or charge benefit shall be void, and, on the insolvency of a beneficiary, the benefit shall

not pass to any trustee or other person acting on behalf of his creditors.

Proceedings by employees for benefit lost by employer's default.

41. (1) Where an employer has failed or neglected—

(a) to pay contributions which under this Law he is liable to pay on behalf of any employed person in his employment; or

(b) to comply, in relation to any such person, with the requirements of any regulations relating to the payment and collection of contributions;

and by reason thereof that person has lost, in whole or in part, any unemployment or sickness benefit to which he would have been entitled, that person shall be entitled to recover from the employer as a civil debt a sum equal to the amount of the benefit so lost.

(2) Proceedings may be taken under this section notwithstanding that proceedings have been taken under any other provision of this Law in respect of the same failure or neglect.

(3) Proceedings under this section shall be brought within one year after the date on which the employed person but for the failure or neglect of the employer, would have been entitled to receive the benefit lost.

Provisions as to maintenance.

42. (1) Regulations may provide for determining the circumstances in which a person is or is not to be deemed for the purposes of this Law to be wholly or mainly maintaining or to be contributing at any weekly rate to the maintenance of another person or to be or have been contributing at any weekly rate to the cost of providing for a child

(2) Regulations under the last foregoing subsection may provide, for the purpose of the provisions relating to an increase of benefit in respect of a wife or other adult dependant, that where—

(*a*) a person is partly maintained by each of two or more beneficiaries, each of whom would be entitled to such an increase in respect of that person if he were wholly or mainly maintaining that person; and

(*b*) the contributions made by those two or more beneficiaries towards the maintenance of the person amount in the aggregate to sums which would, if they had been contributed by one of those beneficiaries, be sufficient to satisfy the requirements of regulations made by virtue of subsection (1) of this section;

that person shall be deemed for the purpose of the said provisions to be wholly or mainly maintained by such of those beneficiaries as may be prescribed.

Obligations of employers.

43. Regulations may provide for requiring employers—

(*a*) to make reports, to such person and in such form and within such time as may be prescribed, of accidents in respect of which sickness benefit, industrial disablement benefit or industrial medical benefit may be payable;

(*b*) to furnish to the prescribed person any information required for the determination of claims or of questions arising in connection with claims or awards;

(*c*) to take such other steps as may be prescribed to facilitate the giving notice of accidents, the making of claims and the determination of claims and of questions arising as aforesaid.

44. (1) Subject to the provisions of subsection (3) and subsection (4) of this section, it shall be a condition of any person's right to any benefit that he makes a claim therefor in the prescribed manner.

Claims and notices.

(2) Regulations may provide for disqualifying a person—

(*a*) subject to the provisions of subsection (3) of this section, for the receipt of any benefit if he fails to make his claim therefor within the prescribed time; and

(*b*) for the receipt of sickness benefit if he fails, on becoming or again becoming incapable of work, to give the prescribed notice of that fact within the prescribed time:

Provided that any such regulations shall provide for extending, subject to any prescribed conditions, the time within which the claim may be made or notice may be given in cases where good cause is shown for delay.

(3) Nothing in the foregoing provisions of this section relating to the making of claims shall affect any right of a widow to a retirement pension by virtue of the insurance of her husband in respect of whose death she was immediately before attaining pensionable age entitled to widow's benefit.

(4) Any claim for any benefit under this Law may be treated—

(*a*) for the purposes of this section as a claim, in the alternative, for such other benefit thereunder as may be prescribed; or

(*b*) for the purposes of the Family Allowances (Guernsey) Law, 1950 (in any prescribed cases) as a claim, in the alternative, for a payment under that Law;

and any claim for a payment under the Family Allowances (Guernsey) Law, 1950, may be treated for the purposes of this section as a claim, in the alternative, for such benefit under this Law as may be prescribed.

(5) For the purposes of this Law any claim or notice made or sent by post shall be deemed to have been made or given on the day on which it was posted.

PART V

FINANCE, ADMINISTRATION AND LEGAL PROCEEDINGS

Finance

Guernsey Insurance Fund.

45. (1) For the purposes of this Law, there shall be established, under the control and management of the Authority, a fund called "the Guernsey Insurance Fund" into which shall be paid all contributions payable under this Law by employers and insured persons and out of monies provided by the States, the States grant and any monies accruing to the Authority under and by virtue of this Law, and out of which Fund shall be paid all claims for benefit and any expenses incurred in carrying this Law into effect.

(2) Accounts of the Guernsey Insurance Fund shall be prepared annually in such form and in such manner as the Authority may from time to time direct and auditors appointed annually by the States shall examine, certify and report to the Authority upon every account and the Authority shall, as soon as may be thereafter, lay copies thereof together with the report of the auditors thereon, before the States.

(3) Any monies forming part of the Guernsey Insurance Fund may, from time to time, be invested by the Authority in any securities which are for the time being authorised by the States.

Reports by Actuary.

46. (1) The Government Actuary of Great Britain if he be willing or an actuary nominated by him, or, if the said Government Actuary be unwilling so to act or to nominate, an actuary appointed by the States, shall review the operation of this Law during the period ending with the thirty-first day of December in every fifth year and, on each such review, make a report to the Authority on the financial condition of the Guernsey Insurance Fund and the adequacy or otherwise of the contributions payable under this Law to support the benefits payable thereunder and any other liabilities under this Law:

Provided that the States may at any time by Ordinance direct that the period to be covered by a review and report under this subsection shall be reduced and that the making of that and subsequent reviews and reports under this subsection shall be accelerated accordingly.

(2) The Authority shall, as soon as is practicable, lay before the States a copy of every report made to it under this section.

Administration

Constitution of Insurance Authority.

47. (1) The States shall, in accordance with the succeeding provisions of this section, constitute a committee which shall be styled the States Insurance Authority with authority to exercise the powers and perform the duties conferred and imposed upon it by or under this Law.

(2) The Authority shall consist of—

(*a*) a President who shall be a member of the States of Deliberation, and

(*b*) four other members (hereafter in this section referred to as "ordinary members") who shall be members of the States of Deliberation,

which President and ordinary members shall be elected by the States of Deliberation.

(3) The term of office of the person first elected as President of the Authority in accordance with the provisions of this section shall expire on the thirtieth day of April, nineteen hundred and sixty-eight, and thereafter the term of office of the said President for the time being shall expire on the thirtieth day of April of the year in which that President has completed or would complete a term of office of three years.

(4) The Authority shall elect annually a Vice-President of the Authority from among the ordinary members and the person so elected shall, if he continues so long to be an ordinary member, hold office as Vice-President of the Authority for a period of one year commencing on the first day of May next following the date of such election save that the person first elected as aforesaid as Vice-President of the Authority shall, if he so long continues to be an ordinary member, hold office from the date of election until the thirtieth day of April, nineteen hundred and sixty-six.

(5) On the death or retirement otherwise than by effluxion of time of the person holding the office of Vice-President of the Authority, the Authority shall elect one of the ordinary members to fill the office so vacated for the remainder of the term then current.

(6) A meeting of the Authority shall, in the absence of the President or Vice-President, be presided over by one of the ordinary members

appointed for that meeting by the ordinary members present thereat.

(7) Two ordinary members of the Authority shall retire from office on the thirtieth day of April, nineteen hundred and sixty-seven, and thereafter two ordinary members shall retire on the thirtieth day of April terminating each succeeding period of two years.

(8) The two ordinary members to retire in accordance with the provisions of the last preceding subsection shall be the two ordinary members who have held office longest since they were last elected by the States save that where more than two ordinary members were elected on the same date the order of their retirement shall be determined by agreement or, failing such agreement, by lot.

(9) Each member of the Authority other than the member presiding at a meeting thereof shall have one vote and the person so presiding shall in the case of an equality of votes have a casting vote.

(10) A decision of a majority of the members of the Authority present at a meeting shall be a decision of the Authority.

(11) The quorum for a meeting of the Authority shall be three members and, subject to the preceding provisions of this section, the Authority shall regulate its own procedure.

Determination of claims and questions.

48. (1) Subject to the provisions of this Law, the States may by Ordinance provide for the determination by the Authority, the Administrator, or by a person or a tribunal appointed or constituted in accordance with the provisions of the Ordinance (hereafter in this Law referred to as "the tribunal"), of any question arising under or in connection with this Law, including any claim for benefit, and subject

to the provisions of the Ordinance, the decision in accordance therewith of any such question shall be final.

(2) The provisions of the foregoing subsection shall not apply to any question—

(*a*) whether any person is or was a child or is or was under school leaving age;

(*b*) whether any person has or had a family including a child or children, or is or was a child of some other person's family (not, however, including the question whether a person is to be treated for the purpose of any provision of this Law as having a family as aforesaid, or as being a child of some other person's family);

(*c*) whether any person could have been treated under paragraph 3 of the Schedule to the Family Allowances (Guernsey) Law, 1950, as, or but for certain facts would have been or could have been treated as aforesaid as, a child of any other person's family;

and any such question shall be determined in like manner, subject to any modifications and adaptations in any such Ordinance as aforesaid, as a corresponding question arising in respect of an allowance under the Family Allowances (Guernsey) Law, 1950, and any decision of any such question, if given for the purposes of that Law, shall have effect also for the purposes of this Law or, if given for the purposes of this Law, shall have effect also for the purposes of that Law.

(3) The provisions of subsection (1) of this section shall not apply to any questions—

(*a*) whether the relevant accident has resulted in a loss of faculty;

(*b*) whether a loss of faculty is likely to be permanent;

(*c*) at what degree the extent of disablement resulting from a loss of faculty is to be assessed, and what period is to be taken into account by the assessment;

and such questions (hereafter in this Law referred to as "the disablement questions") shall be determined by the medical board.

(4) Except as provided by this Part of this Law, the determination of any disablement question by the medical board shall be final.

(5) An Ordinance under subsection (1) of this section shall not provide for the determination by the Authority of questions as to the right to benefit, but shall provide—

(*a*) for the submission of such questions in the first instance to the Administrator;

(*b*) for authorising the Administrator either himself to determine any such question or to refer it to the tribunal, and for enabling appeals to be brought from the Administrator's decisions to the tribunal:

Provided that this subsection shall not apply to questions—

(*a*) whether the contribution conditions for any benefit are satisfied, or otherwise relating to an insured person's contributions; or

(*b*) which of two or more persons satisfying the conditions for an increase in benefit, whether of the same or a different description, shall be entitled to the increase where by virtue of some provision of this Law not more than one of them is entitled to the increase; or

(c) as to the class of insured persons in which a person is to be included.

(6) An Ordinance made under the provisions of this section may, in relation to the determination of questions in accordance with the provisions of the Ordinance, include provision—

(a) as to the procedure which is to be followed, the form which is to be used for any document, the evidence which is to be required and the circumstances in which any official record or certificate is to be sufficient or conclusive evidence;

(b) as to the time to be allowed for making any claim or appeal or for raising any question with a view to the review of any decision or for producing any evidence;

(c) for summoning persons to attend and give evidence or produce documents and for authorising the administration of oaths to witnesses.

(7) The tribunal may refer to the Royal Court sitting as an Ordinary Court (hereafter in this Law referred to as "the Ordinary Court") for decision any question of law arising in connection with the determination of any question referred to it or in connection with the determination of an appeal in accordance with the provisions of an Ordinance made under this section in such manner and within such period as may be prescribed by Order of the Royal Court.

Constitution of the medical board.

49. (1) The medical board for the purposes of this Part of this Law shall be appointed by the Authority and shall consist of two or more medical practitioners of whom one shall be appointed as chairman.

(2) Subject as aforesaid regulations may make provision for the constitution of the medical board.

50. The case of any claimant for industrial disablement benefit shall be referred by the Administrator to the medical board for determination of the disablement questions and if, on that or any subsequent reference, the extent of the disablement is provisionally assessed, shall again be so referred not later than the end of the period taken into account by the provisional assessment.

References to the medical board and appeals.

51. (1) Any decision of the medical board may be reviewed at any time by that board if satisfied by fresh evidence that the decision was given in consequence of the non-disclosure or misrepresentation by the claimant or any other person of a material fact (whether the non-disclosure or misrepresentation was or was not fraudulent).

Review of decisions of the medical board.

(2) Any assessment of the extent of the disablement resulting from the relevant loss of faculty may also be reviewed by the medical board, if satisfied that since the making of the assessment there has been a substantial and unforeseen aggravation of the results of the relevant injury:

Provided that an assessment shall not be revised under this subsection unless the medical board is of opinion that, having regard to the period taken into account by the assessment and the probable duration of the aggravation aforesaid, substantial injustice will be done by not revising it.

(3) Except where in the opinion of the Authority special circumstances otherwise require, an assessment shall not be reviewed under the last foregoing subsection on any application made less than five years, or, in the case of a provisional assessment, six months, from the date thereof, and (notwithstanding the provisions of Part III of this Law) on such a review the period to be taken into account by any

revised assessment shall not include any period before the date of the application.

(4) Subject to the foregoing provisions of this section, the medical board may deal with a case on a review in any manner in which it could deal with it on an original reference to it, and in particular may make a provisional assessment notwithstanding that the assessment under review was final; and the last foregoing section shall apply to an application for a review under this section and to a decision of the medical board in connection with such an application as it applies to an original claim for industrial disablement benefit and to a decision of the medical board in connection with such a claim.

Reference to single doctor of questions as to temporary disablement.

52. (1) Notwithstanding anything in the foregoing provisions of this Part of this Law, regulations may provide that the disablement questions may, with the consent of the claimant, be referred to a single medical practitioner appointed by the Authority instead of to the medical board:

Provided that the period to be taken into account by any assessment made by virtue of this section shall not exceed three months.

(2) Any decision on a reference made by virtue of this section shall have effect as if it were a decision of the medical board, and shall be subject to review and may be referred for consideration to the medical board accordingly.

(3) Regulations under this section may make provision as to the procedure to be adopted where, on a reference under this section, the medical practitioner is of opinion that a final assessment can be made but that the period to be taken into account exceeds three months.

53. (1) The Administrator or any person aggrieved by a decision of the tribunal on any question of law made under the provisions of subsection (5) of section forty-eight of this Law (which relates to determination of claims and questions) may appeal from that decision to the Ordinary Court within such period and in accordance with such procedure as may be prescribed by Order of the Royal Court. Appeals.

(2) The Authority may refer to the Ordinary Court for decision any question of law arising in connection with the determination of a question by the Authority under the provisions of section forty-eight of this Law in such manner and within such period as may be prescribed by Order of the Royal Court.

(3) Any person aggrieved by a decision of the Authority on any question of law under the provisions of section forty-eight of this Law may appeal from that decision to the Ordinary Court within such period and in accordance with such procedure as may be prescribed by Order of the Royal Court.

(4) Any decision of the Ordinary Court under the provisions of this section shall be final.

(5) Subject to the provisions of this section, an Order of the Royal Court made under the provisions of this section or under the provisions of subsection (7) of section forty-eight of this Law may include provision as to the circumstances in which any official record or certificate is to be sufficient or conclusive evidence.

54. The States may by Ordinance provide that where in any proceedings:— Proceedings in which determination of questions conclusive.

(*a*) for an offence under this Law; or

(*b*) involving any question as to the payment of contributions under this Law; or

(*c*) for the recovery of any sums due to the Guernsey Insurance Fund;

any question arises which is required by an Ordinance under subsection (1) of section forty-eight of this Law to be determined by the Authority, or is required by subsection (2) of that section to be determined in like manner as a corresponding question arising under the Family Allowances (Guernsey) Law, 1950, the decision of that question on its determination as aforesaid shall be conclusive for the purpose of those proceedings; and an Ordinance under this subsection may make provision for obtaining such a decision when it has not been given, and for adjourning the proceedings until such a decision has been given.

Administration of benefit.

55. (1) Provision may be made by regulations as to the time and manner of payment of benefit, and as to the information and evidence to be furnished by beneficiaries when applying for payment.

(2) Regulations made under this section as to the time of payment of benefit may provide—

(*a*) notwithstanding anything in this Law, for adjusting the commencement and termination of benefit, or of changes in the rate of benefit, so that, except in the case of unemployment benefit, sickness benefit and industrial disablement benefit, payments shall not be made in respect of periods less than a week or at different rates for different parts of a week;

(*b*) for extinguishing the right to any sum payable by way of benefit where payment thereof is not obtained within six months or such shorter period as may be prescribed from the time at which that sum is receivable in accordance with the regulations.

(3) Regulations may also provide—

(*a*) for enabling a person to be appointed to exercise, on behalf of a claimant or beneficiary who is a child or who may be or become unable for the time being to act, any right or power which the claimant or beneficiary may be entitled to exercise under this Law, and for authorising a person so appointed to receive and deal with any sum payable by way of benefit on behalf of the claimant or beneficiary;

(*b*) in connection with the death of any person, for enabling a claim for benefit to be made or proceeded with in his name, for authorising payment or distribution of benefit to or amongst persons claiming as his personal representatives, legatees, next of kin or creditors (or, in cases of illegitimacy of deceased persons, to or amongst others) and for dispensing with strict proof of the title of persons so claiming;

(*c*) for enabling the Authority where it appears to it to be necessary for protecting the interests of the beneficiary or of his dependants that the whole or any part of any sum payable by way of benefit should be paid to some person other than the beneficiary, to pay the sum to such other person.

(4) For the purposes of paragraph (*b*) of the last foregoing subsection, the expression "next of kin" shall be construed as referring to persons who would take personal estate beneficially on an intestacy.

Interim payments, arrears and repayments.

56. (1) Regulations may make provision as respects matters arising—

(*a*) pending the determination under this Law (whether in the first instance or on an appeal

or reference, and whether originally or on review) of any claim for benefit or of any question affecting any person's right to benefit or to the receipt thereof or any person's liability for contributions; or

(*b*) out of the revision on appeal or review of any decision under this Law on any such claim or question.

(2) Without prejudice to the generality of the foregoing subsection, regulations thereunder may include provision—

(*a*) for the suspension of benefit where it appears to the Authority that there is or may be a question whether the conditions for receipt thereof in accordance with an award are or were fulfilled or whether the award ought to be revised;

(*b*) as to the date from which any decision on a review is to have effect or to be deemed to have had effect;

(*c*) for treating any benefit paid to any person under an award or by virtue of any provision of the regulations, which it is subsequently decided was not payable, as properly paid or as paid on account of any other benefit which it is decided was payable to him, or for the repayment of any such benefit and the recovery thereof by deduction from other benefit or otherwise.

Recovery of sums by deduction from benefit.

57. Where, in the case of any person, any sum may by virtue of any provision of the Family Allowances (Guernsey) Law, 1950, be recovered by deduction from any payment under that Law, it may instead be recovered from him in whole or in part by deduction from benefit under this Law.

58. (1) For the purposes of this Law, the States Civil Service Board may appoint such inspectors as it may determine. Inspectors.

(2) An inspector appointed under this Law, shall for the purposes of the execution of this Law, have power to do all or any of the following things, that is to say—

(*a*) to enter at all reasonable times any premises or place liable to inspection under this section;

(*b*) to make such examination and inquiry as may be necessary for ascertaining whether the provisions of this Law are being or have been complied with in any such premises or place or for investigating the circumstances in which any injury or disease which has given or may give rise to a claim for benefit was or may have been received or contracted;

(*c*) to examine, either alone or in the presence of any other person, as he thinks fit, with respect to any matters under this Law on which he may reasonably require information, every person whom he finds in any such premises or place, or whom he has reasonable cause to believe to be or to have been an insured person or employed by the employer of an insured person, and to require every such person to be so examined;

(*d*) to exercise such other powers as may be necessary for carrying this Law into effect.

(3) The occupier of any premises or place liable to inspection under this section, and any person who is or has been employing any person, and the servants and agents of any such occupier or other person, and any insured person, shall furnish to an inspector all

such information and produce for inspection all such documents as the inspector may reasonably require for the purpose of ascertaining whether contributions are or have been payable, or have been duly paid, by or in respect of any person, or whether benefit is or was payable to or in respect of any person.

(4) If any person—

(*a*) wilfully delays or obstructs an inspector in the exercise of any power under this section; or

(*b*) refuses or neglects to answer any question or to furnish any information or to produce any documents when required so to do under this section;

he shall be guilty of an offence and liable, on conviction, to a fine not exceeding ten pounds in the case of a first offence and not exceeding fifty pounds in the case of a second or subsequent such offence.

(5) A person shall not be required under this section to answer any questions or to give any evidence tending to incriminate himself.

(6) Every inspector shall be furnished by the States Civil Service Board with a certificate of his appointment, and on applying for admission to any premises or place for the purposes of this Law, shall, if so required, produce the said certificate.

(7) The premises and places liable to inspection under this section are any premises or places where an inspector appointed under this Law has reasonable ground for supposing that any persons are employed or that any injury or disease has been or may have been received or contracted which has given or may give rise to a claim for benefit except that they do not include any private dwelling-house not used by or by permission of the occupier for the purposes of a trade or business.

59. Stamp duty shall not be chargeable upon any draft or order given in respect of any benefit payable under this Law.

Exemption from stamp duty.

Legal Proceedings

60. (1) If any person—

General provisions as to offences and penalties.

(*a*) buys, sells or offers for sale, takes or gives in exchange, or pawns or takes in pawn any insurance card or any used insurance stamp; or

(*b*) affixes any used insurance stamp to any insurance card; or

(*c*) for the purpose of obtaining any benefit or other payment under this Law, whether for himself or some other person, or for any other purpose connected with this Law—

(i) knowingly makes any false statement or false representation; or

(ii) produces or furnishes, or causes or knowingly allows to be produced or furnished, any document or information which he knows to be false in a material particular;

he shall be guilty of an offence and liable, on conviction, to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months, or to both such fine and such imprisonment.

(2) Subject to the provisions of the next succeeding subsection, any person who contravenes or attempts to contravene or fails to comply with the provisions of any Ordinance or of any regulations made under the provisions of this Law shall be guilty of an offence under this Law and liable, on conviction, to such penalties as may be prescribed in the Ordinance or in the regulations, as the case may be, so, however, that such penalties shall not exceed ten

pounds for each offence or, where the offence consists of continuing any such contravention or failure after conviction thereof, ten pounds together with a further ten pounds for each day on which it is so continued.

(3) An Ordinance or regulations made under the provisions of this Law may provide that the provisions of the last preceding subsection shall not apply to a contravention of, or failure to comply with, any or all of the provisions of that Ordinance or those regulations, as the case may be.

(4) Where an offence under this Law which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any negligence on the part of, any director, manager, secretary or other officer of the body corporate, he as well as the body corporate shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(5) In this section the expression "insurance card" means any card issued under regulations for the purpose of the payment of contributions by affixing insurance stamps thereto; and in any proceedings under subsection (1) of this section with respect to used stamps, a stamp shall be deemed to have been used if it has been affixed to an insurance card or cancelled or defaced in any way whatsoever and whether it has actually been used for the purpose of payment of a contribution or not.

(6) Nothing in this section shall be construed as preventing the Authority from recovering by means of civil proceedings any sums due to the Guernsey Insurance Fund.

Husband and wife.

61. In any proceedings for an offence under this Law, the wife or husband of the accused shall be

competent to give evidence, whether for or against the accused:

Provided that the wife or husband shall not be compellable either to give evidence or, in giving evidence, to disclose any communication, made to her or him during the marriage by the accused.

Civil proceedings to recover sums due to Guernsey Insurance Fund.

62. (1) All sums due to the Guernsey Insurance Fund shall be recoverable as debts due to the Authority, and without prejudice to any other remedy may be recovered by the Authority as a civil debt.

(2) Proceedings for the recovery as civil debts of sums due to the Guernsey Insurance Fund shall be brought within the three years next following the day on which the cause of action accrued.

PART VI

MISCELLANEOUS AND GENERAL

Application to special classes of persons

Crown servants.

63. This Law shall apply to persons employed by or under the Crown, subject to any special provision made by or by virtue of any other section thereof, in like manner as if the employer were a private person, with such modifications as may be prescribed for the purpose of adapting the provisions of this Law to the case of such persons.

Mariners and airmen.

64. (1) Without prejudice to the generality of any other power to make regulations, the Authority may make regulations modifying in such manner as it thinks proper the provisions of this Law in their application in relation to persons who are or have been employed on board any ship, vessel or aircraft.

(2) Without prejudice to the generality of the foregoing subsection, regulations thereunder may in particular provide—

(*a*) for the insurance under this Law of persons who are or have been employed on or after the appointed day on board ships, vessels or aircraft, notwithstanding that they do not fulfil the conditions of section one of this Law (which relates to description and classification of insured persons);

(*b*) for excepting from insurance by virtue of the said section one, or from liability to pay contributions as insured persons, any persons employed as aforesaid who neither are domiciled nor have a place of residence in Guernsey;

(*c*) for requiring payment of employers' contributions in respect of persons employed as aforesaid, whether or not they are insured persons or employed persons;

(*d*) for the taking of evidence, for the purpose of any claim to benefit—

(i) in any part of Her Majesty's dominions, before a judge or magistrate or by a superintendent within the meaning of the Merchant Shipping Act, 1894;

(ii) in a foreign country, by a British consular officer;

(*e*) for enabling persons employed on board ships, vessels or aircraft to authorise the payment of the whole or any part of any benefit to which they are or may become entitled to such of their dependants as may be prescribed.

(3) The employer's contribution, if any, payable either—

(*a*) in respect of a person employed on board a ship or vessel for any week for which that person is by virtue of this section excepted from liability to pay contributions as an insured person; or

(*b*) by virtue of this section, in respect of a person employed as aforesaid who is not an employed person;

shall not be taken into account for the purpose of paragraph (*a*) of subsection (3) of section two of this Law (which relates to source of funds), and shall be administered and applied in such manner and for such purposes as may be prescribed.

Married women.

65. (1) Without prejudice to the generality of any other power to make regulations, the Authority may by regulations make such provision as it may deem necessary or expedient in relation to the insurance under this Law of married women and in relation to women who have been married and, without prejudice to the generality of the foregoing, the Authority may, in particular, make provision for all or any of the following matters, that is to say:—

(*a*) for modifying in such manner as it may think necessary or expedient the provisions of this Law in their application to married women, and in relation to women who have been married;

(*b*) for excepting a woman from liability to pay contributions as an insured person under this Law for any period during which she is married and is a self-employed or non-employed person;

(*c*) for making it a condition for the receipt of benefit by a woman, or in respect of her insurance, that she shall have been an

insured person at such time, or during such period, as may be prescribed;

(*d*) for determining the manner in which references to entry into insurance are to be construed in relation to a woman who has been an insured person for two or more distinct periods;

(*e*) for modifying in relation to a widow, in such circumstances as may be prescribed, the provisions of this Law with respect to entitlement to unemployment benefit and sickness benefit.

(2) Save as expressly authorised by the provisions of the last preceding subsection, regulations made thereunder shall not modify any provision of this Law which has any special application to a married woman or widow as such.

(3) Subject to the provisions of the last preceding subsection, regulations made under the provisions of subsection (1) of this section may make different provisions for different classes of married women or women who have been married and may make different provisions for different categories of women within those classes.

Insured persons outside Guernsey.

66. (1) Without prejudice to the generality of any other power to make regulations, the Authority may make regulations modifying in such manner, subject to the next following subsection, as it thinks proper, the provisions of this Law in their application in relation to persons who are or have been outside Guernsey while insured under this Law.

(2) Regulations under this section shall provide that, where an insured person is throughout any contribution week outside Guernsey and is not in

that week an employed person, he shall not be liable to pay any contribution as an insured person for that week.

(3) Without prejudice to the generality of subsection (1) of this section, regulations thereunder may in particular make provision for entitling a person to pay a contribution as a non-employed or, if the regulations so provide, as a self-employed person, for any week for which by virtue of the last foregoing subsection he is not liable to pay a contribution as an insured person.

Persons under sixteen on the appointed day.

67. In relation to any person who on his entry into insurance is under the age of sixteen, this Law shall apply subject to the following modifications:—

(*a*) he shall not be liable to pay a contribution as a non-employed person for any period before he attains the age of sixteen;

(*b*) regulations may provide for crediting contributions to him for periods before he attains that age, being periods for which he would have been liable to pay contributions as a non-employed person but for the foregoing paragraph or, in the case of a period of absence from Guernsey, but for that paragraph and any regulations made under the last foregoing section;

(*c*) for the purpose of calculating the yearly average of the contributions paid by or credited to him there shall be taken into account any contributions as an employed or self-employed person paid by him for periods before the beginning of the contribution year in which he attains the age of sixteen.

Reciprocal agreements with H.M. dominions and foreign countries.

68. (1) For the purpose of giving effect to any agreement with the government of any part of Her Majesty's dominions or the government of any foreign country providing for—

(*a*) reciprocity in matters relating to payments in respect of interruption of employment by sickness or otherwise, or payments in respect of widowhood, orphanhood, retirement or old age; or

(*b*) reciprocity in matters relating to the payment of compensation or benefit in respect of industrial or similar injuries;

the States may by Ordinance make provision for modifying or adapting this Law in its application to cases affected by the agreement.

(2) The modifications of this Law which may be made by virtue of the foregoing subsection shall include provision—

(*a*) for securing that acts, omissions and events having any effect for the purposes of the law of the country in respect of which the agreement is made shall have a corresponding effect for the purposes of this Law;

(*b*) for determining, in cases where rights accrue both under this Law and under the law of the said country, which of those rights shall be available to the person concerned;

(*c*) for making any provisions as to administration and enforcement contained in this Law or in any regulations applicable also for the purposes of the law of the said country;

(*d*) for making any necessary financial adjustments by payments into or out of the Guernsey Insurance Fund.

Assignment of certain rights of action

Assignment to the Authority of rights against third parties in certain cases.

69. (1) In any case where any injury to or the death of any person occurs in or arises out of circumstances creating a legal liability, otherwise than by virtue of contract, in any other person to pay damages in respect of such injury or death and such first-mentioned person was at the relevant date an insured person whose usual weekly income did not exceed fourteen pounds, or such other sum as the States may by Ordinance prescribe, such first-mentioned person or his legal personal representatives, as the case may be, may request the Authority, by notice in such form as shall be prescribed by the States by Ordinance and served on the President of the Authority within the thirty days next following the relevant date, to accept the assignment of the right of such first-mentioned person or of his legal personal representatives, as the case may be, to claim and recover damages from such other person in respect of such injury or death.

(2) Within the fourteen days next following the day on which a notice served by any person under and in accordance with the provisions of subsection (1) of this section has been received by the President of the Authority, the Authority may, by notice in writing served on that person, agree to accept the assignment to it of the right of that person to claim and recover damages in respect of the injury or death to which such first-mentioned notice relates and thereupon such right shall vest in the Authority and shall, for all purposes, be deemed to have vested in the Authority at the relevant date.

(3) The Authority shall, as soon as may be, pay any sum recovered by it by way of damages as the legal assignee of any such right as aforesaid to the person who, but for the assignment of such right to

the Authority, would be entitled to receive the payment of such sum or, where such person is a minor or a person of unsound mind, to his guardian: Provided that the Authority may deduct from such sum such amount as may suffice to reimburse the Authority in respect of all non-recoverable costs and expenses incurred by the Authority in recovering such sum.

(4) A copy of any notice served by the President of the Authority under the provisions of subsection (2) of this section and certified by him to be a correct copy of such notice shall be conclusive evidence that the right of the person on whom such notice has been served and to which such notice relates has been vested in the Authority by virtue of the provisions of this section.

(5) If the person first-mentioned in subsection (1) of this section is for the time being a minor or a person of unsound mind, a notice under that subsection may be served on the President of the Authority by the guardian of such minor or person of unsound mind and, where such notice is so served by that guardian, the President of the Authority may serve a notice under subsection (2) of this section on that guardian and thereupon the provisions of this section shall have effect in all respects as if such first-mentioned notice had been served by that person and as if such last-mentioned notice had been served on that person.

(6) The provisions of this section shall not affect the right, if any, of any person to claim and recover damages in respect of the same cause of action otherwise than in respect of injury to or the death of any person and, for the purpose of recovering such damages, the person entitled to claim and recover the same may join in any legal proceedings brought

by the Authority or may bring separate legal proceedings in respect thereof as may be agreed between the Authority and the person so entitled as aforesaid: Provided that the Authority shall only permit any person to join in any proceedings brought by it upon being indemnified against all costs and expenses arising or which might arise by reason of such joinder.

(7) A notice under subsection (1) of this section shall be served on the President of the Authority at the address specified in the notice as his address for service and such notice may be served by delivering it to him, by leaving it, or by sending it by post addressed to him, at that address.

(8) A notice under subsection (2) of this section shall be served by the President of the Authority on any person at the address in Guernsey which shall have been specified by that person as his address for service in the notice under subsection (1) of this section and may be so served by delivering it to that person, or by sending it by registered post or the recorded delivery service addressed to him, at that address and if the notice is sent by registered post or the recorded delivery service addressed to that person at that address he shall be deemed to have received the same notwithstanding that it is returned as undelivered or is for any other reason not received by him.

(9) For the purposes of this section—

(*a*) the expression "guardian", in relation to any person, means the natural guardian or legal guardian of that person and the expression "legal guardian", in relation to any person, means the person appointed by a court of competent jurisdiction to be his guardian;

(*b*) the expression "injury" includes any disease and any impairment of a person's physical or mental condition;

(*c*) "person of unsound mind" means a person in respect of whom there is for the time being in force an admission order or temporary admission order under the Mental Treatment Law (Guernsey), 1939, or who is for the time being detained in any institution or in the custody of any person by virtue of an order under the Law entitled "Loi ayant rapport aux Faibles d'Esprit" registered on the fourth day of September, nineteen hundred and twenty-six;

(*d*) the expression "relevant date", in relation to the right of any person to claim and recover damages from any other person, means the date on which the cause of action giving rise to such right accrued;

(*e*) the expression "usual weekly income", in relation to any person in respect of whose injury or death a right to claim and recover damages from any other person has accrued, means such sum as appears to the Authority to have been the average weekly income of that person during the period of fifty-two consecutive weeks ending on the last day of the week in which the cause of action giving rise to such right accrued; and the expression "week" means the period between midnight ending any Saturday and midnight ending the next succeeding Saturday.

Measure of damages for personal injury or death

Measure of damages for personal injury or death.

70. (1) In an action for damages for personal injuries (including any such action arising out of

contract), where the cause of action accrues on or after the appointed day, there shall in assessing those damages be taken into account, against any loss of earnings or profits which has accrued or probably will accrue to the injured person from the injuries, one half of the value of any rights which have accrued or probably will accrue to him therefrom in respect of sickness benefit or industrial disablement benefit for the five years beginning with the time when the cause of action accrued.

(2) The provisions of subsection (1) of this section shall not be taken as requiring both the gross amount of the damages before taking into account the said rights and the net amount after taking them into account to be found separately.

(3) The reference in subsection (1) of this section to assessing damages for personal injuries shall, in cases where the damages otherwise recoverable are subject to reduction by reason of the fact that the damage suffered by the injured person was contributed to by his own negligence or are limited by or under any enactment or by contract, be taken as referring to the total damages which would have been recoverable apart from the reduction or limitation.

(4) For the purposes of this section the expression "personal injury" includes any disease and any impairment of a person's physical or mental condition, and the expression "injured" shall be construed accordingly.

Contracts relating to employer's liability

Contracts excluding or limiting employer's liability by reason of fellow-employee's negligence.

71. (1) Any provision contained in a contract of service or in an agreement collateral thereto (including a contract or agreement entered into before the appointed day) shall, in relation to any cause of action accruing on or after the appointed day, be void in so

far as it would have the effect of excluding or limiting any liability of the employer in respect of personal injury caused to the person employed or apprenticed by the negligence of persons in common employment with him.

(2) For the purposes of this section the expression "personal injury" includes any disease and any impairment of a person's physical or mental condition.

Repeals, consequential and transitional provisions and savings

Termination and repeal of existing insurance codes and treatment of existing contributors and beneficiaries.

72. (1) Subject to the succeeding provisions of this Law, on the appointed day the enactments set out in the Fifth Schedule to this Law shall be repealed and on and after that day no person shall be insured or deemed to be or treated as insured under the Contributory Pensions (Guernsey) Laws, 1935 to 1962, and no person shall, whether as a contributor under those Laws or in respect of his insurance thereunder by another, be entitled to any benefit under those Laws.

(2) Subject as aforesaid, the foregoing provisions of this Law shall, in relation to—

(*a*) persons (hereafter in this Law referred to as "existing contributors") who immediately before the appointed day are so insured or deemed to be or treated as so insured and have not attained the age of seventy; and

(*b*) persons (hereafter in this Law referred to as "existing beneficiaries") to or in respect of whom immediately before that day any benefit, pension or allowance is, or would but for any disqualification or forfeiture be, payable under or by virtue of the enactments repealed by this Law;

have effect with such modifications, additions and exceptions as may be prescribed.

(3) Regulations under the last foregoing subsection shall in particular provide—

(*a*) as respects existing contributors, for modifying the conditions for receipt of benefit under this Law, whether by an existing contributor or in respect of his insurance by another, so as to take into account, for such purposes and in such manner and subject to such conditions as may be prescribed, contributions paid or deemed to be paid under the said enactments and periods of insurance thereunder;

(*b*) as respects existing beneficiaries, either—

(i) for substituting for any right to any benefit, pension or allowance payable under or by virtue of the said enactments a right to such benefit under this Law as may be prescribed as corresponding thereto; or

(ii) for preserving any such right and giving effect thereto (whether under this Law or by continuing in whole or in part the operation of the said enactments in relation thereto);

(*c*) for treating a person who had attained the age of sixty-five before the appointed day as having attained pensionable age on that day, if that person is, or is an adult dependant of, an existing contributor:

Provided that for the purposes of paragraph (*c*) of subsection (2) of section nineteen of this Law (which relates to retirement pensions) such person shall not be deemed to have attained pensionable age on the appointed day;

but in any case subject to such modifications (if any) as appear to the Authority to be appropriate, so, however, that the maximum rate of any such benefit, pension or allowance, shall not be increased above the rate of the corresponding benefit under this Law as set out in the Second Schedule hereto.

Transfer of assets and liabilities.

73. (1) Subject to the succeeding provisions of this Law, on the appointed day—

(*a*) all sums standing to the credit of the Income and Expenditure Account and the Insurance Fund Account opened under the provisions of the Contributory Pensions Law, 1935, immediately before that day; and

(*b*) all other assets beneficially held by the Authority for the purposes of or arising out of the operation of any of the provisions of the said Law;

shall vest in and become assets of the Guernsey Insurance Fund.

(2) Subject as aforesaid, any liabilities accrued on or accruing after the appointed day to which the assets mentioned in the last preceding subsection would have been applicable but for this Law shall be liabilities of the Guernsey Insurance Fund.

Consequential amendments.

74. On the appointed day the enactments set out in the left hand column of the Sixth Schedule to this Law shall be amended to the extent set out in the right hand column of that Schedule.

Power to make further consequential and transitional provisions, etc.

75. Without prejudice to any specific power conferred by any of the three last foregoing sections, regulations may be made for facilitating their operation or the introduction of the system of insurance

established by this Law, including in particular regulations providing for making any savings or additional savings from the effect of any repeal or amendment.

Transitional provisions as to new entrants over school age on appointed day.

76. (1) If on the appointed day regulations under section one of this Law (which relates to description and classification of insured persons) provide for treating, as employed contributor's employments, employments outside Guernsey prescribed by those regulations, then regulations under this subsection may provide for the insurance under this Law as from the appointed day of persons not so insured by virtue of any other provision of this Law, who—

(*a*) are on that day—

(i) over school leaving age and under pensionable age; and

(ii) gainfully occupied in any such employment; and

(*b*) fulfil such conditions as may be prescribed as to residence in Guernsey before the appointed day.

(2) In relation to persons becoming insured under this Law on or after the appointed day who immediately before the appointed day are over school leaving age and under pensionable age but are not existing contributors, the foregoing provisions of this Law shall have effect with such modifications, additions and exceptions as may be prescribed for adjusting them to the case of such persons.

(3) As respects any person in relation to whom the provisions of the last foregoing subsection apply who becomes insured under this Law at such an age that he will be unable to qualify for a retirement pension at the minimum rate prescribed by regulations made under the provisions of section twenty-three of

this Law (which relates to partial satisfaction of contribution conditions), regulations under the last foregoing subsection shall in particular provide—

(*a*) that for the purposes only of any retirement pension payable by virtue of his insurance, any such person shall be deemed not to attain pensionable age until he attains an age which will enable him to qualify for the said minimum rate and he shall be deemed to retire from regular employment immediately thereafter:

Provided—

(i) that such a person shall not receive a retirement pension in excess of the said minimum rate; and

(ii) that regulations under this paragraph shall not extend the operation of the provisions of this Law reducing the rate of a retirement pension in respect of the beneficiary's earnings;

(*b*) that no such person shall be liable to pay contributions as an employed or self-employed person for any period after attaining the age of sixty-five, but that, subject to the provisions of paragraph (*d*) of this subsection, any such person shall be entitled to pay contributions as a non-employed person at the rate appropriate to a person under the age of sixty-five;

(*c*) that in the case of a person who is entitled to pay contributions as a non-employed person in pursuance of regulations made under the provisions of the last preceding paragraph but who would be treated as an employed person were he under the age of sixty-five, his employer shall in the first instance pay such contributions in respect of that person

as if he were an employed person under that age so, however, that the employer shall pay such contributions at a rate appropriate to a non-employed person under that age and he shall be entitled to recover from that person such amount as represents the difference between the contributions payable by a non-employed person under the age of sixty-five and the contributions which an employer is liable to pay in respect of an employed person in accordance with the provisions of Part II of the First Schedule to this Law;

(*d*) that any such person shall be entitled, not later than the prescribed time after attaining the age of sixty-five, to elect not to be qualified for a retirement pension, and that, if such an election is made by any person—

(i) no retirement pension shall be payable by virtue of that person's insurance either to that person or, during his life, to his wife;

(ii) that person shall be entitled to a refund after attaining the said age of so much of the contributions paid by that person as may be prescribed together with such interest thereon as may be prescribed;

(iii) the regulations made by virtue of paragraph (*b*) of this subsection shall not apply to that person except in so far as they confer exemption from liability to pay contributions.

Ordinances, Orders and regulations

General provisions as to Ordinances, Orders and regulations.

77. (1) Except in so far as this Law otherwise provides, any power conferred thereby to make an Ordinance or regulations may be exercised—

(*a*) either in relation to all cases to which the

power extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified cases or classes of cases; and

(*b*) so as to make, as respects the cases in relation to which it is exercised—

(i) the full provision to which the power extends or any less provision (whether by way of exception or otherwise);

(ii) the same provision for all cases in relation to which the power is exercised or different provision for different cases or classes of cases or different provision as respects the same case or class of case for different purposes of this Law;

(iii) any such provision either unconditionally or subject to any specified condition.

(2) Without prejudice to any specific provision in this Law, any Ordinance or regulations under this Law may contain such incidental or supplementary provisions as appear to the States or the Authority, as the case may be, to be expedient for the purposes of the Ordinance or regulations.

(3) Any power conferred by this Law to make an Ordinance, an Order or regulations shall include power to vary or revoke any Ordinance, Order or regulations so made by a subsequent Ordinance, Order or regulations, as the case may be.

Regulations to be laid before the States.

78. Any regulations made by the Authority under any of the provisions of this Law set out in the Seventh Schedule thereto or any regulations made partly under one of those provisions and partly under another of those provisions shall be laid before a meeting of the States as soon as may be after the making thereof and, if at that meeting or at the next

subsequent meeting, the States resolve that the regulations be annulled, the regulations shall cease to have effect but without prejudice to anything done thereunder or to the making by the Authority of any new regulations.

Interpretation and citation

Interpretation.

79. (1) In this Law, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"the Administrator" means the Administrator to the Authority appointed for the time being by the States Appointments Board for the purposes of the National Insurance (Guernsey) Law, 1951, or for the purposes of this Law;

"the appointed day" means the fourth day of January, nineteen hundred and sixty-five;

"the Authority" means the States Insurance Authority constituted in accordance with the provisions of section forty-seven of this Law;

"beneficiary" means a person entitled to benefit;

"benefit" means benefit under this Law;

"benefit year" means, in relation to any person, such period of fifty-two or fifty-three contribution weeks as may be prescribed;

"claimant" means a person claiming benefit;

"contract of service" means any contract of service or apprenticeship, whether written or oral, and whether expressed or implied;

"contribution week" means a period of seven days commencing at midnight ending Sunday and "contribution year" means, in relation to any person, such period of fifty-two or fifty-three contribution weeks as may be prescribed;

"day" means a period of twenty-four hours from midnight to midnight or such other period of twenty-four hours as may be prescribed;

"the disablement questions" has the meaning assigned to it by subsection (3) of section forty-eight of this Law;

"earnings" includes any remuneration or profit derived from a gainful employment;

"employer's contribution" means a contribution payable by a person otherwise than as an insured person;

"employed contributor's employment" has the meaning assigned to it by subsection (3) of section one of this Law;

"employment" includes any trade, business, profession, office or vocation and "employed" shall be construed accordingly except in the expression "employed person";

"entry into insurance" means, in relation to any person, the date on which he becomes an insured person;

"Guernsey" includes the Islands of Alderney, Herm and Jethou;

"Guernsey Insurance Fund" means the fund established under the provisions of section forty-five of this Law;

"Her Majesty's dominions" includes British protectorates and protected states and any United Kingdom trust territory;

"incapable of self-support" means, in relation to any person, that he is incapable of supporting himself by reason of physical or mental infirmity and is likely to remain so incapable for a prolonged period;

"incapable of work" means incapable of work by reason of some specific disease or bodily or mental disablement or deemed, in accordance with regulations, to be so incapable;

"insured person" means a person insured under this Law;

"the medical board" means the medical board appointed under the provisions of section forty-nine of this Law;

"medical examination" includes bacteriological and radiographical tests and similar investigations, and references to being medically examined shall be construed accordingly;

"medical practitioner" means a medical practitioner authorised to practise in Guernsey according to the law for the time being in force;

"pensionable age" means the age of sixty-five;

"prescribed" means prescribed by regulations;

"regulations" means regulations made by the Authority under this Law;

"relevant accident" means, in relation to any benefit, the accident in respect of which that benefit is claimed or payable;

"relevant contribution conditions" means, in relation to benefit of any description, the contribution conditions for benefit of that description;

"relevant injury" means, in relation to any benefit, the injury in respect of which the benefit is claimed or payable;

"relevant loss of faculty" means the loss of faculty resulting from the relevant injury;

"the States" means the States of Guernsey;

"the tribunal" has the meaning assigned to it by subsection (1) of section forty-eight of this Law.

(2) For the purposes of this Law—

(*a*) the expression "child" means a person who would be treated as a child for the purposes of the Family Allowances (Guernsey) Law, 1950;

(*b*) a person shall be deemed to have attained or not to have attained school leaving age if he would be treated as being, as the case may be, over or under the upper limit of the compulsory school age for the purposes of the said Law;

(*c*) a person shall be deemed to have a family which includes a child or children if that person (not being a child) and a child or children (with or without a wife or husband of that person) would be treated for the purposes of the said Law as constituting a family, and references to a child of a person's family shall be construed accordingly.

(3) For the purposes of this Law, two persons shall not be deemed to have ceased to reside together by reason of any temporary absence of either or both of them, and in particular by reason of any such absence at school or while receiving medical treatment as an in-patient in a hospital or similar institution or by reason of any absence of either or both of them in such circumstances as may be prescribed.

(4) For the purposes of this Law—

(*a*) a person shall be deemed to be over or under any age therein mentioned if he has or has not attained that age;

(*b*) a person shall be deemed to be between two ages therein mentioned if he has attained the first-mentioned age but has not attained the second-mentioned age;

(*c*) a person shall be deemed not to have attained the age of eighteen years until the com-

mencement of the eighteenth anniversary of the day of his birth, and similarly with respect to any other age;

(*d*) regulations may provide that, for the purpose of determining whether a contribution is payable in respect of any person, or at what rate a contribution is payable, that person shall be treated as having attained at the beginning of a contribution week, or as not having attained until the end of a contribution week, any age which he attains during the course of that week.

(5) For the purposes of this Law, the amount of a person's earnings for any period, and the rate of a person's remuneration, shall be calculated or estimated in such manner and on such basis as may be prescribed.

(6) References in this Law to any benefit, pension or allowance payable under or by virtue of any enactment repealed or amended by this Law shall be construed as referring also to any benefit, pension or allowance payable under or by virtue of any corresponding enactment previously repealed.

(7) Except where the context otherwise requires, any reference in this Law to any other enactment shall be construed as including a reference to that enactment as amended, repealed, replaced, extended or applied by or under any other enactment including this Law.

(8) The Interpretation (Guernsey) Law, 1948, shall apply to the interpretation of this Law throughout the Islands of Guernsey, Alderney, Herm and Jethou.

80. This Law may be cited as the Social Insurance (Guernsey) Law, 1964. Citation.

SCHEDULES

FIRST SCHEDULE

Section two

CONTRIBUTION RATES

PART I

EMPLOYED PERSONS

Description of employed person	Weekly rate of contribution as respects benefits, other than limited medical benefit	Weekly rate of contribution as respects limited medical benefit	Total weekly rate of contribution
	s. d.	s. d.	s. d.
Men between the ages of 18 and 70 (not including men over the age of 65 who have retired from regular employment)	4 7	3	4 10
Women between the ages of 18 and 70 (not including women over the age of 65 who have retired from regular employment)	3 6	3	3 9
Boys under the age of 18 ..	2 7	3	2 10
Girls under the age of 18 ..	2 0	3	2 3

PART II

EMPLOYERS

Description of employed person	Weekly rate of contribution	
	s.	d.
Men over the age of 18 whether or not they are liable to pay a contribution as an employed person.. ..	4	6
Women over the age of 18 whether or not they are liable to pay a contribution as an employed person ..	3	6
Boys under the age of 18	2	7
Girls under the age of 18	2	0

For the purposes of this Part of this Schedule a person over pensionable age, not being an insured person, shall be treated as an employed person if he would be an insured person were he under pensionable age and would be an employed person were he an insured person.

PART III

SELF-EMPLOYED PERSONS

Description of self-employed person	Weekly rate of contribution as respects benefits, other than limited medical benefit	Weekly rate of contribution as respects limited medical benefit	Total weekly rate of contribution
	s. d.	s. d.	s. d.
Men between the ages of 18 and 70 (not including men over the age of 65 who have retired from regular employment)	8 8	3	8 11
Women between the ages of 18 and 70 (not including women over the age of 65 who have retired from regular employment)	6 8	3	6 11
Boys under the age of 18 ..	4 11	3	5 2
Girls under the age of 18 ..	3 9	3	4 0

PART IV

NON-EMPLOYED PERSONS

Description of non-employed person	Weekly rate of contribution as respects benefits, other than limited medical benefit		Weekly rate of contribution as respects limited medical benefit		Total weekly rate of contribution	
	s.	d.	s.	d.	s.	d.
Men between the ages of 18 and 65	6	9		3	7	0
Women between the ages of 18 and 65	5	1		3	5	4
Boys under the age of 18	3	10		3	4	1
Girls under the age of 18	2	11		3	3	2

PART V

STATES SUPPLEMENT

Description of person by or in respect of whom contribution is paid	Amount of Supplement		
	For contribution as employed person	For contribution as self-employed person	For contribution a non-employed person
	s. d.	s. d.	s. d.
Men over the age of 18 ..	11	11	8
Women over the age of 18 (not including widows who being in receipt of widow's benefit are self-employed or non-employed and have elected to pay the reduced rate of contribution of 3d. a week)..	7	7	6
Boys under the age of 18 ..	6	6	4
Girls under the age of 18 ..	5	5	3

SECOND SCHEDULE

Sections eleven, twenty-one and twenty-two

RATE OR AMOUNT OF BENEFIT

Description of benefit	Weekly rate		Increase for only child or elder or eldest child (where payable)		Increase for each additional child (where payable)		Increase for adult dependant (where payable)	
	s.	d.	s.	d.	s.	d.	s.	d.
1. Unemployment benefit and sickness benefit—								
(a) in the case of a person over the age of 18	50	0	15	0	7	6	30	0
(b) in the case of a person under the age of 18—								
(i) during any period during which that person is entitled to an increase of benefit in respect of a child or adult dependant	50	0	15	0	7	6	30	0
(ii) during any other period	28	6	—		—		—	
2. Widow's allowance ..	50	0	20	0	12	6	—	
3. Widowed Mother's allowance—								
(a) where payable by virtue of section 16(1)(b)(i) of this Law ..	50	0	20	0	12	6	—	
(b) in any other case ..	50	0	—		—		—	
4 Widow's pension.. ..	50	0	—		—		—	
5. Guardian's allowance ..	27	6	—		—		—	
6. Retirement pension—								
(a) where the pension is payable to a woman by virtue of her husband's insurance and he is alive	30	0	15	0	7	6	—	
(b) in any other case ..	50	0	15	0	7	6	30	0

THIRD SCHEDULE Section eleven

CONTRIBUTION CONDITIONS

UNEMPLOYMENT AND SICKNESS BENEFIT

1. The contribution conditions for unemployment benefit or for sickness benefit are that—

(*a*) not less than twenty-six contributions of the appropriate class have been paid by the claimant in respect of the period between his entry into insurance and the day for which the benefit is claimed; and

(*b*) not less than fifty contributions of the appropriate class or their equivalent have been paid by or credited to him in respect of the last complete contribution year before the beginning of the benefit year which includes the day for which the benefit is claimed.

WIDOW'S BENEFIT AND RETIREMENT PENSION

2. (1) The contribution conditions for widow's benefit or a retirement pension are that—

(*a*) not less than one hundred and fifty-six contributions of the appropriate class have been paid by the relevant person in respect of the period between that person's entry into insurance and the relevant time; and

(*b*) the yearly average of the contributions paid by or credited to that person (ascertained as at the relevant time) is not less than fifty.

(2) In this paragraph—

(*a*) the expression "relevant person" means the person by whom the conditions are to be satisfied;

(*b*) the expression "relevant time" means the date of the relevant person attaining pensionable age or dying under that age.

FOURTH SCHEDULE

Section thirty-three

RATES OF INDUSTRIAL DISABLEMENT BENEFIT

Degree of disablement	*Weekly Rate*		
	£	s.	d.
100 per centum	2	10	0
90 per centum	2	5	0
80 per centum	2	0	0
70 per centum	1	15	0
60 per centum	1	10	0
50 per centum	1	5	0
40 per centum	1	0	0
30 per centum		15	0
20 per centum		10	0

FIFTH SCHEDULE Section seventy-two

ENACTMENTS REPEALED

The Contributory Pensions Law, 1935.

The Contributory Pensions (Amendment) Law, 1937.

The Contributory Pensions (Supplementary Provisions) Law, 1938.

The Non-Contributory Old Age and Blind Persons Pensions Law, 1931, and the Contributory Pensions Law, 1935, (Increase of Pensions and Benefits) Amendment Law, 1943.

The Contributory Pensions Law, 1935, Amendment Law, 1945.

The Contributory Pensions Law, 1935, Amendment Law, 1947.

The Benefits and Pensions (Contributory and Non-Contributory) Amendment Law, 1947.

The Contributory Pensions Supplementary Law, 1949.

The National Insurance (Guernsey) Law, 1951.

The Contributory Pensions (Amendment) Law, 1953.

The Contributory Pensions (Amendment) Law, 1955.

The Contributory Pensions (Amendment) (Guernsey) Law, 1956.

The Contributory Pensions (Amendment) (No. 2) (Guernsey) Law, 1956.

The Contributory Pensions (Amendment) Law, 1958.

The Contributory Pensions (Variation of Rates of Contributions and Benefits) (Guernsey) Law, 1961.

The Contributory Pensions (Amendment) (Guernsey) Law, 1962.

SIXTH SCHEDULE Section seventy-four

ENACTMENTS AMENDED

Laws	Extent of amendment
The States Committees (Amendment) Law, 1948.	Section five is hereby repealed.
The Income Tax (Guernsey) Law, 1950.	In section ten— (i) the words and figures "the Contributory Pensions Laws, 1935 to 1949," are hereby repealed and the words and figures "the Social Insurance (Guernsey) Law, 1964," are hereby substituted therefor; (ii) the word "National" is hereby repealed and the word "Social" is hereby substituted therefor.
The Family Allowances (Guernsey) Law, 1950.	In the definition of the expression "Administrator" and the expression "Authority" the words and figures "the Contributory Pensions Laws, 1935 to 1949," are hereby repealed and the words and figures "the Social Insurance (Guernsey) Law, 1964," are hereby substituted therefor.
The Income Tax (Guernsey) Law, 1955.	In paragraph (*d*) of subsection (1) of section sixty the words and figures "the Contributory Pensions Law, 1935," are hereby repealed and the words and figures "the Social Insurance (Guernsey) Law, 1964," are hereby substituted therefor.

Laws	Extent of amendment
The Non-Contributory Pensions (Guernsey) Law, 1955.	(i) In subsection (1) of section ten the words and figures "the Contributory Pensions Laws, 1935 to 1953," are hereby repealed and the words and figures "the Social Insurance (Guernsey) Law, 1964," are hereby substituted therefor. (ii) Subsection (2) of section ten is hereby repealed and the following subsection is hereby substituted therefor— "(2) Where the liabilities of the Guernsey Insurance Fund established under the provisions of the Social Insurance (Guernsey) Law, 1964, are reduced by virtue of the last foregoing subsection, there shall be paid out of that Fund into the General Revenue of the States of Guernsey an amount equal to the reduction."

SEVENTH SCHEDULE Section seventy-eight

PROVISIONS UNDER WHICH REGULATIONS WHICH ARE REQUIRED TO BE LAID BEFORE THE STATES ARE MADE

Section one (which relates to description and classification of insured persons).

Section five (which relates to exception from liability for, and crediting of, contributions).

Section six (which relates to contributions of employed persons and employers).

Section seven (which relates to general provisions as to payment and collection of contributions, etc.).

Section eight (which relates to persons to be treated as employers).

Section eighteen (which relates to guardian's allowance).

Subsection (3) of section thirty-three (which relates to industrial disablement benefit).

Section thirty-five (which relates to industrial diseases and industrial injuries not caused by accident).

Section sixty-three (which relates to Crown servants).

Section sixty-four (which relates to mariners and airmen).

Section sixty-five (which relates to married women).

Section sixty-six (which relates to insured persons outside Guernsey).

Section seventy-two (which relates to termination and repeal of existing insurance codes and treatment of existing contributors and beneficiaries).

Section seventy-six (which relates to transitional provisions as to new entrants over school age on appointed day).

R. H. VIDELO,

Her Majesty's Greffier.