

ORDER IN COUNCIL

**VII
1978**

ratifying a Projet de Loi

ENTITLED

The Social Insurance (Guernsey) Law, 1978

(Registered on the Records of the Island of Guernsey
on the 13th day of June, 1978.)



ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 13th day of June, 1978, before Charles Keith Frossard, Esquire, Deputy Bailiff; present:— Claude Fortescue Nason, Esquire, Stanley Walter Gavey, Esquire, O.B.E., D'Arcy George Le Tissier, Esquire, Edward James Lainé, Esquire, C.B.E., D.F.C., Richard Alan Kinnersly, Esquire, Harry Wall Poat, Esquire, D.S.O., M.C., A.D.C., Richard Brook Sutcliffe, Richard Oliver Symons, Albert Richard McCartney Straw, Esquires, Frederick William Winslow Chandler, Esquire, D.S.O., D.F.C. and Lionel Walter Sarre, Esquire, M.B.E., K.P.M., Jurats.

The Deputy Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 25th day of April, 1978, ratifying a *Projet de Loi* entitled "The Social Insurance (Guernsey) Law, 1978", 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 Windsor Castle

The 25th day of April 1978

PRESENT,

The Queen's Most Excellent Majesty in Council

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey dated the 18th day of April 1978 in the words following, viz.:—

“YOUR MAJESTY having been pleased, by Your General Order of Reference of the 22nd 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 29th day of September 1976 and of the 28th day of September 1977, the States of Deliberation at a meeting held on the 25th day of January 1978 approved a Bill or “Projet de Loi” entitled “The Social Insurance (Guernsey) Law, 1978”, 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, 1978”, and to order that the same shall have force of law in the Island of Guernsey.’

"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 Island of Guernsey.

AND HER MAJESTY doth hereby further direct that this Order, and the said Projet de Loi (a copy whereof is hereunto annexed), be entered upon the Register of the Island of Guernsey and observed accordingly.

AND the Lieutenant Governor and Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other Her Majesty's Officers for the time being in the said Island, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

N. E. Leigh

Projet de Loi referred to in the foregoing
Order in Council

PROJET DE LOI

ENTITLED

The Social Insurance (Guernsey) Law, 1978

ARRANGEMENT OF SECTIONS

Section

PART I

INSURED PERSONS AND CONTRIBUTIONS

Preliminary

1. Description and classification of insured persons.
2. Source of funds.
3. "Earnings".

Contributions

4. Three classes of contributions.
5. Class 1 contributions.
6. Class 2 contributions payable by self-employed persons.
7. Class 2 contributions payable by employed persons in certain cases.
8. Class 3 contributions payable by non-employed persons.
9. Class 3 contributions payable by employed persons in certain cases.
10. Exception from liability to pay contributions.
11. General power to regulate liability for contributions and for the crediting of contributions.

*Section**Computation, collection and recovery of contributions, etc.*

12. Earnings not paid at normal intervals.
13. Method of paying Class 1 contributions.
14. General provisions as to Class 1 contributions.
15. General regulation-making powers as to contributions.
16. Persons to be treated as employers.

The States' grant

17. The States' grant.

PART II

BENEFIT (OTHER THAN BENEFIT FOR INDUSTRIAL INJURIES)

Preliminary

18. Descriptions of benefit under this Part of this Law.
19. Rates and amounts of benefit under this Part of this Law.
20. Contribution conditions for entitlement to benefit under this Part of this Law.

Benefits for unemployment, sickness and invalidity

21. Unemployment benefit and sickness benefit.
22. Invalidity benefit.
23. Determination of days for which unemployment benefit, sickness benefit and invalidity benefit are payable.
24. Duration of unemployment benefit.
25. Loss of employment due to stoppage of work.
26. Other disqualifications, etc.

*Section**Maternity benefit*

- 27. Maternity grant.
- 28. Maternity allowance.
- 29. Supplementary provisions as to maternity benefit.

Widow's benefit

- 30. Widow's allowance.
- 31. Widowed mother's allowance.
- 32. Widow's pension.

Old age pension

- 33. Old age pension.

Other benefits

- 34. Guardian's allowance.
- 35. Child's special allowance.
- 36. Travelling allowance grant.
- 37. Death grant.
- 38. Limited medical benefit.

Supplementary

- 39. Partial satisfaction of contribution conditions.

PART III

BENEFIT FOR INDUSTRIAL INJURIES

General provisions

- 40. Interpretation of Part III.
- 41. General right to, and description of, industrial injuries benefits.
- 42. Accidents happening while acting in breach of regulations, etc.
- 43. Accidents happening while travelling in employer's transport.
- 44. Accidents happening while meeting emergency.

Section

45. Extension of class of accidents treated as arising out of employment.
46. Accidents in course of illegal employment, etc.

Industrial Injuries Benefits

47. Industrial medical benefit.
48. Industrial injury benefit.
49. Industrial disablement benefit.
50. Increase of industrial disablement benefit where constant attendance needed.
51. Increase of industrial disablement benefit during hospital treatment.
52. Adjustments for successive accidents.
53. Widow's benefit in respect of industrial accidents.

Industrial diseases and industrial injuries not caused by accident

54. Benefit in respect of industrial diseases, etc.
55. General provisions as to benefit under section fifty-four.

Supplementary

56. Obligations of claimants.

PART IV**INCREASES OF BENEFIT FOR DEPENDANTS***Child dependants*

57. Beneficiary's dependent children.
58. Additional provisions as to increases under section fifty-seven.
59. Limits of increase for dependent children.

Adult dependants

60. Increase of short-term benefits and invalidity benefit for adult dependants.

Section

- 61. Increase of old age pension for wife.
- 62. Increase of old age pension for female with care of children.

PART V

ADMINISTRATION OF BENEFIT

Claims, payment, disqualifications, etc.

- 63. Claims and notices.
- 64. Payment.
- 65. Interim payments, arrears and repayments.
- 66. Recovery of sums by deduction from benefit.
- 67. Disqualification or suspension for absence abroad or imprisonment.
- 68. Disqualifications, etc., to be disregarded for certain purposes.

Supplementary

- 69. Overlapping benefits, etc.
- 70. Benefit to be inalienable.
- 71. Proceedings by employees for benefit lost by employer's default.
- 72. Provisions as to maintenance.
- 73. Obligations of employers.

PART VI

DETERMINATION OF CLAIMS AND QUESTIONS

Adjudication by the Authority

- 74. Principal questions for adjudication by the Authority.
- 75. Questions relating to increase of industrial disablement benefit under section fifty.
- 76. Review of decisions under sections seventy-four and seventy-five.

Section

77. Appeals and references to the Ordinary Court respecting decisions of the Authority.

Adjudication by the Administrator and the Tribunal

78. Claims and questions to be submitted to the Administrator.
 79. Decision of the Administrator.
 80. Constitution of the Tribunal.
 81. Appeals to the Tribunal.
 82. Appeals and references to the Ordinary Court respecting decisions of the Tribunal.
 83. Questions first arising on appeal.
 84. Reference of special questions.
 85. Review of decisions.

Adjudication in relation to industrial injuries, etc.

86. Disablement questions.
 87. Constitution of the Medical Board.
 88. Review of decisions of the Medical Board.
 89. Reference to single doctor.

Adjudication generally

90. Procedure, etc.
 91. Questions as to child or family.

PART VII

GENERAL PROVISIONS AS TO OPERATION
AND ADMINISTRATION OF THIS LAW*The States Insurance Authority*

92. Constitution of the States Insurance Authority.
 93. Delegation of functions of the Authority.

Administrator to the Authority

94. Appointment of Administrator to the Authority, etc.

*Section**Special classes of persons*

- 95. Crown servants.
- 96. Mariners and airmen.
- 97. Married women and widows.
- 98. Insured persons outside Guernsey.
- 99. Persons under sixteen on entry into insurance.

Finance

- 100. Guernsey Insurance Fund.
- 101. Guernsey Health Service Fund Allocation.
- 102. Reports by Actuary.

Enforcement

- 103. Appointment and powers of inspectors.
- 104. Offences and penalties.
- 105. Questions arising in proceedings.
- 106. Recovery on prosecution.
- 107. Proof of previous convictions.
- 108. Provisions supplementary to sections one hundred and six and one hundred and seven.
- 109. Committal to prison for default in payment of sums due to Guernsey Insurance Fund, attachment of wages, etc.
- 110. Civil proceedings to recover sums due to Guernsey Insurance Fund.

Disclosure of information

- 111. Prohibition against disclosure of information obtained by virtue of this Law.
- 112. Disclosure of information by Administrator of Income Tax.

Social insurance systems outside Guernsey

- 113. Reciprocity with other countries.

Section

PART VIII

GENERAL AND MISCELLANEOUS

Measure of damages for personal injuries, etc.

- 114. Measure of damages for personal injury or death.
- 115. Contracts excluding or limiting employer's liability by reason of fellow-employee's negligence.

Ordinances, orders and regulations

- 116. General provisions as to Ordinances, orders and regulations.
- 117. Regulations to be laid before the States.

Repeals, transitional provisions and savings, consequential amendments, etc.

- 118. Repeals.
- 119. Transitional provisions and savings.
- 120. Consequential amendments.
- 121. Interpretation.
- 122. Citation.
- 123. Commencement.

SCHEDULES

FIRST SCHEDULE—CONTRIBUTION CONDITIONS.

SECOND SCHEDULE—ASSESSMENT OF EXTENT OF DISABLEMENT.

THIRD SCHEDULE—PROVISIONS WHICH MAY BE MADE BY REGULATIONS AS RESPECTS MATTERS RELATING TO ADJUDICATION UNDER THIS LAW.

FOURTH SCHEDULE—REPEALS, TRANSITIONAL PROVISIONS AND SAVINGS.

FIFTH SCHEDULE—CONSEQUENTIAL AMENDMENTS.

SIXTH SCHEDULE—GLOSSARY OF EXPRESSIONS.

PROJET DE LOI

ENTITLED

The Social Insurance (Guernsey) Law, 1978

THE STATES, in pursuance of their Resolutions of the twenty-ninth day of September, nineteen hundred and seventy-six, and of the twenty-eighth day of September, nineteen hundred and seventy-seven, 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

Preliminary

1. (1) Subject to the provisions of this Law—
- (a) every person who, immediately before the appointed day, was an insured person under the Law of 1964; and
- (b) every other person who, on or after the appointed day, being over school-leaving age and under pensionable age, fulfils such conditions as to residence in Guernsey as may be prescribed;

Description
and classifi-
cation of
insured
persons.

shall become insured under this Law and thereafter continue throughout his life to be 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 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; and
- (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 of insured persons 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.

(5) Subject to the provisions of this Law and except where regulations otherwise provide, an insured person shall be deemed for the purposes of the provisions of this Law relating to contributions to be—

(a) an employed person—

- (i) as respects any contribution week during any part of which he is an employed person if his earnings in respect of the employment in question are paid weekly;
 - (ii) as respects any contribution month during any part of which he is an employed person if his earnings in respect of the employment in question are paid otherwise than weekly;
- (b) a self-employed person as respects any contribution week during any part of which he is a self-employed person and is not an 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.

2. For the purpose of providing 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, contributions shall be payable by insured persons, by employers and out of moneys provided by the States in accordance with the provisions of this Part of this Law. Source of funds.

3. (1) In this Law "earnings" includes any remuneration or profit derived from an employment. "Earnings".

(2) For the purposes of this Law, the amount of a person's earnings for any period, or the amount of his earnings to be treated as comprised in any payment made to him or for his benefit, shall be calculated or estimated in such a manner and on such basis as may be prescribed.

(3) Regulations made for the purposes of the last foregoing subsection may prescribe that payments of a particular class or description made or falling to be made to or by a person shall, to such extent as may be prescribed, be disregarded or, as the case may be, be deducted from the amount of that person's earnings.

Contributions

4. (1) Contributions under this Part of this Law shall be of the following three classes— Three classes of contributions.

(a) Class 1, payable under the next following section, being—

- (i) primary Class 1 contributions from employed persons, and

- (ii) secondary Class 1 contributions from employers;
 - (b) Class 2, payable under section six of this Law by self-employed persons and under section seven of this Law by employed persons in certain cases; and
 - (c) Class 3, payable under section eight of this Law by non-employed persons and under section nine of this Law by employed persons in certain cases.
- (2) Subject to the provisions of this Law, no person shall—
- (a) be liable to pay contributions unless he fulfils prescribed conditions as to residence in Guernsey;
 - (b) be entitled to pay contributions other than those which he is liable to pay, except so far as he is permitted by regulations to pay them.

Class 1
contributions.

5. (1) For the purposes of this Law, the States shall from time to time by Ordinance prescribe—

- (a) as respects employed persons paid weekly, an upper weekly earnings limit, being the maximum amount of weekly earnings in respect of which Class 1 contributions shall be payable in respect of such employed persons; and
- (b) as respects other employed persons, an upper monthly earnings limit, being the maximum amount of monthly earnings in respect of which Class 1 contributions shall be payable in respect of such other employed persons.

(2) Subject to the provisions of this Law, where in any contribution week earnings are paid to or for the benefit of an employed person in respect of

any one employment of his, being employed contributor's employment, there shall be payable a primary and a secondary Class 1 contribution in accordance with this section without regard to any other payment of earnings to or for the benefit of that employed person in respect of any other employment.

(3) The primary contribution shall be payable by the employed person and the secondary contribution shall be payable by the employer.

(4) Subject to the provisions of this Law, the respective amounts of a primary Class 1 contribution and of a secondary Class 1 contribution shall be such percentage as the States shall from time to time by Ordinance determine of so much of the earnings paid in that week, in respect of the employment in question, as does not exceed the current relevant upper earnings limit; and different percentages may be so determined in respect of primary Class 1 contributions and secondary Class 1 contributions.

(5) The employer of a person over pensionable age who is not an insured person but who would be an employed person if he would be an insured person were he under pensionable age shall be liable to pay a secondary Class 1 contribution in respect of that person in accordance with the provisions of this section.

6. (1) For the purposes of this Law, the current upper annual earnings limit for Class 2 contributions means an amount equal to the product of the current upper weekly earnings limit and fifty-two.

Class 2
contribu-
tions
payable by
self-
employed
persons.

(2) Subject to the provisions of this Law, an insured person who as respects any contribution week is a self-employed person shall be liable to pay

a Class 2 contribution in respect of that week in an amount equal to such percentage as the States shall from time to time by Ordinance determine of one fifty-second of the current upper annual earnings limit.

(3) Where the Authority is satisfied, on application being made to it in that behalf, in the prescribed manner and within the prescribed time, by any person who, but for this subsection, would be liable to pay Class 2 contributions under and in accordance with the last foregoing subsection as respects any contribution year or part of a contribution year, that his relevant earnings are below the current upper annual earnings limit in respect of Class 2 contributions and that he satisfies such other conditions as may be prescribed, then, subject to and in accordance with regulations, he shall be liable to pay a Class 2 contribution in respect of each contribution week in that year or part of that year, as the case be, at such reduced rate as shall be prescribed.

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

7. Subject to the provisions of this Law, where an employed person—

- (a) is liable to pay a Class 1 primary contribution assessed on an amount of earnings for any period and that amount of earnings is below the current relevant lower earnings limit; and
- (b) he would be liable to pay a Class 2 contribution in respect of any contribution week comprised in, or comprising, that period if he were not an employed person in respect of that week;

Class 2 contributions payable by employed persons in certain cases.

he shall, in addition to being liable to pay that Class 1 contribution, be liable to pay a Class 2 contribution in respect of that week in all respects as if he were a self-employed person in respect of that week; and the provisions of the last foregoing section shall apply to him accordingly.

8. Subject to the provisions of this Law, insured persons of any of the following descriptions, that is to say:—

Class 3
contributions
payable by
non-
employed
persons.

- (a) males between the ages of eighteen years and pensionable age;
- (b) females between the ages of eighteen years and pensionable age;
- (c) males under the age of eighteen years;
- (d) females under the age of eighteen years;

who as respects any contribution week are non-employed persons shall be liable to pay a Class 3 contribution at such weekly rate as the States shall from time to time by Ordinance determine; and different weekly rates may be so determined as respects different descriptions of such insured persons.

9. Subject to the provisions of this Law, where an employed person—

Class 3
contributions
payable by
employed
persons in
certain cases.

- (a) is liable to pay a Class 1 primary contribution assessed on an amount of earnings for any period and that amount of earnings is below the current relevant lower earnings limit; and
- (b) he would be liable to pay a Class 3 contribution in respect of any contribution week wholly or partly comprised in, or comprising, that period if he were not an employed person in respect of that week;

he shall, in addition to being liable to pay that Class 1 contribution, be liable to pay a Class 3 contribution in respect of that week in all respects as if he were a non-employed person in respect of that week; and the provisions of the last foregoing section shall apply to him accordingly.

Exception from liability to pay contributions.

10. (1) No primary Class 1 contributions shall be payable in respect of an employed person who is over pensionable age, and no Class 2 or Class 3 contributions shall be payable by any person over that age.

(2) The provisions of subsection (1) of this section shall not affect any liability to pay secondary Class 1 contributions in respect of any person.

General power to regulate liability for contributions and for the crediting of contributions.

11. (1) Regulations may provide, in relation to insured persons otherwise liable for contributions of any class, for excepting them from the liability for such periods, and in such circumstances, as may be prescribed.

(2) Regulations may provide for the crediting of contributions of any class to an insured person for such periods, in such circumstances and for the purpose of entitling that person or any other person to such benefits as may be prescribed.

(3) Regulations may provide that the liability of an employed person for primary Class 1 contributions in any contribution year or in any other period as may be prescribed shall not exceed such amount as may be prescribed in relation to that year or that period, as the case may be; and regulations may provide for contributions paid in excess of that amount in respect of that year or that other period, as the case may be, to be repaid at such times and in accordance with such conditions as may be prescribed.

*Computation, collection and recovery of
contributions, etc.*

12. Regulations may, for the purposes of Class 1 contributions, make provisions as to the intervals at which payment of earnings are to be treated as made.

Earnings
not paid at
normal
intervals.

13. (1) Where earnings are paid to an employed person and in respect of that payment liability arises for primary and secondary Class 1 contributions, the employer shall (except in prescribed circumstances), as well as being liable for his own secondary contribution, be liable in the first instance to pay also the employed person's primary contribution on behalf of and to the exclusion of the employed person; and for the purposes of this Law, contributions paid by the employer on behalf of the employed person shall be deemed to be contributions paid by the employed person.

Method of
paying Class
1 contribu-
tions.

(2) Notwithstanding any contract to the contrary, no employer shall be entitled to make, from earnings paid by him, any deduction in respect of his own or any other person's secondary Class 1 contributions, nor otherwise to recover such contributions from any employed person to whom he pays earnings; and an employer who deducts or attempts to deduct the whole or any part of such a contribution from earnings shall be liable, on summary conviction, to a fine not exceeding fifty pounds.

(3) An employer shall be entitled, subject to and in accordance with regulations, to recover from an employed person the amount of any primary Class 1 contribution paid or to be paid by him on behalf of the employed person; and regulations under this subsection shall provide for recovery to be made by deduction from the employed person's earnings, and for it not to be made in any other way.

General provisions as to Class 1 contributions.

14. Regulations may, in relation to Class 1 contributions, make provision—

- (a) for calculating the amounts payable according to a prescribed scale or otherwise adjusting them so as to avoid fractional amounts or otherwise facilitate computation;
- (b) for requiring that the liability in respect of a payment made in a contribution week, in so far as the liability depends on any conditions as to a person's age, shall be determined as at the beginning of the week or as at the end of it;
- (c) for securing that liability is not avoided or reduced by a person following in the payment of earnings any practice which is abnormal for the employment in respect of which the earnings are paid; and
- (d) without prejudice to the last foregoing paragraph, for enabling the Authority, where it is satisfied as to the existence of any practice in respect of the payment of earnings whereby the incidence of Class 1 contributions is avoided or reduced, to give directions for securing that such contributions are payable as if that practice were not followed.

General regulation-making powers as to contributions.

15. (1) Regulations may provide—

- (a) for any matters incidental to the payment, collection and return of contributions;
- (b) for requiring persons to maintain and to furnish to the Authority, in such form and manner and at such times as may be prescribed, records—
 - (i) of the earnings paid by them to and in respect of employed persons; and
 - (ii) of the contributions paid or payable in respect of earnings so paid;

for the purpose of enabling the incidence of liability for contributions of any class to be determined, and to retain the records for so long as may be prescribed;

- (c) for treating contributions which are payable but have not been paid as paid; and in the case of contributions so treated, for treating them also as paid at a prescribed time or in respect of a prescribed period;
- (d) for treating, for the purpose of any entitlement 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;
- (e) for the collection or aggregation of Class 1 contributions where a person is employed in more than one employment;
- (f) for treating contributions of the wrong class, or at the wrong rate, or of the wrong amount, as paid on account of contributions properly payable;
- (g) without prejudice to the last foregoing paragraph, for enabling the whole or part of any payment of Class 2 contributions to be treated as a payment of secondary Class 1 contributions;
- (h) for the return of contributions paid in error or in such other circumstances as may be prescribed;
- (i) for treating a person as being an employed person, notwithstanding that his employment is outside Guernsey;
- (j) 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.

(2) Regulations made under subsection (1) of this section providing for the payment of Class 3 contributions, at the option of the persons liable to pay, either—

- (a) by means of adhesive 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 such 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 any difference in the expenses in administration.

(3) Where under regulations made by virtue of subsection (1) of this section contributions are payable by means of adhesive stamps (hereafter in this Law referred to as “insurance stamps”), the Authority shall arrange for the preparation and sale of those stamps and may by regulations provide for applying, with the necessary modifications as respects those stamps, all or any of the provisions of the Stamp Duties Management Act 1891, section nine of the Stamp Act 1891 and section fifty-two of the Post Office (Guernsey) Law, 1969(a).

(4) Regulations may provide that, for the purpose of determining whether a contribution is payable in respect of any person, or for determining the amount or rate of any contribution—

- (a) he is to be treated as having attained at the beginning of a contribution week, or as

(a) Ordres en Conseil Vol. XXII, p. 128.

not having attained until the end of a contribution week, any age which he attains during the course of that week; and

- (b) he is to be treated as having attained at the beginning of a contribution month, or as not having attained until the end of a contribution month, any age which he attains during the course of that month.

16. In relation to persons who work under the general control or management of a person other than their immediate employer, and in relation to any other cases for which it appears to the Authority necessary or expedient, regulations may provide that for the purposes of this Law the prescribed person shall be treated as their employer.

Persons to be treated as employers.

The States' grant

17. (1) There shall be paid into the Guernsey Insurance Fund out of moneys provided by the States, in respect of each contribution year and in such manner and at such times as the States Advisory and Finance Committee shall determine, an annual grant (hereafter in this Law referred to as "the States' grant") of an amount equal to fifty-four per centum of the amount certified by the auditors for the time being appointed by the States in pursuance of subsection (3) of section one hundred of this Law as being the balance of the aggregate amount of the contributions by insured persons and employers received by the Authority in respect of that year after deducting from such aggregate amount the amount of the Guernsey Health Service Fund Allocation in respect of that year.

The States' grant.

(2) The States may by Ordinance vary the provisions of subsection (1) of this section as to the

percentage by reference to which the amount of the States' grant shall be calculated.

PART II

BENEFIT (OTHER THAN BENEFIT FOR INDUSTRIAL INJURIES)

Preliminary

Descriptions of benefit under this Part of this Law.

18. Benefit under this Part of this Law shall be of the following descriptions:—

- (a) unemployment benefit;
- (b) sickness benefit;
- (c) invalidity benefit;
- (d) maternity benefit, comprising maternity grant and maternity allowance;
- (e) widow's benefit, comprising widow's allowances, widowed mother's allowance and widow's pension;
- (f) old age pension;
- (g) guardian's allowance;
- (h) child's special allowance;
- (i) travelling allowance grant;
- (j) death grant; and
- (k) limited medical benefit.

Rates and amounts of benefit under this Part of this Law.

19. (1) Subject to the provisions of this Law, the weekly rates of the several descriptions of benefit specified in the last foregoing section, other than maternity grant, travelling allowance grant, death grant and limited medical benefit, shall be such rates as the States shall from time to time by Ordinance determine.

(2) The amounts of maternity grant and death grant shall be such amounts as the States shall from time to time by Ordinance determine.

20. (1) The contribution conditions for the following descriptions of benefit, that is to say:—

- (a) unemployment benefit;
- (b) sickness benefit;
- (c) invalidity benefit;
- (d) maternity benefit;
- (e) widow's benefit;
- (f) old age pension;
- (g) child's special allowance; and
- (h) death grant;

Contribution conditions for entitlement to benefit under this Part of this Law.

shall be as set out in the First Schedule to this Law.

(2) For the purpose of establishing the entitlement of any person to any benefit by reference to satisfaction of contribution conditions, regulations shall make provision—

- (a) for the conversion of any contribution paid or credited into one or more reckonable contributions, being contributions which shall be treated as having been paid or credited in accordance with the regulations in respect of such contribution weeks as shall be determined in accordance with the regulations;
- (b) for the disregard of Class 1 contributions paid in respect of—
 - (i) weekly earnings below such weekly amount as shall be specified in the regulations (to be called "the lower weekly earnings limit"); or
 - (ii) monthly earnings below such monthly amount as shall be specified in the

regulations (to be called “the lower monthly earnings limit”);

- (c) for the disregard of reckonable contributions in such cases as shall be prescribed.

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

- (a) in relation to unemployment benefit, as references to reckonable Class 1 contributions;
- (b) in relation to sickness benefit, invalidity benefit and maternity allowance, as references to reckonable Class 1 or reckonable Class 2 contributions;
- (c) in relation to any other description of benefit under this Part of this Law, as references to reckonable Class 1, reckonable Class 2 or reckonable Class 3 contributions;

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

(4) Subject to the provisions of this Law, any reference in this Law to the yearly average of the reckonable contributions paid by or credited to any person shall be construed as referring to reckonable contributions as an insured person and to that average, calculated in the prescribed manner, over the relevant period.

(5) In the last foregoing subsection “relevant period” means—

- (a) in relation to a claim to widow's benefit, old age pension or child's special allowance, the period—
- (i) beginning at the commencement of the contribution year in which the insured person attained the age of sixteen years, if he attained that age on or after the first day of January, nineteen hundred and fifty-two; or
 - (ii) beginning on the first day of January, nineteen hundred and fifty-two, if the insured person attained the age of sixteen years before that day; and
 - (iii) ending on the thirty-first day of December next preceding the date as at which the yearly average is to be ascertained;
- (b) in relation to a claim to death grant, the period—
- (i) beginning at the commencement of the contribution year in which the insured person attained the age of sixteen years, if he attained that age on or after the seventh day of June, nineteen hundred and seventy-one; or
 - (ii) beginning on the first day of January, nineteen hundred and seventy-one, if the insured person attained the age of sixteen years before the seventh day of June, nineteen hundred and seventy-one; and
 - (iii) ending on the thirty-first day of December next preceding the date as at which the yearly average is to be ascertained.

Benefits for unemployment, sickness and invalidity

Unemploy-
ment benefit
and sickness
benefit.

21. (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 period if—

- (a) he is under pensionable age on the day for which the benefit is claimed; and
- (b) he satisfies the relevant contribution conditions.

(2) A person shall not be entitled to unemployment benefit or sickness benefit for the first three days of any period of interruption of employment, unless within the period of thirteen weeks ("week" for this purpose meaning any period of seven consecutive days) 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.

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

Invalidity
benefit.

22. (1) Subject to the provisions of this Law, where in respect of any period of interruption of employment a person has been entitled to sickness benefit or industrial injury benefit for one hundred and fifty-six days (including, in the case of a woman, any day for which she was entitled to a maternity allowance), then, if he is under pensionable age and satisfied the relevant contribution conditions, he shall be entitled to invalidity benefit for any subsequent day of incapacity for work which forms

part of that period of interruption of employment.

(2) The amount payable by way of invalidity benefit for any day of incapacity for work shall be one-sixth of the appropriate weekly rate.

23. (1) For the purposes of any provisions of this Law relating to unemployment benefit, sickness benefit or invalidity benefit—

Determina-
tion of days
for which
unemploy-
ment benefit,
sickness
benefit and
invalidity
benefit are
payable.

(a) subject to the provisions of this Law, 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; or

(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 ("week" for this purpose meaning any period of seven consecutive days) 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.

(2) Subject to subsection (1) of this section, regulations may make provision as to the days which are or are not to be treated for the purposes of unemployment benefit, sickness benefit, invalidity benefit and a maternity allowance as days of unemployment or of incapacity for work.

Duration of
unemploy-
ment benefit.

24. (1) Subject to the provisions of subsection (2) of this section, 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.

(2) Subsection (1) of this section shall apply with the substitution for the reference therein to one hundred and eighty days of a reference to such greater number of days as the States may by Ordinance from time to time determine in the case of a person who, before exhausting his right to unemployment benefit under that subsection, has qualified for additional days of unemployment benefit in accordance with the provisions of the Ordinance.

(3) A person who has exhausted his right to unemployment benefit requalifies for it when—

- (a) he has again been in employment as an employed person and has been so employed

in thirteen weeks since the last day for which he was entitled to that benefit; and

- (b) in each of those weeks he has worked in such employment for more than such number of hours as may be prescribed.

(4) Where a person requalifies for unemployment benefit, subsection (1) 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.

25. (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 continues, except in a case where, during the stoppage, he has become *bona fide* employed elsewhere in the occupation which he usually follows or has become regularly engaged in some other occupation:

Loss of employment due to stoppage of work.

Provided that this subsection shall not apply to 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) In this Law—

- (a) “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) “trade dispute” means any dispute between employers and employees or between employees and employees which is connected with the employment or non-employment, 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.

Other
disqualifi-
cations, etc.

26. (1) 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 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 properly notified to him 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 official recommendations given to him 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.

(2) Regulations may provide for disqualifying a person for receiving sickness benefit or invalidity benefit for such period not exceeding ten weeks as may be determined in such manner as may be prescribed by regulations 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.

(3) Regulations may also provide for imposing, in the case of any class of persons, additional conditions with respect to the receipt of unemployment

benefit, sickness benefit or invalidity 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.

(4) 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; and
- (b) employment shall be deemed to be employment suitable in the case of any person if it is so determined by the Authority.

(5) For the purposes of this section—

- (a) “properly notified” means notified by or on behalf of the Authority, by the States Labour and Welfare Committee or the States Education Council, acting on behalf of the Authority, or by an agency approved by the Authority for those purposes, or by or on behalf of an employer;
- (b) “official recommendations” means recommendations in writing made by or on behalf of the Authority, or by the States Labour and Welfare Committee or the States Education Council, acting on behalf of the Authority; and
- (c) “week” means any period of seven consecutive days.

Maternity Benefit

27. (1) Subject to the provisions of this Law, a woman shall be entitled to a maternity grant if she has been confined and either—

- (a) she or her husband satisfies the relevant contribution conditions; or
- (b) she satisfies either—
 - (i) the contribution conditions for a maternity allowance; or
 - (ii) any contribution conditions which she is required to satisfy in order to become entitled to a maternity allowance at a reduced rate by virtue of regulations made under section thirty-nine of this Law.

(2) Except where regulations otherwise provide, a woman shall not be entitled to a maternity grant in respect of a confinement if on the date of the confinement she was outside Guernsey.

(3) Regulations may provide that a woman confined of twins or a greater number of children shall, if the other conditions for the payment of a maternity grant are satisfied in respect of the confinement, be entitled to a maternity grant for each of them.

(4) Regulations may—

- (a) provide that the provisions of this section shall apply to a woman, in a case where her claim indicates that she so desires, with the substitution for the condition that she has been confined of the condition that she is pregnant and has reached a stage in her pregnancy which is not more than the prescribed number of weeks before that in which it is to be expected that she will be confined;

- (b) modify the contribution conditions for a maternity grant in their application to such a case; and
- (c) provide that, where the amount of maternity grant has been increased by an Ordinance made under subsection (2) of section nineteen of this Law and which commenced to have effect after a woman has become entitled to a maternity grant in such a case (whether or not payment is made) but on or before the date of her confinement or, as the case may be, the date on which her pregnancy is otherwise terminated, she shall be entitled to a maternity grant of the increased amount.

(5) Subject to the provisions of subsection (3) of this section, a woman shall not be entitled to more than one maternity grant in respect of any one confinement.

(6) In this section "husband" includes a widow's late husband where the benefit is claimed in respect of a posthumous son or daughter of his.

Maternity allowance.

28. (1) Subject to the provisions of this Law, a woman shall be entitled to a maternity allowance if—

- (a) she is pregnant and has reached a stage in her pregnancy which is not more than the prescribed number of weeks before the week in which it is to be expected that she will be confined (in this section referred to as the "expected week of confinement"); and
- (b) she satisfies the relevant contribution conditions.

(2) Subject to the following provisions of this section, the period for which a maternity allowance

is payable shall be the period of eighteen weeks beginning with the eleventh week before the expected week of confinement.

(3) Subject to the provisions of this Law, a day for which a woman is entitled to a maternity allowance shall be deemed for the purposes of this Part of this Law to be for her a day of incapacity for work.

(4) A woman who has become entitled to a maternity allowance shall cease to be entitled there-to if she dies before the beginning of the period mentioned in subsection (2) of this section; and if such a woman dies after the beginning, but before the end, of that period the allowance shall not be payable for any week subsequent to that in which she dies.

(5) Regulations may provide that a woman who has become entitled to a maternity allowance shall cease to be entitled thereto if her pregnancy is terminated otherwise than by confinement.

(6) Regulations may make provision, as respects cases where the date of the confinement occurs after the end of the expected week of confinement, for extending the period referred to in subsection (2) of this section until the end of such week (not being later than the sixth week after that in which the date of the confinement occurs) as may be prescribed.

(7) Regulations may modify subsections (1), (2) and (4) of this section in relation to cases where a woman has been confined and either—

- (a) she has not made a claim for a maternity allowance in respect of expectation of that confinement (other than any claim which has been disallowed); or

(b) she has made a claim for a maternity allowance in respect of expectation of that confinement (other than a claim which has been disallowed) but the date of the confinement was more than eleven weeks before the expected week of confinement.

(8) Regulations may provide for disqualifying a woman for receiving a maternity allowance if—

(a) during the period for which the allowance is payable she does any work as an employed or self-employed person, or fails without good cause to observe any prescribed rules of behaviour; or

(b) at any time before her confinement occurs she fails without good cause to attend for, or to submit herself to, any medical examination required in accordance with the regulations.

(9) Where for any purpose of this Part of this Law or of regulations it is necessary to calculate the daily rate of a maternity allowance—

(a) Sunday or such other day in each week as may be prescribed shall be disregarded; and

(b) the amount payable by way of that allowance for any other day shall be taken to be one-sixth of the weekly rate of the allowance.

29. (1) In this Part of this Law—

(a) “confinement” means the birth of a living child or the birth of a child, whether living or dead, after twenty-eight weeks of pregnancy, and “confined” shall be construed accordingly; and

Supple-
mentary
provisions as
to maternity
benefit.

(b) references to the date of the confinement shall be taken as referring, where labour begun on one day results in the issue of a child on another day, to the date of the issue of the child or, if the woman is confined of twins or a greater number of children, to the date of the issue of the last of them.

(2) The fact that the mother of an illegitimate child is entitled to maternity benefit shall not be taken into consideration—

(a) by the Magistrate's Court in deciding whether or not to make an order under the Law entitled "Loi relative a L'Entretien des Enfants Illégitimes" registered on the fourth day of June, nineteen hundred and twenty-seven(b); or

(b) by the Court of Alderney in deciding whether or not to make an order under the Separation, Maintenance and Affiliation Proceedings (Alderney) Law, 1964(c);

for the payment of the expenses incidental to the birth of the child.

Widow's benefit

30. (1) Subject to the provisions of this Law, a widow shall be entitled to a widow's allowance if her late husband satisfied the relevant contribution conditions, and at the date of his death either—

(a) he was not entitled to an old age pension; or

(b) she was under pensionable age.

(b) Ordres en Conseil Vol. VIII, p. 130.

(c) Ordres en Conseil Vol. XIX, p. 241.

(2) The period for which a widow's allowance is payable to a widow shall be the twenty-six weeks next following the husband's death:

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

Widowed
mother's
allowance.

31. (1) Subject to the provisions of this Law, a widow shall be entitled to a widowed mother's allowance if her late husband satisfied the relevant contribution conditions and either—

- (a) she has a family which satisfies the condition specified in subsection (2) of this section;
- (b) subject to such exceptions and conditions as may be prescribed, she has residing with her a person who—
 - (i) is under the age of eighteen years and is or has been a child falling within any of the paragraphs of that subsection; or
 - (ii) is under that age and would have been such a child but for the fact that, at the time when the widow's late husband died, the person had attained school-leaving age or was not in Guernsey; or
- (c) she is pregnant by her late husband.

(2) The condition referred to in paragraph (a) of subsection (1) of this section is that the widow's family includes a child with respect to whom one of the conditions specified in subsection (1) of section fifty-nine of this Law is for the time being satisfied and who either—

- (a) at her late husband's death was, or could have been treated under paragraph 3 of the

Schedule to the Family Allowances Law as a child of his family;

- (b) is a son or daughter of theirs; or
- (c) 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 her late husband a child of the widow's family.

(3) The period for which a widowed mother's allowance is payable to a widow shall be any period during which she satisfies the requirements of subsection (1) of this section and for which she is not entitled to a widow's allowance:

Provided that the allowance shall not be payable for any period after the widow's remarriage or for any period during which the Authority is satisfied that she is cohabiting with a man as his wife.

32. (1) Subject to the provisions of this Law, a widow shall be entitled to a widow's pension if her late husband satisfied the relevant contribution conditions and either—

- (a) she was, at the husband's death, over the age of forty years but under pensionable age; or
- (b) she ceased to be entitled to a widowed mother's allowance at a time when she was over the age of forty years but under pensionable age.

(2) Regulations may provide that, where a widow in relation to whom neither of the conditions for a widow's pension 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 under pensionable age and incapable of self-support by reason of any infirmity, 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 a widow's pension as if the said conditions were satisfied.

(3) Subject to the provisions of any regulations under the next following subsection, where a widow ceases to be entitled to a widow's pension to which she was entitled by virtue of the last foregoing subsection at a time when she is over the age of forty years but under pensionable age, she shall for any subsequent period have the same right (if any) to a widow's pension in respect of the marriage in respect of which she was so entitled to a widow's pension as if she had attained the age of forty years before her late husband's death.

(4) Regulations may provide that a widow shall not be entitled to a widow's pension where her husband was over pensionable age at the date of their marriage and died within one year of that date, unless she satisfies such further conditions as may be prescribed.

(5) Subject to the provisions of any regulations under subsection (2) of this section, the period for which a widow's pension is payable to a widow shall be any period during which she is under pensionable age and for which she is not entitled to a widow's allowance or a widowed mother's allowance:

Provided that the pension shall not be payable for any period after the widow's remarriage or for any period during which the Authority is satisfied that she is cohabiting with a man as his wife.

Old age pension

33. (1) Subject to the provisions of this Law, a ^{Old age} person shall be entitled to an old age pension if— ^{pension.}

- (a) he is over pensionable age; and
- (b) he satisfies the relevant contribution conditions.

(2) Subject to the provisions of this Law, an old age pension shall commence on the day on which a person becomes entitled thereto and shall be payable for life.

(3) Where a woman is a widow immediately before attaining pensionable age, she may elect that, in calculating for the purpose of her right to an old age pension by virtue of her own insurance the yearly average of the reckonable 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 reckonable contributions equal to the yearly average (ascertained as at the date of his attaining pensionable age or of his death before attaining that age) of the reckonable contributions paid by or credited to him, instead of the number of reckonable contributions paid by or credited to her for that year.

(4) Subject to the provisions of this Law, a woman over pensionable age shall be entitled to an old age pension by virtue of the insurance of her husband, being a husband to whom she is married at the time when she attains that age or whom she

has married after attaining that age, if the following conditions are satisfied, that is to say—

- (a) that he is over pensionable age or that he is dead and that he satisfies the relevant contribution conditions; and
- (b) in the case where the husband was over pensionable age at the date of their marriage and died within one year of that date, such further conditions as may be prescribed.

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

(6) A woman shall not be entitled for the same period to more than one old age 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.

Other benefits

Guardian's
allowance.

34. (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.

(2) Regulations may modify paragraphs (a) and (b) of subsection (1) of this section in relation to cases—

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

- (b) where the marriage of a child's parents was terminated by divorce; or
- (c) 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.

(3) Regulations may provide for the payment of a 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.

(4) Regulations made under the last foregoing 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 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.

(5) 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 regulations made under subsection (2) of this section 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.

(6) 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 Law shall apply in relation to a guardian's allowance as they apply in relation to an allowance under that Law.

Child's
special
allowance.

35. (1) Subject to the provisions of this Law, a woman whose marriage has been terminated by divorce shall be entitled to a child's special allowance if—

- (a) the husband of that marriage is dead and satisfied the relevant contribution conditions;
- (b) she has a family which includes a child who at that husband's death was, or, but for the fact that the child was not then in Guernsey, would have been, either a child of her family or, where the child is issue of theirs within the meaning of the Family Allowances Law, a child of that husband's family; and
- (c) either—
 - (i) that husband had before his death been contributing at not less than the prescribed weekly rate to the cost of providing for that child; or
 - (ii) at the date of that husband's death, she was entitled under an order of any

court, a trust or agreement which she has taken reasonable steps to enforce, to receive, whether from that husband or from another person, payments in respect of that child at not less than that weekly rate provided or procured by that husband.

(2) A child's special allowance shall not be payable to a woman for any period after her remarriage or for any period during which the Authority is satisfied that she is cohabiting with a man as his wife.

36. (1) Subject to the provisions of this Law and Travelling allowance grant. except where regulations otherwise provide, a travelling allowance grant (hereafter in this section referred to as "a grant") shall be awarded to, or in respect of, any person (hereafter in this section referred to as "the patient") if—

- (a) the patient is an insured person at the relevant time or is a child of such a person;
- (b) a medical practitioner has recommended that it is necessary to enable the patient to receive medical treatment which is not available in Guernsey or in Alderney, as the case may be, that the patient be transported—
 - (i) from Guernsey or Alderney to the United Kingdom, Jersey or any other country in respect of which an Ordinance under section one hundred and thirteen of this Law is for the time being in force; or
 - (ii) from Alderney to Guernsey; and
- (c) the journey has been approved by or on behalf of the Authority.

(2) The amount of a grant shall be such sum as is equal to the cost of transporting the patient to and from Guernsey or Alderney, as the case may be, and for this purpose the cost of transporting the patient shall be deemed to include such of the following expenses, or such part thereof, as may be approved by or on behalf of the Authority:—

- (a) the travelling expenses of a medical or nursing escort, or more than one such escort, where a medical practitioner has advised that such escort or escorts are necessary having regard to the patient's condition;
- (b) where the patient has not attained the age of eighteen years, the travelling expenses of—
 - (i) one parent of the patient; or
 - (ii) such other person as may be considered by or on behalf of the Authority to be a suitable person to accompany the the patient;
- (c) without prejudice to the last foregoing paragraph, where the patient has not attained the age of six years, the travelling expenses of both parents of the patient;
- (d) the expenses incurred in bringing back to Guernsey or Alderney, as the case may be, the body of a patient who died—
 - (i) whilst being transported for the purpose of receiving medical treatment;
 - (ii) whilst undergoing medical treatment; or
 - (iii) after receiving medical treatment and before returning to Guernsey or Alderney;

(e) any other expenses (other than professional fees) incurred in connection with the transportation of a patient from Guernsey or Alderney, as the case may be, and his return thereto, including any such expenses incurred—

- (i) by any such escort as is mentioned in paragraph (a) of this subsection or by any such person as is mentioned in paragraph (b) of this subsection; or
- (ii) in bringing back to Guernsey or Alderney, as the case may be, the body of a patient who died in any of the circumstances set out in the last foregoing paragraph.

(3) In this section—

“child” means a person who, not being an insured person, is a child of an insured person;

“medical treatment” includes medical examination;

“medical or nursing escort” means a medical practitioner, nurse or a member of the St. John Ambulance Brigade; and

“relevant time” means the day on which the outward journey from Guernsey or Alderney, as the case may be, commenced.

(4) A recommendation by a medical practitioner for the purposes of subsection (1) of this section shall be treated as a claim for a grant by the patient to whom the recommendation relates.

(5) Before deciding any question as to whether a patient is entitled to a grant, the Administrator may make a provisional decision that the patient is entitled to a grant.

(6) Where the Administrator makes a provisional decision under the last foregoing subsection, he shall make a final decision in relation to the question to which the provisional decision relates on or before the expiration of the six weeks ("week" for this purpose meaning any period of seven consecutive days) commencing on the day next following the day on which that provisional decision was made.

(7) Where the Administrator makes a final decision under the last foregoing subsection that a patient is not entitled to a grant, the amount of any payment made to or in respect of that patient in pursuance of the provisional decision to which that final decision relates, whether before or after that final decision was made, shall be recoverable by the Authority as a civil debt from—

- (a) the patient;
- (b) the husband or wife of the patient; or
- (c) if the patient is a minor, from his parent or parents.

Death grant 37. (1) Subject to the provisions of this Law, a death grant shall be payable in respect of the death of any person (hereafter in this section referred to as "the deceased") if the deceased himself satisfied the relevant contribution conditions, was at death the husband, wife, widower, widow, or child of the family of a person satisfying those conditions, or was a child who—

- (a) had, immediately before the death of some other person satisfying those conditions, been a child of the family of that other person; or

(b) was a posthumous son or daughter of a man satisfying those conditions.

(2) Where the deceased was at death a child but the requirements of subsection (1) of this section are not satisfied, regulations may provide for a death grant to be payable if the relevant contribution conditions were satisfied by such other person as may be prescribed.

(3) Except where regulations otherwise provide, a death grant shall not be payable in respect of a death occurring outside Guernsey.

(4) A death grant shall not be payable in respect of the death of any person who attained pensionable age before the seventh day of June, nineteen hundred and seventy-one.

(5) Except where regulations otherwise provide, for the purpose of determining whether the relevant contribution conditions are satisfied, no account shall be taken of reckonable contributions paid or credited in respect of weeks before the seventh day of June, nineteen hundred and seventy-one.

38. (1) Subject to the provisions of this Law and except where regulations otherwise provide, an insured person who suffers personal injury caused by accident, other than accident arising out of and in the course of his employment, shall be entitled to limited medical benefit in respect of the injury, that is to say, the payment out of the Guernsey Insurance Fund of such amount as shall be determined by or on behalf of the Authority in respect of the cost of such medical or other treatment (including medical examination and hospital accommodation) as is recognised by or on behalf of the Authority to be necessary in consequence of the relevant injury.

(2) The Authority may, at the cost of the Guernsey Insurance Fund—

- (a) make arrangements to secure the provision, maintenance and renewal of equipment and appliances for an insured person who is entitled to limited medical benefit and who, by reason of the loss of a limb or otherwise, is in need of them as the result of the relevant injury; and
- (b) pay any expenses incurred by or in respect of an insured person in obtaining the provision, maintenance or renewal of any equipment or appliances in pursuance of such arrangements.

(3) The provisions of section fifty-six of this Law and of any regulations made thereunder shall apply in relation to claimants for, and beneficiaries in receipt of, limited medical benefit as they apply in relation to claimants for, and beneficiaries in receipt of, industrial medical benefit except where regulations otherwise provide.

Supplementary

Partial satisfaction of contribution conditions.

39. (1) Subject to the provisions of this section, regulations may provide for entitling to unemployment benefit, sickness benefit, invalidity benefit, maternity allowance, widow's benefit, an old age pension or a death grant, persons who would be entitled thereto but for the fact—

- (a) in the case of any of those benefits, other than maternity allowance, that the relevant contribution conditions are not satisfied as respects the number of reckonable contributions paid or credited in a contribution year or the yearly average of reckonable contributions paid or credited;

(b) in the case of maternity allowance, that the relevant contribution conditions, though satisfied as respects the twenty-six reckonable contributions required to have been paid, are not satisfied as respects the fifty reckonable contributions required to have been paid by or credited to the claimant.

(2) The reference in paragraph (b) of subsection (1) of this section to the relevant contribution conditions includes a reference to those conditions as modified by regulations in relation to cases falling within subsection (7) of section twenty-eight of this Law.

(3) Regulations under this section shall provide that benefit payable by virtue of any such regulations shall be payable at a rate, or shall be of an amount, less than that for the time being prescribed by the States by Ordinance under section nineteen of this Law, and the rate or amount prescribed by the regulations may vary with the extent to which the contribution conditions are satisfied:

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

(4) Regulations under this section shall apply to child's special allowance in like manner as they apply to widow's benefit, except that the weekly rate of such an allowance payable by virtue of those regulations shall be the same as if the relevant contribution conditions had been fully satisfied.

PART III

BENEFIT FOR INDUSTRIAL INJURIES

General provisions

40. (1) In this Part of this Law—
 "employed person" shall be taken to include—

Interpreta-
 tion of Part
 III.

- (a) an employed person within the meaning of Part I of this Law; and
 - (b) any other person who is gainfully occupied under a contract of service who is not a self-employed person; and
- “insured person” means an employed person (within the meaning of this Part of this Law) or, except where regulations otherwise provide, a self-employed person.

(2) Regulations may provide for any prescribed employment not to be treated for the purposes of industrial injuries benefits as employment notwithstanding that it would be so treated apart from the regulations.

(3) For the purposes of this Part of this Law an employment shall, subject to the provisions of the last foregoing subsection, be an employment in relation to an accident if (and only if) it is, or is treated by regulations as being, such an employment when the accident occurs.

General right to, and description of, industrial injuries benefits.

41. (1) Subject to the provisions of this Law, where an insured person suffers personal injury caused on or after the appointed day by accident arising out of and in the course of his employment he shall be entitled to—

- (a) industrial medical benefit, if he receives medical or other treatment (including medical examination and hospital accommodation) in respect of the injury;
- (b) industrial injury benefit, if, as the result of the injury, he is incapable of work;
- (c) industrial disablement benefit, if he suffers, as the result of the injury, from loss of physical or mental faculty.

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

(3) Regulations may provide that an insured person or the widow of an insured person shall not be entitled to industrial injuries benefit in respect of an accident happening to the insured person while he is outside Guernsey.

42. 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—

Accidents happening while acting in breach of regulations, etc.

- (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.

43. (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—

Accidents happening while travelling in employer's transport.

- (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, hovercraft or aircraft.

Accidents
happening
while
meeting
emergency.

44. 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 employ-
ment.

45. 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 negli-

gence, 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.

46. (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.

Accidents in
course of
illegal
employ-
ment, etc.

(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.

Industrial Injuries Benefits

Industrial
medical
benefit.

47. (1) Subject to the provisions of this Law, an insured person shall be entitled to industrial medical benefit in respect of the relevant injury, that is to say, the provision, at the cost of the Guernsey Insurance Fund and subject to such conditions as may be prescribed, of such medical or other treatment (including medical examination and hospital accommodation) as is recognised by or on behalf of the Authority to be necessary in consequence of the relevant injury.

(2) The Authority may, at the cost of the Guernsey Insurance Fund—

- (a) make arrangements to secure the provision, maintenance and renewal of equipment and appliances for an insured person who, by reason of the loss of a limb or otherwise, is in need of them as the result of the relevant injury;
- (b) pay any expenses incurred by or in respect of an insured person in obtaining the provision, maintenance or renewal of any equipment or appliances in pursuance of such arrangements; and
- (c) pay any travelling and other expenses incurred by or in respect of an insured person who is not entitled to a travelling allowance grant for the purpose of enabling him to receive medical treatment, or to undergo medical examination, in consequence of the relevant injury, and any travelling and other expenses incurred by or in respect of any person accompanying the insured person for any such purpose.

(3) A self-employed person shall not be entitled to industrial medical benefit in respect of the relevant accident where the accident happened on or after the day on which he attained pensionable age and arose otherwise than out of and in the course of employment under a contract of service.

48. (1) Subject to the provisions of this Law, an insured person shall be entitled to industrial injury benefit in respect of any day on which, as the result of the relevant injury, he is incapable of work. Industrial
injury
benefit.

(2) Industrial injury benefit shall be payable at such weekly rate as the States shall from time to time by Ordinance determine, and different weekly rates may be so determined in respect of such different descriptions of insured persons as may be prescribed by the Ordinance; and the amount payable for any day of incapacity shall be one-sixth of the weekly rate.

(3) Subject to the provisions of subsection (5) of this section, an insured person shall not be entitled to industrial injury benefit in respect of any day—

- (a) unless that day forms part of a period of interruption of employment; or
- (b) where that day is one of the first three days of a period of interruption of employment, unless, within the period of thirteen weeks ("week" for this purpose meaning any period of seven consecutive days) beginning with the first day of that period of interruption of employment, he has in addition to those three days a further nine days of interruption of employment forming part of the same period of interruption of employment.

(4) The provisions of section twenty-three of this Law and any regulations made under those pro-

visions shall have effect for the purposes of industrial injury benefit as they have effect for the purposes of unemployment benefit or sickness benefit.

(5) An insured person shall not be entitled to injury benefit after attaining pensionable age.

Industrial
disablement
benefit.

49. (1) Subject to the provisions of this Law, an insured person shall be entitled to industrial disablement benefit if 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 provisions of the Second Schedule to this Law amounts to not less than twenty per centum; and for the purposes 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) In this Law, references to loss of physical faculty include disfigurement, whether or not accompanied by any actual loss of faculty.

(3) Industrial disablement benefit shall not be available to an insured person until after the third day of the period of one hundred and fifty-six days (Sundays being disregarded) beginning with the day of the relevant accident nor until after the last day (if any) of that period on which he is incapable of work as the result of the relevant accident:

Provided that—

- (a) if he attains pensionable age on any day during that period, industrial disablement benefit shall be available to him on and after that day or after the third day of that period, whichever is the later;
- (b) where he makes a claim for industrial disablement benefit in respect of the accident

before the end of that period and before attaining pensionable age and does not withdraw it before it is finally determined, then if on any day of that period not earlier than the making of the claim he is not incapable of work as aforesaid, the fact that he is or may be so incapable on a subsequent day of the period shall be disregarded for the purposes of this subsection.

(4) 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 at such weekly rate as the States shall from time to time by Ordinance determine, and different weekly rates may be so determined in relation to such different degrees of disablement as may be prescribed by the States from time to time by Ordinance:

Provided that where that period is limited by reference to a definite date, the benefit shall cease on the death of the beneficiary before that date.

(5) The Authority may make arrangements for securing that persons entitled to industrial disablement benefit may take full advantage of vocational training courses, industrial rehabilitation courses, and facilities in connection with employment or work under special conditions, and may make towards the cost of providing those courses and facilities such contributions out of the Guernsey Insurance Fund as it may determine.

(6) A self-employed person shall not be entitled to industrial disablement benefit in respect of the relevant accident where the accident happened on or after the day on which he attained pensionable age and arose otherwise than out of and in the course of employment under a contract of service.

Increase of industrial disablement benefit where constant attendance needed.

50. (1) Where industrial disablement benefit is payable in respect of an assessment of one hundred per centum, then, if as the result of the relevant loss of faculty the beneficiary requires constant attendance, the weekly rate of the benefit shall be increased by an amount, not exceeding such amount as the States shall from time to time by Ordinance prescribe, determined in accordance with regulations by reference to the extent and nature of the attendance required by the beneficiary:

Provided that the weekly rate of industrial disablement benefit shall not be increased under this section during any period during which the beneficiary is undergoing medical or other treatment as an in-patient in a hospital or similar institution.

(2) An increase of benefit under this section shall be payable for such period as may be determined at the time it is granted, but it may be renewed from time to time.

Increase of industrial disablement benefit during hospital treatment.

51. Where a person is awarded industrial disablement benefit but the extent of his disablement is assessed for the period taken into account by the assessment at less than one hundred per centum, it shall be treated as assessed at one hundred per centum for any part of that period, whether before or after the making of the assessment of the award of benefit, during which he receives, as an in-patient in a hospital or similar institution, medical treatment for the relevant injury or loss of faculty.

Adjustments for successive accidents.

52. Where a person suffers two or more successive accidents arising out of and in the course of his employment—

- (a) he shall not for the same period be entitled (apart from any increase of benefit such as is mentioned in the next following para-

graph) to receive two or more industrial disablement benefits at an aggregate weekly rate exceeding the amount for the time being determined by the States by Ordinance under subsection (4) of section forty-nine of this Law in relation to a degree of disablement of one hundred per centum;

- (b) regulations may provide for adjusting any increase in the rate of industrial disablement benefit under section fifty of this Law or the conditions for its receipt.

53. (1) Subject to the provisions of this Law, the widow of an insured person who dies as the result of the relevant injury and who, at the date of his death, had not satisfied the relevant contribution conditions for widow's benefit or an old age pension shall be entitled to widow's benefit or, if she is over pensionable age at the date of his death, to an old age pension under and in accordance with the provisions of Part II of this Law at the weekly rate for the time being applicable in the case of a person who has satisfied the relevant contribution conditions for widow's benefit or an old age pension, as the case may be.

Widow's
benefit in
respect of
industrial
accidents.

(2) Subject to the provisions of this Law, a widow over pensionable age who was, immediately before attaining that age, entitled to widow's benefit by virtue of the provisions of subsection (1) of this section shall be entitled to an old age pension at the weekly rate for the time being applicable in the case of a person who has satisfied the relevant contribution conditions for an old age pension.

*Industrial diseases and industrial injuries not caused
by accident*

Benefit in
respect of
industrial
diseases, etc.

54. (1) Subject to the provisions of this Part of this Law—

- (a) an insured person shall be entitled to industrial injuries benefits in respect of any prescribed disease or personal injury (but not an injury caused by accident arising out of and in the course of his employment), being a disease or injury due to the nature of that employment and developed on or after the appointed day;
- (b) the widow of an insured person who dies as the result of any such prescribed disease or injury and who, at the date of his death, had not satisfied the relevant contribution conditions for widow's benefit or an old age pension shall be entitled—
 - (i) to widow's benefit or, if she is over pensionable age at the date of his death, to an old age pension under and in accordance with the provisions of Part II of this Law at the weekly rate for the time being applicable in the case of a person who has satisfied the relevant contribution conditions for widow's benefit or old age pension, as the case may be;
 - (ii) if, immediately before attaining pensionable age she was entitled to widow's benefit by virtue of this subsection, to an old age pension at the weekly rate for the time being applicable in the case of a person who has satisfied the relevant contribution conditions for an old age pension.

(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) the disease or injury 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, 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 as having developed any prescribed disease or injury, and the circumstances in which any such disease or injury is, where the person in question has previously suffered from it, 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 Part of the 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.

General provisions as to benefit under section fifty-four.

55. (1) Subject to the power to make different provision by regulations and to the following provisions of this section, the benefits payable under this Part of 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 employment.

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

(3) Without prejudice to the generality of the last 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 provisions of the last foregoing subsection and of paragraph (a) of this subsection.

Supplementary

56. (1) Regulations may provide for requiring the prescribed notice of an accident in respect of which any person may be entitled to benefit under this Part of this Law to be given within the prescribed time by the insured person or, where within that time he dies as a result of the accident, by such other person as may be prescribed, to the insured person's employer (if any) or other prescribed person. Obligations
of claimants.

(2) Regulations may further provide for requiring claimants for industrial medical benefit, industrial injury benefit or industrial disablement benefit—

- (a) to submit themselves from time to time to medical examination for the purpose of determining the effect of the relevant accident, or the treatment appropriate to the relevant injury or loss of faculty;
- (b) to submit themselves from time to time to appropriate medical treatment for the said injury or loss of faculty;
- (c) to attend any vocational training course or industrial rehabilitation course which in the opinion of the Authority is appropriate in their case.

(3) Regulations made under this section requiring persons to submit themselves to medical examination or treatment may require those persons to attend at such places and at such times as may be required.

(4) Without prejudice to subsection (2) of this section, it shall be the duty of any person claiming or entitled to industrial medical benefit or industrial injury benefit in respect of any injury not to behave in any manner calculated to retard his recovery.

(5) Subject to the provisions of subsection (6) and subsection (7) of this section, regulations may provide for disqualifying a claimant for the receipt of industrial medical benefit or industrial injury benefit for failure without good cause to comply with the requirements of the last foregoing subsection in respect of the relevant injury, and may further provide for disqualifying a claimant for the receipt of benefit under the provisions of this Part of this Law—

- (a) for failure without good cause to comply with any requirement of regulations made under this section (including, in the case of a claim for widow's benefit or old age pension by virtue of section fifty-three or section fifty-four of this Law, a failure on the part of some other person to give the prescribed notice of the relevant accident);
- (b) for wilful obstruction of, or other misconduct in connection with, any examination or treatment to which he is required under regulations so made to submit himself, any course which he is so required to attend, or any proceedings under this Law for the determination of his right to benefit under this Part of this Law or to the receipt thereof;

or for suspending proceedings on the claim or payment of any such benefit, as the case may be, in the case of any such failure, obstruction or misconduct.

(6) Regulations under this section providing for disqualification for the receipt of benefit, other than industrial medical benefit, for any of the following matters, that is to say—

- (a) for failure to comply with the requirements of subsection (4) of this section;
- (b) for failure to comply with the requirements of regulations under this section relating to medical examination or treatment;
- (c) for obstruction of, or misconduct in connection with, medical examination or treatment;

shall not be made so as to disentitle a claimant to benefit for a period exceeding ten weeks on any disqualification.

(7) Regulations under this section providing for disqualification for the receipt of industrial medical benefit for any of the matters set out in the last foregoing subsection shall not be made so as to disentitle a claimant to industrial medical benefit in respect of any liability incurred by him—

- (a) before the date of the decision to disqualify him; or
- (b) after the expiration of the ten weeks next following that date.

(8) For the purposes of this section, “week” means any period of seven consecutive days.

PART IV

INCREASES OF BENEFIT FOR DEPENDANTS

Child dependants

Beneficiary's
dependent
children.

57. (1) Subject to the provisions of this Law, the weekly rate of any benefit to which this subsection applies shall, for any period for which the beneficiary has a family which includes a child or children, be increased—

- (a) where there is only one such child, by such amount as the States shall from time to time by Ordinance determine in respect of such a child;
- (b) where there are two or more such children—
 - (i) in respect of the elder or eldest of them, by such amount as the States shall so determine in respect of such elder or eldest child; and
 - (ii) in respect of each of those children other than the elder or eldest, by such amount as the States shall so determine in respect of each of those children other than the elder or eldest.

(2) Subsection (1) of this section applies to—

- (a) unemployment benefit;
- (b) sickness benefit;
- (c) invalidity benefit;
- (d) maternity allowance;
- (e) widow's allowance;
- (f) old age pension; and
- (g) industrial injury benefit.

(3) In the application of subsection (1) of this section to a maternity allowance, references therein

to a child or children shall include references to any child or children born to the beneficiary on the occasion of the confinement by reason of whose actual or expected occurrence she became entitled to the allowance.

(4) Subject to the provisions of this Law, the weekly rate of a widowed mother's allowance payable by virtue of paragraph (a) of subsection (1) of section thirty-one of this Law shall, for any period for which she has a family which includes a child or children falling within paragraph (a), paragraph (b) or paragraph (c) of subsection two of that section, be increased—

- (a) where there is only one such child, by such amount as the States shall from time to time by Ordinance determine in respect of such a child;
- (b) where there are two or more such children—
 - (i) in respect of the elder or eldest of them, by such amount as the States shall so determine in respect of such elder or eldest child; and
 - (ii) in respect of each of those children other than the elder or eldest, by such amount as the States shall so determine in respect of each of those children other than the elder or eldest.

(5) Subject to the provisions of this Law, the weekly rate of a child's special allowance shall, for any period for which the beneficiary has a family which includes two or more children with respect to whom the conditions specified in paragraphs (b) and (c) of subsection (1) of section thirty-five of this Law are satisfied, be increased in respect of each of those children, other than the elder or eldest of them, by such amount as the States shall from time to time by Ordinance determine.

(6) Regulations may provide that subsection (1) of this section shall cease to apply to a maternity allowance or shall apply to such an allowance only in prescribed cases.

Additional provisions as to increases under section fifty-seven.

58. (1) This section shall have effect with respect to increases under the last foregoing section of benefits other than a child's special allowance.

(2) Subject to the provisions of this Law, a child of the family of any woman for the time being residing with the beneficiary shall be treated for the purposes of the last foregoing 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 the increase provided for by that section is claimed and was wholly or mainly maintained by the beneficiary throughout the six months ending immediately before that day.

(3) In the case of an old age pension—

(a) 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 the last foregoing 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 the last foregoing 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 sub-paragraph

(i) hereof) to an increase at the rate applicable to a child other than an only, elder or eldest child;

(b) for any reference in the last foregoing subsection to the day for which the increase provided for by the last foregoing section is claimed there shall be substituted a reference to the date on which the person becomes entitled to an old age pension.

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

59. (1) Where, apart from this subsection, a person is entitled to receive, 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, payment of an amount by way of a guardian's allowance under section thirty-four of this Law, of a child's special allowance under section thirty-five of this Law, or of any increase under section fifty-seven of this Law of any benefit, that amount shall not be payable unless one of the following conditions is satisfied—

Limits of increase for dependent children.

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

(b) that the required contributions are being made to the cost of providing for the child.

(2) The condition specified in paragraph (b) of subsection (1) of this section shall be treated as satisfied if, but only if—

(a) such contributions are being made at a weekly rate not less than the amount referred to in that subsection—

- (i) by the beneficiary; or
 - (ii) where the beneficiary is one of two spouses living together, by them together; and
- (b) where an allowance under the Family Allowances Law is payable in respect of the child as a child of the beneficiary's family, the contributions are over and above those required for the purposes of satisfying 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.

(3) For the purposes of subsection (1) of this section, a child's special allowance shall be treated as a payment in respect of an only, or the elder or eldest, child with respect to whom the conditions specified in paragraphs (b) and (c) of subsection (1) of section thirty-five of this Law are satisfied, without prejudice, however, to any payment by way of an increase of the allowance in respect of any other such child under subsection (5) of section fifty-seven of this Law.

(4) Where a person is entitled in respect of a child to a guardian's allowance under section thirty-four of this Law, the amount (if any) payable to that or any other person by way of another benefit under this Law in respect of children of any family shall be such, and such only, as would be payable if the first-mentioned child were not included or treated as included in any family.

Adult dependants

Increase of short-term benefits and invalidity benefit for adult dependants.

60. (1) Subject to the provisions of this Law, the weekly rate of any benefit to which this subsection applies, when payable to a man, shall be increased by such amount as the States shall from time to time by Ordinance determine for any period during which the beneficiary is—

- (a) residing with his wife; or
 - (b) contributing to the maintenance of his wife at a weekly rate not less than that amount.
- (2) Subsection (1) of this section applies to—
- (a) unemployment benefit;
 - (b) sickness benefit;
 - (c) invalidity benefit; and
 - (d) industrial injury benefit.
- (3) Subject to the provisions of this Law, the weekly rate—
- (a) of any benefit to which subsection (1) of this section applies in the case of a beneficiary not entitled to an increase under that subsection; and
 - (b) of a maternity allowance in any case, except where regulations otherwise provide;
- shall be increased by such amount as the States shall from time to time by Ordinance determine under that subsection for any of the periods mentioned in the next following subsection.
- (4) Those periods are—
- (a) any period during which the beneficiary is wholly or mainly maintaining her husband who is incapable of self-support;
 - (b) any period during which 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;
 - (c) any period during which 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 section fifty-seven of this Law, being a person in relation to whom such further conditions as may be prescribed are fulfilled.

(5) A beneficiary shall not be entitled under subsection (3) of this section for the same period to an increase of benefit in respect of more than one person.

(6) In this section, "relative" does not include any person who is a child.

Increase of
old age
pension for
wife.

61. Subject to the provisions of this Law, the weekly rate of an old age pension, when payable to a man, shall be increased by such amount as the States shall from time to time by Ordinance determine for any period during which the beneficiary is—

- (a) residing with his wife; or
- (b) contributing to the maintenance of his wife at a weekly rate not less than that amount.

Increase of
old age
pension for
female with
care of
children.

62. (1) Subject to the provisions of this Law, the weekly rate of an old age pension shall be increased by such amount as the States shall from time to time by Ordinance determine under the last foregoing section for any period during which 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 section fifty-seven of this Law, being a person in relation to whom such further conditions as may be prescribed are fulfilled.

(2) Subsection (1) of this section shall not apply if the beneficiary—

- (a) is a man and is entitled to an increase of old age pension in respect of his wife under the last foregoing section;
- (b) is a man whose wife is entitled to an old age pension by virtue of his insurance; or
- (c) is a woman and is entitled to an old age pension by virtue of her husband's insurance.

PART V

ADMINISTRATION OF BENEFIT

Claims, payment, disqualifications, etc.

63. (1) Subject to the provisions of subsection (3) Claims and notices. and subsection (4) of this section and except where regulations otherwise provide, it shall be a condition of any person's right to any benefit that he makes a claim therefor in the prescribed manner.

(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, invalidity benefit, or industrial injury benefit if he fails, on becoming or again becoming incapable of work, to give the prescribed notice of that fact within the prescribed time;

but 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 an old age 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 Law and Supplementary Family Allowances Law (in any prescribed cases) as a claim, in the alternative, for a payment under either of those Laws, as the case may require;

and any claim for a payment under either of those Laws 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) Regulations may provide for requiring claimants to furnish to the prescribed person any information required for the determination of the claim or of any question arising in connection with it.

(6) 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.

Payment.

64. (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 the benefits listed in the next following subsection) payments shall not be made in respect of periods of 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 twelve months or such shorter period as may be prescribed from the time at which that sum is receivable in accordance with the regulations.

(3) The benefits excepted from paragraph (a) of the last foregoing subsection are—

- (a) unemployment benefit;
- (b) sickness benefit;
- (c) invalidity benefit;
- (d) maternity allowance; and
- (e) industrial injury benefit.

(4) Regulations may also provide—

- (a) for requiring beneficiaries—
 - (i) to furnish to the prescribed person any information required for the determination of a question arising in connection with the award;
 - (ii) to give notice to the prescribed person of any change of circumstances affecting the continuance of the right to benefit or its receipt;

- (b) 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;
- (c) 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;
- (d) for enabling the Authority to pay any sum payable by way of limited medical benefit, travelling allowance grant or industrial medical benefit in respect of any liability incurred by the beneficiary or any other person to the person for the time being entitled to give a discharge in respect of such liability;
- (e) 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.

(5) Regulations under paragraph (c) of the last foregoing subsection may make provision with respect to claims for, and the payment of, death grant as if it were a benefit due to the deceased at his death and as if the reference in that paragraph to creditors included a reference to any person who gives an undertaking in writing to pay the whole or part of the deceased's funeral expenses; and for the purposes of the said paragraph (c), the expression "next-of-kin" shall be construed as referring to persons who would take personal estate beneficially on an intestacy.

(6) For the purposes of this section, "week" means any period of seven consecutive days.

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

**Interim
payments,
arrears and
repayments.**

(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 subsection (1) of this section, 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.

66. Where, in the case of any person, any sum may be recovered by deduction from any payment under either of those Laws, it may instead be recovered from him in whole or in part by deduction from benefit under this Law.

Disqualification or suspension for absence abroad or imprisonment.

67. (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 absent from 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 subsection (1) of this section or which is payable otherwise than in respect of that period.

68. (1) Subject to the provisions of the next following subsection, regulations may provide that a person who would be entitled to any benefit but for the operation of any provision 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 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.

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

(2) Regulations under this section shall not provide that a person disqualified for receiving unemployment 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.

Supplementary

69. (1) Regulations may provide—

Overlapping benefits, etc.

(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 Law or the Supplementary Family Allowances Law, but including any other benefit under this Law whether of the same or a different description) is payable or has been paid 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 Law for his family shall be such only as would be payable if that child were not included in the family.

Benefit to be
inalienable.

70. 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.

71. (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 benefit, sickness benefit, invalidity benefit, or maternity 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) Where the employed person is a man, his wife or widow shall have the same right to recover under subsection (1) of this section in respect of maternity grant lost by her as if the employer's failure or neglect had been in respect of her.

(3) 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.

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

72. (1) Regulations may provide for determining the circumstances in which a person is or is not to be deemed, for the purpose of this Law—

Provisions as to maintenance.

(a) to be wholly or mainly maintaining, or to be contributing at any weekly rate to the maintenance of, another person; or

(b) to be, or have been, contributing at any weekly rate to the cost of providing for a child.

(2) Regulations under subsection (1) of this section may provide, for the purpose of the provisions of this Law 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 that person amount in the aggregate to sums which would, if they had been contributed by one of those beneficiaries, have been sufficient to satisfy the requirements of regulations under subsection (1) of this section;

that person shall be deemed to be wholly or mainly maintained by such of those beneficiaries as may be prescribed.

(3) Regulations may provide for any sum or sums paid by a person by way of contribution towards either or both of the following, that is to say—

- (a) the maintenance of his wife; and
 (b) the cost of providing for one or more children;

to be treated, for the purposes of any of the provisions of this Law specified in the next following subsection, as such contributions, of such respective amounts equal in the aggregate to the said sum or sums, in respect of such persons, as may be determined in accordance with the regulations so as to secure as large a payment as possible by way of benefit in respect of dependants.

(4) The provisions referred to in the last foregoing subsection are—

- (a) section thirty-five;
 (b) sections fifty-eight and fifty-nine; and
 (c) sections sixty and section sixty-one.

Obligations
of employers.

73. Regulations may provide for requiring employers—

- (a) to make reports, to such person, in such form and within such time as may be prescribed, of accidents in respect of which industrial medical benefit, industrial injury benefit, industrial disablement benefit, widow's benefit or an old age pension by virtue of the provisions of section fifty-three or section fifty-four of this Law 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 of notice of accidents, the making of claims and the determination of claims and of questions arising as aforesaid.

PART VI

DETERMINATION OF CLAIMS AND QUESTIONS

Adjudication by the Authority

74. (1) Subject to the provisions of this Law, any of the following questions arising under this Law shall be determined by the Authority—

Principal questions for adjudication by the Authority.

- (a) whether the contribution conditions for any benefit are satisfied, or otherwise relating to a person's contributions;
- (b) which of two or more persons satisfying the conditions for an increase of 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;

- (c) as to the class of insured persons in which a person is to be included and as to the liability of an insured person to pay contributions of any class;

but not any question within paragraph (c) of subsection (1) of section seventy-eight of this Law.

(2) The Authority may, if it thinks fit, before determining any question within subsection (1) of this section, appoint a person to hold an inquiry into the question, or any matters arising in connection therewith, and to report on the question or on those matters to the Authority.

Questions relating to increase of industrial disablement benefit under section fifty.

75. (1) It shall be for the Authority to determine whether an increase of industrial disablement benefit under section fifty of this Law is to be granted or renewed and, if so, for what period and of what amount.

(2) A decision of the Authority on a question within subsection (1) of this section may be given so as to have effect with respect to a period before the date of the decision; and the Authority may at any time and from time to time reconsider the exercise of its discretion with respect to such a question and decide it again with such other effect as may seem to the Authority to be proper in the circumstances of the case.

Review of decisions under sections seventy-four and seventy-five.

76. (1) Subject to subsection (2) of this section, the Authority may, on new facts being brought to its notice, or if it is satisfied that the decision was given in ignorance of, or was based on a mistake as to, some material fact, review any decision given by it on any question within subsection (1) of section

seventy-four or subsection (1) of section seventy-five of this Law.

(2) Such a decision shall not be reviewed while an appeal under the next following section is pending against the decision of the Authority on a question of law arising in connection therewith, or before the time for so appealing has expired; and that section shall apply with any necessary modifications to any case in which a question has been raised with a view to the review under this section of any such decision.

77. (1) A question of law arising in connection with the determination by the Authority of any question within subsection (1) of section seventy-four of this Law may, if the Authority thinks fit, be referred for decision to the Ordinary Court in such manner and within such period as may be prescribed by Order of the Royal Court.

Appeals and references to the Ordinary Court respecting decisions of the Authority

(2) If the Authority determines in accordance with subsection (1) of this section to refer any question of law to the Ordinary Court, the Authority shall give notice in writing of its intention to do so—

- (a) in a case where the question arises on an application made to the Authority, to the applicant; and
- (b) in any case, to such persons as appear to the Authority to be concerned with the question.

(3) Any person aggrieved by the decision of the Authority on any question of law within subsection (1) of this section which is not referred in accordance with that subsection may appeal from that decision to the Ordinary Court in such manner

and within such period as may be prescribed by Order of the Royal Court.

(4) Notwithstanding anything in this Law, the decision of the Ordinary Court on a reference or appeal under this section shall be final.

(5) On any such reference or appeal the Ordinary Court may order the Authority to pay the costs of any person, whether or not the decision is in that person's favour.

Adjudication by the Administrator and the Tribunal

Claims and questions to be submitted to the Administrator.

78. (1) There shall be submitted forthwith to the Administrator for determination in accordance with sections seventy-nine to eighty-six of this Law—

- (a) any claims for benefit;
- (b) subject to the next following subsection, any question arising in connection with a claim for, or award of benefit; and
- (c) any question whether a person would by reason of the provisions of, or of regulations under, subsection (1) or subsection (2) of section twenty-six of this Law have been disqualified for receiving unemployment benefit, sickness benefit or invalidity benefit if he had otherwise had a right thereto.

(2) Subsection (1) of this section shall not apply to a question for determination by or on behalf of the Authority under this Law or to the disablement questions in relation to industrial injuries benefit.

Decision of the Administrator.

79. (1) The Administrator shall take into consideration any claim or question submitted to him under the last foregoing section and, so far as practicable,

dispose of it in accordance with this section within fourteen days of its submission to him.

(2) Subject to section eighty-four of this Law, the Administrator may in the case of any claim or question so submitted to him—

- (a) decide it in favour of the claimant;
- (b) decide it adversely to the claimant; or
- (c) refer it to the Tribunal.

(3) Where the Administrator refers a case to the Tribunal under this section, notice in writing of the reference shall be given to the claimant.

80. (1) There shall be a tribunal for the purposes of this Law (hereafter in this Law referred to as "the Tribunal") which shall consist of—

Constitution
of the
Tribunal.

- (a) the chairman and the deputy chairman, both appointed by the Royal Court for such period as the Royal Court may from time to time determine, and one other member selected, in accordance with the provisions of the next following subsection, from a panel composed of persons appointed there-to by the Royal Court; or
- (b) the chairman or deputy chairman and two other members selected in accordance with the provisions of the next following subsection from the said panel.

(2) The chairman, or if he is unable so to do, the deputy chairman, shall select from the said panel the other member or members required for any particular sitting of the Tribunal.

(3) In the event of an equality of votes, the chairman or the deputy chairman, as the case may be, shall have the casting vote.

(4) A person shall not sit on the Tribunal during the consideration of a case—

- (a) in which he appears as the representative of the claimant;
- (b) by which he is, or may be, directly affected; or
- (c) in which he has taken any part as an official of an association, as an employer or as a witness.

(5) In any case in which the claimant is a woman, at least one of the members to be selected from the said panel shall, if practicable, be a woman.

**Appeals to
the Tribunal.**

81. (1) Subject to subsection (3) of this section, where the Administrator has decided a claim or question adversely to the claimant, the claimant may appeal to the Tribunal.

(2) The claimant shall be notified in writing of the Administrator's decision and the reasons for it, and of his right of appeal under this section.

(3) Where in connection with the decision of the Administrator there has arisen—

- (a) a question for determination by the Authority under section seventy-four or seventy-five of this Law; or
- (b) either of the disablement questions in relation to industrial injuries benefit;

and the question has been determined and the Administrator certifies that the decision on that question is the sole ground of his decision, no appeal shall lie under this section without leave of the chairman of the Tribunal.

(4) An appeal under this section shall be brought by giving notice of appeal at the Authority's office

within twenty-eight days after the date of the decision or within such further time as the chairman of the Tribunal may for good cause allow.

(5) A notice of appeal under this section shall be in writing and shall contain a statement of the grounds upon which the appeal is made.

(6) On any such appeal and on any reference made to it by the Administrator under subsection (2) of section seventy-nine of this Law the Tribunal, subject to and in accordance with regulations, may order the Authority to pay the costs of any person, whether or not the decision is in that person's favour.

82. (1) A question of law arising in connection with the determination by the Tribunal of any claim or question referred to it by the Administrator under subsection (2) of section seventy-nine of this Law or of an appeal under the last foregoing section may, if the Tribunal thinks fit, be referred for decision to the Ordinary Court in such manner and within such period as may be prescribed by Order of the Royal Court.

Appeals and references to the Ordinary Court respecting decisions of the Tribunal.

(2) If the Tribunal determines in accordance with subsection (1) of this section to refer any question of law to the Ordinary Court, the Tribunal shall give notice in writing of its intention so to do to the Administrator, the claimant and to such other persons as appear to the Tribunal to be concerned with the question.

(3) The Administrator or any other person aggrieved by the decision of the Tribunal on any question of law arising as aforesaid which is not referred for decision in accordance with subsection (1) of this section may appeal therefrom to the

Ordinary Court in such manner and within such period as may be prescribed by Order of the Royal Court.

(4) Notwithstanding anything in this Law, the decision of the Ordinary Court on a reference or appeal under this section shall be final.

(5) On any such reference or appeal the Ordinary Court may order the Authority to pay the costs of any person, whether or not the decision is in that person's favour.

(6) Provision may be made by Order of the Royal Court, for the purposes of this section, as to the circumstances in which any official record or certificate is to be sufficient or conclusive evidence.

Questions first arising on appeal.

83. (1) Where a question under this Law first arises in the course of an appeal to the Tribunal, the Tribunal may, if it thinks fit, proceed to determine the question notwithstanding that it has not been considered by the Administrator.

(2) This section does not apply to a question for determination by the Authority under section seventy-four or section seventy-five of this Law or to the disablement questions in relation to industrial injuries benefit.

Reference of special questions.

84. (1) The following subsections apply if on consideration of any claim or question the Administrator is of opinion that there arises—

- (a) a question for determination by the Authority under section seventy-four or section seventy-five of this Law; or
- (b) either of the disablement questions in relation to industrial injuries benefit.

(2) Subject to the next following subsection, the Administrator shall—

- (a) refer the question so arising for determination by the Authority or in accordance with section eighty-six of this Law, as the case may require; and
- (b) deal with any other questions as if the question so referred had not arisen.

(3) The Administrator may—

- (a) postpone the reference of, or dealing with, any question until other questions have been determined;
- (b) in cases where the determination of any question disposes of a claim or any part of it, make an award or decide that an award cannot be made, as to the claim or that part of it without referring or dealing with, or before the determination of, any other question.

(4) Subsections (2) and (3) of this section shall apply to the Tribunal as they apply to the Administrator, except that the Tribunal shall, instead of referring a question in accordance with paragraph (a) of the said subsection (2), direct it to be so referred by the Administrator.

85. (1) Any decision under this Law of the Administrator, the Tribunal or the Ordinary Court may be reviewed at any time by the Administrator or, on a reference from the Administrator, by the Tribunal, if—

Review of
decisions.

- (a) the Administrator or the Tribunal is satisfied and, in the case of a decision of the Ordinary Court, satisfied by fresh evidence, that the decision was given in ignorance

- of, or was based on a mistake as to, some material fact; or
- (b) there has been any relevant change of circumstances since the decision was given; or
- (c) the decision was based on the decision of—
- (i) a question for determination by the Authority under section seventy-four or seventy-five of this Law; or
 - (ii) either of the disablement questions in relation to industrial injuries benefit; and the decision of that question is revised under subsection (2) of section seventy-five, section seventy-six or section eighty-eight of this Law.

(2) A question may be raised with a view to a review under this section by means of an application in writing to the Administrator, stating the grounds of the application.

(3) On receipt of any such application, the Administrator shall proceed to deal with or refer any question arising thereon in accordance with sections seventy-nine to eighty-two of this Law.

(4) A decision given on a review under this section, and a refusal to review a decision thereunder, shall be subject to appeal in like manner as an original decision, and sections seventy-nine to eighty-two of this Law shall, with the necessary modifications, apply in relation to a decision given on such a review as they apply to the original decision of a question.

Adjudication in relation to industrial injuries, etc.

**Disable-
ment
questions.**

86. (1) In relation to industrial injuries benefit, the “disablement questions” are the questions—

- (a) whether the relevant accident has resulted in a loss of faculty;
- (b) 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.

(2) The disablement questions shall be referred by the Administrator for determination to the Medical Board; and the decision of the Medical Board shall be final.

(3) Where the case of a claimant for disablement benefit has been referred by the Administrator to the Medical Board for determination of the disablement questions and, on that or any subsequent reference, the extent of the disablement is provisionally assessed, the case shall again be so referred not later than the end of the period taken into account by the provisional assessment.

87. There shall be a board for the purposes of this Law to be styled the Medical Board, and the constitution of the Medical Board shall be determined by regulations.

Constitution
of the
Medical
Board.

88. (1) Any decision under this Part of this Law of the Medical Board may be reviewed at any time by the Medical 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 it is satisfied that since the making of the assessment

there has been an unforeseen aggravation of the results of the relevant injury.

(3) Where in connection with a claim for disablement benefit it is decided that the relevant accident has not resulted in a loss of faculty, the decision—

- (a) may be reviewed under the last foregoing subsection as if it were an assessment of the extent of disablement resulting from a relevant loss of faculty; but
- (b) subject to any further decision on review, shall be treated as deciding the question whether the relevant accident has so resulted both for the time about which the decision was given and for any subsequent time.

(4) For the purposes of the last foregoing subsection a final assessment of the extent of the disablement resulting from a loss of faculty made for a period limited by reference to a definite date shall be treated as deciding that at that date the relevant accident has not resulted in a loss of faculty.

(5) Subject to the foregoing provisions of this section, the Medical Board may deal with a case on a review in any manner in which they could deal with it on an original reference to them, and in particular may make a provisional assessment notwithstanding that the assessment under review was final.

Reference to
single
doctor.

89. (1) Notwithstanding sections eighty-six to eighty-eight 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 six months.

(2) A decision on a reference under this section shall have effect as if it were a decision of the Medical Board, and accordingly shall be subject to review, and may be referred for consideration to the Medical Board.

(3) Regulations 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 six months.

Adjudication generally

90. Regulations may make any such provision as is specified in the Third Schedule to this Law as respects procedure, evidence, hearings, forms of documents and other matters relating to adjudication under this Law. Procedure,
etc.

91. (1) The foregoing provisions of this Part of this Law shall not apply to any question— Questions as
to child or
family.

- (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 Law, 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.

(2) Any such question as is referred to in subsection (1) of this section shall be determined in like manner, subject to any prescribed modifications and adaptations, as a corresponding question arising in respect of an allowance under the Family Allowances Law, 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.

PART VII

GENERAL PROVISIONS AS TO OPERATION AND ADMINISTRATION OF THIS LAW

The States Insurance Authority

Constitution
of the States
Insurance
Authority.

92. (1) There shall be 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; and

(b) six other members (hereafter in this section referred to as "ordinary members")—

(i) four of whom shall be members of the States; and

(ii) two of whom shall not be required to be members of the States;

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

(3) The President of the Authority shall hold office for a period of three years computed from the thirtieth day of April in the year of his election.

(4) Subject to the provisions of the next following subsection, the ordinary members shall hold office for a period of six years.

(5) The ordinary members first elected to the Authority shall retire from office as follows, that is to say—

- (a) two of them on the thirtieth day of April, nineteen hundred and eighty-one;
- (b) two of them on the thirtieth day of April, nineteen hundred and eighty-three; and
- (c) two of them on the thirtieth day of April, nineteen hundred and eighty-five;

and the order of retirement shall be determined by the Authority.

(6) 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 computed from the thirtieth day of April in the year of his election by the Authority.

(7) A meeting of the Authority shall, in the absence of the President and Vice-President, be presided over by one of the ordinary members appointed for that meeting by the ordinary members present thereat.

(8) Each member of the Authority, other than the member presiding at a meeting, shall have one

vote and the person so presiding shall, in the case of an equality of votes, have a casting vote.

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

(10) The quorum for a meeting of the Authority shall be four members of whom not less than three shall be members of the States.

(11) Subject to the foregoing provisions of this section, the Authority shall regulate its own procedure.

Delegation of functions of the Authority.

93. The functions conferred on the Authority by or under this Law, other than any power to make regulations, may be exercised by the President or any other member of the Authority or by the Administrator, if authorised in that behalf by the Authority.

Administrator to the Authority

Appointment of Administrator to the Authority, etc.

94. (1) Subject to the next following subsection, there shall be appointed by the States Appointments Board a person to be the Administrator to the Authority, who shall carry out such duties as are assigned to him by or under this Law and such other duties as shall be assigned to him from time to time by the Authority.

(2) The person holding the office of Administrator, within the meaning of that expression in subsection (1) of section seventy-nine of the Law of 1964 immediately before the appointed day, shall be deemed, on and after the appointed day, to have been appointed to be the Administrator to the Authority by the States Appointments Board in pursuance of subsection (1) of this section.

(3) The functions conferred on the Administrator by or under this Law, other than any functions which he is authorised to exercise under the last foregoing section, may be exercised by any person authorised in that behalf by the Administrator.

Special classes of persons

95. This Law shall apply to persons employed by or under the Crown, subject to any special provisions made by or by virtue of any other section thereof, in like manner as if they were employed by 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.

Crown
servants.

96. (1) The Authority may make regulations modifying the provisions of this Law, in such manner as it thinks proper, in their application to persons who are or have been employed on board any ship, vessel, hovercraft or aircraft.

Mariners
and airmen.

(2) Regulations under subsection (1) of this section 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, hovercraft or aircraft, notwithstanding that they do not fulfil the conditions of section one of this Law;

(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, in a country or territory outside Guernsey, by such persons as may be prescribed or by a British consular official;
- (e) for enabling persons employed on board ships, vessels, hovercraft 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.

Married
women and
widows.

97. (1) The Authority may by regulations make such provision as it may deem necessary or expedient in relation to the insurance under this Law of women who are or 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 women who are or have been married;
- (b) 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;
- (c) 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;

- (d) 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, sickness benefit and invalidity benefit.

(2) Save as expressly authorised by the provisions of the last foregoing 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) Regulations under this section shall provide, subject to any prescribed conditions and exceptions, for excepting a woman, if she so elects or if she does not elect otherwise (as may be provided by the regulations) from liability to pay contributions as an insured person for any period during which she is married.

98. The Authority may make regulations modifying in such manner as it thinks proper the provisions of this Law in their application to persons who are or have been outside Guernsey while insured under this Law at any prescribed time or in any prescribed circumstances.

Insured persons outside Guernsey.

99. 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—

Persons under sixteen on entry into insurance.

- (a) he shall not be liable to pay a Class 3 contribution for any period before he attains the age of sixteen;
- (b) regulations may provide for crediting Class 3 contributions to him for periods before he attains that age, being periods for which he would have been liable to pay Class 3 contributions 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 reckonable contributions paid by or credited to him there shall be taken into account any Class 1 or Class 2 contributions paid by or credited to him for periods before the beginning of the contribution year in which he attains the age of sixteen.

Finance

Guernsey
Insurance
Fund.

100. (1) The Guernsey Insurance Fund established in pursuance of the Law of 1964 shall continue to be maintained under the control and management of the Authority.

(2) There shall be paid into the Guernsey Insurance Fund all contributions payable under this Law, the States' grant and any monies accruing to the Authority under and by virtue of this Law, and there shall be paid out of the said Fund all claims for benefit, the appropriate Guernsey Health Service Fund Allocation, in accordance with the provisions of the next following section, and all expenses incurred in carrying this Law into effect.

(3) 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.

(4) 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.

101. There shall be paid out of the Guernsey Insurance Fund and into the Guernsey Health Service Fund maintained under the control and management of the Authority under section one of the Health Service (Pharmaceutical) (Amendment) (Guernsey) Law, 1978, in respect of each contribution year and at such times as the Authority shall determine the sum of the following amounts (to be called "the Guernsey Health Service Fund Allocation"), that is to say—

Guernsey
Health
Service
Fund
Allocation.

- (a) such percentage as the States shall by Ordinance from time to time determine of—
- (i) the aggregate amount of Class 1 primary and secondary contributions (excluding Class 1 secondary contributions paid or payable in respect of employed persons who have attained pensionable age and who are not liable to pay Class 1 primary contributions) paid or payable in respect of that year;
 - (ii) the aggregate amount of Class 1 secondary contributions paid or payable in respect of such employed persons in respect of that year; and
 - (iii) the aggregate amount of Class 2 contributions paid or payable in respect of that year;

and, for the purposes of sub-paragraph (i) of this paragraph, different percentages may be so determined in relation to the aggregate amount of Class 1 primary and secondary contributions paid or payable in respect of that year in respect of such different classes of employed persons as may be prescribed by the Ordinance; and

- (b) the product of such amount as the States shall by Ordinance from time to time determine and the number of Class 3 contributions paid or payable in respect of that year.

Reports by
Actuary.

102. (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—

- (a) not later than the expiration of the period of three years beginning on the first day of January in the year in which the appointed day occurs; and
- (b) following the expiration of the period to which the review of the operation of this Law in pursuance of paragraph (a) of this subsection relates, at intervals not exceeding five years;

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 having regard to its liabilities under this Law.

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

Enforcement

Appoint-
ment and
powers of
inspectors.

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

(2) For the purposes of the execution of this Law, an inspector appointed under this Law shall

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, 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, 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 summary conviction, to a fine not exceeding fifty pounds.

(5) Where a person is convicted of an offence under paragraph (b) of the last foregoing subsection and the refusal or neglect is continued by him after his conviction, he shall be guilty of a further offence and liable, on summary conviction, to a fine not exceeding ten pounds for each day on which it is so continued.

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

(7) 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.

(8) 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—

- (a) any persons are employed or any injury or disease which has given or may give rise to a claim for benefit has been or may have been received or contracted; or

- (b) there is being carried on any agency or other business for the introduction or supply to persons requiring them of persons available to do work or perform services;

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.

104. (1) If any employer or insured person fails to pay any contribution which he is liable under this Law to pay, he shall be liable, on summary conviction, to a fine not exceeding fifty pounds.

Offences and penalties.

(2) If any person—

(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 summary conviction, to a fine not exceeding four hundred pounds or to imprisonment for a term not exceeding three months, or to both such fine and such imprisonment.

(3) Subject to the provisions of this Law, regulations may provide for the recovery, on summary conviction, of penalties for offences under this Law of contravening or failure to comply with regulations; so, however, that penalties so provided shall not exceed—

- (a) for any one offence, one hundred pounds; or
- (b) for an offence of continuing any such contravention or failure after conviction, ten pounds for each day on which it is so continued.

(4) The provisions of the last foregoing subsection shall not apply to a contravention of, or failure to, comply with regulations requiring a person to submit himself to medical treatment.

(5) 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.

(6) 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.

(7) 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 (2) 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.

(8) 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.

105. (1) Where in any proceedings—

- (a) for an offence under this Law;
- (b) involving any question as to the payment of contributions; or
- (c) for the recovery of any sums due to the Guernsey Insurance Fund;

Questions arising in proceedings.

any question arises as is mentioned in subsection (1) of section seventy-four of this Law, the decision of the Authority shall be conclusive for the purpose of the proceedings.

(2) If a decision of any such question is necessary for the determination of proceedings, and the decision of the Authority has not been obtained or a question has been raised with a view to review of the decision obtained, the question shall be referred to the Authority for determination or review in accordance (subject to any necessary modifications) with Part VI of this Law.

(3) Subsection (1) of this section shall not apply if an appeal under section seventy-seven of this Law is pending, the time for appealing has not expired, or a question has been raised with a view to a review of the Authority's decision; and the court dealing

with the case shall adjourn the proceedings until such time as a final decision on the question has been obtained.

Recovery on prosecution.

106. (1) Where a person has been convicted of the offence under subsection (1) of section one hundred and four of this Law of failing to pay a contribution and the contribution remains unpaid at the date of the conviction, he shall be liable to pay to the Guernsey Insurance Fund a sum equal to the amount which he failed to pay.

(2) Where—

- (a) a person is convicted of an offence under subsection (2) of section one hundred and four of this Law, of an offence under section thirteen of the Stamp Duties Management Act 1891, as applied by regulations made under subsection (3) of section fifteen of this Law, or of an offence of contravening or failing to comply with regulations; and
- (b) the evidence on which he is convicted shows that he, for the purpose of paying any contribution which he was liable or entitled to pay, has affixed to any insurance card any used insurance stamp; and
- (c) the contribution in respect of which the stamp was affixed remains unpaid at the date of the conviction;

he shall be liable to pay to the Guernsey Insurance Fund a sum equal to the amount of the contribution.

Proof of previous convictions.

107. (1) Subject to and in accordance with the following subsections, where a person is convicted of an offence mentioned in subsection (1) or paragraph (a) of subsection (2) of the last foregoing

section, evidence may be given of any previous failure by him to pay contributions under this Law; and in those subsections "the conviction" and "the offence" mean respectively the conviction referred to in this subsection and the offence of which the person is convicted.

(2) Such evidence may be given only if notice of intention to give it is served with the summons on which the person appeared before the court which convicted him.

(3) If the offence is one of failure to pay a Class 1 contribution, evidence may be given of failure on his part to pay (whether or not in respect of the same person) such contributions on the date of the offence or during the two years preceding that date.

(4) If the offence is one of failure to pay Class 2 or Class 3 contributions or is one of those mentioned in paragraph (a) of subsection (2) of the last foregoing section, evidence may be given of his failure to pay such contributions during those two years.

(5) On proof of any matter of which evidence may be given under subsection (3) or subsection (4) of this section, the person convicted shall be liable to pay to the Guernsey Insurance Fund a sum equal to the total of all amounts which he is so proved to have failed to pay and which remain unpaid at the date of the conviction.

108. (1) Where a person is convicted of an offence to which subsection (1) or paragraph (a) of subsection (2) of section one-hundred and six of this Law applies and an order is made under the Law entitled "Loi relative à la Probation de Délinquants" registered on the twenty-third day of November, nineteen hundred and twenty-nine(d), placing the offender on

Provisions supplementary to sections one-hundred and six and one-hundred and seven.

(d) Ordres en Conseil Vol. VIII, p. 363.

probation or discharging him absolutely or conditionally, sections one-hundred and six and one-hundred and seven of this Law shall apply as if it were a conviction for all purposes.

(2) Where a body corporate fails to pay any sum which it is liable to pay under section one-hundred and six or section one-hundred and seven of this Law, that sum (or such part thereof as remains unpaid) shall be a debt due to the Guernsey Insurance Fund jointly and severally from any directors of the body corporate who knew, or could reasonably be expected to have known, of the failure to pay the contributions in question.

Comittal to prison for default in payment of sums due to Guernsey Insurance Fund, attachment of wages, etc.

109. (1) Subject to the provisions of this section, where it is proved to the satisfaction of the appropriate court, on oath or affirmation, that default has been made in the payment of the whole or any part of any sum liable to be paid to the Guernsey Insurance Fund under section one-hundred and six or section one-hundred and seven of this Law, the court may—

- (a) issue a summons against the person liable to make such payment requiring him to attend before the court on such day and at such time as shall be specified in the summons to show cause why he should not be committed to prison under this section;
- (b) whether or not a summons has previously been issued, issue a warrant authorising an officer of police to arrest that person and bring him before the court.

(2) A warrant shall not be issued by the appropriate court under subsection (1) of this section against a person in respect of whom a summons has previously been issued under that subsection

unless he has failed to appear before the court on the day and at the time specified in the summons and it is proved to the satisfaction of the court, on oath or affirmation, that the summons has been served personally on that person.

(3) A warrant issued under subsection (1) of this section—

- (a) may include a direction that the person against whom it is issued shall be detained in such place as shall be specified in the warrant until he can be brought before the appropriate court;
- (b) may be executed by an officer of police notwithstanding that it is not in his possession at the time; but the warrant shall, on the demand of the person arrested, be shown to him as soon as possible.

(4) Subject to the next following subsection, where a person appears before the appropriate court in answer to a summons issued under subsection (1) of this section or is brought before the appropriate court under a warrant issued under that subsection, the court shall inquire in the presence of that person whether the default in respect of which such summons or warrant was issued was due to his wilful refusal or culpable neglect; and if it is satisfied that the default was so due, may order that person to be committed to prison for a period not exceeding one month.

(5) The appropriate court shall not make an order under the last foregoing subsection committing any person to prison in any case where the court is of the opinion, having regard to all the circumstances of the case, including the means of that person, that it is more appropriate to enforce the payment of the sum in respect of which that person is in default—

- (a) by an order of the court attaching not more than one-half of the wages, salary or pension of that person, and directing the amount attached to be paid to the appropriate officer of the court specified in the order; or
- (b) by an order of the court empowering the appropriate officer of the court to arrest and sell so much of the goods (including money) and chattels of that person as shall be sufficient to satisfy that sum and any expenses incurred by the appropriate officer of the court in carrying out the arrest and sale of such goods and chattels;

and in any case where the appropriate court is of that opinion, the court shall make such order as is mentioned in paragraph (a) or paragraph (b) of this subsection, as the court thinks fit.

(6) An order such as is mentioned in paragraph (a) of the last foregoing subsection shall have effect in respect of any wages, salary or pension falling to be paid from time to time to the person against whom such order is made until such time as the sum in respect of which that person is in default has been satisfied; and such order shall be an authority to the person by whom any such wages, salary or pension are payable to make payments in accordance with the order until such time aforesaid, and the receipt of the appropriate officer of the court shall be a good discharge to the payer.

(7) For the purpose of the making of an order such as is mentioned in paragraph (a) of subsection (5) of this section, the appropriate court may order any person appearing to the court to be the employer of the person against whom the order so mentioned is intended to be made to give to the court, within such period as may be specified by the order under this subsection, a statement signed by him or on

his behalf of such particulars as may be so specified of the wages or salary of the said person against whom such order so mentioned is intended to be made; and a document purporting to be such a statement shall be received in evidence and be deemed to be such a statement without further proof, unless the contrary is proved.

(8) A person who—

- (a) fails to comply with an order under the last foregoing subsection;
- (b) gives a statement in pursuance of such an order which he knows to be false in a material particular;
- (c) recklessly gives such a statement which is false in a material particular;

shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding one hundred pounds.

(9) Where a person has been imprisoned by virtue of an order made under subsection (4) of this section in respect of his failure to pay any sum—

- (a) the imprisonment shall not operate to discharge him from his liability to pay that sum;
- (b) notwithstanding anything in this section, no such order shall thereafter be made in respect of that sum or any part thereof.

(10) Subject to the next following subsection, where a person is imprisoned by virtue of an order under subsection (4) of this section in respect of his failure to pay any sum—

- (a) on the payment of that sum, he shall be released from prison unless he is in prison for some other cause;
- (b) on the payment of part of that sum, the period for which he is so imprisoned shall

be reduced by such number of days as bears to the total number of days in that period, less one day, the same proportion as the amount so paid bears to so much of that sum; and in calculating the reduction required under this paragraph any fraction of a day shall be left out of account.

(11) No payment shall entitle any person to be released from prison or to the reduction of the period of his imprisonment under the last foregoing subsection unless it is received by the appropriate officer of the court.

(12) An appeal may lie to the Royal Court from the making of any order under this section or from the refusal of the appropriate court to make any such order.

(13) In this section—

(a) “appropriate court” means—

(i) in relation to the Islands of Guernsey, Herm and Jethou, the Magistrate’s Court;

(ii) in relation to the Island of Alderney, the Court of Alderney;

(b) “appropriate officer of the court” means—

(i) in relation to the Magistrate’s Court, Her Majesty’s Sheriff;

(ii) in relation to the Court of Alderney, the Clerk of the Court of Alderney.

Civil
proceedings
to recover
sums due to
Guernsey
Insurance
Fund.

110. (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 six years next following the day on which the cause of action accrued.

(3) Nothing in the foregoing sections of this Part of this Law shall be construed as preventing the recovery of any sums due to the Guernsey Insurance Fund by means of such proceedings.

Disclosure of information

111. (1) Information which is disclosed to any person in connection with the operation of this Law or any regulations shall not be further disclosed, except—

Prohibition against disclosure of information obtained by virtue of this Law.

- (a) to any person for the time being authorised to carry out any duties in connection with the operation of this Law;
- (b) for the purposes of civil or criminal proceedings in connection with the operation of this Law;
- (c) for any of the purposes of Part VI of this Law;

so, however, that the Administrator or any person authorised by him in that behalf may disclose such information, not being information as to the income of any person, for any purpose approved by the Authority.

(2) If any person discloses any information in contravention of the provisions of subsection (1) of this section 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 one month or to both such fine and imprisonment.

(3) Nothing in this section shall be taken to prohibit the Administrator or any person authorised by him in that behalf from disclosing the address at which a man or woman is recorded by him as residing, where the address is required for the purpose of taking or carrying on legal proceedings to obtain or enforce an order for the making by the man or woman of payments—

- (a) for the maintenance of the man's wife or former wife, or the woman's husband or former husband; or
- (b) for the maintenance or education of any person as being the son or daughter (including the son or daughter by adoption and an illegitimate son or daughter) of the man or of his wife or former wife, or of the woman or her husband or former husband.

Disclosure of
information
by Admini-
strator of
Income Tax.

112. No obligation as to secrecy imposed by the Income Tax (Guernsey) Law, 1975(e), shall prevent information obtained for the purposes of that Law with respect to any person or the amount of the income of any person from being disclosed by the Administrator of Income Tax appointed under that Law or any person authorised by the Administrator of Income Tax to disclose such information, to the Administrator or to any person authorised by the Administrator to receive such information in connection with the operation of this Law if that person, or any other person acting on behalf of that person, has authorised the Administrator of Income Tax in writing to disclose such information to the Administrator in that connection; and accordingly a person shall not be guilty of an offence under that Law by reason of the disclosure by him of any

(e) Ordres en Conseil No. X of 1975.

such information in pursuance of any such authorisation.

Social insurance systems outside Guernsey

113. (1) For the purpose of giving effect to any agreement with the government of any country outside Guernsey providing for—

Reciprocity
with other
countries.

- (a) reciprocity in matters relating to payments in respect of interruption of employment by unemployment, sickness or otherwise or payments in respect of the confinement of women, widowhood, orphanhood, old age, or death; 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 subsection (1) of this section 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.

PART VIII

GENERAL AND MISCELLANEOUS

Measure of damages for personal injuries etc.

Measure of
damages for
personal
injury or
death.

114. (1) In an action for damages for personal injuries (including any such action arising out of contract), whether or not 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, invalidity benefit, industrial injury 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 references 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.

115. (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.

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

(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.

Ordinances, Orders and regulations

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

General provisions as to Ordinances, Orders and regulations.

(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.

117. Any regulations made by the Authority 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.

*Repeals, transitional provisions and savings,
consequential amendments, etc.*

Repeals.

118. The enactments specified in Part I of the Fourth Schedule to this Law are hereby repealed.

119. The provisions of Part II of the Fourth Schedule to this Law shall have effect with respect to the transition from the operation of the Law of 1964 to the operation of this Law. Transitional provisions and savings.

120. The enactments set out in the first column of the Fifth Schedule to this Law shall be amended to the extent set out in the second column of that Schedule. Consequential amendments.

121. (1) In this Law, except where the context otherwise requires, any expression for which there is an entry in the first column of the Sixth Schedule to this Law has the meaning given against it in the second column of that Schedule or shall be construed in accordance with directions given against it in that column (references therein to any section being to the applicable section of this Law). Interpretation.

(2) 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.

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

122. This Law may be cited as the Social Insurance (Guernsey) Law, 1978. Citation.

123. This Law shall come into force on such day as shall be appointed in that behalf by Ordinance of the States, and different dates may be so appointed under this section for different purposes. Commencement.

(f) Ordres en Conseil Vol. XIII, p. 355.

FIRST SCHEDULE

Section twenty

CONTRIBUTION CONDITIONS

*Unemployment benefit, sickness benefit and
invalidity benefit*

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

- (a) not less than twenty-six reckonable 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 reckonable 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.

Maternity grant

2. (1) The contribution conditions for a maternity grant are that—

- (a) not less than twenty-six reckonable 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) not less than twenty-six reckonable contributions have been paid by, or credited to, that person in respect of the last complete

contribution year before the beginning of the benefit year comprising the relevant time.

(2) In this paragraph—

- (a) “relevant person” means the person by whom the conditions are to be satisfied;
- (b) “relevant time” means the date of the confinement or, where the relevant person is the husband and he was dead or over pensionable age on that date, the date of his attaining pensionable age or dying under that age.

Maternity allowance

3. (1) The contribution conditions for a maternity allowance are that—

- (a) not less than fifty reckonable contributions of the appropriate class or their equivalent have been paid by, or credited to, the claimant in respect of the fifty-two weeks immediately preceding the thirteenth week before the expected week of confinement; and
- (b) of those contributions not less than twenty-six are reckonable contributions of the appropriate class which have been paid.

(2) In this paragraph “expected week of confinement” means the week in which a woman who is pregnant is expected to be confined, and “week” means a contribution week.

Widow's benefit, old age pension and child's special allowance

4. (1) The contribution conditions for widow's benefit, an old age pension or a child's special allowance are that—

- (a) not less than one hundred and fifty-six reckonable 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 reckonable contributions paid by, or credited to, that person (ascertained as at the relevant time) is not less than fifty.
- (2) In this paragraph—
- (a) "relevant person" means the person by whom the conditions are to be satisfied;
 - (b) "relevant time" means the date of the relevant person attaining pensionable age or dying under that age.

Death grant

5. (1) The contribution conditions for death grant are that—

- (a) not less than twenty-six reckonable contributions of the appropriate class have been paid by, or credited to, the relevant person in respect of the period between that person's entry into insurance and the relevant time; and
- (b) either—
 - (i) not less than forty-five such contributions have been paid by, or credited to, that person in respect of the last complete contribution year before the relevant time; or
 - (ii) the yearly average of the reckonable contributions paid by, or credited to, that person (ascertained as at the

relevant time) is not less than forty-five.

(2) For the purpose of this paragraph, except where regulations otherwise provide, no account shall be taken of any reckonable contributions paid by, or credited to, the relevant person for any period before the seventh day of June, nineteen hundred and seventy-one.

(3) In this paragraph—

- (a) “relevant person” means the person by whom the conditions are to be satisfied;
- (b) “relevant time” means the date of the deceased’s death or, where immediately before that date the relevant person was dead or over pensionable age, the date of that person attaining pensionable age or dying under that age.

SECOND SCHEDULE

Section forty-nine

ASSESSMENT OF EXTENT OF DISABLEMENT

1. For the purposes of section forty-nine of this Law, 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:—

- (a) save as hereafter provided in this paragraph, the disabilities to be taken into account shall be all disabilities so incurred (whether or not involving loss of earning power or additional expense) to which the claimant may be expected, having regard to his physical or 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) regulations may make provision as to the extent (if any) to which disabilities are to be taken into account where they are disabilities which, though resulting from the relevant loss of faculty, also result, or without the relevant accident might have been expected to result, from a cause other than the relevant 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.

2. 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 sub-paragraph (c) of paragraph 1 of this Schedule 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.

3. Regulations under sub-paragraph (d) of paragraph 1 or paragraph 2 of this Schedule may include provision—

- (a) for adjusting or reviewing an assessment made before the date of the coming into force of those regulations;
- (b) for any resulting alteration of that assessment to have effect as from that date;

so, however, that no assessment shall be reduced by virtue of this paragraph.

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 first day on which industrial disablement benefit is available to the claimant under the provisions of subsection (3) of section forty-nine of this Law, 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 period 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 purposes of determining in accordance with section forty-nine of this Law the claimant's rights as to 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.

THIRD SCHEDULE

Section ninety

PROVISIONS WHICH MAY BE MADE BY
REGULATIONS AS RESPECTS MATTERS
RELATING TO ADJUDICATION UNDER THIS
LAW

1. Provision prescribing the procedure to be followed in connection with the consideration of claims and questions by the Authority and the Tribunal, or in connection with the withdrawal of a claim.

2. Provision as to 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.

3. Provision as to the time to be allowed for producing any evidence, or for making an appeal to the Tribunal.

4. Provision as to the manner in which, and the time within which, a question may be raised with a view to its decision by the Authority or with a view to the review of a decision.

5. Provision for summoning persons to attend and give evidence or produce documents and for authorising the administration of oaths to witnesses.

6. Provision for empowering the Authority, the Tribunal or the Administrator to refer to a medical practitioner for examination and report any question arising from their or his decision.

7. Provision for the non-disclosure to a person of the particulars of any medical advice or medical evidence given or submitted for the purposes of the determination of, or of any question arising on, any claim if, in the opinion of the Authority, the Tribunal or the Administrator, as the case may be, disclosure of those particulars to that person would be undesirable in his interests.

FOURTH SCHEDULE

Sections one hundred and
eighteen and one hundred and nineteen

REPEALS, TRANSITIONAL PROVISIONS AND
SAVINGS

PART I

Enactments repealed

- The Social Insurance (Guernsey) Law, 1964(g).
 The Social Insurance (Amendment) (Guernsey)
 Law, 1965(h).
 The Social Insurance (Amendment) (Guernsey)
 Law, 1967(i).
 The Social Insurance (Amendment) (Guernsey)
 Law, 1971(j).
 The Social Insurance (Amendment) (No. 2)
 (Guernsey) Law, 1971(k).
 The Social Insurance (Amendment) (No. 3)
 (Guernsey) Law, 1971(l).
 The Social Insurance (Amendment) (Guernsey)
 Law, 1973(m).
 The Social Insurance (Amendment) (Guernsey)
 Law, 1974(n).

- (g) Ordres en Conseil Vol. XIX, p. 286.
 (h) Ordres en Conseil Vol. XX, p. 126.
 (i) Ordres en Conseil Vol. XXI, p. 143.
 (j) Ordres en Conseil Vol. XXIII, p. 54.
 (k) Ordres en Conseil Vol. XXIII, p. 143.
 (l) Ordres en Conseil Vol. XXIII, p. 222.
 (m) Ordres en Conseil Vol. XXIV, p. 175.
 (n) Ordres en Conseil Vol. XXIV, p. 363.

PART II

Transitional provisions and savings

1. Subject to the following provisions of this Part of this Schedule, on and after the appointed day no person shall be insured under the Law of 1964 or entitled to benefit under that Law.

2. Regulations may provide that, in relation to—

(a) persons who cease by virtue of paragraph 1 of this Part of this Schedule to be insured under the Law of 1964;

(b) persons to or in respect of whom benefit under that Law was, or but for a disqualification or forfeiture would have been, payable immediately before the appointed day; and

(c) persons who had a prospective right to, or expectation of, any benefit under that Law immediately before that day;

the provisions of this Law shall have effect subject to such modifications as may be prescribed with a view to securing continuity between this Law and the Law of 1964.

3. Without prejudice to the generality of the powers conferred by the last foregoing paragraph, regulations under that paragraph may in particular provide for the taking into account, for such purposes and in such manner and subject to such conditions as may be prescribed, of contributions paid or credited or deemed to be, or treated as, paid or credited under the Law of 1964 or any enactment repealed by the Law of 1964.

4. Regulations may provide that this Law and this Part of this Schedule (except this paragraph) shall have effect subject to prescribed modifications in relation to persons who were over school-leaving age before the appointed day and who, immediately before that day, were not insured under the Law of 1964.

5. Regulations may make such provision as the Authority thinks appropriate for enabling unpaid contributions under the Law of 1964 to be recovered and disposed of under section one hundred and seven, section one hundred and eight and section one hundred and nine of this Law (applying those sections by analogy and with the necessary modifications) in the case of a person being convicted of such an offence as is mentioned in subsection (1) or paragraph (a) of subsection (2) of section one hundred and six of this Law.

6. Notwithstanding any repeal effected by this Law, provision may be made by regulations for continuing in force, with or without prescribed modifications, such provisions of the Law of 1964 as the Authority considers appropriate for the purpose of preserving rights to benefit under that Law in those cases (if any) in which in the Authority's opinion adequate alternative rights to benefit under this Law are not conferred in pursuance of paragraph 2 of this Schedule or for temporarily retaining the effect of those provisions for transitional purposes.

7. In the foregoing provisions of this Schedule, any reference to benefit under the Law of 1964 includes a reference to such other benefit, pension or allowance as is mentioned in sub-paragraph (i) of paragraph (b) of subsection (3) of section seventy-two of the Law of 1964.

8. Without prejudice to the powers conferred by any other provision of this Law, regulations may make such provision as the Authority thinks expedient for facilitating the operation or 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; and for modifying the system of insurance contained in the Law of 1964, so far as it shall continue in force after the appointed day so as to bring it into conformity with that system.

9. (1) In so far as any Ordinance, order, regulation, appointment or other thing made or done under an enactment repealed by this Law could have been made or done under a corresponding provision of this Law, it shall not be invalidated by the repeal but shall have effect as if made, given or done under that corresponding provision.

(2) Anything begun under an enactment repealed by this Law may be continued under this Law as if begun thereunder.

(3) References in this Law to things done, suffered or occurring in the past shall, so far as the context requires for the purpose of continuity of operation between enactments repealed by this Law and this Law be construed as including references to things done, suffered or occurring before the appointed day.

(4) So much of any document as refers expressly or by implication to an enactment of which the effect is reproduced by this Law shall, if and so far as the context permits, be construed as referring to this Law.

10. (1) The last foregoing paragraph applies in particular to any claim for, or award of, benefit before the appointed day and to anything done or occurring in or for the purposes of adjudication proceedings before that day.

(2) A question whether a person became or ceased to be entitled to benefit before the appointed day, and any other question with respect to benefit in respect of a period before that day, is to be determined in accordance with provisions with respect to those matters in force during that period.

FIFTH SCHEDULE Section one
hundred and twenty

CONSEQUENTIAL AMENDMENTS

Enactment (1)	Amendment (2)
<p>The Family Allowances Law.</p>	<p>In subsection (1) of section twenty-one, for the definitions of the expressions "Administrator" and "Authority" there are hereby substituted respectively the following definitions:—</p> <p>" "Administrator" means the Administrator to the Authority appointed, or deemed to have been appointed, under section ninety-four of the Social Insurance (Guernsey) Law, 1978;"</p> <p>" "Authority" means the States Insurance Authority constituted under section ninety-two of the Social Insurance (Guernsey) Law, 1978;"</p>

Enactment (1)	Amendment (2)
The Fatal Accidents (Guernsey) Law, 1960(o).	In subsection (1) of section one, for the words, figures and commas "under the Contributory Pensions Law, 1935, or under the Social Insurance (Guernsey) Law, 1964" there are hereby substituted the words, figures and comma "under or by virtue of the Social Insurance (Guernsey) Law, 1978".
The Supplementary Benefit (Guernsey) Law, 1971(p).	In subsection (1) of section nine— <ul style="list-style-type: none"> <li data-bbox="487 718 772 901">(a) immediately after the word and comma "sickness," there are hereby inserted the word and comma "invalidity,"; <li data-bbox="487 909 772 1093">(b) immediately after the word and comma "maternity," there are hereby inserted the word and comma "industrial injury,"; <li data-bbox="487 1101 772 1348">(c) for the words, figures and comma "under the Social Insurance (Guernsey) Law, 1964 (hereinafter referred to as "the Law of 1964")" there are hereby substituted the words, figures

(o) Ordres en Conseil Vol. XVIII, p. 279.

(p) Ordres en Conseil Vol. XXIII, p. 26.

Enactment (1)	Amendment (2)
<p>The Employment of Immigrants (Control) (Guernsey) Law, 1974(q).</p>	<p>and comma "under or by virtue of the Social Insurance (Guernsey) Law, 1978 (hereinafter referred to "the Law of 1978")".</p> <p>In subsection (2) of section nine, for the words and figures "established under the provisions of the provisions of the Law of 1964" there are hereby substituted the words and figures "maintained by the Authority under the Law of 1978".</p> <p>In the First Schedule, the reference to the Law of 1964 in the first column and the entry against that reference in the second column are hereby repealed.</p> <p>In subsection (1) of section one, for the reference to the Social Insurance (Guernsey) Law, 1964, there is hereby substituted a reference to this Law.</p>

Enactment (1)	Amendment (2)
The Income Tax (Guernsey) Law, 1975.	<p>In section twenty-seven—</p> <p>(a) immediately after the words and comma “sickness benefit,” there are hereby inserted the words and comma “invalidity benefit,”;</p> <p>(b) for the words “death benefit” there are hereby substituted the words and commas “death grant, industrial injury benefit.”</p> <p>In subsection (1) and subsection (2) of section twenty-eight, the words “or the Pharmaceutical Law” are hereby repealed.</p> <p>In section twenty-nine—</p> <p>(a) the definition of the expression “the Pharmaceutical Law” is hereby repealed;</p> <p>(b) for the definition of the expression “the Social Insurance Law” there is hereby substituted the following definition—</p> <p>“the Social Insurance Law” means the Social Insurance (Guernsey) Law, 1978.”</p>

Enactment (1)	Amendment (2)
The Supplementary Family Allowances Law.	<p>In subsection (1) of section one, for the definitions of the expressions "the Administrator" and "the Authority" there are hereby substituted respectively the following definitions—</p> <p>" " Administrator " means the Administrator to the Authority appointed, or deemed to have been appointed, under section ninety-four of the Social Insurance (Guernsey) Law, 1978;"</p> <p>" " the Authority " means the States Insurance Authority constituted under section ninety-two of the Social Insurance (Guernsey) Law, 1978;"</p> <p>Subsection (1) of section twenty is hereby repealed.</p>
The Income Tax (Amendment) (Guernsey) Law, 1976(r).	Paragraph (b) and subparagraph (ii) of paragraph (c) of section one are hereby repealed.

(r) Ordres en Conseil No. X of 1976.

SIXTH SCHEDULE

Section one hundred
and twenty-one

GLOSSARY OF EXPRESSIONS

Expression	Meaning
"The Administrator".	The Administrator to the Authority appointed, or deemed to have been appointed, under section ninety-four.
"Age".	<p>For the purposes of this Law—</p> <p>(a) a person shall be deemed to be over or under any age therein mentioned if he has or has not attained that age;</p> <p>(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;</p> <p>(c) a person shall be deemed not to have attained the age of eighteen years until the commencement of the eighteenth anniversary of the day of his birth, and similarly with respect to any other age.</p>

Expression	Meaning
"Appointed day".	In relation to any provision of this Law, the day appointed for the coming into force of that provision by an Ordinance under section one hundred and twenty-three.
"Appropriate court"; "appropriate officer of the court".	See subsection (13) of section one hundred and nine.
"Assessed" (in relation to extent of disablement).	Assessed in accordance with the Second Schedule to this Law.
"The Authority".	The States Insurance Authority constituted under section ninety-two.
"The Authority's office".	As respects the Islands of Guernsey, Herm and Jethou, the office for the time being of the Authority in Guernsey, and as respects the Island of Alderney, the States Office, Alderney.
"Beneficiary".	In relation to any benefit, the person entitled to that benefit.
"Benefit".	Benefit under this Law or (as respects any period before the day appointed for the coming into force of section eighteen and section forty-one by an Ordinance under section one hundred and twenty-three) of the Law of 1964.

Expression	Meaning
"Benefit year".	The period commencing on the first day of July in any year and ending on the thirtieth day of June in the next succeeding year.
"Child"; "child of family".	<p data-bbox="490 435 801 568">"Child" means a person who would be treated as a child for the purposes of the Family Allowances Law.</p> <p data-bbox="490 571 801 978">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 Family Allowances Law as constituting a family; and references to a child of a person's family shall be construed accordingly.</p>
"Claim".	Construe in accordance with "claimant".
"Claimant" (in relation to contributions under Part I of this Law and to benefit under Part II or Part III of this Law).	<p data-bbox="490 1050 801 1233">A person whose right to be excepted from liability to pay, or to be credited with, a contribution, is in question; a person who has claimed benefit.</p> <p data-bbox="490 1241 801 1374">The expression includes, in relation to an award or decision, a beneficiary under the award or affected by the decision.</p>

Expression	Meaning
"Confinement".	See subsection (1) of section twenty-nine.
"Contract of service".	Any contract of service or apprenticeship, whether written or oral and whether expressed or implied.
"Contribution month".	One of the successive periods in a contribution year beginning on the first day of any calendar month and ending on the last day of that calendar month.
"Contribution quarter".	One of the successive periods in a contribution year comprising three consecutive contribution months and beginning on the first day of January, the first day of April, the first day of July and the first day of October in that year.
"Contribution week".	One of the successive periods in a contribution year beginning with the first day of that year and every seventh day thereafter; the last eight days of a contribution year (or in the case of a contribution year which is a leap year, the last nine days) to be treated accordingly as a separate contribution week.

Expression	Meaning
" Contribution year "	The period beginning on the first day of January in any year and ending on the following thirty-first day of December.
" Current "	For the time being in force.
" Day "	The period of twenty-four hours from midnight to midnight or such other period of twenty-four hours as may be prescribed.
" Day of incapacity for work "	} See section twenty-three.
" Day of interruption of employment "	
" Disablement questions "	See section eighty-six.
" Earnings "	See section three.
" Employed "	Construe in accordance with " employment " (except in the expression " employed person ").
" Employed person "	Except in Part III, construe in accordance with section one and regulations under that section; and in Part III, construe in accordance with section forty.
" Employed contributor's employment "	See subsection (3) of section one.
" Employment "	Includes any trade, business, profession, office or vocation.
" Entry into insurance "	In relation to any person, the date on which he becomes an insured person.

Expression	Meaning
"The Family Allowances Law".	The Family Allowances (Guernsey) Law, 1950(s).
"Guernsey".	Includes the Islands of Alderney, Herm and Jethou.
"The Guernsey Health Service Fund Allocation".	See section one hundred and one.
"The Guernsey Insurance Fund".	The fund established under the provisions of section forty-five of the Law of 1964.
"Hovercraft".	A vehicle which is designed to be supported when in motion wholly or partly by air expelled from the vehicle to form a cushion of which the boundaries include the ground, water or other surface beneath the vehicle.
"Incapable of self-support".	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".	Incapable of work by reason of some specific disease or bodily or mental disablement or deemed in accordance with regulations, to be so incapable.

Expression	Meaning
"Industrial injuries benefit".	Benefit under Part III, including widow's benefit and old age pension by virtue of section fifty-three or section fifty-four.
"Insurance card".	Sec subsection (7) of section one hundred and four.
"Insurance stamp".	See subsection (3) of section fifteen.
"Late husband".	A reference to a woman's late husband, in relation to a woman who has been more than once married, is to her last husband.
"The Law of 1964".	The Social Insurance (Guernsey) Law, 1964.
"Lower weekly earnings limit".	} See subsection (2) of section twenty.
"Lower monthly earnings limit".	
"The Medical Board".	Sec section eighty-seven.
"Medical examination".	Includes bacteriological and radiographical tests and similar investigations; and "medically examined" shall be construed accordingly.
"Medical practitioner".	A medical practitioner authorised to practice in Guernsey according to the law for the time being in force.
"Medical treatment".	Medical, surgical or rehabilitative treatment (including any course of diet or other regimen); and references to a person receiving or submitting himself to medical treatment shall be construed accordingly.

Expression	Meaning
"Non-employed person".	Construe in accordance with section one and regulations under that section.
"Ordinary Court".	The Royal Court sitting as an Ordinary Court.
"Pensionable age".	The age of sixty-five.
"Prescribed".	Prescribed by regulations.
"Regulations".	Regulations made by the Authority under this Law.
"Relevant accident".	In relation to any benefit, the accident in respect of which that benefit is claimed as payable.
"Relevant contribution conditions".	In relation to any benefit, the contribution conditions in respect of that benefit.
"Relevant earnings".	See subsection (4) of section six.
"Relevant injury".	In relation to any benefit, the injury in respect of which that benefit is claimed or payable.
"Relevant loss of faculty".	The loss of faculty resulting from the relevant injury.
"Relevant lower earnings limit".	The lower weekly earnings limit or the lower monthly earnings limit, as the case may be.
"Relevant upper earnings limit".	The upper weekly earnings limit or the upper monthly earnings limit, as the case may be.
"The Royal Court".	The Royal Court sitting as a Full Court.

Expression	Meaning
"School-leaving age".	For the purposes of this Law, a person shall be deemed to have attained (or not to have attained) school-leaving age if he would be treated as being over (or under) the upper limit of the compulsory school-age for the purposes of the Family Allowances Law.
"Self-employed person".	Construe in accordance with section one and regulations under that section.
"The States".	The States of Guernsey.
"The States' grant".	See subsection (1) of section seventeen.
"The Supplementary Family Allowances Law".	The Supplementary Family Allowances (Guernsey) Law, 1976(t).
"The Tribunal".	See subsection (1) of section eighty.
"Upper annual earnings limit (in relation to Class 2 contributions)".	See subsection (1) of section six.
"Upper weekly earnings limit".	} See subsection (1) of section five.
"Upper monthly earnings limit".	
"Week".	A period of seven days beginning with midnight between Sunday and Monday, except where the expression is otherwise defined.

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

(t) Ordres en Conseil, No. IX of 1976.