

Island of  Guernsey

Ordinance of the States

XVIII
1992

Made	29th July, 1992.
Came into operation	27th July, 1992.

The Social Insurance (Reciprocal Agreement with Great Britain, etc.) (Amendment) Ordinance, 1992

THE STATES, in exercise of the powers conferred upon them by sections 113 and 116(3) of the Social Insurance (Guernsey) Law, 1978, as amended(a), hereby order:-

Amendment to Reciprocal Agreement.

1. (1) The provisions set out in the Schedule to this Ordinance (being provisions contained in Letters exchanged between the Secretary of State for Social Security and the States of Guernsey Insurance Authority and dated respectively the 16th and 19th June, 1992) shall have full force and effect.

(a) Ordres en Conseil Vol.XXVI, p.292.

(2) The Social Insurance (Guernsey) Law, 1978, as amended and the Agreement on Social Security ("the Principal Agreement") set out in the Schedule to the Social Insurance (Reciprocal Agreement with Great Britain, Northern Ireland, the Isle of Man and the Island of Jersey) (Guernsey) Ordinance, 1979, as amended(b) shall have effect subject to such modifications as may be required for the purpose of giving effect to the said Letters.

Citation.

2. This Ordinance may be cited as the Social Insurance (Reciprocal Agreement with Great Britain, etc) (Amendment) Ordinance, 1992.

Commencement.

3. This Ordinance shall be deemed to have come into force on the 27th July, 1992.

(b) Recueil d'Ordonnances Tome XXI, p.194; and Tome XXII, pp.421 and 485.

SCHEDULE

AMENDMENTS TO THE PRINCIPAL AGREEMENT

" (a) In Article 1 of the Principal Agreement, after sub-paragraph (j) of paragraph (1) there shall be added the following sub-paragraph:

"(k) "attendance benefit" means, in relation to the United Kingdom or the Isle of Man, attendance or disability living allowance payable under the legislation of the United Kingdom or the Isle of Man, in relation to Jersey, attendance allowance payable under the legislation of Jersey and, in relation to Guernsey, attendance allowance payable under the legislation of Guernsey."

(b) In Article 17 of the Principal Agreement for paragraph (1) there shall be substituted the following paragraph:

"(1) Where, but for the provisions of this Article, old age benefit or widow's benefit would not be payable under the legislation of one country, such benefit shall be payable under the legislation of that country where such benefit would be so payable if the contributions paid by or credited to a

person under the legislation of the other two countries were treated as if they had been paid or credited under the legislation of the first country."

- (c) In Article 17 of the Principal Agreement, after paragraph (9) there shall be added the following paragraph:

"(10) For the purposes of this Article and in respect of a person who is or was married, any references to contributions paid by or credited to a person shall, where applicable under the legislation of the country concerned, be deemed to include contributions paid by or credited to that person's spouse or former spouse."

- (d) In Article 21(2) of the Principal Agreement, at the beginning there shall be inserted the words "Subject to paragraph (3),".

- (e) In Article 21 of the Principal Agreement, after paragraph (2) there shall be added the following paragraph:

"(3) The payment of any old age or widow's benefit under the legislation of the United Kingdom or the Isle of Man to a

person residing in Jersey or Guernsey shall be by whatever method the competent authority of the United Kingdom or the Isle of Man shall determine, except in the case of a person who is on 27 July 1992 residing in Jersey or Guernsey and is being paid any such a benefit by serial order under the legislation of either the United Kingdom or the Isle of Man."

- (f) For Part VI of the Principal Agreement there shall be substituted the following Part:

"PART VI

ATTENDANCE BENEFIT

ARTICLE 23

- (1) For the purpose of determining entitlement to attendance benefit under the legislation of any of the countries Party to this Agreement, any period of residence or presence, as the case may be, in one country of the person or persons in respect of whom the appropriate residence or presence conditions apply shall be treated as if it had been a period of residence or

presence, as the case may be, in any of the other countries.

(2) For the purpose of any right to receive attendance benefit under the legislation of any of the countries Party to this Agreement a person who is resident or present, as the case may be, in one country shall be treated as if he were resident or present, as the case may be, in any of the other countries.

(3) Where, but for the provisions of this paragraph, a person would be entitled to receive attendance benefit under the legislation of more than one of the countries Party to this Agreement for the same period he shall be entitled to receive payment only under the legislation of the country in which he is currently ordinarily resident."."

K. H. TOUGH,
Her Majesty's Greffier