

GUERNSEY STATUTORY INSTRUMENT

1971 - No. 25

The Social Insurance (Death Grant) (Guernsey)
Regulations, 1971

Made 7th June, 1971

Laid before the States 1971

Coming into Operation 7th June, 1971

THE STATES INSURANCE AUTHORITY, in exercise of the powers conferred upon it by sections five, eleven, twenty B, twenty-three, thirty-seven, forty-four, sixty-six, seventy-two and seventy-six of the Social Insurance (Guernsey) Law, 1964 and of all other powers enabling it in that behalf, hereby orders:-

Interpretation

1. (1) In these regulations, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:-

"contributions" means contributions under the Law;

"the Law" means the Social Insurance (Guernsey) Law, 1964;

and other expressions have the same meanings as in the Law.

(2) Except where the context otherwise requires, any reference in these regulations to any enactment or regulations shall be construed as including a reference to that enactment or those regulations, as the case may be, as amended, repealed, replaced or revoked by or under any other enactment or by any other regulations.

(3) The Interpretation (Guernsey) Law, 1948, shall apply to the interpretation of these regulations as it applies to the interpretation of a Guernsey enactment.

2. Children

Where the deceased was at death a child but the requirements of subsection (1) of section twenty B of the Law (which subsection specifies the persons by whom the contribution conditions for death grant may be satisfied) are not satisfied, a death grant shall, subject to the provisions of the Law, be payable in respect of the death of the deceased if the relevant contribution conditions are satisfied by either -

- (a) a parent (including a person who has adopted a child within the meaning of the Adoption (Guernsey) Law, 1960) of the deceased, notwithstanding

that the deceased was not at death a child of the family of that parent; or

- (b) a person who, immediately before the deceased's death, was entitled to an increase of benefit in respect of the deceased under section twenty-one of the Law (which relates to increases of benefit for children) or would have been so entitled had he then been entitled to any benefit of which that section provides an increase:

Provided that -

- (i) (subject to the next following paragraph of this proviso) the amount of a death grant payable by virtue of this regulation shall not exceed the amount of the deceased's funeral expenses;
- (ii) the foregoing paragraph of this proviso shall not apply if the deceased would have been a child of the family of a parent satisfying the relevant contribution conditions but for the provisions of subsection (3) of section twenty-two of the Family Allowances (Guernsey) Law, 1950 (which subsection makes it a condition of a child's being included in a family that the child is in Guernsey).

3. Deaths occurring outside Guernsey

Subject to the provisions of the Law and of these regulations, a death grant shall be payable in respect of a death occurring outside Guernsey if the conditions contained in any one of the following paragraphs are satisfied, namely:-

- (a) that the deceased immediately before death was, or but for any failure to make a claim would have been, entitled to sickness benefit; or
- (b) that the deceased immediately before death was, or but for any failure to make a claim would have been, entitled to widow's benefit or an old age pension, or would have been entitled to an old age pension had he not elected to be treated as not so entitled, or was a child in respect of whom a child's special

- allowance or a guardian's allowance was payable; or
- (c) that the deceased immediately before death was entitled to industrial disablement benefit under the Law; or
 - (d) that the deceased immediately before death was liable or entitled as the case may be, to pay contributions either under the provisions of paragraph (2) of regulation three or paragraph (2) of regulation five of the Social Insurance (Residence and Persons Abroad) (Guernsey) Regulations, 1964 (which provisions specify the circumstances in which contributions are payable by or in respect of persons for periods when they are outside Guernsey), and not less than forty-five contributions were paid by or credited to him in respect of a contribution year, being either the last complete contribution year before his death or the contribution year immediately preceding that year; or
 - (e) that the deceased immediately before death was either (i) employed as a mariner within the meaning of paragraph (2) of regulation one of the Social Insurance (Mariners) (Guernsey) Regulations, 1964, (other than a mariner excepted from insurance by paragraph (2) of regulation two of those regulations), or (ii) a person who (then being otherwise entitled to unemployment benefit, or then being so entitled but for any failure to make a claim) by virtue of the provisions of the said regulation was not disqualified for receiving any such benefit by reason of his absence from Guernsey; or
 - (f) that the deceased immediately before death was either the wife or husband or child (to whom the provisions of subsection (1) of section twenty B of the Law are applicable) of a person who, had he then died, would have satisfied the conditions contained in any one of the foregoing paragraphs, and such wife or husband or child, as the case may be, was then resident with that person, and for this purpose the expression "child of the family" contained in the said subsection (1) shall be deemed to include a child who would be included in that expression but for the provisions of subsection (3)

of section twenty-two of the Family Allowances (Guernsey) Law, 1950 (which subsection makes it a condition of a child's being included in a family that the child is in Guernsey); or

- (g) that the deceased immediately before death was ordinarily resident in Guernsey, and the death occurred within a period of thirteen weeks from the date when he last left Guernsey; or
- (h) that the deceased was a woman who immediately before death was residing in Guernsey with her husband, and he was then an insured person satisfying the relevant contribution conditions; or
- (i) that the deceased was a child who immediately before death was residing in Guernsey with an insured person by virtue of whose satisfaction of the relevant contribution conditions a death grant is payable in respect of the deceased's death; or
- (j) that the deceased died during or as the result of a confinement in respect of which she was not, or but for any failure to make a claim would not have been, disqualified for receiving maternity benefit (to which she was otherwise entitled) by reason of her absence from Guernsey.

4. Imprisonment and detention in legal custody

A person shall not be disqualified for receiving a death grant by reason of undergoing a period of imprisonment or detention in legal custody, but the payment of the grant shall be suspended during any such period:

Provided that the grant may nevertheless be paid during any such period to any person appointed by the Authority to receive and deal with any sum payable on behalf of the beneficiary on account of the grant, and the receipt of any person so appointed shall be a good discharge to the Authority and the Guernsey Insurance Fund for any sum so paid.

5. Partial satisfaction of contribution conditions, and reduced amount of death grant

(1) Where a death grant would be payable but for the fact that the relevant contribution conditions are not satisfied as respects the yearly average of contributions paid or credited, the grant shall nevertheless be payable in

accordance with the next succeeding paragraph, if the yearly average of contributions paid or credited is not less than ten.

(2) Where the full amount of the death grant under the Eighth Schedule to the Law is one of the amounts first set out in columns (2), (3), (4) and (5) of the Schedule to these regulations, then the grant shall be reduced to the amounts specified in the appropriate column of the Schedule which corresponds with the yearly average of contributions paid or credited as shown in column (1) of that Schedule.

6. Special credits to assist towards entitlement to a death grant

(1) Where a person became an insured person before the relevant day and would not otherwise satisfy the contribution conditions for entitlement to a death grant set out in sub-paragraph (1) of paragraph 5 of the Third Schedule to the Law, then, for the purposes of entitlement to such a grant, contributions at the appropriate class shall be credited for the period between the beginning of the contribution year last preceding that in which the relevant day occurs and the relevant day.

(2) For the purpose of calculating in relation to a claim to death grant the yearly average of the contributions paid by or credited to an insured person, a contribution of the appropriate class shall be credited to him for every contribution week during the relevant period.

(3) For the purpose of this regulation the expression "relevant period" shall mean -

(a) if the insured person attained the age of sixteen years on or after the relevant day, the period beginning with the beginning of the contribution year in which that person attained that age, and ending at that age;

(b) if the insured person attained the age of sixteen years before the relevant day, the period beginning with the beginning of the contribution year in which that day occurred and ending with that day.

7. Citation and commencement

These regulations may be cited as the Social Insurance (Death Grant) (Guernsey) Regulations, 1971, and shall come into operation on the seventh day of June, nineteen hundred and seventy-one.

Dated this seventh day of June, nineteen hundred and seventy-one.

E. H. BODMAN

President of the States Insurance Authority,
for and on behalf of the Authority.

SCHEDULE

Regulation five (2)

Showing reduced amount of death grant payable if the contribution conditions are not fully satisfied.

(1)	(2)	(3)	(4)	(5)
Yearly average of contributions paid or credited.	The age of deceased at death.			
	Over 18	Between 6 and 18	Between 3 and 6	Under 3
	Full amount of death grant payable under the Eighth Schedule to the Law.			
	£25.00	£18.75	£12.50	£7.50
	Reduced amount of death grant payable.			
30-44	£18.75	£14.15	£9.40	£5.65
10-29	£12.50	£9.40	£6.25	£3.75

EXPLANATORY NOTE.

(This Note is not part of the Regulations but is intended to indicate their general purport).

These Regulations contain miscellaneous provisions affecting death grants. They relate principally to the conditions to be satisfied for the payment of a death grant in respect of the death of a child (regulation 2); the circumstances in which death grants are payable where deaths occur outside Guernsey, or where the persons concerned are imprisoned or detained in legal custody (regulations 3 and 4). In addition, the Regulations make special provision for the adjustment of death grant where there is a deficient contribution record; they also permit the award of special credits to assist towards entitlement to a death grant (regulations 5 and 6).