

GUERNSEY STATUTORY INSTRUMENT

1971 No. 28

The Social Insurance (Contributions) (Amendment)
(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 subsection (6) of section two, subsection (4) of section four, section five, section seven, section sixty-seven and section seventy-seven of the Social Insurance (Guernsey) Law, 1964, as amended, and of all other powers enabling it in that behalf hereby orders:-

Amendments to the principal regulations.

1. Regulation four A of the Social Insurance (Contributions) (Guernsey) Regulations, 1964, as amended, (hereinafter referred to as "the principal regulations") is hereby repealed.
2. In sub-paragraph (d) of paragraph (3) of regulation five of the principal regulations, the words "not being ordinarily resident in Guernsey" are hereby repealed and the words "being absent from Guernsey" are hereby substituted therefor.
3. Regulation eight of the principal regulations is hereby amended as follows:-
 - (a) sub-paragraph (a) of paragraph (1) thereof is hereby repealed and the following sub-paragraph is hereby substituted therefor -

"(a) for the week in which the death of her husband occurs and -

 - (i) each of the thirteen succeeding weeks where the death of the husband occurred before the seventh day of June, nineteen hundred and seventy-one, or
 - (ii) each of the twenty-six succeeding weeks where the death of the husband occurs on or after the seventh day of June, nineteen hundred and seventy-one; and";
 - (b) paragraph (2) thereof is hereby repealed and the following paragraph is hereby substituted therefor -

" (2) A woman who is a non-employed person shall be entitled but shall not be liable to pay a contribution as a non-employed person for any week for the whole or any part of which -

(not being a widow's basic pension within the meaning of the Social Insurance (Pensions, Existing Beneficiaries and Other Persons) (Transitional) (Guernsey) Regulations, 1970,) is payable to her as the widow of her husband.";

(c) paragraph (3) thereof is hereby repealed and the following paragraph is hereby substituted therefor -

" (3) Subject to the provisions of paragraph (7) of this regulation, a woman who is a self-employed person may elect by notice in writing to the Authority not to be liable to pay a contribution as a self-employed person for any such week as is specified in paragraph (2) of this regulation or for any week for the whole or any part of which an old age pension by virtue of her husband's insurance (not being a contributory old age pension within the meaning of the last mentioned regulation) is payable to her as the widow of her husband or as a woman to whom paragraph (2) of regulation seven of the Social Insurance (Married Women) (Guernsey) Regulations, 1964, applies.";

(d) in paragraph (4) thereof -

(i) the words "to be liable only to pay contributions as respects limited medical benefit" are hereby repealed and the words "not to be liable to pay a contribution as a self-employed person" are hereby substituted therefor,

(ii) the words "to cease to be liable only to pay such contributions" are hereby repealed and the words "to be liable to pay contributions as a self-employed person" are hereby substituted therefor;

(e) in paragraph (5) thereof -

(i) the words "a retirement pension" are hereby repealed and the words "an old age pension" are hereby substituted therefor;

(ii) the figures "1964" are hereby repealed and the figures "1970" are hereby substituted therefor;

(iii) the words "or would be so payable but for the provisions of subsection (5) of section nineteen of the Law (which subsection relates to the reduction based on earnings of retirement pensions)" are hereby repealed;

(f) paragraph (6) thereof is hereby repealed and the following paragraphs are hereby substituted therefor -

" (6) Where a woman is entitled by virtue of subsection (1) of section ten of the Law to elect to pay contributions in accordance with the provisions of that section instead of at a rate in accordance with the provisions of sub-paragraph (i) of paragraph (a) of subsection (2) of section two of the Law, any election which she may have made for the purposes of paragraph (1) of regulation 1A of the Social Insurance (Married Women) (Guernsey) Regulations, 1964, and which had not been cancelled by her before the death of her husband shall be treated as an election for the purpose of the said section ten and she shall be deemed to have notified the Authority of that election at the beginning of the week in which the death of her husband occurs, unless she notifies the Authority that she does not wish so to elect.

(7) Where a woman entitled by virtue of paragraph (3) of this regulation to elect not to be liable to pay contributions as a self-employed person was, immediately before the death of her husband -

(a) an employed person who had made an election under paragraph (1) of regulation 1A of the Social Insurance (Married Women) (Guernsey) Regulations, 1964, and which had not been cancelled by her before the death of her husband, or

(b) a self-employed or non-employed person who had not elected under regulations 2 and 3 of the Social Insurance (Married Women) (Guernsey) Regulations, 1964, to be liable to pay contributions as a self-employed or non-employed person,

she shall be treated as if she had made an election under paragraph (3) of this regulation and she shall be deemed to have notified the Authority of that election at the beginning of the week in which the death of her

husband occurs, unless she notifies the Authority that she wishes to be liable to pay contributions."

4. Immediately after regulation nine of the principal regulations there are hereby inserted the following additional regulations numbered "9A" and "9B"-

"Insured woman who have been confined

9A(1) An insured woman shall be excepted from liability to pay a contribution as a self-employed person or a non-employed person for any week in which she is confined, and for each of the three succeeding weeks, and subject to the provisions of paragraph (1) of regulation eleven of these regulations if one of the following conditions is satisfied, a contribution shall be credited to her for that week as follows, provided a contribution as an employed person is not payable for that week:-

- (a) if not less than twenty-six contributions as an employed person have been paid by or credited to the insured woman in respect of the last complete contribution year before the benefit year which includes the date of the confinement, a contribution as an employed person;
- (b) if not less than twenty-six contributions, whether as an employed or self-employed person, have been paid by or credited to the insured woman in respect of the last complete contribution year before the benefit year which includes the date of the confinement, a contribution as a self-employed person.

(2) A woman who, but for the provisions of the foregoing paragraph, would be liable to pay a contribution as a self-employed or a non-employed person for any week and to whom a contribution is not to be credited for that week in accordance with those provisions may, if she so desires, pay for that week the contribution which, but for the said provisions, she would be liable to pay.

Maternity Allowance

9B An insured woman shall be excepted from liability to pay a contribution under the Law for any week in respect of which a maternity allowance is payable to her, and a contribution shall be credited to her for that week as follows:-

(a) if not less than twenty-six contributions as an employed person were paid by or credited to her in respect of the fifty-two weeks in respect of which the contribution conditions for the allowance (being either the relevant contribution conditions or those conditions as modified by regulations in their application to cases falling within subsection (6) of section fifteen B of the Law) were required to have been satisfied, a contribution as an employed person;

(b) in any other case, a contribution as a self-employed person."

5. In paragraph (1) of regulation eleven of the principal regulations -

(a) immediately after the words "regulation three" there are hereby inserted the words "or regulation nine A";

(b) immediately after the words "regulation three" in the proviso thereto there are hereby inserted the words "and where a person has claimed maternity benefit such claim shall be sufficient notice for the purposes of regulation nine A".

6. In regulation twelve of the principal regulations -

(a) in sub-paragraph (b) of paragraph (1) thereof, immediately after the words "such entry" there are hereby inserted the words -
"and shall not be taken into account for the purposes of maternity allowance.";

(b) immediately after paragraph (2) thereof there is hereby inserted the following additional paragraph numbered "3" -

" (3) Where a person became an insured person before the seventh day of June, nineteen hundred and seventy-one, and would not otherwise satisfy the contribution conditions for entitlement to a maternity

grant set out in sub-paragraph (1) of paragraph 2 of the Third Schedule to the Law, then, for the purposes of entitlement to such a grant, contributions as an employed person shall be credited for the period between the beginning of the contribution year last preceding that in which the seventh day of June, nineteen hundred and seventy-one occurs and the seventh day of June, nineteen hundred and seventy-one."

7. In regulation fourteen of the principal regulations -

- (a) in paragraph (3) thereof, immediately following the words "guardian's allowance" there are hereby inserted the following comma and words ", child's special allowance";
- (b) immediately after sub-paragraph (b) of paragraph (4) thereof, there is hereby inserted the following additional sub-paragraph lettered "(c)" -
"(c) any payment by way of maternity allowance under section fifteen B of the Law;"

8. In paragraph (1) of regulation seventeen of the principal regulations, immediately after the word "regulations" where that word first occurs there are hereby inserted the following additional words and comma -

"or under any regulations which provide for treating contributions as a non-employed person as equivalent to contributions of the appropriate class for the purpose of a maternity allowance,".

9. Immediately after regulation twenty-four of the principal regulations there is hereby inserted the following additional regulation numbered "24A" -

"Treatment for the purpose of maternity benefit of late-paid contributions

24A(1) For the purpose of any rights to maternity allowance, a contribution under the Law paid after the date shall be treated -

- (a) if paid before the expiry of the maternity allowance period or the period of four weeks after the date on which the claim for allowance is made (whichever period ends later), as paid on the due date;
- (b) if paid after the expiry of whichever of the said periods ends later, as not paid;

and for the purposes of this paragraph, the expression "the maternity allowance period" means the period mentioned in subsection (2) of section fifteen B of the Law or, in a case in relation to which that subsection is modified in accordance with regulations made under subsection (6) of the said section, the period mentioned in the said subsection (2), as so modified.

(2) For the purpose of any right to a maternity grant, a contribution under the Law paid after the due date shall be treated -

(a) if paid before the expiry of the period of three months after the date of confinement, as paid on the due date;

(b) if paid after the expiry of the said period of three months, as not paid."

10. In regulation twenty-five of the principal regulations -

(a) in the heading thereof, the words "retirement pension" are hereby repealed and the comma and words ", old age pension or child's special allowance" are hereby substituted therefor;

(b) in paragraph (1) thereof, the words "or to a retirement pension" are hereby repealed and the comma and words ", to an old age pension or to a child's special allowance" are hereby substituted therefor.

11. In regulation twenty-six of the principal regulations, the words "retirement pension" wherever those words occur in the heading to the said regulation and in that regulation are hereby repealed and the words "old age pension" are hereby substituted therefor.

12. Immediately after regulation twenty-six of the principal regulations there is hereby added the following new regulation numbered "26A":-

"Treatment for the purpose of death grant of late paid contributions

26A(1) For the purpose of any right to a death grant, a contribution under the Law paid after the due date shall, subject to the provisions of the next following paragraph, be treated as not paid if -

(a) the grant is claimed in respect of the death of the relevant person and the contribution is paid after the date of that death;

- (b) the grant is claimed in respect of the death of a person dying during the life time of the relevant person and the contribution is paid after the date of such death;
- (c) the relevant person has predeceased the person in respect of whose death the grant is claimed and the contribution (not being a contribution which by virtue of paragraph (2) of regulation twenty-five of these regulations has been treated as paid on the due date for the purpose of a claim for widow's benefit, old age pension or a child's special allowance) is paid after the date of the death of the relevant person;

and in any other case shall, subject as aforesaid, be treated as paid on the due date.

(2) For the purpose aforesaid and notwithstanding the provisions of the last foregoing paragraph, in determining whether the relevant contribution conditions are satisfied in whole or in part as respects the yearly average of contributions paid or credited to any person -

(a) a contribution under the Law paid after the due date and before the relevant time shall be treated -

- (i) if paid before the end of the sixth contribution year following the contribution year which includes the contribution week in respect of which it is payable, as paid on the due date;
- (ii) if paid at any other time, as not paid;

(b) a contribution under the Law paid after the due date and after the relevant time, being a contribution payable in respect of any week in the contribution year immediately preceding the contribution year which includes the relevant time, shall be treated as paid on the due date.

(3) In this regulation, the expressions "relevant person" and "relevant time" have the same meanings as in paragraph 5 of the Third Schedule to the Law."

13. In paragraph (2) of regulation twenty-seven of the principal regulations the words "or to a retirement pension" are hereby repealed and the comma and words ", to an old age pension or to child's special allowance" are hereby substituted therefor.

14. Regulation twenty-nine of the principal regulations is hereby repealed.

Repeals

15. The Social Insurance (Contributions) (Amendment) (Guernsey) Regulations, 1968, and paragraph (1) of regulation two of the Social Insurance (Contributions) (Amendment) (Guernsey) Regulations, 1970, are hereby repealed.

Citation and Commencement.

16.(1) These regulations may be cited as the Social Insurance (Contributions) (Amendment) (Guernsey) Regulations, 1971, and these regulations and the Social Insurance (Contributions) (Guernsey) Regulations, 1964 to 1970, may be cited together as the Social Insurance (Contributions) (Guernsey) Regulations, 1964 to 1971.

(2) These regulations 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.

EXPLANATORY NOTE

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

These Regulations amend the Social Insurance (Contributions) (Guernsey) Regulations, 1964 to 1970. Principally they prescribe the circumstances in which a widow may be treated as having made an election to pay a reduced rate of contribution as an employed person or not to pay a contribution as a self-employed person (regulation 3 (f)); the circumstances in which women who have been confined shall be excepted from liability to pay contributions (regulation 4); the treatment of late-paid contributions for the purpose of maternity benefit and death grant (regulations 9 and 11). The remaining

provisions are minor in character and are consequential upon the changes brought about in the Social Insurance (Guernsey) Law, 1964, by the introduction of the Social Insurance (Amendment)(Guernsey), Law, 1971.