

GUERNSEY STATUTORY INSTRUMENT

1971 No. 30

The Social Insurance ( Married Women ) (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 section sixty-five and section seventy-seven of the Social Insurance (Guernsey) Law, 1964, as amended, and all other powers enabling it in that behalf, hereby orders:-

Amendment to regulation one A of the principal regulations.

1. Regulation one A of the Social Insurance (Married Women) (Guernsey) Regulations, 1964 (hereinafter referred to as "the principal regulations") is hereby repealed and the following regulation is hereby substituted therefor:-

"Married women who are employed persons.

1A (1) A woman may, for any period during which she is married, elect not to be, and thereafter (subject to the provisions of paragraph (2) of this regulation) shall not be, liable to pay a contribution under paragraph (a) of subsection (2) of section two of the Law in respect of any employment as an employed person.

(2) A married woman who has elected under the preceding paragraph not to be liable to pay a contribution under paragraph (a) of subsection (2) of section two of the Law shall nevertheless in respect of each week for which a contribution as an employed person would otherwise be payable be liable to pay a contribution of three new pence:

Provided that where a married woman has not attained the age of eighteen years, the weekly rate of contribution which she shall be liable to pay by virtue of this paragraph shall be one new penny.

(3) Nothing in this regulation shall relieve an employer of any liability imposed on him by the Law in relation to employer's contributions.

(4) A married woman to whom paragraph (2) of this regulation applies shall not, by virtue of the payment of any contributions under that paragraph, be entitled to any benefits in pursuance of the provisions of the Law other than sickness benefit, industrial disablement benefit and industrial medical benefit in respect of personal

injury caused by accident arising out of and in the course of her employment.

(5) Any contributions paid in accordance with the provisions of paragraph (2) of this regulation shall not, for the purpose of the Law, be treated as contributions of the appropriate class.

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

(7)(a) Any election by a married woman under the provisions of paragraph (1) of this regulation may be made by her at any time by giving notice in writing to the Authority to that effect, and the election shall be operative from the beginning of the week next but one following the week in which the notice was given or from such earlier date as the Authority may allow.

(b) Any election as aforesaid by a married woman may be cancelled by her at any time by giving notice to the Authority to that effect, and such cancellation shall be operative from the beginning of the week next but one following the week in which the notice was given or from such earlier date as the Authority may allow: Provided that such cancellation shall be without prejudice to the right of the person concerned again to make an election as aforesaid from time to time.

(8)(a) A married woman who, by virtue of paragraph (1) of this regulation, has elected not to pay contributions under paragraph (a) of subsection (2) of section two of this Law, and who is at the time of the election in an employed contributor's employment or thereafter enters such employment, shall, at that time or at the commencement of the subsequent employment, as the case may be, make application to the Authority for a certificate of such election,

which shall be issued to her by the Authority on any such application, and the married woman shall produce such certificate to her employer forthwith.

- (b) If a married woman cancels any such election in accordance with the provisions of this regulation, she shall surrender the certificate issued to her under the provisions of the last preceding sub-paragraph to the Authority at the time of the cancellation; and forthwith notify her employer of the cancellation.

(9) Where a married woman has cancelled her election not to pay contributions under paragraph (a) of subsection (2) of section two of this Law, any such contributions paid by or credited to her as an employed person (or, if she becomes self-employed, as a self-employed person) on or after the date on which the cancellation becomes operative shall not be taken into account for the purpose of determining her right to unemployment benefit or sickness benefit under the Law (other than any sickness benefit to which she may be entitled by virtue of section thirty-one of the Law) unless, before the day for which benefit is claimed, in the case of unemployment benefit, Condition I of the Schedule to these regulations has been satisfied, and, in the case of sickness benefit, Condition II of that Schedule has been satisfied, and unless in either case the contributions so paid or credited are in respect of weeks commencing on or after the operative date of the said cancellation."

Amendments to regulation two of the principal regulations.

2.(1) Paragraphs (1) and (2) of regulation two of the principal regulations are hereby repealed and the following paragraphs are hereby substituted therefor:-

" (1) A woman shall be excepted from liability to pay contributions in respect of any period during which she is married and is a self-employed person unless during that period she elects otherwise in accordance with the following provisions of this regulation.

(2) Every such election by a married woman shall be either an election to be liable to pay contributions as a self-employed person or an election to be liable to pay contributions as if she were a non-employed person notwithstanding that she is a self-employed person,

and a woman who makes any such election shall, during the operation of the election but subject to the provisions of the Law, be liable to pay the contributions which she has elected to be liable to pay."

(2) Paragraph (3) of the said regulation two is hereby repealed.

(3) In paragraph (4) of the said regulation two the words "the foregoing provisions" are hereby repealed and the words "the provisions of paragraphs (1) and (2)" are hereby substituted therefor.

(4) Immediately after paragraph (5) of the said regulation two there is hereby inserted the following additional paragraph numbered "(6)" :-

" (6) Where a married woman did not elect to pay contributions as a self-employed person under the Law, or elected to pay contributions as if she were a non-employed person, and subsequently elects to pay contributions as a self-employed person, any contributions paid by or credited to her as a self-employed person (or, if she becomes employed, as an employed person) on or after the date on which such latter election became operative shall not be taken into account for the purpose of determining her right to sickness benefit under the Law unless, before the day for which benefit is claimed, Condition II of the Schedule to these regulations has been satisfied, and unless the contributions so paid or credited are in respect of weeks commencing on or after the operative date of such election."

Amendments to regulation three of the principal regulations.

3. Regulation three of the principal regulations is hereby amended as follows:-

- (a) immediately after the word "woman" in paragraph (1) thereof where that word first occurs there are hereby inserted the brackets and words "(other than a woman who has elected to be treated as if she were not entitled to an old age pension under the provisions of subsection (2) of section nineteen of the Law)";
- (b) the following commas and words in paragraph (1) thereof are hereby repealed ", being a woman who satisfies the conditions set out in regulation four of these regulations,";
- (c) immediately after paragraph (4) thereof there is hereby inserted the following additional paragraph numbered "(5)" -

" (5) Where a married woman, being a person who as a non-employed person did not elect to pay contributions under the Law, subsequently pays, or has credited to her, contributions either as an employed or self-employed person, any such contributions shall not be taken into account for the purpose of determining her right to unemployment or sickness benefit, unless before the day for which benefit is claimed, in the case of unemployment benefit, Condition I of the Schedule to these regulations has been satisfied, and, in the case of sickness benefit, Condition II of that Schedule has been satisfied, in either case in respect of weeks to which the said subsequent payment or crediting of contributions relates."

Amendments to regulation six and regulation seven of the principal regulations.

4. In regulation six and regulation seven (including the headings thereto) of the principal regulations the words "retirement pensions" and "a retirement pension" wherever those words occur are hereby repealed and the words "old age pensions" and "an old age pension" are hereby respectively substituted therefor.

Amendments to regulation eight of the principal regulations.

5. Regulation eight of the principal regulations is hereby amended as follows:-

- (a) in paragraph (1) thereof the words "a retirement pension" are hereby repealed and the words "an old age pension" are hereby substituted therefor;
- (b) in paragraph (b) thereof the words "retirement pension" are hereby repealed and the words "an old age pension" are hereby substituted therefor;
- (c) in paragraph (2) thereof the words and brackets "(or would have been payable apart from the provisions of the said subsection (4) of section sixteen of the Law)" are hereby repealed.

Amendment to regulation nine of the principal regulations.

6. Regulation nine of the principal regulations is hereby repealed and the

following regulation is hereby substituted therefor:-

"Special provision relating to old age pensions for widows entitled to widow's benefit.

9. Where a woman is entitled to widow's benefit (other than widow's basic pension or widow's preserved pension) immediately before she attains pensionable age or would be so entitled but for one or more of the following causes:

- (i) her imprisonment or detention in legal custody,
  - (ii) her cohabitation with a man as his wife,
  - (iii) the operation of regulations made under section thirty-eight of the Law,
  - (iv) failure to make or delay in making a claim to such benefit,
- she shall be deemed to have satisfied, as respects the one hundred and fifty-six contributions required to have been paid, the contribution conditions for an old age pension."

Amendment to regulation ten of the principal regulations.

7. Regulation ten of the principal regulations is hereby repealed and the following regulation is hereby substituted therefor -

- "10. The question whether a married woman is subject to any of the disqualifications for unemployment benefit contained in subsection (2) of section fourteen of the Law shall be determined on the same basis as that applicable to a single woman."

Schedule to the principal regulations.

8. The Schedule contained in the Schedule to these regulations is hereby inserted as a Schedule to the principal regulations.

Repeals.

- 9.(1) Regulations four and thirteen of the principal regulations are hereby repealed.
- (2) The Social Insurance (Married Women) (Amendment) (Guernsey) Regulations, 1968, the Social Insurance (Women Seasonal Workers) (Guernsey) Regulations, 1964, and the Social Insurance (Women Seasonal Workers) (Amendment) (Guernsey) Regulations, 1966, are hereby repealed.

Citation and commencement.

10. These regulations may be cited as the Social Insurance (Married Women) (Amendment) (Guernsey) Regulations, 1971, and these regulations and the Social Insurance (Married Women) (Guernsey) Regulations, 1964 and 1967, may be cited together as the Social Insurance (Married Women) (Guernsey) Regulations, 1964 to 1971, and shall come into operation of 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 eight
"	SCHEDULE	Regulations one A, two and three
	Condition I (relating to unemployment benefit).	

That not less than fifty-two contributions as an employed person, whether or not in respect of continuous weeks, have been paid by or credited to a married woman, of which at least twenty-six were paid contributions.

Condition II  
(relating to sickness benefit).

That not less than fifty-two contributions, whether as an employed person or a self-employed person and whether or not in respect of continuous weeks, have been ~~paid by or credited~~ to a married woman, of which at least twenty-six were paid contributions.

EXPLANATORY NOTE.

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

These Regulations amend the Social Insurance (Married Women) (Guernsey) Regulations, 1964 and 1967. They provide that employed married women may elect to pay a reduced rate of contribution and they remove the condition to be satisfied by self-employed and non-employed married women who wish to pay contributions. They also prescribe conditions to be satisfied before contributions can be taken into account for benefit purposes following a period during which contributions

have not been paid. The Regulations take account of the substitution of old age pension for retirement pensions under the Social Insurance (Guernsey) Law, 1964 as amended, and provide that unemployment benefit for a married woman will be subject to the same conditions as for a single woman.