

GUERNSEY STATUTORY INSTRUMENT

1971 - No. 42

The Social Insurance (Residence and Persons Abroad)  
(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 one, section thirty-seven, section sixty-six 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:-

Amendment to regulation three of the principal regulations.

1. Regulation three of the Social Insurance (Residence and Persons Abroad) (Guernsey) Regulations, 1964 (hereafter in these regulations referred to as "the principal regulations") is hereby amended as follows:-

- (a) in item (ii) of sub-paragraph (b) of paragraph (2) thereof the words "not retired from regular employment" are hereby repealed and the words "elected to be treated as if he were not entitled to an old age pension" are hereby substituted therefor;
- (b) in paragraph (3) thereof the words "retires from regular employment" are hereby repealed and the words "becomes entitled to an old age pension" are hereby substituted therefor.

Amendment to regulation five of the principal regulations.

2. Paragraph (3) of regulation five of the principal regulations is hereby amended as follows:-

- (a) the words "the provisions of paragraph (5) of this paragraph" are hereby repealed and the words "the provisions of paragraph (5) of this regulation" are hereby substituted therefor;
- (b) the words "sub-paragraph (ii) of either paragraph (a), paragraph (c) or paragraph (d) of subsection (2) of section two, section nine or section ten of the Law" are hereby repealed and the words "section ten of the Law or any contributions at a reduced rate paid under any

regulations made under section sixty-five of the Law." are hereby substituted therefor.

Repeal of regulations seven and eight of the principal regulations.

3. Regulation seven and regulation eight of the principal regulations are hereby repealed and the following heading and regulations numbered seven, eight and eight A are hereby substituted therefor -

"Modifications of the Law in relation to payment of benefit abroad.

7. The following provisions shall apply in relation to the payment of benefit to or in respect of persons absent from Guernsey:-

(a) a person shall not be disqualified for receiving sickness benefit or maternity allowance -

(i) by reason of being temporarily absent from Guernsey (being in the United Kingdom, the Isle of Man or one of the Channel Islands other than Guernsey) during the period of six months from the date on which such absence commences; or

(ii) by reason of being temporarily absent from Guernsey for the specific purpose of being treated for incapacity which commenced before he left Guernsey, during such period as the Authority may allow, having regard to the particular circumstances of the case;

(b) a person shall not, during such period as the Authority may allow, be disqualified for receiving sickness benefit by reason of being temporarily absent from Guernsey if -

(i) on the day on which the absence began he was, and had for the past six months, continuously been incapable of work; and

(ii) on the day for which benefit is claimed he has been continuously so incapable since the absence began;

- (c) a person shall not be disqualified for receiving widow's benefit, a child's special allowance, a death grant, a guardian's allowance, industrial disablement benefit or an old age pension by reason of being absent from Guernsey;
- (d) a husband or wife shall not be disqualified for receiving any increase (where payable) of benefit in respect of his or her spouse by reason of the spouse being absent from Guernsey, provided the spouse is residing with the husband or wife, as the case may be;
- (e) a person shall not be disqualified for receiving limited medical benefit by reason of being temporarily absent from Guernsey for the specific purpose of being treated for incapacity, due to injury caused by accident which he sustained before he left Guernsey, during such period as the Authority may allow, having regard to the particular circumstances of the case;
- (f) a person shall not be disqualified for receiving industrial medical benefit -
  - (i) by reason of being temporarily absent from Guernsey for the specific purpose of being treated for incapacity due to personal injury caused by accident arising out of and in the course of his employment which he sustained before he left Guernsey;
  - (ii) if he is a person to whom the provisions of paragraph (2) of regulation three of these regulations apply; during such period as the Authority may allow, having regard to the particular circumstances of the case.

8.(1) Subject to the provisions of this regulation, a woman shall not be disentitled to a maternity grant by reason of the fact that on the date of the confinement she is -

- (a) in the United Kingdom or the Isle of Man; or

(b) elsewhere outside Guernsey, if

(i) not less than forty-five contributions of the appropriate class have been paid by, or credited to, the relevant person in respect of the last complete contribution year before the relevant time, and

(ii) before the week in which the confinement occurs the condition contained in paragraph (3) of regulation five (and, where applicable, the provisions of paragraph (5) of that regulation) are satisfied by the relevant person;

and any such woman shall, in addition, not be disqualified for receiving a maternity grant by reason of her being absent from Guernsey.

For the purposes of this paragraph the expression "relevant person" means the person by whom the contribution conditions are to be satisfied; and the expression "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.

(2) The provisions of sub-paragraph (b) of the foregoing paragraph shall not apply -

(a) to a maternity grant payable to a woman by virtue only of her husband's insurance, unless at the time of the confinement she is residing with her husband, or, if he is dead, unless she was residing with him at the time of his death; or

(b) to a maternity grant in respect of expectation of a woman's confinement.

8A. A travelling allowance grant shall be payable notwithstanding that the insured person referred to in subsection (1) of section twenty (C) of the Law is absent from Guernsey.

Citation and commencement.

4. (1) These regulations may be cited as the Social Insurance (Residence and Persons Abroad) (Amendment) (Guernsey) Regulations, 1971, and these regulations and the principal regulations may together be cited as the Social Insurance (Residence and Persons Abroad) (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 are consequential upon the coming into operation of the Social Insurance (Amendment) (Guernsey) Law, 1971.