

GUERNSEY STATUTORY INSTRUMENT

1971 No. 64

The Social Insurance (Pensions, Existing Beneficiaries and
Other Persons) (Transitional) (Guernsey) Regulations, 1971.

Made	1971
Laid before the States	1971
Coming into Operation	6th December, 1971

THE STATES INSURANCE AUTHORITY, in exercise of the powers conferred upon it by sections seventy-two and seventy-seven of the Social Insurance (Guernsey) Law, 1964, as amended, and of all other powers enabling it in that behalf, hereby orders:-

PART I

Interpretation

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:-

"the Contributory Pensions Laws", means the Contributory Pensions (Guernsey) Laws, 1935 to 1962;

"existing old age pensioner" means an existing beneficiary who immediately before the appointed day was entitled to an existing old age pension;

"existing old age pension" means an old age pension payable under or by virtue of the Contributory Pensions Laws;

"existing widow pensioner" means an existing beneficiary being a woman, who immediately before the appointed day was, or but for any disqualification would have been, entitled to a widow's pension under or by virtue of the Contributory Pensions Laws;

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

"the Law of 1947" means the Benefits and Pensions (Contributory and Non-Contributory) Amendment, Law, 1947;

"old age pension" means an old age pension payable under or by virtue of the Law;

"the Ordinance of 1962" means the Contributory Pensions (Increased Rates of Contributions and Benefits) Ordinance, 1962;

"the relevant day" means the sixth day of December, nineteen hundred and seventy-one;

and any 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be construed as including a reference to that enactment or those regulations, as the case may be, as amended, extended, repealed, replaced, or revoked by or under any other enactment or by any other regulations.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.

PART II

General

Modification of the Law in its application to existing beneficiaries.

2. In relation to existing beneficiaries who immediately before the appointed day were, or but for any disqualification would have been, entitled to a pension under or by virtue of the Contributory Pensions Laws, or then would have had, otherwise than as existing contributors, any prospective right to or expectation of a pension or allowance under or by virtue of those Laws, the provisions of the Law and any Ordinances and regulations for the time being in force thereunder shall have full force and effect subject to the modifications contained in these regulations.

Description of additional benefits to be included in benefit under the Law.

3.(1) Subject to the succeeding provisions of these regulations, there shall be included in the description of benefit under the Law, benefit of the following descriptions:-

- (a) widow's basic pension;
- (b) widow's preserved pension;
- (c) contributory old age pension;
- (d) child's allowance.

(2) Subject as aforesaid, for the purposes of the provisions of the Law and any Ordinances and regulations in force thereunder, a widow's basic pension and a widow's preserved pension shall be so treated as widow's benefit and a contributory old age pension shall be treated as an old age pension:

Provided that a widow's basic pension and a widow's preserved pension shall not be so treated for the purposes of the provisions of section ten of the Law (which relates to widows who are employed persons), of paragraph (c) of subsection (3) of section sixteen thereof (which relates to widow's benefit), of paragraph (a) of subsection (1), subsection (2) and paragraph (a) of subsection (3) of section seventeen thereof (which relates to widow's pensions in special cases), and subsection (3) of section forty-four thereof (which relates to claims and notices).

(3) Notwithstanding the provisions of the Proviso to the last preceding paragraph and of paragraph (2) and paragraph (3) of regulation eight of the Social Insurance (Contributions) (Guernsey) Regulations, 1964, an existing widow pensioner who before the appointed day had attained the age of 50 years and who on or after that day became or becomes entitled to a widow's basic pension shall, for the purpose of determining her liability or entitlement to pay a contribution in any week, be deemed to be entitled to widow's benefit in respect of that week if it is a week in respect of which she is or, but for any disqualification, would be, entitled to a widow's basic pension.

PART III

Provisions relating to existing beneficiaries

4. The following provisions of this Part of these regulations shall have effect subject to the provisions of regulation nineteen of these regulations.

Certain existing widow pensioners under the Contributory Pensions Laws to be entitled to widowed mother's allowance, widows' pensions, etc.

5.(1) Subject to the provisions of the Law and of these regulations, an existing widow pensioner who, immediately before the appointed day, was ordinarily resident in Guernsey shall be entitled to a widowed mother's allowance for any period for which -

(a) she has a family which includes a child -

(i) in respect of whom immediately before the appointed day an additional allowance under section nine of the Ordinance of 1962, was payable by virtue of her husband's insurance, or,

(ii) who -

(aa) at the husband's death was, or could have been treated under paragraph 3 of the Schedule to the Family Allowances (Guernsey) Law, 1950, as a child of his family; or

(bb) is a son or daughter of theirs; or

(cc) having at the death of a previous husband of hers by marriage which ended with that husband's death been a child of that husband's family, was at the death of the last husband a child of her family;

and who, if for the time being included in her family only by virtue of her contributing to the cost of providing for him, is so included by virtue of her so contributing at the rate of two pounds and fifty new pence a week or more;

(b) subject to the exception and condition prescribed in regulation three of the Social Insurance (Widow's Benefit and Old Age Pensions) (Guernsey) Regulations, 1971, while not having such a family as aforesaid, she has residing with her a person who is under the age of eighteen years and is, has been, or would, but for the fact that at the husband's death that person was not in Guernsey, be or have been, a child falling within paragraph (i) or within sub-paragraph (aa), (bb) or (cc) of paragraph (ii) or sub-paragraph (a) of this paragraph.

(2) Subject as aforesaid, an existing widow pensioner who immediately before the appointed day was ordinarily resident in Guernsey and who on that day had not attained pensionable age and was by reason of any infirmity incapable of self-support shall as from that day be entitled to a widow's pension for any period before she attains pensionable age during which she is incapable of self-support by reason of that infirmity and is not entitled to a widowed mother's allowance.

(3) Subject as aforesaid, an existing widow pensioner, who immediately before the appointed day was ordinarily resident in Guernsey and who on that day had not attained pensionable age but had attained the age of 50 years, shall as from that day be entitled to a widow's pension if immediately before that day she was entitled, in accordance with the provisions of paragraphs (c), (d) and (f) of sub-section (1) of section seven of the Ordinance of 1962; to a widow's pension of forty shillings.

(4) An existing widow pensioner to whom any of the preceding provisions of this regulation applies shall, if she is entitled to a widow's pension immediately before attaining pensionable age, as from the day on which she attains that age be entitled to an old age pension of five pounds.

(5) An existing widow pensioner to whom the provisions of paragraph (1) of this regulation applies shall, if she ceases on or after the day on which she attains pensionable age to be entitled to a widowed mother's allowance, be deemed to satisfy the conditions contained in paragraph (4) of the Third Schedule to the Law:

Provided that such a widow shall not be entitled to make an election under the provisions of subsection (2) of section nineteen of the Law (which relates to old age pensions).

(6) For the purposes of section seventeen of the Law (which section relates to widows' pensions in special cases) a widow's pension which is payable by virtue of paragraph (2) of this regulation shall be treated as if it were a pension payable by virtue of subsection (2) of that section, and the provisions of that section and of section twenty of the Law (which section relates to special provisions as to women) shall, subject to the provisions of these regulations, apply to a widow to whom a widowed mother's allowance or a widow's pension is payable by virtue of this regulation as if her husband had satisfied the relevant contribution conditions:

Provided that -

- (a) for the purpose of applying the provisions of subsections (1) and (2) of the said section seventeen to any such widow, she shall be treated as if she were a widow in relation to whom the conditions of paragraph (c) of subsection (1) of section sixteen of the Law (which paragraph relates to the conditions for widow's pension) were not satisfied;
- (b) for the purpose of applying the provisions of subsection (1) of the said section twenty to an existing widow pensioner who had attained pensionable age on the appointed day, and who ceases to be entitled to a widowed mother's allowance payable to her by virtue of this regulation, she shall be treated as if she were a widow who was immediately before attaining pensionable age entitled to widow's benefit in respect of the death of her husband.

Conversion of widow's pension under the Contributory Pensions Laws into widow's basic pension, widow's preserved pension, contributory old age pension or old age pension in certain cases.

6.(1) An existing widow pensioner who on the appointed day had attained the age of seventy years and was ordinarily resident in Guernsey immediately before that day shall be entitled to an old age pension of five pounds.

(2) Subject to the provisions of the Law and of these regulations, an existing widow pensioner who was below the age of seventy years on the appointed day and who immediately before that day was ordinarily resident in Guernsey, and who was not entitled on that day to a widowed mother's allowance or to a widow's pension in accordance with the provisions of the last preceding regulation, shall be entitled -

- (a) if on that day she had attained pensionable age and if immediately before that day she was entitled in accordance with the provisions of paragraph (a) of subsection (1) of section seven of the Ordinance of 1962, to a widow's pension of forty shillings, to an old age pension of five pounds; or
- (b) if immediately before that day she was entitled to a widow's pension payable in accordance with the provisions of either Article XV or Article XIX of the Contributory Pensions Law, 1955, as amended, to a widow's basic pension of -

(i) if on that day she had not attained the age of sixty years, one pound and sixty-five new pence until she attains that age and thereafter two pounds and fifty-five new pence, or

(ii) if she had attained the age of sixty years on that day, two pounds and fifty-five new pence.

(3) Subject as aforesaid, the widow's basic pension of a widow to whom sub-paragraph (b) of the last preceding paragraph applies shall cease to be payable:-

(a) when she attains pensionable age if she satisfies the following conditions, that is to say -

(i) on or before the appointed day she had attained the age of fifty years, and

(ii) immediately before the appointed day she was ordinarily resident in Guernsey, and

(iii) that at her husband's death both he and she had been married for not less than three years,

in which event she shall be entitled to an old age pension of five pounds; or

(b) in any other case, when she attains the age of seventy years, in which event she shall receive a contributory old age pension of two pounds and fifty-five new pence.

(4) Subject as aforesaid, where an existing widow pensioner who on the appointed day or at any time thereafter is entitled in accordance with the provisions of the foregoing regulation -

(a) to a widowed mother's allowance, ceases to be so entitled and does not then become entitled to a widow's pension or an old age pension; or

(b) to a widow's pension, ceases to be so entitled and does not then become entitled to a widowed mother's allowance or an old age pension;

she shall be entitled to a widow's basic pension of -

(i) one pound and sixty-five new pence if she has not attained the age of sixty years; or

(ii) two pounds and fifty-five new pence if she has attained the age of sixty years or when she attains that age and on attaining the age of seventy years that pension will be converted into a contributory old age pension at the same rate.

(5) Notwithstanding the provisions of sub-paragraph (a) of paragraph (3) of this regulation, a widow's basic pension shall continue to be payable to a widow to whom that sub-paragraph refers during the currency of an election made by that widow in accordance with the provisions of subsection (2) of section nineteen of the Law (which relates to old age pensions).

Existing widow pensioners outside Guernsey.

7.(1) Subject to the provisions of the next succeeding regulation, the provisions of this regulation shall apply to an existing widow pensioner who on the appointed day was not ordinarily resident in Guernsey.

(2) A woman who on the appointed day had attained the age of seventy years shall be entitled to a contributory old age pension of one pound and thirty new pence.

(3) A woman who immediately before the appointed day was entitled, in accordance with the provisions of the Ordinance of 1962, to a widow's pension of forty shillings, shall as from that day if she had not attained the age of seventy years, be entitled to a widow's preserved pension of two pounds.

(4) A woman to whom the last preceding paragraph applies shall, on attaining the age of seventy years, have her widow's preserved pension converted into a contributory old age pension at the same rate.

(5) A woman, not being a woman to whom any of the three last preceding paragraphs of this regulation applies, shall as from the appointed day be entitled to a widow's basic pension.

(6) The amount of a widow's basic pension payable to a widow by virtue of the provisions of the last preceding paragraph shall be -

(i) eighty-eight new pence if she has not attained the age of sixty years; or

(ii) one pound and thirty new pence if she has attained the age of sixty years or when she attains that age and on attaining the age of seventy years that pension will be converted into a contributory old age pension at the same rate.

Treatment of existing widow pensioners who become ordinarily resident in Guernsey or who are in Guernsey but are not ordinarily resident therein.

8.(1) The provisions of the last preceding regulation shall cease to apply to an existing widow pensioner who on the appointed day was not ordinarily resident in Guernsey -

(a) if she becomes ordinarily resident in Guernsey, on the date on which she becomes so ordinarily resident; or

(b) during any period when she is in Guernsey and is not ordinarily resident therein during that period.

(2) Subject to the provisions of the Law and of these regulations, an existing widow pensioner to whom the provisions of the last preceding regulation cease to apply by virtue of the provisions of the last preceding paragraph shall be entitled on and after the relevant date -

- (a) if, on the relevant date, she satisfies the conditions of either sub-paragraph (a) or sub-paragraph (b) of paragraph (1) of regulation five of these regulations, to a widowed mother's allowance; or
 - (b) if she has not attained pensionable age on the relevant date and was on the appointed day by reason of infirmity incapable of self-support, to a widow's pension for any period before she attains pensionable age during which she is incapable of self-support by reason of that infirmity and is not entitled to a widowed mother's allowance; or
 - (c) if immediately before the appointed day she had not attained pensionable age but had attained the age of 50 years and, had she then been ordinarily resident in Guernsey, would have satisfied the provisions of either paragraph (c) or paragraph (d) or paragraph (f) of subsection (1) of section seven of the Ordinance of 1962, to a widow's pension; or
 - (d) if she has attained pensionable age on the relevant date and if she satisfies the following conditions, that is to say -
 - (i) on or before the appointed day she had attained the age of fifty years, and
 - (ii) that at her husband's death both he and she had been married for not less than three years, to an old age pension of five pounds.
- (3) For the purposes of the last preceding paragraph the expression "relevant date" means -
- (a) in the case of an existing widow pensioner to whom the provisions of the last preceding regulation cease to apply by virtue of the provisions of sub-paragraph (a) of paragraph (1) of this regulation, the date on which any of the provisions of the last preceding regulation cease to apply to her; or
 - (b) in the case of an existing widow pensioner to whom the provisions of the last preceding regulation cease to apply by virtue of the provisions of sub-paragraph (b) of the said paragraph (1), the first day in any period during which any of the provisions of the last preceding regulation cease to apply to her.
- (4) An existing widow pensioner who is entitled to a widow's pension by virtue of the provisions of sub-paragraph (c) of paragraph (2) of this regulation shall, if she is entitled to a widow's pension immediately before attaining pensionable age, be entitled to an old age pension of five pounds as from the day on which she attains that age.
- (5) An existing widow pensioner who is entitled to a widowed mother's allowance by virtue of the provisions of sub-paragraph (a) of paragraph (2) of this regulation shall, if she ceases on or after the day on which she attains pensionable age to be entitled to a widowed mother's allowance, be deemed to have satisfied the conditions contained in paragraph 2 of the Third Schedule to the Law.
- (6) For the purposes of section seventeen of the Law (which section relates to widows' pensions in special cases) a widow's pension which is payable by virtue of sub-paragraph (b) of paragraph (2) of this regulation shall be treated as if it were a pension payable by virtue of subsection (2) of that section, and the provisions of that section and of section twenty

of the Law (which section relates to special provisions as to women) shall, subject to the provisions of these regulations, apply to a widow to whom a widowed mother's allowance or a widow's pension is payable by virtue of this regulation as if her husband had satisfied the relevant contribution conditions:

Provided that -

- (a) for the purpose of applying the provisions of subsections (1) and (2) of the said section seventeen to any such widow, she shall be treated as if she were a widow in relation to whom the conditions of paragraph (c) of subsection (1) of section sixteen of the Law (which paragraph relates to the conditions for widow's pension) were not satisfied;
- (b) for the purpose of applying the provisions of subsection (1) of the said section twenty to an existing widow pensioner who had attained pensionable age on the appointed day, and who ceases to be entitled to a widowed mother's allowance payable to her by virtue of this regulation, she shall be treated as if she were a widow who was immediately before attaining pensionable age entitled to widow's benefit in respect of the death of her husband.

(7) Notwithstanding the provisions of paragraph (1) of this regulation, the provisions of the last preceding regulation shall continue to apply to an existing widow pensioner who is not entitled to a widowed mother's allowance, a widow's pension or an old age pension by virtue of any of the provisions of paragraph (2) of this regulation.

Conversion of existing old age pensions into old age pensions or contributory old age pensions.

9.(1) Subject to the provisions of the Law and of these regulations, an existing old age pensioner (being entitled to a pension by virtue of his own insurance) who immediately before the appointed day was ordinarily resident in Guernsey shall be entitled to an old age pension.

(2) Subject to the provisions of the Law and of these regulations, an existing old age pensioner, being a woman entitled to an old age pension by virtue of her husband's insurance (other than a woman to whom the foregoing paragraph applies) shall, if she was ordinarily resident in Guernsey immediately before the appointed day, be entitled to an old age pension.

(3) Subject to the provisions of the Law and of these regulations, the old age pension payable to an existing old age pensioner to whom paragraph (1) of this regulation applies shall be increased by the amount set out in the second column in Part IV of the First Schedule to these regulations opposite the appropriate reference in the first column of that Part for any period during which the said pensioner is residing with or is contributing at a weekly rate of not less than three pounds to the maintenance of his wife;

Provided that this paragraph shall not apply to such an existing old age pensioner whose wife had attained pensionable age on the appointed day and shall cease to apply to such an existing old age pensioner when his wife attains pensionable age after the appointed day.

(4) Subject to the provisions of the Law and of these regulations, the wife of an existing old age pensioner, if he is a pensioner to whom paragraph (1) of this regulation applies, shall be entitled to an old age pension by virtue of his insurance when she attains pensionable age.

(5) A woman to whom paragraph (1), paragraph (2) or paragraph (4) of this regulation applies, on becoming a widow, shall have her old age pension increased to the same rate as that at which her late husband's old age pension was payable.

(6) In the case of an existing old age pensioner who immediately before his death was entitled to an old age pension by virtue of the provisions of paragraph (1) of this regulation, his widow, not being a woman to whom paragraph (5) of this regulation applies, shall, subject to the provisions of paragraphs (7), (8), (9) and (10) of this regulation, be entitled either to widow's benefit, an old age pension, a widow's basic pension or a contributory old age pension.

(7) The husband of a widow to whom the last preceding paragraph applies shall be deemed to have satisfied the relevant contribution conditions for the purposes of sections sixteen and seventeen of the Law and, if such a widow otherwise satisfies the conditions of the said sections, she shall be entitled to widow's benefit at the same rate as the old age pension awarded to her husband in accordance with the provisions of paragraph (1) of this regulation.

(8) A widow to whom the last preceding paragraph applies shall, on ceasing to be entitled to widow's benefit on or after attaining pensionable age, be deemed thereafter to be entitled to an old age pension at the same rate:

Provided that such a widow shall not be entitled to make an election under the provisions of subsection (2) of section nineteen of the Law (which relates to old age pensions).

(9) If a widow to whom paragraph (6) of this regulation applies does not satisfy the provisions of sections sixteen and seventeen of the Law at the date of her husband's death or before attaining pensionable age ceases to satisfy those provisions, she shall, for so long as she is below pensionable age, be entitled to a widow's basic pension of -

- (i) if she has not attained the age of sixty years, one pound and sixty-five new pence until she attains that age and thereafter two pounds and fifty-five new pence; or
- (ii) if she has attained the age of sixty years, two pounds and fifty-five new pence.

(10) When a widow to whom the last preceding paragraph of this regulation applies attains pensionable age, she shall be entitled to an old age pension at the same rate as that awarded to her late husband by virtue of paragraph (1) of this regulation:

Provided that if the old age pension is less than two pounds and fifty-five new pence the widow shall continue to be entitled to a widow's basic pension in which event she shall receive a contributory old age pension of two pounds and fifty-five new pence when she attains the age of seventy years.

(11) An existing old age pensioner who is unable to qualify for an old age pension in accordance with the provisions of any one of the preceding paragraphs of this regulation shall receive a contributory old age pension at the same rate as that at which the old age pension was payable before the appointed day.

(12) If, but for the repeal of the Contributory Pensions Laws, the wife of an existing old age pensioner to whom the last preceding paragraph applies would have, on attaining the age of seventy years, become entitled to an old age pension by virtue of his insurance, she shall on attaining that age become entitled to a contributory old age pension, the amount of which shall be calculated in accordance with the provisions of -

- (a) the Law of 1947, if her husband's old age pension had last been calculated in accordance with the said provisions; or
- (b) the Ordinance of 1962, if her husband's old age pension had last been calculated in accordance with the said provisions;

as if that Law and that Ordinance had not been repealed.

(13) If an existing old age pensioner to whom paragraph (11) of this regulation applies dies leaving a widow who is then below the age of seventy years she shall for so long as she is below that age be entitled to a widow's basic pension of -

- (i) eighty-eight new pence if she has not attained the age of sixty years; or
- (ii) one pound and thirty new pence if she has attained the age of sixty years or when she attains that age.

(14) A widow to whom paragraph (11) of this regulation applies shall, on attaining the age of seventy years, be entitled to a contributory old age pension at the same rate as that at which her late husband's contributory old age pension had been payable, save that it shall not be less than one pound and thirty new pence.

(15) Subject to the provisions of paragraph (3) of this regulation, the amount of the relevant pension payable to any person to whom paragraphs (1), (2) or (4) of this regulation applies shall be at the following rates, that is to say -

- (a) in the case of a person to whom the said paragraph (1) applies, at the weekly rate specified in the second column of Part I of the First Schedule to these regulations opposite the appropriate reference in the first column of that Part to the rate of existing old age pension that person was receiving immediately before the appointed day,
- (b) in the case of a person to whom the said paragraph (2) applies, at the weekly rate specified in the second column of Part II of the First Schedule to these regulations opposite the appropriate reference in the first column of that Part to the rate of existing old age pension that person was receiving immediately before the appointed day,
- (c) in the case of a wife to whom the said paragraph (4) applies, at the weekly rate specified in the second column of Part III of the First Schedule to these regulations opposite the appropriate reference in the first column of that Part to the rate of old age pension payable to her husband.

Treatment of existing old age pensioners and their wives and widows who become ordinarily resident in Guernsey or who are in Guernsey but are not ordinarily resident therein.

10.(1) The provisions of paragraphs (11), (12), (13) and (14) of the last preceding regulation shall cease to apply to an existing old age pensioner or to the wife or widow of an existing old age pensioner -

- (a) if he or she becomes ordinarily resident in Guernsey, on the date on which he or she becomes so ordinarily resident; or
- (b) during any period when he or she is in Guernsey and is not ordinarily resident therein during that period.

(2) Subject to the provisions of the Law and of these regulations, an existing old age pensioner (being entitled to a pension by virtue of his own insurance) to whom the provisions of the last preceding regulation cease to apply by virtue of the provisions of the last preceding paragraph shall, from the relevant date, be entitled to an old age pension.

(3) Subject to the provisions of the Law and of these regulations, an existing old age pensioner to whom the provisions of the last preceding regulation cease to apply by virtue of the provisions of the last preceding paragraph, being a woman entitled to an old age pension by virtue of her husband's insurance (other than a woman who is entitled to an old age pension by virtue of the provisions of the last preceding paragraph) shall, from the relevant date, be entitled to an old age pension.

(4) For the purposes of paragraph (2) and paragraph (3) of this regulation the expression "relevant date" means -

- (a) in the case of a person to whom the provisions of the last preceding regulation cease to apply by virtue of the provisions of sub-paragraph (a) of paragraph (1) of this regulation, the date on which any of the provisions of the preceding regulation so cease to apply; or
- (b) in the case of a person to whom the provisions of the last preceding regulation cease to apply by virtue of the provisions of sub-paragraph (b) of the said paragraph (1) of this regulation, the first day in any period during which any of the provisions of the last preceding regulation so cease to apply.

(5) Subject to the provisions of the Law and of these regulations, the old age pension payable to an existing old age pensioner who is entitled to an old age pension by virtue of the provisions of paragraph (2) of this regulation shall, for so long as the provisions of the last preceding regulation cease to apply to his wife by virtue of the provisions of paragraph (1) of this regulation, be increased by the amount set out in the second column of the Fifth Schedule to these regulations opposite the appropriate reference in the first column of that Schedule for any period during which the said pensioner is residing with or is contributing at a weekly rate of not less than three pounds to the maintenance of his wife:

Provided that this paragraph shall not apply to such an existing old age pensioner whose wife has attained pensionable age and shall cease to apply to such an existing old age pensioner when his wife attains pensionable age.

(6) Subject to the provisions of the Law and these regulations, the wife of an existing old age pensioner, if he is a pensioner who is entitled to an old age pension by virtue of the provisions of paragraph (2) of this regulation, shall, for so long as the provisions of the last preceding regulation cease to apply to his wife by virtue of the provisions of paragraph (1) of this regulation, be entitled to an old age pension by virtue of his insurance when, she attains pensionable age.

(7) A woman who is entitled to an old age pension by virtue of the provisions of paragraph (2), paragraph (3) or paragraph (6) of this regulation, on becoming a widow, shall, for so long as the provisions of the last preceding regulation cease to apply to her by virtue of the provisions of paragraph (1) of this regulation, have her old age pension increased to the same rate as that at which her late husband's old age pension was payable.

(8) In the case of an existing old age pensioner who immediately before his death was entitled to an old age pension by virtue of paragraph (2) of this regulation, his widow not being a woman entitled to have her old age pension increased by virtue of the provisions of the last preceding paragraph and for so long as the provisions of the last preceding regulation cease to apply to her by virtue of the provisions of paragraph (1) of this regulation shall, subject to the provisions of paragraphs (9), (10), (11) and (12) of this regulation, be entitled either to widow's benefit, an old age pension, a widow's basic pension or a contributory old age pension.

(9) The husband of a widow to whom the last preceding paragraph applies shall be deemed to have satisfied the relevant contribution conditions for the purposes of section sixteen and seventeen of the Law and if such a widow otherwise satisfies the conditions of the said sections, she shall, for so long as the provisions of the last preceding regulation cease to apply to her by virtue of the provisions of paragraph (1) of this regulation, be entitled to widow's benefit at the same rate as the old age pension awarded to her husband in accordance with the provisions of paragraph (2) of this regulation.

(10) A widow to whom the last preceding paragraph applies shall, on ceasing to be entitled to widow's benefit on or after attaining pensionable age, be deemed to be entitled thereafter to an old age pension at the same rate:

Provided that such a widow shall not be entitled to make an election under the provisions of subsection (2) of section nineteen of the Law (which relates to an old age pensions).

(11) If a widow to whom paragraph (8) of this regulation applies does not satisfy the provisions of sections sixteen and seventeen of the Law at the date of her husband's death or before attaining pensionable age ceases to satisfy those provisions, she shall, for so long as she is below pensionable age, be entitled to a widow's basic pension of -

- (i) if she has not attained the age of sixty years, one pound and sixty-five new pence until she attains that age and thereafter two pounds and fifty-five new pence; or

- (ii) if she has attained the age of sixty years, two pounds and fifty-five new pence.

(12) When a widow to whom the last preceding paragraph applies attains pensionable age, she shall, for so long as the provisions of the last preceding regulation cease to apply to her by virtue of the provisions of paragraph (1) of this regulation, be entitled to an old age pension at the same rate as that awarded to her late husband by virtue of paragraph (2) of this regulation:

Provided that if the old age pension is less than two pounds and fifty-five new pence the widow shall continue to be entitled to a widow's basic pension in which event she shall receive a contributory old age pension of two pounds and fifty-five new pence when she attains the age of seventy years.

(13) If at the death of an existing old age pensioner, not being a person to whom the provisions of the last preceding regulation cease to apply by virtue of the provisions of paragraph (1) of this regulation, his widow is, or subsequently becomes, a person to whom the provisions of the said regulation cease to apply as aforesaid, she shall be treated for the purposes of this regulation as if her husband had, immediately before his death, been entitled to an old age pension by virtue of the provisions of paragraph (2) of this regulation.

(14) Subject to the provisions of paragraph (5) of this regulation, the amount of the relevant pension payable to any person who is entitled to an old age pension by virtue of the provisions of paragraphs (2), (3) or (6) of this regulation shall be that amount set out in the second column in the relevant Table of the relevant Schedule to these regulations opposite the appropriate reference in the first column of the said Table.

(15) For the purposes of the preceding paragraph, the relevant Table and the relevant Schedule shall be -

- (a) in the case of a person who is entitled to an old age pension by virtue of the provisions of paragraph (2) of this regulation and whose existing old age pension was last calculated in accordance with the provisions of -

- (i) paragraph (d) of Article 2 of the Law of 1947, Table 1 of the Second Schedule to these regulations; or

- (ii) paragraph (a) of subsection (1) of section five of the Ordinance of 1962, Table 2 of the Second Schedule to these regulations; or

- (iii) paragraph (b) of subsection (1) of the said section five, Table 3 of the Second Schedule to these regulations;

- (b) in the case of a person who is entitled to an old age pension by virtue of the provisions of paragraph (3) of this regulation and whose existing old age pension was last calculated in accordance with the provisions of -

- (i) paragraph (d) of Article 2 of the Law of 1947, Table 1 of the Third Schedule to these

regulations; or

(ii) paragraph (a) of subsection (1) of section five of the Ordinance of 1962, Table 2 of the Third Schedule to these regulations; or

(iii) paragraph (b) of subsection (1) of the said section five, Table 3 of the Third Schedule to these regulations;

(c) in the case of a married woman who is entitled to an old age pension by virtue of the provisions of paragraph (6) of this regulation, the Table in the Fourth Schedule to these regulations.

Application of regulations five or six to certain widows after the appointed day.

11. Where a widow was immediately before the appointed day disqualified in pursuance of the provisions of Article XXIII of the Contributory Pensions Law, 1935 (which relate to disqualification for benefit) for receiving payment of a widow's pension by reason of her cohabiting with a man as his wife, no pension or allowance shall become payable to her by virtue of the provisions of regulations five or six of these regulations unless and until she ceases to so cohabit.

Conversion of allowance under the Contributory Pensions Laws into child's allowance in certain cases.

12.(1) Where immediately before the appointed day an allowance under the Contributory Pensions Laws or any Ordinance made thereunder was payable to any person in respect of a child, and no widowed mother's allowance became payable as from that day by reason of that child being included in the family of a widow, such person shall be entitled to a child's allowance in respect of that child at the rate at which the allowance was payable immediately before the appointed day:

Provided that where a child, in respect of whom a person is entitled to a child's allowance at a rate corresponding to the rate under the Contributory Pensions Laws or any Ordinance made thereunder appropriate to a younger child, becomes a child in respect of whom an allowance at the rate appropriate to an eldest or only child would, but for this Law, have been payable under the said Laws or Ordinance, the child's allowance payable by virtue of these regulations shall thereafter be at that rate.

(2) Subject to the following provisions of these regulations, a child's allowance shall be payable for any period during which an allowance in respect of a child would have been payable under the Contributory Pensions Laws or any Ordinance made thereunder.

(3) A child's allowance in respect of any child shall not be payable for any period after a widowed mother's allowance becomes payable by reason of the child being included in the family of a widow, or after the widow of the husband by virtue of whose insurance the additional allowance under the Contributory Pensions Laws was payable, becomes entitled under sub-paragraph (b) of paragraph (1) of regulation five to a widowed mother's allowance by virtue of that insurance and the child's allowance would, but for this provision, be payable to her.

Certain benefits in respect of children under the Contributory Pensions Laws to become guardian's allowance.

13. (1) Where at any time on or after the appointed day any person has in his family a child in respect of whom a benefit in accordance with the provisions of sub-paragraph (iv) of paragraph (b) of Part I of the Third Schedule to the Law of 1947, as amended by the Ordinance of 1962, was payable immediately before that day, that person shall be entitled to a guardian's allowance in respect of that child.

(2) The provisions of the last preceding paragraph shall also apply in the case of a child in respect of whom a child's allowance is payable in accordance with the provisions of the last preceding regulation and who becomes an orphan (being a child both of whose parents are dead) and is included in any family.

Certain benefits under the Contributory Pensions Laws to become contributory old age pensions.

14. Any person who immediately before the appointed day was in receipt of a benefit payable in accordance with the provisions of sub-paragraph (v) of paragraph (b) of Part I of the Third Schedule to the Law of 1947, shall, as from the appointed day, receive a contributory old age pension at the rate of two pounds one shilling.

Diversion of child's allowance.

15. Where at any time after the appointed day a child who on that day was -

- (a) included in the family of a person to whom a child's allowance becomes payable in respect of that child, ceases to be included in that family; or
- (b) not included in any such family, leaves the custody of the person who had charge of that child on that day;

any child's allowance shall become payable to any person in whose family that child is subsequently included, and not otherwise.

Disqualification, overlapping benefits, etc.

16. Nothing in this Part of these regulations shall be construed as making -

- (a) a pension or allowance payable to any person for any period when he is by reason of any of the provisions of the Law or of the regulations for the time being in force thereunder disqualified for the receipt thereof, or as affecting the operation of the provisions of the regulations for the time being in force under subsection (1) of section thirty-eight of the Law (which relates to overlapping benefits);
- (b) a pension payable to a widow for any period during which it would not be payable by reason of the provisions of the proviso to subsection (3) of section sixteen of the Law (which relates to widow's benefit).

PART IV

Miscellaneous provisions

Claims by existing beneficiaries.

17.(1) Subject to the provisions of paragraph (2) of this regulation, in the case of any person who on or after the appointed day became or becomes entitled to a benefit, pension or allowance by virtue of these regulations, that benefit, pension or allowance shall accrue as from the appropriate day determined for the payment of that benefit, pension or allowance in accordance with regulations for the time being in force under subsection (1) of section fifty-five of the Law (which relates to administration of benefit) next following the appointed day or, as the case may be, the day on which he becomes so entitled.

(2) Any person to whom this regulation applies shall submit a claim for such benefit, pension or allowance to which he is entitled, in such manner and subject to the production of such particulars, evidence and information as the Authority may require.

Special provisions as to children to be included in a family.

18. For the purposes of these regulations, where by order of any court any child had before the appointed day been removed from the custody of a widow, that child shall not, if and so long as the order is in force, be treated as being in that widow's family.

Persons not ordinarily resident in Guernsey.

19.(1) Notwithstanding the provisions of these or any other regulations or of any Ordinance made under the provisions of section eleven of the Law, but subject to the provisions of this regulation, if a person is not ordinarily resident in Guernsey immediately before the relevant day, then unless and until that person becomes ordinarily resident in Guernsey the following provisions shall apply:-

- (a) if, immediately before the relevant day that person is entitled to an old age pension (including, for this purpose, a contributory old age pension), he shall be disqualified for receiving any additional old age pension;
- (b) if that person is a married woman who, immediately before the relevant day, is not entitled as is mentioned in the foregoing sub-paragraph and whose husband is then so entitled and not ordinarily resident in Guernsey, she shall be disqualified for receiving any additional widow's benefit or additional old age pension by virtue of her husband's insurance;
- (c) if, immediately before the relevant day, she is entitled to widow's benefit, she shall be disqualified for receiving any additional widow's benefit or additional old age pension by virtue of her husband's insurance.

(2) Notwithstanding as aforesaid, if a person is not ordinarily resident in Guernsey immediately before the relevant day but that person is entitled to a guardian's allowance in respect of a child immediately before that date, any person who would otherwise be entitled to any additional guardian's allowance in respect of that child shall be disqualified for receiving any additional guardian's allowance in respect of that child unless and until the child becomes (or is) included in the family of a person who is ordinarily

resident in Guernsey.

(3) For the purposes of this regulation, references to additional benefit of any description are to be construed as referring to additional benefit of that description by virtue (either directly or indirectly) of any Ordinance made under the provisions of section eleven of the Law or of these regulations.

(4) The disqualifications for the receipt of additional benefit contained in this regulation shall not apply -

- (a) to a person for any period during which he is in Guernsey; or
- (b) to a woman who, immediately before the relevant day, is entitled to an old age pension by virtue of her own insurance or to an old pension by virtue of her husband's insurance, in relation to an old age pension by virtue of her husband's insurance, or to an old age pension by virtue of her own insurance, as the case may be, to which she thereafter becomes entitled.

(5) For the purposes of this regulation, a person shall be treated as entitled to any benefit immediately before the relevant day if he would then have been so entitled but for any one or more of the following causes, namely:-

- (a) any delay or failure to make a claim;
- (b) any disqualification for the receipt of benefit;
- (c) the cohabitation of a widow with a man as his wife;
- (d) the absence of any child from Guernsey;
- (e) the provision of subsection (5) of section twenty of the Law (which relates to the disentitlement of a woman to more than one old age pension for the same period).

(6) For the purposes of any disqualification contained in this regulation for the receipt of additional old age pension by virtue of her husband's insurance, an old age pension by virtue of a widow's own insurance to which she becomes entitled by virtue of subsection (6) of section twenty of the Law (which subsection provides that in certain cases a widow may have account taken of her husband's contributions in calculating the yearly average of the contributions paid or credited to her for the purpose of her right to an old age pension by virtue of her own insurance) shall be treated as if it were an old age pension by virtue of her husband's insurance.

Repeals.

20. The Social Insurance (Pensions, Existing Beneficiaries and Other Persons) (Transitional) (Guernsey) Regulations, 1970, and the Social Insurance (Pensions, Existing Beneficiaries and Other Persons) (Transitional) (Amendment) (Guernsey) Regulations, 1971, are hereby repealed.

PART V

Citation and Commencement

Citation and Commencement.

21. These regulations may be cited as the Social Insurance (Pensions, Existing Beneficiaries and Other Persons) (Transitional) (Guernsey) Regulations, 1971 and shall come into operation on the sixth day of December, nineteen hundred and seventy-one.

Dated this *third* day of December, nineteen hundred and seventy-one.

E. H. BODMAN

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

FIRST SCHEDULE

PART I

Table showing rate of old age pension payable to a person to whom paragraph (1) of regulation nine of these regulations applies.

(1)		(2)
Rate of existing old age pension in payment immediately before the appointed day to an existing old age pensioner.		Rate of old age pension to be payable from the relevant day in place of the existing old age pension specified in Column (1).
s.	d.	
40.	0.	£5.00
36.	0.	£4.50
32.	0.	£4.00
28.	0.	£3.50
24.	0.	£3.00
21.	0.	£2.50
18.	0.	£2.05
16.	0.	£1.95
14.	6.	£1.70
12.	0.	£1.45

PART II

Table showing rate of old age pension payable to a person to whom paragraph (2) of regulation nine of these regulations applies.

(1)		(2)
Rate of existing old age pension in payment immediately before the appointed day to an existing old age pensioner.		Rate of old age pension to be payable from the relevant day in place of the existing old age pension specified in Column (1).
s.	d.	
25.	0.	£3.00
22.	6.	£2.70
20.	0.	£2.40
18.	0.	£2.10
17.	6.	£2.10
16.	0.	£1.90
15.	0.	£1.80
14.	6.	£1.70
12.	6.	£1.50
12.	0.	£1.40

PART III

Table showing rate of old age pension payable to a married woman to whom paragraph (4) of regulation nine of these regulations applies.

(1)	(2)
Rate of old age pension payable to a married woman by virtue of paragraph (1) of regulation nine of these regulations.	Rate of old age pension payable to the wife of an insured person by virtue of his insurance.
£5.00	£3.00
£4.50	£2.70
£4.00	£2.40
£3.50	£2.10
£3.00	£1.80
£2.50	£1.50
£2.05	£2.05
£1.95	£1.95
£1.70	£1.70
£1.45	£1.45

PART IV

Table showing increase in the rate of an old age pension payable to a married man to whom paragraph (3) of regulation nine of these regulations applies.

(1)	(2)
Rate of old age pension payable to a married man by virtue of paragraph (1) of regulation nine of these regulations.	Amount by which the rate of old age pension specified in Column (1) is to be increased.
£5.00	£3.00
£4.50	£2.70
£4.00	£2.40
£3.50	£2.10
£3.00	£1.80
£2.50	£1.50
£2.05	£1.25
£1.95	£1.10
£1.70	£1.00
£1.45	£0.85

SECOND SCHEDULE

Tables showing rate of old age pension payable to a person to whom paragraph (2) of regulation ten of these regulations applies.

Table 1

(1)		(2)
Rate of existing old age pension which was last calculated under paragraph (d) of Article 2 of the Law of 1947.		Rate of old age pension to be payable from the relevant day, in place of the existing old age pension specified in Column (1).
s.	d.	
26.	0.	£5.00
23.	0.	£4.50
20.	0.	£4.00
18.	0.	£3.50
15.	0.	£3.00
13.	0.	£2.50

Table 2

(1)		(2)
Rate of existing old age pension which was last calculated under paragraph (a) of subsection (1) of section five of the Ordinance of 1962.		Rate of old age pension to be payable from the relevant day, in place of the existing old age pension specified in Column (1).
s.	d.	
18.	0.	£2.05
16.	0.	£1.95
14.	6.	£1.70
12.	0.	£1.45

Table 3

(1)		(2)
Rate of existing old age pension which was last calculated under paragraph (b) of subsection (1) of section five of the Ordinance of 1962.		Rate of old age pension to be payable from the relevant day, in place of the existing old age pension specified in Column (1).
s.	d.	
40.	0.	£5.00
36.	0.	£4.50
32.	0.	£4.00
28.	0.	£3.50
24.	0.	£3.00
21.	0.	£2.50

THIRD SCHEDULE

Tables showing rate of old age pension payable to a person to whom paragraph (3) of regulation ten of these regulations applies.

Table 1

(1)		(2)
Rate of existing old age pension which was last calculated under paragraph (d) of Article 2 of the Law of 1947.		Rate of old age pension to be payable from the relevant day, in place of existing old age pension specified in Column (1).
s.	d.	
16.	0.	£3.00
14.	0.	£2.70
12.	0.	£2.40
11.	0.	£2.10
9.	0.	£1.80
8.	0.	£1.50

Table 2

(1)		(2)
Rate of existing old age pension which was last calculated under paragraph (c) of subsection (1) of section five of the Ordinance of 1962.		Rate of old age pension to be payable from the relevant day, in place of the existing old age pension specified in Column (1).
s.	d.	
18.	0.	£2.05
16.	0.	£1.95
14.	6.	£1.70
12.	0.	£1.45

Table 3

(1)		(2)
Rate of existing old age pension which was last calculated under paragraph (b) of subsection (1) of section five of the Ordinance of 1962.		Rate of old age pension to be payable from the relevant day, in place of the existing old age pension specified in Column (1).
s.	d.	
25.	0.	£3.00
22.	6.	£2.70
20.	0.	£2.40
17.	6.	£2.10
15.	0.	£1.80
12.	6.	£1.50

FOURTH SCHEDULE

Table showing rate of old age pension payable to a married woman to whom paragraph (6) of regulation ten of these regulations applies.

(1)	(2)
Rate of old age pension payable to a married man by virtue of paragraph (2) of regulation ten of these regulations.	Rate of old age pension payable to the wife of an insured person by virtue of his insurance.
£5.00	£3.00
£4.50	£2.70
£4.00	£2.40
£3.50	£2.10
£3.00	£1.80
£2.50	£1.50
£2.05	£2.05
£1.95	£1.95
£1.70	£1.70
£1.45	£1.45

FIFTH SCHEDULE

Table showing increase in the rate of old age pension payable to a married man to whom paragraph (5) of regulation ten of these regulations applies.

(1)	(2)
Rate of old age pension payable to a married man by virtue of paragraph (2) of regulation ten of these regulations.	Amount by which the rate of old age pension specified in Column (1) is to be increased.
£5.00	£3.00
£4.50	£2.70
£4.00	£2.40
£3.50	£2.10
£3.00	£1.80
£2.50	£1.50
£2.05	£1.25
£1.95	£1.10
£1.70	£1.00
£1.45	£0.85

EXPLANATORY NOTE

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

These Regulations consolidate the Social Insurance (Pensions, Existing Beneficiaries and Other Persons) (Transitional) (Guernsey) Regulations, 1970 and 1971 and provide for the increase of benefit payable to existing beneficiaries in consequence of the higher standard rates of benefit approved by the States on the 28th July, 1971. Provision is made for the increased rates of benefit to be restricted to persons who are ordinarily resident in Guernsey.