

The Social Insurance (Increase of Benefit and Miscellaneous Provisions) (Guernsey) Regulations, 1970

Made

7th July, 1970

Laid before the States

Coming into Operation

7th September, 1970.

THE STATES INSURANCE AUTHORITY, in exercise of the powers conferred upon it by sections twenty-three, thirty-seven, seventy-two, seventy-five, seventy-six and seventy-seven of the Social Insurance (Guernsey) Law, 1964, as amended, and by subsection (2) of section two of the Social Insurance (Amendment) (Guernsey) Law, 1967, and of all other powers enabling it in that behalf, hereby orders:-

PART I

INTERPRETATION

1. Interpretation

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

"the principal regulations" means the Social Insurance (Widow's Benefit and Retirement Pensions) (Guernsey) Regulations, 1964;

"the relevant day" means the seventh day of September, nineteen hundred and seventy;

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construed as including a reference to that enactment or those regulations, as the case may be, as amended, extended, repealed, replaced or revoked by or under any other enactment or by any other regulations.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

HIGHER RATES OF BENEFIT PAYABLE UNDER REGULATIONS

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

Higher rates of unemployment and sickness benefit payable at reduced rates owing to partial satisfaction of contribution conditions

3. The Second Schedule to the Social Insurance (Unemployment and Sickness Benefit) (Guernsey) Regulations, 1964 (which sets out the reduced weekly rates of unemployment and sickness benefit and of an increase of any such benefit in respect of an adult dependant payable where the relevant contribution conditions are partially satisfied) is hereby repealed and the Schedule set out in the First Schedule to these regulations is hereby substituted therefor.

Higher rates of widow's benefit and retirement pensions payable at reduced rates owing to partial satisfaction of contribution conditions

4. (1) Paragraph (2) of regulation nine of the principal regulations is hereby repealed and the following paragraphs are hereby substituted therefor:-

"(2) Where, in the case of a person who not being an existing old age pensioner had attained pensionable age or become a widow before the seventh day of September, nineteen hundred and seventy, the full weekly rate of widow's benefit or retirement pension or increase of retirement pension for an adult dependant under the Second Schedule to the Law is at one of the rates set out at the head of columns (2), (3) and (4) of Part I of the First Schedule to these regulations, then the pension or allowance or increase shall be payable at the reduced rates specified in the appropriate column of the said Part of the said Schedule which corresponds with the yearly average of contributions paid or credited as shown in column (1) of the said Part of the said Schedule.

(3) Where, in the case of a person who attains pensionable age or becomes a widow on or after the seventh day of September, nineteen hundred and seventy, the full weekly rate of widow's benefit or retirement pension or increase of retirement pension for an adult dependant under the Second Schedule to the Law is at one of the rates set out at the head of columns (2), (3) and (4) of Part II of the First Schedule to these regulations, then the pension or allowance or increase shall be payable at the reduced rate specified in the appropriate column of the said Part of the said Schedule which corresponds with the yearly average of contributions paid or credited as shown in column (1) of the said Part of the said Schedule.

(4) For the purpose of this regulation, the expression "existing old age pensioner" has the meaning assigned to it in the Social Insurance (Pensions, Existing Beneficiaries and Other Persons) (Transitional) (Guernsey) Regulations, 1964."

(2) The First Schedule to the principal regulations (which sets out the reduced weekly rates of widow's benefit, of a retirement pension and of an increase of a retirement pension in respect of an adult dependent, payable where the relevant contribution conditions are partially satisfied) is hereby repealed and the Schedule set out in the Second Schedule to these regulations is hereby substituted therefor.

Increase of certain widow's basic pensions

5. Regulation five of the Social Insurance (Pensions, Existing Contributors) (Transitional) (Guernsey) Regulations, 1964, is hereby amended as follows, that is to say:-

- (a) in paragraph (2) thereof, the words "the next succeeding paragraph" are hereby repealed and the word and figure "paragraph (3)" are substituted therefor,
- (b) immediately after paragraph (2) thereof, there is hereby inserted the following additional paragraph numbered "(2A)" :-

"(2A) 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) one pound six shillings if she has not attained the age of sixty years; or
- (ii) two pounds one shilling if she has attained the age of sixty years or when she attains that age."

PART III

MISCELLANEOUS PROVISIONS

Refund of contributions to persons entering insurance too late to be able to satisfy the contribution conditions for retirement pension

6. (1) Sub-paragraph (c) of paragraph (5) of regulation two of the Social Insurance (New Entrants) (Transitional) (Guernsey) Regulations, 1964, is hereby repealed and the following sub-paragraph is hereby substituted therefor:-

"(c) that person shall, in respect of each contribution paid by that person in respect of any week as an employed, self-employed or non-employed person, be entitled to a refund after attaining the said age of that portion of the contributions which is attributable to retirement pensions and for that purpose shall be entitled to a refund -

- (i) in the case of a man who is an employed person, of the amount set out in the second column of the relevant Part of the Schedule to these regulations appropriate to the age of that man as set out in the first column of that Part of that Schedule,
- (ii) in the case of a man who is a self-employed person, of the amount set out in the third column of the relevant Part of the Schedule to these regulations appropriate to the age of that man as set out in the first column of that Part of that Schedule,
- (iii) in the case of a man who is a non-employed person, of the amount set out in the fourth column of the relevant Part of the Schedule to these regulations appropriate to the age of that man as set out in the first column of that Part of that Schedule,
- (iv) in the case of a woman who is an employed person, of the amount set out in the sixth column of the relevant Part of the Schedule to these regulations appropriate to the age of that woman as set out in the fifth column of that Part of that Schedule,
- (v) in the case of a woman who is a self-employed person, of the amount set out in the seventh column of the relevant Part of the Schedule to these regulations appropriate to the age of that woman as set out in the fifth column of that Part of that Schedule,
- (vi) in the case of a woman who is a non-employed person, of the amount set out in the eighth column of the relevant Part of the Schedule to these regulations appropriate to the age of that woman as set out in the fifth column of that Part of that Schedule."

(2) The Schedule to the aforesaid regulations is hereby repealed and the Schedule set out in the Third Schedule to these regulations is hereby substituted therefor.

Persons not ordinarily resident in Guernsey

7. (1) Notwithstanding the provisions of these or any other regulations or of any Ordinance made under the provisions of section eleven or section thirty-three of the principal 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 a retirement pension (including, for this purpose, a contributory old age pension), he shall be disqualified for receiving any additional retirement 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 retirement 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 retirement pension by virtue of her husband's insurance;
- (d) if, immediately before the relevant day, that person is entitled to an industrial disablement benefit, he shall be disqualified for receiving any additional industrial disablement benefit.

(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 day, 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 purpose 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 or section thirty-three of the principal 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 a retirement pension by virtue of her own insurance or to a retirement pension by virtue of her husband's insurance, in relation to a retirement pension by virtue of her husband's insurance, or to a retirement pension by virtue of her own insurance, as the case may be, to which she thereafter becomes entitled.

(5) For the purpose 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) any provision of either the principal Law or any regulations made thereunder, relating to earnings;
- (d) the cohabitation of a widow with a man as his wife;
- (e) the absence of any child from Guernsey;

(f) the provision of subsection (6) of section twenty of the principal Law (which relates to the disentitlement of a woman to more than one retirement pension for the same period).

(6) For the purposes of any disqualification contained in this regulation for the receipt of additional retirement pension by virtue of her husband's insurance, a retirement pension by virtue of a widow's own insurance to which she becomes entitled by virtue of subsection (7) of section twenty of the principal 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 a retirement pension by virtue of her own insurance) shall be treated as if it were a retirement pension by virtue of her husband's insurance.

Payment of retirement pension increments

8. Regulation ten of the principal regulations shall be repealed and the following regulation substituted therefor:-

"10. (1) Subject to the provisions of paragraph (5) of this regulation, where a person would be entitled to an increase in his retirement pension (hereinafter referred to as "a pension increment") by virtue of the provisions of subsection (4) of section nineteen or of subsection (3) of section twenty of the Law (which sections relate to retirement pensions and special provisions as to women) but for the fact that the relevant person does not satisfy condition (b) of sub-paragraph (1) of paragraph 2 of the Third Schedule to the Law, that person shall, nevertheless, be entitled to a pension increment based on the number of contributions of the appropriate class paid or taken into account as paid, by the relevant person, in accordance with the succeeding provisions of this regulation.

(2) The amount of a pension increment to which a person, being the relevant person, shall be entitled is that amount which is set out in Part B of the relevant Table which forms part of the Second Schedule to these regulations below the number of contributions of the appropriate class paid by the relevant person and opposite the yearly average of contributions paid by or credited to the relevant person as set out in Part A of the said Table or, in any case where there is more than one relevant Table, the sum of those amounts:

Provided that where the number of contributions to be taken into account in relation to a relevant Table exceeds the highest number of contributions shown in that Table, then, for the purpose of calculating the amount of the pension increment payable in respect of contributions paid for contribution weeks relating to that Table, there shall be added to the amount of the pension increment appropriate to the said highest number an amount appropriate to the number of contributions by which the total number of contributions, which relates to the said Table, exceeds the highest number of contributions shown in that Table.

(3) The amount of a pension increment or if there be more than one such increment each of them to which a person, not being the relevant person, is entitled shall be one half of the amount to which the relevant person would have been entitled were he that person.

(4) Notwithstanding the provisions of subsection (3) of section twenty of the Law and the foregoing provisions of this regulation, a married woman who is entitled to a retirement pension by virtue of her husband's insurance may elect by notice in writing to the Authority that, instead of any increase in that pension being calculated by reference to contributions paid by her husband as an employed or self-employed person for a period after he attained pensionable age other than those paid for a period before she had attained pensionable age, it shall be calculated by reference to the same class or classes of

contributions paid by her for a period after she attained that age and for that purpose only she shall be deemed to be the relevant person referred to in this regulation.

(5) Notwithstanding the foregoing provisions of this regulation, any increase of a retirement pension in respect of contributions paid by the relevant person which relate to contribution weeks commencing on or after the seventh day of September, nineteen hundred and seventy (hereinafter in this regulation referred to as "new contributions") shall be the same as if the relevant contribution conditions had been fully satisfied.

(6) (a) The provisions of sub-paragraph (b) of this paragraph shall have effect for the purpose of the application of this regulation in relation to a case in which the number of old contributions is neither nine nor a multiple of nine.

(b) In any such case as aforesaid -

- (i) all the old contributions, if their number is less than nine; or
- (ii) so many of the old contributions as exceed nine or a multiple of nine,

shall be treated as if they were new contributions.

(7) For the purposes of this regulation, the following expressions have the meaning hereby respectively assigned to them, that is to say:-

"old contributions" means contributions which relate to contribution weeks commencing before the seventh day of September, nineteen hundred and seventy, and which, but for the fact that the relevant contribution conditions are not satisfied as respects the yearly average of contributions paid or credited, would be taken into account for the purpose of the provisions of subsection (4) of section nineteen of the Law (which subsection provides for increasing the weekly rate of a retirement pension by reference to contributions as an employed or self-employed person paid by the beneficiary in respect of the period after his attaining pensionable age) and for the purpose of subsection (3) of section twenty of the Law of 1964 (which subsection relates to a retirement pension payable to a woman by virtue of her husband's insurance);

"relevant person" means a person by whom the yearly average of contributions paid or credited has to be satisfied;

"relevant Table" means that Table in the Second Schedule to these regulations which applies to contributions of the appropriate class paid for contribution weeks commencing on or after the first or only mentioned date in that Table and terminating before the second mentioned date therein, if more than one date is so mentioned;

"yearly average of contributions paid or credited" has the same meaning as in subsection (5) of section eleven of the Law."

Amendment to principal regulations

9. In Part B of Table II of the Second Schedule to the principal regulations, the words "Number of contributions of the appropriate class paid by the relevant person to be taken into account, being contributions relating to contribution weeks commencing on or after the 3rd April, 1967." are hereby repealed and the following words are hereby substituted therefor -

"Number of contributions of the appropriate class paid by the relevant person to be taken into account, being contributions

relating to contribution weeks commencing on or after the 3rd April, 1967, and terminating before the 7th September, 1970."

Repeals

10. The regulations set out in the left hand column of the Fourth Schedule to these regulations are hereby repealed to the extent set out in the right hand column of the said Schedule.

PART IV

CITATION AND COMMENCEMENT

Citation and commencement

11. These regulations may be cited as the Social Insurance (Increase of Benefit and Miscellaneous Provisions) (Guernsey) Regulations, 1970, and shall come into operation on the seventh day of September, nineteen hundred and seventy.

Dated this SEVENTH day of July, nineteen hundred and seventy.

E. H. BODMAN.

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

EXPLANATORY NOTE

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

Regulations three and four increase the reduced rates of benefits payable under the Social Insurance (Guernsey) Law, 1964 in order to bring them into conformity with the higher standard rates of benefit approved by the States on the 26th February, 1970. Regulation five provides for an increase in the rates of widow's basic pensions. Regulation seven provides for the increased rates of benefit to be restricted to persons who are ordinarily resident in Guernsey. Regulation eight provides that all incremental contributions paid after the relevant day will count at the revised rate. The remaining provisions are of a minor or consequential character.

FIRST SCHEDULE

Regulation 3.

" SECOND SCHEDULE

Regulation 12(2)

Showing Reduced Rates of Unemployment and Sickness Benefit and of Increase of Benefit in respect of Adult Dependants.

(1)	(2)	(3)	(4)
Number of contributions paid or credited in the relevant contribution year	Full weekly rate of benefit applicable under the Second Schedule to the Law		
	£ s. d. 4 0. 0.	£ s. d. 2 10. 0.	£ s. d. 2 5. 0.
	Reduced rate at which benefit is payable		
	£ s. d.	£ s. d.	£ s. d.
48 - 49	3 17. 0.	2 8. 0.	2 3. 0.
46 - 47	3 14. 0.	2 6. 0.	2 1. 0.
43 - 45	3 9. 0.	2 3. 0.	1 19. 0.
40 - 42	3 4. 0.	2 0. 0.	1 16. 0.
37 - 39	2 19. 0.	1 17. 0.	1 13. 0.
34 - 36	2 14. 0.	1 14. 0.	1 11. 0.
30 - 33	2 8. 0.	1 10. 0.	1 7. 0.
26 - 29	2 2. 0.	1 6. 0.	1 3. 0.

SECOND SCHEDULE

Regulation 4

"FIRST SCHEDULE

Regulation 9(2)

PART I

Showing reduced rate of widow's benefit and retirement pension and of increase of retirement pension in respect of an adult dependant payable to a person who, not being an existing old age pensioner, had attained pensionable age or became a widow before the 7th September, 1970.

(1)	(2)	(3)	(4)
Yearly average of contributions paid or credited	Widow's Allowance	Widow's Pension, Widowed Mother's Allowance and Retirement Pension	
	Full weekly rate of pension or allowance payable under the Second Schedule to the Law.		
	£ s. d. 5 12. 0.	£ s. d. 4 0. 0.	£ s. d. 2 10. 0.
	Reduced rate at which pension or allowance is payable		
	£ s. d.	£ s. d.	£ s. d.
45 - 49	5 1. 0.	3 12. 0.	2 5. 0.
40 - 44	4 10. 0.	3 4. 0.	2 0. 0.
35 - 39	3 18. 0.	2 16. 0.	1 15. 0.
30 - 34	3 7. 0.	2 8. 0.	1 10. 0.
25 - 29	2 16. 0.	2 0. 0.	1 5. 0.
20 - 24	2 5. 0.	1 12. 0.	1 0. 0.
15 - 19	1 14. 0.	1 4. 0.	15. 0.
10 - 14	1 2. 0.	16. 0.	10. 0.

PART II

Regulation 9(3)

Showing reduced rate of widow's benefit and retirement pension and of increase of retirement pension in respect of an adult dependant payable to a person who attains pensionable age or becomes a widow on or after the 7th September, 1970.

(1)	(2)	(3)	(4)
Yearly average of contributions paid or credited	Widow's Allowance	Widow's Pension, Widowed Mother's Allowance and Retirement Pension	
	Full weekly rate of pension or allowance payable under the Second Schedule to the Law		
	£ s. d. 5 12. 0.	£ s. d. 4 0. 0.	£ s. d. 2 10. 0.
	Reduced rate at which pension or allowance is payable		
	£ s. d.	£ s. d.	£ s. d.
48 - 49	5 8. 0.	3 17. 0.	2 8. 0.
46 - 47	5 3. 0.	3 14. 0.	2 6. 0.
43 - 45	4 16. 0.	3 9. 0.	2 3. 0.
40 - 42	4 10. 0.	3 4. 0.	2 0. 0.
37 - 39	4 3. 0.	2 19. 0.	1 17. 0.
34 - 36	3 16. 0.	2 14. 0.	1 14. 0.
30 - 33	3 7. 0.	2 8. 0.	1 10. 0.
26 - 29	2 18. 0.	2 2. 0.	1 6. 0.
22 - 25	2 9. 0.	1 15. 0.	1 2. 0.
18 - 21	2 0. 0.	1 9. 0.	18. 0.
14 - 17	1 11. 0.	1 2. 0.	14. 0.
10 - 13	1 2. 0.	16. 0.	10. 0.

THIRD SCHEDULE

Regulation 6.

" SCHEDULE

Regulation 2.

PART I

(applicable to contributions in respect of contribution weeks commencing on or after the 4th January, 1965 and terminating before the 3rd April, 1967).

MEN				WOMEN			
Age of man at expiration of period of currency of contribution card on which contribution was paid	Employed	Self-employed	Non-employed	Age of woman at expiration of period of currency of contribution card on which contribution was paid	Employed	Self-employed	Non-employed
	Total number of pence to be refunded (including interest) in respect of each contribution.				Total number of pence to be refunded (including interest) in respect of each contribution.		
(1)	(2) Pence	(3) Pence	(4) Pence	(5)	(6) Pence	(7) Pence	(8) Pence
65 or over	37	75	75	65 or over	29	57	57
64	38	77	77	64	29	59	59
63	39	79	79	63	30	60	60
62	40	81	81	62	31	62	62

PART II

(applicable to contributions in respect of contribution weeks commencing on or after the 3rd April, 1967 and terminating before the 7th September, 1970).

MEN				WOMEN			
Age of man at expiration of period of currency of contribution card on which contribution was paid	Employed	Self-employed	Non-employed	Age of woman at expiration of period of currency of contribution card on which contribution was paid	Employed	Self-employed	Non-employed
	Total number of pence to be refunded (including interest) in respect of each contribution.				Total number of pence to be refunded (including interest) in respect of each contribution.		
(1)	(2) Pence	(3) Pence	(4) Pence	(5)	(6) Pence	(7) Pence	(8) Pence
65 or over	47	93	93	65 or over	37	74	74
64	48	96	96	64	38	76	76
63	49	98	98	63	39	78	78
62	50	100	100	62	40	80	80
61	51	103	103	61	41	82	82
60	53	105	105	60	42	84	84
59	54	108	108	59	43	86	86
58	55	111	111	58	44	88	88

PART III

(applicable to contributions in respect of contribution weeks commencing on or after the 7th September, 1970).

MEN				WOMEN			
Age of man at expiration of period of currency of contribution card on which contribution was paid	Employed	Self-employed	Non-employed	Age of woman at expiration of period of currency of contribution card on which contribution was paid	Employed	Self-employed	Non-employed
	Total number of pence to be refunded (including interest) in respect of each contribution.				Total number of pence to be refunded (including interest) in respect of each contribution.		
(1)	(2) Pence	(3) Pence	(4) Pence	(5)	(6) Pence	(7) Pence	(8) Pence
65 or over	84	166	151	65 or over	62	125	110
64	86	170	156	64	65	127	113
63	89	173	158	63	65	130	115
62	91	178	163	62	67	134	120
61	94	182	168	61	70	137	122
60	96	187	170	60	70	139	125
59	98	192	175	59	72	144	127
58	101	197	180	58	74	149	132
57	103	202	185	57	77	151	134
56	106	206	190	56	77	154	137
55	108	211	194	55	79	158	142

FOURTH SCHEDULE

Regulation ten.

Regulations	Extent of repeal
The Social Insurance(Increase of Benefit and Miscellaneous Provisions) (Guernsey) Regulations, 1967.	Regulations two, three and four Regulation six Regulation eight First, Second and Eighth Schedules
The Social Insurance (Widow's Benefit and Retirement Pensions) (Amendment) (No.2) (Guernsey) Regulations, 1967.	Regulation two.