

1968 No. 7

The Social Insurance (Pensions, Existing Beneficiaries
and Other Persons) (Transitional) (Amendment)
(Guernsey) Regulations, 1968.

Made	12th February,	1968
Laid before the States		1968
Came into Operation	4th March,	1968

THE STATES IN EXERCISE OF THE POWERS conferred upon it by section seventy-four of section seventy-seven of the Social Insurance (Guernsey) Law, 1964, as amended, and of all other powers enabling it in that behalf, hereby orders:-

Amendments to the Regulations of 1964

1. The Social Insurance (Pensions, Existing Beneficiaries and Other Persons) (Transitional) (Guernsey) Regulations, 1964, as amended, are hereby further amended as follows, that is to say:

- (a) in the Preamble to paragraph (2) of regulation three thereof-
- (i) immediately after the words "provisions of" there are hereby inserted the words, brackets and a comma "section two of the Law (which relates to widows who are employed persons),";
 - (ii) the words "section sixteen of the Law" are hereby repealed and the words "section sixteen thereof" are hereby substituted therefor;

- (b) immediately after the Preamble to paragraph (2) of regulation three thereof there is hereby inserted the following additional paragraph numbered "(3)":-

"(3) Notwithstanding the provisions of the Preamble 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 became 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.";

- (c) immediately after regulation three thereof there is hereby inserted the following additional regulation numbered "3A." -

"Preservation of rights of an existing widow pensioner

3A. An existing widow pensioner who is entitled to a widow's pension or a retirement pension shall not have that pension reduced in any week by reason of the operation of paragraph (b) of subsection (4) of section sixteen of the Law (which relates to widow's benefit) or subsection (5) of section twenty thereof (which relates to special provisions as to women) to an amount which is less than the rate of the widow's basic pension appropriate to a woman of her age.";

(d) paragraph (3) of regulation five thereof is hereby repealed and the following paragraph is hereby substituted therefor -

"(3) The widow's basic pension of a widow who has attained pensionable age and to whom sub-paragraph (b) of the last preceding paragraph applies shall cease to be payable:-

(a) when she retires, or is deemed to have retired, from regular employment 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 receive a retirement pension of fifty-five shillings; 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 twenty-six shillings.";

(e) sub-paragraph (d) of paragraph (2) of regulation six A thereof is hereby repealed and the following sub-paragraph is hereby substituted therefor -

"(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, and
- (iii) she has or is deemed to have, retired from regular employment,

to a retirement pension of fifty-five shillings."

Citation and Collective Title

2. These regulations may be cited as the Social Insurance (Pensions, Existing Beneficiaries and Other Persons) (Transitional) (Amendment) (Guernsey) Regulations, 1968, and these regulations and the Social Insurance (Pensions, Existing Beneficiaries and Other Persons) (Transitional) (Guernsey) Regulations, 1964 and 1967, may be cited together as the Social Insurance (Pensions, Existing Beneficiaries and Other Persons) (Transitional) (Guernsey) Regulations, 1964 to 1968.

Commencement

3. These regulations shall come into operation on the fourth day of March, nineteen hundred and sixty-eight.

Dated this *twelfth* day of *February*, nineteen hundred and sixty-eight.

A. QUEVATRE

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.)

The effect of the regulations is to give added protection to women who were in receipt of a widow's pension under the repealed Contributory Pensions Laws and are known as existing widow pensioners.

The effect of paragraphs (a) and (b) of regulation 1 is to provide that an existing widow pensioner who had attained the age of 50 years on the appointed day (4th January, 1965) and who on or after that day became or becomes entitled to a widow's basic pension may elect to pay a reduced rate of contribution whereas the existing widow pensioner who had not attained that age on the appointed day pays the ordinary rate of contribution in order to qualify for a retirement pension in her own right. Paragraph (c) safeguards the existing widow pensioner of any age against having her widow's pension or retirement pension reduced, by operation of the earnings rule, to an amount which is less than the rate of widow's basic pension appropriate to a woman of her age (i.e., 17s. 6d. if she is below the age of 60 years and 26s. 0d. if she has attained that age). Paragraphs (d) and (e) enable a widow who had attained the age of 50 years on the appointed day and who satisfies certain conditions, to retain her widow's basic pension until she retires, or is deemed to retire, from regular employment.