

The Social Insurance (Pensions, Existing Beneficiaries and Other Persons)(Transitional)(Amendment)(Guernsey) Regulations, 1967

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

Amendment of regulation six of the principal regulations

1. Paragraph (1) of regulation six of the Social Insurance (Pensions, Existing Beneficiaries and Other Persons) (Transitional) (Guernsey) Regulations, 1964 (hereinafter referred to as "the principal regulations") is hereby repealed and the following paragraph is hereby substituted therefor -

"(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."

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

2. Immediately after regulation six of the principal regulations there is hereby inserted the following additional regulation numbered "6A":-

"6A. (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 became ordinarily resident in Guernsey on or after the appointed day but before the date of the coming into operation of these regulations, on the date on which she became so ordinarily resident or on the fourth day of April, nineteen hundred and sixty-six, whichever was the later; or
- (b) if she becomes ordinarily resident in Guernsey on or after the date of the coming into operation of these regulations, on the date on which she becomes so ordinarily resident; or
- (c) during any period commencing on or after the fourth day of April, nineteen hundred and sixty-six, for so long as 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 four 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 sub-section (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 a retirement pension of fifty <sup>five</sup> shillings, whereupon she shall be deemed to have retired from regular employment.~~

(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-paragraphs (a) or (b) 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 (c) 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 these regulations shall, if she is entitled to a widow's pension immediately before attaining pensionable age, be deemed to have retired from regular employment on the day on which she attains that age and shall thenceforth be entitled to a retirement pension of fifty shillings.
- (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 retired from regular employment and 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 has 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) Where by virtue of the provisions of this regulation an existing widow pensioner becomes entitled to a retirement pension of fifty shillings she shall be treated as a person who has satisfied condition (b) of sub-paragraph (1) of paragraph 2 of the Third Schedule to the Law.

(8) 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 a retirement pension by virtue of any of the provisions of paragraph (2) of this regulation."

Amendment to regulation seven of the principal regulations

3. (1) In paragraph (3) and in paragraph (15) of regulation seven of the principal regulations immediately before the word "SCHEDULE" where that word occurs in those paragraphs there is hereby inserted the word "FIRST".

(2) Paragraph (4) of the said regulation seven is hereby repealed and the following paragraph is hereby substituted therefor:-

"(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 a retirement pension by virtue of his insurance when, on or after attaining pensionable age, she has retired from regular employment."

(3) In paragraph (5) of the said regulation seven the words and figure "or paragraph (2)" are hereby repealed and a comma and the words and figures "paragraph (2) or paragraph (4)" are hereby substituted therefor.

(4) Paragraph (6) of the said regulation seven is hereby repealed and the following paragraph is hereby substituted therefor:-

"(6) In the case of an existing old age pensioner who immediately before his death was entitled to a retirement 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, a retirement pension, a widow's basic pension or a contributory old age pension."

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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

4. Immediately after regulation seven of the principal regulations there is hereby inserted the following additional regulation numbered "7A":

"7A. (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 became ordinarily resident in Guernsey on or after the appointed day but before the date of the coming into operation of these regulations, on the date on which he or she became so ordinarily resident or on the fourth day of April, nineteen hundred and sixty-six, whichever was the later; or
- (b) if he or she becomes ordinarily resident in Guernsey on or after the date of the coming into operation of these regulations, on the date on which he or she becomes so ordinarily resident; or
- (c) during any period commencing on or after the fourth day of April, nineteen hundred and sixty-six, for so long as 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 a retirement 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 a retirement pension by virtue of the provisions of the last preceding paragraph) shall, from the relevant date, be entitled to a retirement 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) or (b) 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 (c) 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 retirement pension payable to an existing old age pensioner who is entitled to a retirement 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 Table in 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 thirty shillings to the maintenance of his wife who is not engaged in any gainful occupation from which her weekly earnings exceed thirty shillings;

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 of these regulations, the wife of an existing old age pensioner, if he is a pensioner who is entitled to a retirement 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 a retirement pension by virtue of his insurance when, on or after attaining pensionable age, she has retired from regular employment.

(7) A woman who is entitled to a retirement 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 retirement pension increased to the same rate as that at which her late husband's retirement pension was payable.

(8) In the case of an existing old age pensioner who immediately before his death was entitled to a retirement pension by virtue of paragraph (2) of this regulation, his widow not being a woman entitled to have her retirement 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, a retirement 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 sections 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 retirement 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 have retired from regular employment and shall be entitled thereafter to a retirement pension at the same rate.

(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, seventeen shillings and six pence until she attains that age and thereafter twenty-six shillings; or

(11) if she has attained the age of sixty years, twenty-six shillings.

(12) When a widow to whom the last preceding paragraph applies retires from regular employment on or after attaining 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 a retirement pension at the same rate as that awarded to her late husband by virtue of paragraph (2) of this regulation:

Provided that if the retirement pension is less than twenty-six shillings 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 twenty-six shillings when she attains age 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 a retirement 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 a retirement 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 a retirement pension by virtue of the provisions of paragraph (2) of this regulation and whose old age pension under the Contributory Pensions Laws 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 a retirement pension by virtue of the provisions of paragraph (3) of this regulation and whose old age pension under the Contributory Pensions Laws 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 1 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 a retirement pension by virtue of the provisions of paragraph (6) of this regulation, the Table in the Fourth Schedule to these regulations."

Additional Schedules to the principal regulations

5. The Schedule to the principle regulations is hereby redesignated as the "FIRST SCHEDULE" thereto and immediately thereafter there are hereby inserted the Schedules set out in the Schedule to these regulations and numbered respectively the "SECOND SCHEDULE", "THIRD SCHEDULE", "FOURTH SCHEDULE" and "FIFTH SCHEDULE".

Citation and commencement

6. (1) These regulations may be cited as the Social Insurance (Pensions, Existing Beneficiaries and Other Persons)(Transitional)(Amendment) (Guernsey) Regulations, 1967, and these regulations and the principal regulations may be cited as the Social Insurance (Pensions, Existing Beneficiaries and Other Persons) (Transitional) (Guernsey) Regulations, 1964 and 1967.

(2) These regulations shall be deemed to have come into force on the fourth day of April, nineteen hundred and sixty six.

Dated this Twentieth day of March nineteen hundred and sixty-seven.

A. QUEVATRE

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

SCHEDULE

Regulation five

"SECOND SCHEDULE

Tables showing rate of retirement pension payable to  $\frac{1}{2}$  person to whom paragraph (2) of regulation seven A of these regulations applies.

Table 1

(1)	(2)
Rate of old age pension under the Contributory Pensions Laws which was last calculated under paragraph (d) of Article 2 of the Law	Rate of retirement pension to be payable from the relevant date in place of the old age pension specified in Column (1)
26s. Od.	50s. Od.
23s. Od.	45s. Od.

20s. Od.  
18s. Od.  
15s. Od.  
13s. Od.

40s. Od.  
35s. Od.  
30s. Od.  
25s. Od.

Table 2

(1)

Rate of old age pension under the Contributory Pensions Laws which was last calculated under paragraph (a) of subsection (1) of section five of the Ordinance of 1962

(2)

Rate of retirement pension to be payable from the relevant date in place of the old age pension specified in Column (1)

18s. Od.  
16s. Od.  
14s. 6d.  
12s. Od.

21s. Od.  
19s. Od.  
17s. Od.  
14s. Od.

Table 3

(1)

Rate of old age pension under the Contributory Pensions Laws which was last calculated under paragraph (b) of subsection (1) of section five of the Ordinance of 1962

(2)

Rate of retirement pension payable from the relevant date in place of the old age pension specified in Column (1)

40s. Od.  
36s. Od.  
32s. Od.  
28s. Od.  
24s. Od.  
21s. Od.

50s. Od.  
45s. Od.  
40s. Od.  
35s. Od.  
30s. Od.  
25s. Od.

THIRD SCHEDULE

Tables showing rate of retirement pension payable to a person to whom paragraph (3) of regulation seven A of these regulations applies.

Table 1

(1)

Rate of old age pension under the Contributory Pensions Laws which was last calculated under paragraph (d) of Article 2 of the Law of 1947

(2)

Rate of retirement pension payable from the relevant date in place of the old age pension specified in Column (1)

16s. Od.  
14s. Od.

30s. Od.  
27s. Od.

12s. Od.	24s. Od.
11s. Od.	21s. Od.
9s. Od.	18s. Od.
8s. Od.	15s. Od.

Table 2

(1)	(2)
Rate of old age pension under the Contributory Pensions Laws which was last calculated under paragraph (a) of subsection (1) of section five of the Ordinance of 1962	Rate of retirement pension payable from the relevant date in place of the old age pension specified in Column (1)
18s. Od.	21s. Od.
16s. Od.	19s. Od.
14s. 6d.	17s. Od.
12s. Od.	14s. Od.

Table 3

(1)	(2)
Rate of old age pension under the Contributory Pensions Laws which was last calculated under paragraph (b) of subsection (1) of section five of the Ordinance of 1962	Rate of retirement pension payable from the relevant date in place of the old age pension specified in Column (1)
25s. Od.	30s. Od.
22s. 6d.	27s. Od.
20s. Od.	24s. Od.
17s. 6d.	21s. Od.
15s. Od.	18s. Od.
12s. 6d.	15s. Od.

FOURTH SCHEDULE

Table showing rate of retirement pension payable to a married woman to whom paragraph (6) of regulation seven A of these regulations applies.

(1)	(2)
Rate of retirement pension payable to a married man by virtue of paragraph (2) of regulation seven A of these regulations	Rate of retirement pension payable to the wife of an insured person by virtue of his insurance
50s. Od.	30s. Od.
45s. Od.	27s. Od.
40s. Od.	24s. Od.
35s. Od.	21s. Od.
30s. Od.	18s. Od.

25s. Od.	15s. Od.
21s. Od.	21s. Od.
19s. Od.	19s. Od.
17s. Od.	17s. Od.
14s. Od.	14s. Od.

FIFTH SCHEDULE

Table showing increase in the rate of a retirement pension payable to a married man to whom paragraph (5) of regulation seven A of these regulations applies.

(1)	(2)
Rate of retirement pension payable to a married man by virtue of paragraph (2) of regulation seven A of these regulations	Amount by which the rate of retirement pension specified in Column (1) is to be increased
50s. Od.	30s. Od.
45s. Od.	27s. Od.
40s. Od.	24s. Od.
35s. Od.	21s. Od.
30s. Od.	18s. Od.
25s. Od.	15s. Od.
21s. Od.	13s. Od.
19s. Od.	11s. Od.
17s. Od.	10s. Od.
14s. Od.	8s. Od. "

EXPLANATORY NOTE

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

The main purpose of these regulations is to amend the Social Insurance (Pensions, Existing Beneficiaries and Other Persons)(Transitional) (Guernsey) Regulations, 1964, in order to enable an existing widow pensioner, an existing old age pensioner and the wife or widow of an existing old age pensioner, who becomes ordinarily resident in Guernsey or while not ordinarily resident in Guernsey is temporarily present therein, to be treated in the same way as that person would have been treated had he or she been so ordinarily resident immediately before the 4th January, 1965.