

The Social Insurance (Seasonal Workers)(Guernsey)  
Regulations, 1966

Made . . . . . 25th January, 1966

Coming into Operation 25th January, 1966

THE STATES INSURANCE AUTHORITY, in exercise of the powers conferred upon it by subsection (4) of section fourteen of the Social Insurance (Guernsey) Law, 1964, and all other powers enabling it in that behalf, hereby orders:-

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 determining authority" means the Administrator or the tribunal, as the case may require;

"employment" means employment in an employed contributor's employment, and the expression "employed" has a corresponding meaning;

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

"office of the Authority" means -

(a) as respects the Islands of Guernsey, Herm and Jethou, the office for the time being of the Authority in Guernsey;

(b) as respects the Island of Alderney, the States Office, Alderney;

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shall be construed as including a reference to that enactment or those regulations, as the case may be, as amended, repealed, replaced or revoked by or under any other enactment or by any other regulations.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

Additional condition with respect to the receipt of unemployment benefit

2. It shall be an additional condition with respect to the receipt of unemployment benefit by a seasonal worker in respect of any day during his off-season (hereafter in this regulation referred to as "the relevant day") that -

(a) if the relevant day occurs before the fourth day of January, nineteen hundred and sixty-seven, he has been registered for employment at the office of the Authority or at such other place as the Authority may direct throughout the period immediately preceding the relevant day and commencing on the fourth day of January, nineteen-hundred and sixty-five, or, if he became a seasonal worker after the commencement of that period, from the day on which he became a seasonal worker until the relevant day, other than (in either case) during any of the following periods, namely:-

(i) any period during which he was employed or was incapable of work;

- (ii) any inconsiderable period;
  - (iii) any temporary period throughout which he was not available for employment by reason only of domestic necessity or compulsion of law, or by reason of any other circumstances which, in the opinion of the determining authority, are of an exceptional character; or
- (b) if the relevant day occurs on or after the fourth day of January, nineteen hundred and sixty-seven, he has been so registered throughout the period of two years immediately preceding the relevant day, or, if he became a seasonal worker after the commencement of that period, from the day on which he became a seasonal worker until the relevant day, other than (in either case) during any of the periods referred to in sub-paragraph (i), sub-paragraph (ii) and sub-paragraph (iii) of paragraph (a) of this regulation; and
- (c) he proves either -
- (i) that in his current off-season he has had a substantial amount of employment before the relevant day; or
  - (ii) that (having regard to all the circumstances of his case, including the nature and extent of his employment (if any) in any past off-seasons and the industrial or other relevant conditions normally obtaining in whichever island or islands in which he is available for employment) he can or could reasonably expect to obtain, after that day in his current off-season, employment which, together with his employment (if any) before that day in that off-season, constitutes a substantial amount of employment.

Meaning of "seasonal worker" etc.

3. In the last preceding regulation, the expression -

- (a) "seasonal worker" means an insured person whose normal employment is for a part or parts only of a year in an occupation or occupations of which the availability or extent varies at approximately the same time or times in successive years; or any other insured person who normally restricts his employment to the same, or substantially the same, part or parts only of the year; and for the purpose of this definition the following provisions shall apply:-
- (i) the expression "part or parts only of a year" shall include any period of time (or, if more than one period, the aggregate of those periods whether in the same or different occupations) whatever the duration of that period; but where any period or periods of a year during which a person is normally not employed is not, or if more than one period (whatever the duration of any such period) do not amount in the aggregate to, more than seven weeks, that person shall not be treated as a seasonal worker;
  - (ii) in construing the expression "normal employment", regard shall be paid to factors inherent in the nature or conditions of the occupation or occupations in which that person is engaged, and not to factors

abnormal to that occupation or occupations notwithstanding that those factors persist for a prolonged period;

- (b) "off-season" means, in relation to a seasonal worker, that period of the year (or, if more than one period, the aggregate of those periods) during which he is normally not employed, and for this purpose the expression "period" shall not include any period of less than seven consecutive days;
- (c) "year" (where used in this regulation) means the period of twelve months commencing with the first day in the calendar year on which the person concerned begins a period of normal employment;
- (d) "a substantial amount of employment" means employment which is equal in duration to not less than one-fourth (or such other fractional part as the determining authority may, in the circumstances of any particular case, consider reasonable) of the current off-season, but does not include employment by the States in accordance with arrangements made by the States Labour and Welfare Committee for providing relief work for persons who would otherwise be unemployed.

Contributions treated as contributions for unemployment benefit

4. Where not less than thirteen contributions as an employed person have been paid by or credited to a seasonal worker in any contribution year, any contribution as a self-employed person or non-employed person paid by or credited to him in respect of that contribution year shall be treated as equivalent to a contribution of the appropriate class for the purpose of his satisfying the contribution conditions for unemployment benefit for any day, occurring during the benefit year next following that contribution year, on which he would normally have been employed.

Citation and Commencement

5. These regulations may be cited as the Social Insurance (Seasonal Workers)(Guernsey) Regulations, 1966, and shall come into operation on the twenty-fifth day of January, nineteen hundred and sixty-six.

Dated this twenty-fifth day of January, nineteen hundred and sixty-six.

A. QUEVATRE

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

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EXPLANATORY NOTE

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

These Regulations prescribe additional conditions for the receipt of unemployment benefit by seasonal workers (as defined in Regulation 3(a)) in periods when they are not normally employed. They also, in certain circumstances, enable contributions as a self-employed or non-employed person to be taken into account for the receipt of unemployment benefit in the case of seasonal workers for days of unemployment in periods when they are normally employed.