

1964--No. 23

**The Social Insurance
(General Transitional) (Guernsey)
Regulations, 1964**

Made 25th November, 1964
Laid before the States .. 16th December, 1964
Coming into Operation .. 4th January, 1965

THE STATES INSURANCE AUTHORITY, in exercise of the powers conferred upon it by section seventy-two and section seventy-five of the Social Insurance (Guernsey) Law, 1964, 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;

“Contributions Regulations” means the Social Insurance (Contributions) (Guernsey) Regulations, 1964;

“existing contributor” has the same meaning as in the Social Insurance (Pensions, Existing Contributors) (Transitional) (Guernsey) Regulations, 1964;

“existing widow pensioner” means a widow who immediately before the appointed day is entitled to a widow’s pension under the Contributory Pensions Laws;

“first normal benefit year” means the benefit year applicable to a person under regulation two of the Social Insurance (General Benefit) (Guernsey) Regulations, 1964, commencing, as the case may be, on the 1st November, 1965, the 7th February, 1966, the 2nd May, 1966 or the 1st August, 1966;

“the Law” means the Social Insurance (Guernsey) Law, 1964;

“voluntary contributor” means an existing contributor who was insured as a voluntary contributor under the Contributory Pensions Laws;

“widow’s basic pension” has the same meaning as in the Social Insurance (Pensions, Existing Beneficiaries and Other Persons) (Transitional) (Guernsey) Regulations, 1964;

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shall be construed as including a reference to that enactment or those regulations, as the case may be, as amended, repealed, replaced or revoked by or under any other enactment or by any other regulations.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

PART II

Insurance and Contributions

Certain voluntary contributors to be insured under the Law

2. As from the appointed day every voluntary contributor who on that day is outside Guernsey and is then under the age of seventy years shall become insured under the Law and thereafter continue throughout his life to be so insured.

Exceptions and credits for certain existing contributors

3. (1) For the purposes of regulation two of the Contributions Regulations (which regulation relates to exceptions and credits for unemployment), Condition I of the Schedule to those regulations shall be deemed to be satisfied in the case of an existing contributor (other than a voluntary contributor) in respect of any week in the period before the fifth day of April, nineteen hundred and sixty-five.

(2) For the purposes of regulation three of the Contributions Regulations (which regulation relates to exceptions and credits for incapacity for work), Condition I of the Schedule to those regulations shall be deemed to be satisfied in relation to any week throughout which an existing contributor was employed in an employment which is an employed contributor's employment for the purposes of section one of the Law (which relates to description and classification of insured persons):

Provided that this paragraph shall cease to apply to an existing contributor as from the commencement of the said contributor's first normal benefit year.

PART III

*Benefits**Modification of contribution conditions for unemployment and sickness benefit in the case of existing contributors*

4. For the purposes of unemployment benefit or sickness benefit (but not otherwise) the conditions contained in sub-paragraph (b) of paragraph 1 of the Third Schedule to the Law (which paragraph contains the contribution conditions for unemployment and sickness benefit) shall be deemed to be satisfied throughout the period up to the commencement of an existing contributor's first normal benefit year.

Calculation of yearly average of contributions paid by or credited to certain widow pensioners

5. (1) Subject to the provisions of this regulation, an existing widow pensioner who, ^{or after} on the appointed day, becomes entitled to a widow's basic pension shall be entitled to elect that, in calculating for the purpose of her right to a retirement pension by virtue of her own insurance the yearly average of the contributions paid by or credited to her, there shall be treated as so paid or credited—

- (a) for each contribution year falling wholly or partly before her husband's death; or
- (b) for each contribution year falling wholly or partly during the period of their marriage;

a number of contributions equal to the yearly average of the contributions paid by him, ascertained as at the date of his attaining the age of seventy years or of his death, whichever is the earlier.

(2) For the purpose of this regulation, the husband of an existing widow pensioner shall be deemed

to have been an existing contributor and the provisions of paragraph (2) of regulation six of the Social Insurance (Pensions, Existing Contributors) (Transitional) (Guernsey) Regulations, 1964, shall have effect accordingly.

(3) In this regulation the expression "husband", in relation to a woman who has been married more than once, refers only to her last husband.

Contributions to be credited to certain existing widow pensioners

6. In calculating for the purpose of her right to a retirement pension by virtue of her own insurance the yearly average of the contributions paid by or credited to her, an existing widow pensioner shall be treated as credited with a contribution for each week during the period commencing on the first day of January, nineteen hundred and fifty-two and ending on the third day of January, nineteen hundred and sixty-five in respect of which she was entitled to a widow's pension by virtue of the provisions of the Contributory Pensions Laws.

PART IV

Miscellaneous provisions

Pending matters under the repealed enactments, etc.

7. (1) The powers and duties of the Administrator or other person thereunto generally or specially authorised in writing by the Administrator under the Contributory Pensions Laws in relation to any matters in connection with those Laws pending on or arising after the appointed day shall be exercised or performed by inspectors appointed under the Law.

(2) A claim for benefit under the Contributory Pensions Laws may be made at any time after the appointed day notwithstanding the repeal of those Laws, and the provisions of the Social Insurance (Claims and Payments) (Guernsey) Regulations, 1964, in so far as they relate to claims, shall apply to any such claim as they apply to a claim for the corresponding benefit under the Law.

(3) As from the appointed day the provisions of the said regulations, in so far as they relate to payment of benefit, shall apply to any benefit under the Contributory Pensions Laws:

Provided that—

- (a) no payment on account of any benefit under the Contributory Pensions Laws shall be paid in respect of any period more than three months before the date on which the claim is made; and
- (b) no sum on account of any such benefit shall be paid more than three months after the date on which it became payable.

(4) Any document referring to any enactment repealed by the Law shall, in so far as it continues in force from the appointed day, be construed as referring to the corresponding enactment of the Law.

(5) Subject to the provisions of the Social Insurance (Determination of Claims and Questions) (Guernsey) Regulations, 1964, any powers and duties of the States Insurance Authority in relation to any matters in connection with the Contributory Pensions Laws pending on or arising after the appointed day shall be exercised or performed by the Authority.

(6) In this regulation the expression "States Insurance Authority" has the same meaning as in the Contributory Pensions Laws.

Saving from the effect of repeal of Article XXXI and Section 1 and Section 4 of Article XXXII of the Law of 1935

8. (1) Notwithstanding the repeal of the Law of 1935 under the provisions of section seventy-two of the Law (which relates to the termination and repeal of existing insurance codes and the treatment of existing contributors and beneficiaries), the provisions of Article XXXI and of Section 1 and Section 4 of Article XXXII of the Law of 1935 shall continue to apply in relation to any cause of action accruing before the appointed day in all respects as if the Law of 1935 had not been so repealed, so, however that any reference in those Articles to the Insurance Authority shall be construed as a reference to the Authority.

(2) Subject to the provisions of the next succeeding paragraph, any sum recovered by virtue of the provisions of Article XXXII of the Law of 1935 which was held by the States Insurance Authority immediately before the appointed day and any sum recovered by the Authority by virtue of the provisions of paragraph (1) of this regulation shall be paid by the Authority to the person to whom such sum would have been payable under the provisions of Section 3 of that Article but for the repeal of the Law of 1935 as aforesaid.

(3) The Authority may deduct from any sum payable to any person under the provisions of the last preceding paragraph—

(a) in the case where such sum was held by the States Insurance Authority immediately before the appointed day and includes any sums recovered by the States Insurance Authority by virtue of the provisions of Section 2 of Article XXXII of the Law of 1935, the amounts of the sums so recovered and

such amount as, in the opinion of the Authority, would have sufficed to reimburse the States Insurance Authority, in respect of all non-recoverable costs and expenses which may have been incurred by the States Insurance Authority in recovering such sum:

- (b) in any other case, such amount as, in the opinion of the Authority, may suffice to reimburse the Authority in respect of all non-recoverable costs and expenses incurred by the Authority in recovering such sum.
- (4) In this regulation—
- (a) the expression “the Law of 1935” means the Contributory Pensions Law, 1935;
 - (b) the expression “States Insurance Authority” has the same meaning as in the Law of 1935.

Modifications of the Law

9. The Law and any Ordinance and regulations for the time being in force thereunder shall have full force and effect subject to the provisions of these regulations.

Citation and commencement

10. These regulations may be cited as the Social Insurance (General Transitional) (Guernsey) Regulations, 1964, and shall come into operation on the fourth day of January, nineteen hundred and sixty-five.

Dated this twenty-fifth day of November, nineteen hundred and sixty-four.

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.)

These Regulations contain modifications of the Social Insurance (Guernsey) Law, 1964, in its application to existing contributors and beneficiaries under the enactments repealed by that Law and certain savings from the effect of such repeal.

1964--No. 23

**The Social Insurance
(General Transitional) (Guernsey)
Regulations, 1964**

Made 25th November, 1964
Laid before the States .. 16th December, 1964
Coming into Operation .. 4th January, 1965

THE STATES INSURANCE AUTHORITY, in exercise of the powers conferred upon it by section seventy-two and section seventy-five of the Social Insurance (Guernsey) Law, 1964, 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;

“Contributions Regulations” means the Social Insurance (Contributions) (Guernsey) Regulations, 1964;

“existing contributor” has the same meaning as in the Social Insurance (Pensions, Existing Contributors) (Transitional) (Guernsey) Regulations, 1964;

“existing widow pensioner” means a widow who immediately before the appointed day is entitled to a widow’s pension under the Contributory Pensions Laws;

“first normal benefit year” means the benefit year applicable to a person under regulation two of the Social Insurance (General Benefit) (Guernsey) Regulations, 1964, commencing, as the case may be, on the 1st November, 1965, the 7th February, 1966, the 2nd May, 1966 or the 1st August, 1966;

“the Law” means the Social Insurance (Guernsey) Law, 1964;

“voluntary contributor” means an existing contributor who was insured as a voluntary contributor under the Contributory Pensions Laws;

“widow’s basic pension” has the same meaning as in the Social Insurance (Pensions, Existing Beneficiaries and Other Persons) (Transitional) (Guernsey) Regulations, 1964;

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.

PART II

Insurance and Contributions

Certain voluntary contributors to be insured under the Law

2. As from the appointed day every voluntary contributor who on that day is outside Guernsey and is then under the age of seventy years shall become insured under the Law and thereafter continue throughout his life to be so insured.

Exceptions and credits for certain existing contributors

3. (1) For the purposes of regulation two of the Contributions Regulations (which regulation relates to exceptions and credits for unemployment), Condition I of the Schedule to those regulations shall be deemed to be satisfied in the case of an existing contributor (other than a voluntary contributor) in respect of any week in the period before the fifth day of April, nineteen hundred and sixty-five.

(2) For the purposes of regulation three of the Contributions Regulations (which regulation relates to exceptions and credits for incapacity for work), Condition I of the Schedule to those regulations shall be deemed to be satisfied in relation to any week throughout which an existing contributor was employed in an employment which is an employed contributor's employment for the purposes of section one of the Law (which relates to description and classification of insured persons):

Provided that this paragraph shall cease to apply to an existing contributor as from the commencement of the said contributor's first normal benefit year.

PART III

*Benefits**Modification of contribution conditions for unemployment and sickness benefit in the case of existing contributors*

4. For the purposes of unemployment benefit or sickness benefit (but not otherwise) the conditions contained in sub-paragraph (b) of paragraph 1 of the Third Schedule to the Law (which paragraph contains the contribution conditions for unemployment and sickness benefit) shall be deemed to be satisfied throughout the period up to the commencement of an existing contributor's first normal benefit year.

Calculation of yearly average of contributions paid by or credited to certain widow pensioners

5. (1) Subject to the provisions of this regulation, an existing widow pensioner who, on the appointed day, becomes entitled to a widow's basic pension shall be entitled to elect that, in calculating for the purpose of her right to a retirement pension by virtue of her own insurance the yearly average of the contributions paid by or credited to her, there shall be treated as so paid or credited—

- (a) for each contribution year falling wholly or partly before her husband's death; or
- (b) for each contribution year falling wholly or partly during the period of their marriage;

a number of contributions equal to the yearly average of the contributions paid by him, ascertained as at the date of his attaining the age of seventy years or of his death, whichever is the earlier.

(2) For the purpose of this regulation, the husband of an existing widow pensioner shall be deemed

to have been an existing contributor and the provisions of paragraph (2) of regulation six of the Social Insurance (Pensions, Existing Contributors) (Transitional) (Guernsey) Regulations, 1964, shall have effect accordingly.

(3) In this regulation the expression "husband", in relation to a woman who has been married more than once, refers only to her last husband.

Contributions to be credited to certain existing widow pensioners

6. In calculating for the purpose of her right to a retirement pension by virtue of her own insurance the yearly average of the contributions paid by or credited to her, an existing widow pensioner shall be treated as credited with a contribution for each week during the period commencing on the first day of January, nineteen hundred and fifty-two and ending on the third day of January, nineteen hundred and sixty-five in respect of which she was entitled to a widow's pension by virtue of the provisions of the Contributory Pensions Laws.

PART IV

Miscellaneous provisions

Pending matters under the repealed enactments, etc.

7. (1) The powers and duties of the Administrator or other person thereunto generally or specially authorised in writing by the Administrator under the Contributory Pensions Laws in relation to any matters in connection with those Laws pending on or arising after the appointed day shall be exercised or performed by inspectors appointed under the Law.

(2) A claim for benefit under the Contributory Pensions Laws may be made at any time after the appointed day notwithstanding the repeal of those Laws, and the provisions of the Social Insurance (Claims and Payments) (Guernsey) Regulations, 1964, in so far as they relate to claims, shall apply to any such claim as they apply to a claim for the corresponding benefit under the Law.

(3) As from the appointed day the provisions of the said regulations, in so far as they relate to payment of benefit, shall apply to any benefit under the Contributory Pensions Laws:

Provided that—

(a) no payment on account of any benefit under the Contributory Pensions Laws shall be paid in respect of any period more than three months before the date on which the claim is made; and

(b) no sum on account of any such benefit shall be paid more than three months after the date on which it became payable.

(4) Any document referring to any enactment repealed by the Law shall, in so far as it continues in force from the appointed day, be construed as referring to the corresponding enactment of the Law.

(5) Subject to the provisions of the Social Insurance (Determination of Claims and Questions) (Guernsey) Regulations, 1964, any powers and duties of the States Insurance Authority in relation to any matters in connection with the Contributory Pensions Laws pending on or arising after the appointed day shall be exercised or performed by the Authority.

(6) In this regulation the expression "States Insurance Authority" has the same meaning as in the Contributory Pensions Laws.

Saving from the effect of repeal of Article XXXI and Section 1 and Section 4 of Article XXXII of the Law of 1935

8. (1) Notwithstanding the repeal of the Law of 1935 under the provisions of section seventy-two of the Law (which relates to the termination and repeal of existing insurance codes and the treatment of existing contributors and beneficiaries), the provisions of Article XXXI and of Section 1 and Section 4 of Article XXXII of the Law of 1935 shall continue to apply in relation to any cause of action accruing before the appointed day in all respects as if the Law of 1935 had not been so repealed, so, however that any reference in those Articles to the Insurance Authority shall be construed as a reference to the Authority.

(2) Subject to the provisions of the next succeeding paragraph, any sum recovered by virtue of the provisions of Article XXXII of the Law of 1935 which was held by the States Insurance Authority immediately before the appointed day and any sum recovered by the Authority by virtue of the provisions of paragraph (1) of this regulation shall be paid by the Authority to the person to whom such sum would have been payable under the provisions of Section 3 of that Article but for the repeal of the Law of 1935 as aforesaid.

(3) The Authority may deduct from any sum payable to any person under the provisions of the last preceding paragraph—

(a) in the case where such sum was held by the States Insurance Authority immediately before the appointed day and includes any sums recovered by the States Insurance Authority by virtue of the provisions of Section 2 of Article XXXII of the Law of 1935, the amounts of the sums so recovered and

such amount as, in the opinion of the Authority, would have sufficed to reimburse the States Insurance Authority, in respect of all non-recoverable costs and expenses which may have been incurred by the States Insurance Authority in recovering such sum:

- (b) in any other case, such amount as, in the opinion of the Authority, may suffice to reimburse the Authority in respect of all non-recoverable costs and expenses incurred by the Authority in recovering such sum.
- (4) In this regulation—
- (a) the expression “the Law of 1935” means the Contributory Pensions Law, 1935;
 - (b) the expression “States Insurance Authority” has the same meaning as in the Law of 1935.

Modifications of the Law

9. The Law and any Ordinance and regulations for the time being in force thereunder shall have full force and effect subject to the provisions of these regulations.

Citation and commencement

10. These regulations may be cited as the Social Insurance (General Transitional) (Guernsey) Regulations, 1964, and shall come into operation on the fourth day of January, nineteen hundred and sixty-five.

Dated this twenty-fifth day of November, nineteen hundred and sixty-four.

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.)

These Regulations contain modifications of the Social Insurance (Guernsey) Law, 1964, in its application to existing contributors and beneficiaries under the enactments repealed by that Law and certain savings from the effect of such repeal.