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GUERNSEY STATUTORY INSTRUMENT

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1964—No. 24

**The Social Insurance  
(Residence and Persons Abroad)  
(Guernsey) Regulations, 1964**

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

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THE STATES INSURANCE AUTHORITY, in exercise of the powers conferred upon it by sections one, thirty-seven, sixty-six and seventy-six of the Social Insurance (Guernsey) Law, 1964, and of 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:—

“contributions” has the same meaning as in the Law;

“the Contributory Pensions Laws” means the Contributory Pensions (Guernsey) Laws, 1935 to 1962;

“the Law” means the Social Insurance (Guernsey) Law, 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be construed as including a reference to that enactment or those regulations, as the case may be, as amended, extended, repealed, replaced or revoked by or under any other enactment or by any other regulations.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.

*Condition as to residence in Guernsey*

2. For the purposes of subsection (1) of section one of the Law (which subsection provides for persons who are in Guernsey becoming insured under the Law subject to such conditions as may be prescribed as to residence in Guernsey), the condition as to residence in Guernsey shall be that a person must have been resident in Guernsey for a continuous period of twenty-six weeks terminating on or after the appointed day and on or after attaining school leaving age:

Provided that—

- (a) this condition shall not apply to the following persons as from the respective dates mentioned below:—
  - (i) (Subject to the provisions of paragraphs (b) and (c) of this proviso) in the case of a person who, but for the foregoing provision, would be an employed person, as from the date on which he becomes such a person;
  - (ii) in the case of a person who, but for the said foregoing provision, would be a

self-employed person or a non-employed person and who notifies the Authority that this condition shall not apply to him, as from the date of such notification;

- (iii) in the case of a person over school leaving age and under the age of eighteen who came to Guernsey for the purpose of receiving full time education or of becoming a full time unpaid apprentice not gainfully occupied, as from the date of the commencement of such education or apprenticeship, or, if the education or apprenticeship commenced before, and was still existing on, the appointed day, as from that day;
- (b) where an employed person (not being an existing contributor within the meaning of any regulations made under section seventy-two of the Law) to whom the provisions of sub-paragraph (i) of the preceding paragraph of this proviso would otherwise apply is not ordinarily resident in Guernsey and either the employer of that person is not so ordinarily resident or the employer's principal place of business is not in Guernsey, the foregoing condition shall apply with the substitution of fifty-two weeks (weeks commencing before the appointed day being disregarded) for twenty-six weeks, if, in the country in which the employed person is ordinarily resident, payments by the employer or the employed person in respect of the period of the employment are being made for the purpose of enabling him to qualify for benefits substantially similar to benefits provided under the Law;

- (c) where a person (not being an existing contributor within the meaning of any regulations made under section seventy-two of the Law) in relation to whom the provisions of the said sub-paragraph (i) would otherwise apply is not ordinarily resident in Guernsey, the foregoing condition shall apply if during a vacation occurring in a course of full time studies which he is pursuing outside Guernsey, he is gainfully occupied under a contract of service in Guernsey in temporary employment of a nature similar or related to that course of studies.

*Payment of contributions in respect of periods abroad*

3. (1) Where a person employed in an employed contributor's employment ceases to be so employed in Guernsey but is employed (whether by the same or a different employer) outside Guernsey in continuation of an employed contributor's employment, that employment outside Guernsey shall be treated as an employed contributor's employment for the period for which contributions are payable in respect of it under sub-paragraph (a) of paragraph (2) of this regulation, provided the employer has a place of business in Guernsey, and the person concerned is ordinarily resident therein.

(2) Where under the preceding paragraph employment outside Guernsey is treated as an employed contributor's employment, the following provisions shall apply with respect to the payment of contributions:—

- (a) weekly contributions at the appropriate rates specified in columns 2 and 3 of Part I and in column 2 of Part II of the First Schedule to the Law (which Parts respectively specify

the contributions payable by employed persons and the employers of such persons) shall be payable in respect of such employment during the period of twelve months from the commencement thereof;

- (b) after the completion of the period for which contributions are payable under the preceding sub-paragraph, the insured person shall, for any week thereafter during the whole of which he is outside Guernsey,
  - (i) if in that week he is under the age of sixty-five years, be entitled to pay a contribution as a non-employed person; or
  - (ii) if in that week he is over the age of sixty-five years, has not retired from regular employment and continues to be employed in such an employment as is mentioned in paragraph (1) of this regulation, be entitled to pay a contribution as a non-employed person at the same rate as a non-employed person under that age.

(3) Where a person to whom sub-paragraph (b) of the preceding paragraph is applicable returns to Guernsey, retires from regular employment or dies, any contribution as a non-employed person paid (whether before or after any such event) in accordance with the provisions of that sub-paragraph shall be treated as if it were a contribution paid by him in respect of an employed contributor's employment, provided that in respect of each contribution year commencing after the appointed day during the whole of which he was outside Guernsey not less than forty-five contributions of any class have been paid by or credited to him as an insured person.

*Special provision relating to persons outside Guernsey on the appointed day*

4. Where a person (not being a person insured by virtue of any provision of the Law) is on the appointed day over school leaving age and under pensionable age, and is then gainfully occupied in an employment outside Guernsey which is in continuation of employment in Guernsey, and which, had the employment in Guernsey ceased on that day, would have been treated as an employed contributor's employment under paragraph (1) of regulation three, then, as from the appointed day, that person shall be insured under the Law and that employment outside Guernsey shall be treated as an employed contributor's employment for the purposes of regulation three, as if that employment were in continuation of an employed contributor's employment.

*Contributions as a non-employed or self-employed person in respect of periods outside Guernsey*

5. (1) Where an insured person is throughout any contribution week outside Guernsey and is not in that week an employed person, he shall not be liable to pay any contributions as an insured person for that week.

(2) Subject to the condition specified in paragraph (3) of this regulation, an insured person shall, for any week during the whole of which he is outside Guernsey, and for which by virtue of paragraph (1) of this regulation he is not liable to pay a contribution as an insured person, be entitled to pay a contribution as a non-employed person or, if he so desires and is gainfully occupied in that week, as a self-employed person.

(3) The condition referred to in the preceding paragraph is that, subject to the provisions of para-

graph (5) of this paragraph, not less than one hundred and fifty-six contributions of any class under the Law had been paid by him as an insured person, other than contributions paid in pursuance of the provisions of sub-paragraph (ii) of either paragraph (a), paragraph (c) or paragraph (d) of subsection (2) of section two, section nine or section ten of the Law.

(4) Any contribution which a person is entitled to pay under paragraph (2) of this regulation may be paid—

(a) by a person who is ordinarily resident in Guernsey or who has resided therein for an aggregate period of at least ten years, at any time not later than the end of the sixth contribution year following the contribution year which includes the contribution week in respect of which it is payable; and

(b) by any other person at any time before the end of the benefit year next following the contribution year which includes the contribution week in respect of which the contribution is payable, or within such longer period, being a period ending not later than the end of the sixth contribution year following the contribution year which includes the said contribution week, as the Authority may in a particular case allow.

(5) For the purposes of the condition contained in paragraph (3) of this regulation, the following provisions shall apply:—

(a) in the case of a person who was immediately before the appointed day insured as a voluntary contributor under the Contributory Pensions Laws, the said condition shall be deemed to be satisfied.

(b) in the case of a person who immediately before the appointed day was insured as a compulsory contributor under the Contributory Pensions Laws, contributions paid by or in respect of that person (not being contributions which are deemed to have been paid) since he became or last became insured under the said Laws shall be treated as contributions paid under the Law if they are contributions which would be so treated by virtue of the provisions of regulation six of the Social Insurance (Pensions, Existing Contributors) (Transitional) (Guernsey) Regulations, 1964.

(6) This regulation shall not apply to a person to whom the provisions of sub-paragraph (b) of paragraph (2) of regulation three are applicable.

*Crediting of contributions in respect of periods outside Guernsey*

6. Where a person is by virtue of the provisions of these regulations not liable to pay a contribution for any week during the whole of which he is absent from Guernsey and would but for those provisions have been excepted from liability for and credited with a contribution for that week under the provisions of the Social Insurance (Contributions) (Guernsey) Regulations, 1964, by virtue of regulation three (which relates to periods of incapacity for work) or regulation nine (which relates to periods of full-time education, unpaid apprenticeship and training) thereof, that person shall be entitled to be credited with such contribution as if those regulations applied to his case.

*Modifications of the Law in relation to payment of benefit abroad in the case of persons who are not ordinarily resident in Guernsey*

7. (1) The provisions of this regulation shall apply in relation to the payment of benefit to or in respect of any person for any period—

(a) when he is not ordinarily resident in Guernsey and who, but for the provisions of this regulation, would be disqualified for receiving benefit by virtue of his insurance or that of another person, including an increase of benefit for a dependant, whether or not the dependant is ordinarily resident in Guernsey;

(b) when, but for the provisions of this regulation, he would be disqualified for receiving an increase of benefit in respect of a dependant who is not ordinarily resident in Guernsey although that person is ordinarily so resident.

(2) For the purposes of this regulation a “dependant” means the wife or husband of the beneficiary.

(3) A person, to whom sub-paragraph (a) of paragraph (1) of this regulation applies, shall not be disqualified for receiving any benefit for so long as he is present in Guernsey.

(4) A person, to whom sub-paragraph (b) of paragraph (1) of this regulation applies, shall be entitled to an increase of benefit for a dependant who is not ordinarily resident in Guernsey for so long as the dependant is present in Guernsey.

(5) A person, to whom sub-paragraph (a) of paragraph (1) of this regulation applies, shall not be disqualified for receiving by way of benefit a guardian's allowance, a retirement pension or a widow's benefit by reason of not being present in Guernsey.

(6) A person, to whom sub-paragraph (a) of paragraph (1) of this regulation applies, shall not be disqualified for receiving sickness benefit:—

- (a) by reason of being temporarily absent from Guernsey (being in the United Kingdom, the Isle of Man or one of the Channel Islands other than Guernsey) during the period of six months from the date on which such absence commences; or
- (b) by reason of being temporarily absent from Guernsey for the specific purpose of being treated for incapacity which commenced before he left Guernsey, during such period as the Authority may allow, having regard to the particular circumstances of the case.

(7) A person, to whom sub-paragraph (a) of paragraph (1) of this regulation applies, shall not be disqualified for receiving industrial disablement benefit by reason of being temporarily absent from Guernsey for a period not exceeding three months.

(8) A person, to whom sub-paragraph (a) of paragraph (1) of this regulation applies, shall not be disqualified for receiving either industrial medical benefit or limited medical benefit by reason of being temporarily absent from Guernsey for the specific purpose of being treated for incapacity due to personal injury by accident which he sustained before he left Guernsey, during such period as the Authority may allow, having regard to the particular circumstances of the case.

*Modifications of the Law in relation to payment of benefit abroad in the case of persons who are ordinarily resident in Guernsey*

8. (1) Notwithstanding the provisions of the Law, a person who is ordinarily resident in Guernsey shall

be disqualified for receiving unemployment benefit for any period during which he is absent from Guernsey.

(2) Notwithstanding the provisions of the Law, a person who is ordinarily resident in Guernsey shall be disqualified for receiving sickness benefit for any period during which he is absent from Guernsey, save, however, that such a person shall not be so disqualified by reason of being temporarily absent from Guernsey:—

- (a) (being in the United Kingdom, the Isle of Man or one of the Channel Islands other than Guernsey) during the period of six months from the date on which such absence commences; or
- (b) for the specific purpose of being treated for incapacity which commenced before he left Guernsey, during such period as the Authority may allow, having regard to the particular circumstances of the case.

(3) Notwithstanding the provisions of the Law, a person who is ordinarily resident in Guernsey shall be disqualified for receiving limited medical benefit for any period during which he is absent from Guernsey, save, however, that such a person shall not be so disqualified by reason of being temporarily absent from Guernsey for the specific purpose of being treated for incapacity, due to personal injury by accident which he sustained before he left Guernsey, during such period as the Authority may allow, having regard to the particular circumstances of the case.

(4) Notwithstanding the provisions of the Law, a person who is ordinarily resident in Guernsey shall be disqualified for receiving industrial medical benefit for any period during which he is absent from Guern-

sey, save, however, that such a person shall not be so disqualified:—

- (a) by reason of being temporarily absent from Guernsey for the specific purpose of being treated for incapacity due to personal injury caused by accident arising out of and in the course of his employment which he sustained before he left Guernsey, during such period as the Authority may allow, having regard to the particular circumstances of the case;
- (b) if he is a person to whom the provisions of paragraph (2) of regulation three of these regulations apply, during such period as the Authority may allow, having regard to the particular circumstances of the case.

*Administrative arrangements as to contributions and benefits*

9. (1) Contributions and benefit which become payable by virtue of these regulations in respect of a person who is not present in Guernsey shall be paid and collected, or, as the case may be, paid, at such times and in such manner and subject to the furnishing of such information and evidence as the Authority may determine or require from time to time.

(2) Any option which may be exercised by virtue of regulations three and five shall be made in writing and addressed to the Authority.

*Citation and Commencement*

10. These regulations may be cited as the Social Insurance (Residence and Persons Abroad) (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 deal with four main subjects, namely, (1) the condition as to residence in Guernsey which must ordinarily be complied with before a person can become insured under the Social Insurance Law, 1964 (regulation 2); (2) payment of contributions in respect of periods abroad (regulations 3 to 6); (3) the right on return to Guernsey of persons employed in employed contributor's employment abroad to convert contributions paid abroad as a non-employed person into employed person's contributions (regulation 3 (3)); and (4) the removal in some cases of the statutory disqualification for the receipt of benefit for periods of absence from Guernsey and for the suspension of payment of benefit in certain cases (regulations 7 and 8).