
GUERNSEY STATUTORY INSTRUMENT

1964—No. 27

**The Social Insurance
(Married Women) (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 subsection (4) of section fourteen and section sixty-five 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:—

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

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

“contribution year” and “benefit year” have the same meanings as in the Social Insurance (General Benefit) (Guernsey) Regulations, 1964;

- “ the Contributory Pensions Laws ” means the Contributory Pensions (Guernsey) Laws, 1935 to 1962;
- “ the determining authority means, as the case may require, the Administrator or the tribunal;
- “ existing contributor ” has the same meaning as in the Social Insurance (Pensions, Existing Contributors) (Transitional) (Guernsey) Regulations, 1964;
- “ the Law ” means the Social Insurance (Guernsey) Law, 1964;
- “ marriage ” includes any remarriage, and the word “ married ”, wherever it occurs, shall be construed accordingly;
- “ the Overlapping Benefits Regulations ” means the Social Insurance (Overlapping Benefits) (Guernsey) Regulations, 1964;
- “ week ” means a contribution week;
- “ widow’s basic pension ” has the same meaning as in the Social Insurance (Pensions, Existing Beneficiaries and Other Persons) (Transitional) (Guernsey) Regulations, 1964;
- “ widow’s preserved 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) For the purposes of regulations five and seven of these regulations, a woman who has obtained a decree of presumption of death and of dissolution of marriage shall, notwithstanding that the man whose death has been presumed is dead, be treated as a woman whose marriage has been terminated other-

wise than by the death of her husband unless the date of his death is established to the satisfaction (as respects the said regulation five, or paragraph (1) or paragraph (3) of the said regulation seven) of the Authority or (as respects paragraph (2) of the said regulation seven) of the determining authority; and, in relation to a woman who is so treated, the marriage in question shall be treated as having been terminated on the date of the said decree.

(3) Except where the context otherwise requires, any reference in these regulations to any enactment or regulation 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.

(4) The Interpretation (Guernsey) Law, 1948, shall apply to the interpretation of these regulations as it applies to the interpretation of a Guernsey enactment.

Married women who are self-employed persons

2. (1) A woman shall be excepted from liability to pay contributions in respect of any period during which she is married and is a self-employed person unless, during that period she, being a woman who satisfies the conditions set out in regulation four of these regulations, elects otherwise in accordance with the following provisions of this regulation.

(2) Every such election by a married woman shall be either an election to be liable to pay contributions as a self-employed person or an election to be liable to pay contributions as if she were a non-employed person notwithstanding that she is a self-employed person, and a woman who makes any such election shall, during the operation of the election but subject

to the provisions of the Law, be liable to pay the contributions which she has elected to be liable to be liable to pay:

Provided that, in relation to a married woman who has attained pensionable age but has not attained the age of seventy years, any such election made by her to be liable to pay contributions as if she were a non-employed person shall be treated as if it were an election to be liable to pay contributions as if she were a non-employed person under pensionable age.

(3) Where a married woman has elected under the foregoing provisions of this regulation to be liable to pay contributions as if she were a non-employed person, every such contribution paid by her during the operation of any such election shall be treated as if it were a contribution as a self-employed person, if it is paid in respect of a week commencing on or after the date on which she attained pensionable age, for the purposes of subsection (4) of section nineteen of the Law (which relates to retirement pensions).

(4) Every election by a married woman under the foregoing provisions of this regulation shall be made by her by giving notice in writing to the Authority, and if such notice is given before the expiration of thirteen weeks (or such longer period as the Authority, having regard to all the circumstances of the case, may allow) beginning with the week next following the date on which she became or again became a married woman who was a self-employed person, the election shall be operative from that date, but if such notice is given thereafter, the election shall be operative from the beginning of the week in which the said notice was given.

(5) Any such election by a married woman may be cancelled by her at any time by giving notice in writing to the Authority to that effect, and such

notice shall be operative from the beginning of the week in which the notice was given.

Married women who are non-employed persons

3. (1) A woman shall be excepted from liability to pay contributions in respect of any period during which she is married and is a non-employed person unless during that period she, being a woman who satisfies the conditions set out in regulation four of these regulations, elects otherwise in accordance with the following provisions of this regulation.

(2) Every such election by a married woman shall be an election to be liable to pay contributions as a non-employed person, and a woman who makes such an election shall, during the operation of the election, but subject to the provisions of the Law, be liable to pay the contributions which she has elected to be liable to pay.

(3) Every election by a married woman under the foregoing provisions of this regulation shall be made by her by giving notice in writing to the Authority, and if such notice is given before the expiration of thirteen weeks (or such longer period as the Authority, having regard to all the circumstances of the case, may allow) beginning with the week next following the date on which she became or again became a married woman who was a non-employed person, the election shall be operative from that date, but if such notice is given thereafter, the election shall be operative from the beginning of the week in which the said notice was given.

(4) Any such election by a married woman may be cancelled by her at any time by giving notice in writing to the Authority to that effect, and such notice shall be operative from the beginning of the week in which the notice was given.

Conditions to be satisfied by a married woman who is excepted from liability to pay contributions but elects to be so liable

4. (1) The conditions to be satisfied by a married woman to enable her to make an election in pursuance of the provisions of paragraph (1) of regulation two or regulation three of these regulations shall be:—

- (a) that immediately prior to the appointed day, she was insured as a voluntary contributor under the Contributory Pensions Laws; or
- (b) that she has paid not less than one hundred and fifty-six contributions under the Law other than contributions paid in pursuance of the provisions of sub-paragraph (ii) of paragraphs (a), (c) or (d) of subsection (2) of section two (which relates to source of funds) and subsection (1) of section nine (which relates to women seasonal workers) and of subsection (1) of section ten (which relates to widows who are employed persons) of the Law.

(2) For the purposes of sub-paragraph (b) of the last preceding paragraph, contributions paid by or in respect of an existing contributor under the Contributory Pensions Laws (not being contributions which are deemed to have been paid thereunder) shall be treated as contributions paid under the Law, if they are contributions which would be taken into account for the purposes of the Law in pursuance of the provisions of paragraph (2) of regulation six of the Social Insurance (Pensions, Existing Contributors) (Transitional) (Guernsey) Regulations, 1964.

Special credits where a woman's marriage has been terminated

5. (1) In the case of a woman whose marriage has been terminated by the death of her husband or

otherwise, contributions shall be credited to her, subject to and in accordance with the following provisions of this regulation, for the purposes specified in paragraph (3) thereof, if at any time, in respect of weeks beginning not earlier than the twenty-sixth week next before the termination of that marriage (hereafter in this regulation referred to as "the appropriate weeks") she has not paid twenty-six contributions as an employed person but has paid twenty-six contributions of which each is either a contribution as an employed person or a contribution as a self-employed person, and if at any time, in respect of the appropriate weeks, she has paid twenty-six contributions as an employed person.

(2) Contributions credited to a woman by virtue of the foregoing provisions of this regulation shall be—

- (a) if she has not paid twenty-six contributions as an employed person in respect of the appropriate weeks, a contribution as a self-employed person for every week in the period beginning with the commencement of the last complete contribution year before the benefit year which includes that one of the appropriate weeks in respect of which she paid the twenty-sixth contribution as an employed or self-employed person and ending with that week; and
- (b) if she has paid (either with or without any other contribution) twenty-six contributions as an employed person in respect of the appropriate weeks, a contribution as an employed person for every week in the period beginning with the commencement of the last complete contribution year before the benefit year which includes that one of the appropriate weeks in respect of which she

paid the twenty-sixth contribution as an employed person and ending with that week:

Provided that—

- (i) a contribution shall not be so credited for any week which did not fall wholly within the period of the marriage in question or for any week in respect of which she has paid, or is to be treated as having paid, or, by virtue of any provision of the regulations made under the Law except this regulation, is to be credited with, a contribution of the class of which, but for this proviso, a contribution would fall to be credited to her in accordance with this regulation or (where the contribution of that class is a contribution as a self-employed person) a contribution as an employed person;
- (ii) where, in accordance with the foregoing provisions of this regulation, a contribution as an employed person falls to be credited to a woman for any week for which she has paid, or is to be treated as having paid, or is to be credited with a contribution as a self-employed person, the crediting of that contribution as an employed person shall be taken into account for the purposes specified in the next following paragraph to the exclusion of the payment or crediting of the contribution as a self-employed person.

(3) The purposes for which contributions credited to a woman by virtue of the foregoing provisions of this regulation shall be so credited are—

- (a) for the purpose of her satisfying, as respects the fifty contributions required to have been paid or credited in a contribution year, the contribution conditions for unemployment and sickness benefit; and
- (b) for the purpose of her satisfying the conditions attaching to exception from liability to pay, and to the crediting of, contributions which are contained in the Schedule to the Contribution Regulations.

Modifications, in relation to widows, of provisions with respect to unemployment and sickness benefit and retirement pensions

6. (1) Subject to the following provisions of this regulation, where, otherwise than by reason of re-marriage or cohabitation with a man as his wife, a woman either ceases to be entitled to a widow's allowance or ceases to be entitled to a widow's pension by virtue of regulation two of the Social Insurance (Widow's Benefit and Retirement Pensions) (Guernsey) Regulations, 1964, or ceases to be entitled to a widowed mother's allowance, but in the last case without becoming entitled under the Law to a widow's pension or a retirement pension—

- (a) she shall be deemed to have satisfied, as respects the twenty-six contributions required to have been paid, the contribution conditions for unemployment and sickness benefit;
- (b) for the purpose of her satisfying, as respects the fifty contributions required to have been paid or credited in a contribution year, the contribution conditions for unemployment and sickness benefit and of her satisfying the conditions attaching to exception from liability to pay, and to the crediting of, contri-

butions which are contained in the Schedule to the Contribution Regulations, a contribution as an employed person shall be credited to her for each week which began in the period commencing with the beginning of the last complete contribution year before the beginning of the benefit year which includes the day on which she ceases to be entitled as aforesaid and ending with that day;

- (c) for the purpose of her right to sickness benefit, the provisions of subsection (2) of section thirteen of the Law (which relates to exhaustion of and requalification for benefit) shall not apply;
- (d) for the purposes of the provisions of subsection (1) of the said section thirteen, if the day on which she ceases to be entitled as aforesaid falls during a period of interruption of employment, any part of that period before that day shall be left out of account and, if on that day her right to unemployment benefit is exhausted, she shall be deemed to have requalified therefor on that day; and
- (e) she shall be deemed to have satisfied, as respects the one hundred and fifty-six contributions required to have been paid, the contribution conditions for a retirement pension.

(2) In relation to a widow who, at her husband's death, would be entitled to a widow's allowance but for the fact that the conditions for a widow's allowance specified in paragraph (a) of subsection (1) of section sixteen of the Law (which relates to widow's benefit) are not satisfied, sub-paragraph (e) of paragraph (1) of this regulation shall, subject to the provi-

sions of paragraph (4) of this regulation, apply as if she had then ceased to be entitled to a widow's allowance.

(3) Where a woman is entitled to a widow's basic pension, the provisions of regulation three of, and paragraph (1) of the Schedule to, the Overlapping Benefits Regulations (which except widow's basic pension payable in certain circumstances from adjustment by reference to unemployment benefit or sickness benefit) shall not operate to except her widow's basic pension from adjustment by reference to any unemployment benefit or sickness benefit which would not be payable but for the foregoing provisions of this regulation for any period before she has paid twenty-six contributions of the appropriate class in respect of weeks beginning after she ceased to be entitled as is mentioned in paragraph (1) of this regulation.

(4) The provisions of sub-paragraph (e) of paragraph (1) of this regulation shall not, in the case of a woman who, having ceased to be entitled as is mentioned in that paragraph, remarries before she attains pensionable age, apply by reason of her ceasing to be entitled as aforesaid before her remarriage.

(5) In determining for the purposes of paragraph (1) of this regulation whether a woman ceases to be or becomes entitled as is mentioned in that paragraph, a woman in whose case the Authority is satisfied that she would be or would have been entitled to widow's benefit or a retirement pension for any period but for any one or more of the following factors, namely—

- (a) delay or failure to make a claim therefor;
- (b) disqualification for the receipt of benefit for any other reason except her cohabitation with a man as his wife;

- (c) the operation of the provisions of the Overlapping Benefits Regulations;
- (d) the operation of any provision of either the Law or any regulations made thereunder relating to earnings;

shall be treated as if she is or (as the case may be) was entitled thereto throughout that period.

(6) In determining for the purpose of paragraph (2) of this regulation whether a woman would be entitled to a widow's allowance but for the fact mentioned in that paragraph, a woman in whose case the Authority is satisfied that she would be so entitled but for that fact and for any one or more of the factors mentioned in the last foregoing paragraph shall be treated as if she would be so entitled but for that fact.

(7) A woman shall not be entitled by virtue of this regulation to an increase of unemployment benefit or sickness benefit in respect of a child or adult dependant for any period before she has paid twenty-six contributions of the appropriate class in respect of weeks beginning after she ceased to be entitled as is mentioned in paragraph (1) of this regulation.

(8) A woman who ceases to be entitled as is mentioned in paragraph (1) of this regulation on more than one occasion shall be entitled to the benefit of the provisions of that paragraph, subject as therein mentioned, on each such occasion:

Provided that, in relation to such a woman, the references in paragraphs (3) and (7) of this regulation to her ceasing to be entitled as aforesaid shall be construed as references to the later or last of such occasions, so, however, that a woman who, after any occasion (hereafter in this paragraph called "the occasion in question") and before the next subsequent occasion, has satisfied, in relation to the occa-

sion in question, the requirement of paying the twenty-six contributions referred to in the said paragraphs (3) and (7), shall, in relation to any right to benefit arising by reason of the application of the provisions of the said paragraph (1) on the occasion in question, be relieved from any restriction on that right imposed by those paragraphs as if the provisions of the said paragraph (1) had not applied on any subsequent occasion.

(9) Where in accordance with the provisions of sub-paragraph (b) of paragraph (1) of this regulation a contribution is credited for any week, any contribution under the Law otherwise credited, or paid for that week shall be disregarded for the purpose specified in the said sub-paragraph (b), but for all other purposes shall be taken into account to the exclusion of any contribution credited in accordance with the provisions of that sub-paragraph.

(10) Where, but for this paragraph, the provisions of the last foregoing regulation and the provisions of this regulation would be applicable for the purpose of determining a woman's right to unemployment benefit or sickness benefit for any day, her right thereto shall be determined by reference to the provisions of that one of those two regulations which is more favourable to her, to the exclusion of the provisions of the other.

Retirement pensions for women whose marriages have been dissolved

7. (1) Where a woman's marriage has been terminated otherwise than by the death of her husband and she was under pensionable age on the date of that termination, she may 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 for each contribution year falling wholly or partly during the period of the marriage a number of contributions equal to the yearly average (ascertained as at the date of the termination of the marriage or of her husband's attaining pensionable age, whichever is the earlier) of the contributions paid by or credited to her husband, instead of the number of contributions actually paid by or credited to her for that year.

(2) Where a woman's marriage has been terminated otherwise than by the death of her husband and she was not under pensionable age on the date of that termination, she shall, subject to the provisions of the Law, be entitled to a retirement pension by virtue of his insurance as if he had died on the date of that termination.

(3) Where at the date of the termination of a marriage otherwise than by death, the husband would, had he then died, have satisfied, as respects the number of contributions required to have been actually paid since entry into insurance, the contribution conditions for a retirement pension, the wife shall, for the purpose of her right to a retirement pension by virtue of her own insurance, be deemed to have satisfied those contribution conditions in that respect.

(4) The foregoing provisions of this regulation shall not apply in the case of a woman whose marriage has been terminated otherwise than by the death of her husband if, being under pensionable age on the date of that termination, she has remarried after that termination and before attaining that age.

Credits for widows

8. (1) A contribution as a non-employed person shall be credited to a woman, for the purpose of her

right to a retirement pension only, in respect of every week for the whole or any part of which widow's benefit (not being a widow's basic pension or a widow's preserved pension) is payable to her, or would be so payable but for the provisions of subsection (4) of section sixteen of the Law (which relates to widow's benefit).

(2) A contribution as a non-employed person shall be credited to a woman, for the purpose of her right to retirement pension only, in respect of any week for the whole or any part of which widow's benefit (not being a widow's basic pension or a widow's preserved pension) would have been payable (or would have been payable apart from the provisions of the said subsection (4) of section sixteen of the Law) to her but for the existence of one or more of the following circumstances:—

- (i) her absence from Guernsey,
- (ii) the operation of the provisions of regulations made under section thirty-eight of the Law (which relates to overlapping benefits),
- (iii) her failure to make or delay in making a claim for such benefit,
- (iv) in the case of a woman to whom widow's benefit was payable by virtue of paragraph (1) of regulation two of the Social Insurance (Widow's Benefit and Retirement Pensions) (Guernsey) Regulations, 1964, or paragraph (2) of regulation four of the Social Insurance (Pensions, Existing Beneficiaries and Other Persons) (Transitional) (Guernsey) Regulations, 1964 (which regulations relate to widow's pension for widows incapable of self-support) for two or more periods separated by a period or periods during which such benefit was not payable because she was not incapable of self-support, the fact that she

~~was not incapable of self-support during the latter period or periods.~~

(3) Where by virtue of these regulations more than one contribution is credited to a woman for any week or a contribution is credited to her for a week in respect of which a contribution is paid in respect of her or is credited to her by virtue of any other regulations, not more than one such contribution shall be taken into account for any purpose.

(4) For the purpose of calculating the yearly average of the contributions paid by or credited to a woman who has at no time become an insured person but to whom contributions have been credited by virtue of the provisions of this regulation, the provisions of subsection (4) of section eleven of the Law (which relate to descriptions and rates of benefit and contribution conditions) shall apply in her case as though she were a person becoming insured under the Law.

Special provision relating to retirement pensions for widows entitled to widow's benefit

9. Where a woman is entitled to widow's benefit (other than widow's basic pension or widow's preserved pension) immediately before she attains pensionable age or would be so entitled but for one or more of the following causes:

- (i) the operation of any provisions of either the Law or any regulations made thereunder relating to earnings,
- (ii) her imprisonment or detention in legal custody,
- (iii) her cohabitation with a man as his wife,
- (iv) the operation of the provisions of regulations made under section thirty-eight of the Law,
- (v) failure to make or delay in making a claim to such benefit,

she shall be deemed to have satisfied, as respects the one hundred and fifty-six contributions required to have been paid, the contribution conditions for a retirement pension.

Special provision relating to disqualification of married women for unemployment benefit

10. (1) A married woman shall not be entitled to unemployment benefit unless—

- (a) her husband is incapable of self-support; or
- (b) she is not living with her husband and is not being maintained by him.

(2) The question whether a married woman is subject to any of the disqualifications for unemployment benefit contained in subsection (2) of section fourteen of the Law shall be determined on the same basis as that applicable to a single woman.

Additional condition for receipt by a married woman of an increase of benefit for a child

11. Where a married woman is residing with her husband and claims an increase of benefit for a child of their family, it shall be an additional condition with respect to the receipt of that increase that her husband is incapable of self-support.

Special provision relating to disqualification of women for benefits payable under or by virtue of Part III of the Law

12. A woman who is excepted from liability to pay contributions in any period under these regulations shall not be entitled to sickness benefit, industrial disablement benefit or industrial medical benefit, which would otherwise be payable under or by virtue of the provisions of Part III of the Law, in any week in that period in respect of which—

- (a) she has made an election in accordance with the provisions of paragraph (3) of regulation eight of the Contribution Regulations; or
- (b) she has not elected to be liable to pay a contribution as a self-employed person in pursuance of the provisions of regulation two of these regulations.

Married women in temporary employment

13. (1) Subject to the succeeding provisions of this regulation, a married woman who becomes an employed person in an employment which is not intended to exceed a period of four contribution weeks may, subject to the provisions of the next succeeding paragraph, elect to pay contributions at the alternative rate for women seasonal workers set out in subsection (1) of section nine of the Law instead of paying contributions in pursuance of the provisions of sub-paragraph (i) of paragraph (a) of subsection (2) of section two of the Law (which relates to source of funds) during that period.

(2) The Authority may accept an election made in accordance with the provisions of the last preceding paragraph if—

- (a) having regard to the circumstances of the case, it is satisfied that the period of employment will not exceed four contribution weeks; and
- (b) the notice of election as aforesaid is given to the Authority before the expiration of three clear days after the day on which the employment commenced.

(3) The provisions of subsections (2), (3) and (4) of section nine of the Law shall apply to a married woman whose election made in accordance with the provisions of paragraph (1) of this regulation is

accepted by the Authority, as if she were a woman seasonal worker for the purposes of the said section nine.

(4) An election, made in accordance with the provisions of paragraph (1) of this regulation and accepted by the Authority, shall cease to be effective at the expiration of four contribution weeks, including the contribution week in which the employment commenced or on the date on which the employment terminates, whichever is the earlier.

Notice of marriage

14. It shall be the duty of every woman who, being an insured person, marries, to furnish any evidence of her marriage as may be required by the Authority and to give notice to the Authority in writing of her marriage not later than thirteen weeks thereafter, or, if she claims benefit before the expiration of that period, at the time of making such a claim.

Notice by post

15. Any notice required by these regulations may be sent by post, and, if so sent, shall be deemed to have been given on the date on which it was posted.

Modifications of the Law

16. The provisions of the Law shall have effect subject to the modifications contained in these regulations.

Citation and commencement

17. These regulations may be cited as the Social Insurance (Married Women) (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 modify the Social Insurance (Guernsey) Law, 1964, in its application to persons who are or have been married women. The main provisions relate to elections by self-employed and non-employed married women for the purpose of remaining in insurance (regulations 2 to 4); the crediting of contributions for the purposes of unemployment benefit or sickness benefit (regulation 5); special concessions for certain widows who cease to be entitled to widow's benefit (regulation 6); relaxation of retirement pension conditions for women whose marriage has been dissolved (regulation 7); contribution credits during weeks of widowhood for certain widows (regulations 8 and 9); disqualification for unemployment benefit in certain circumstances of married women (regulation 10); an additional condition for the receipt by a married woman of an increase of benefit for a child (regulation 11); women who elect to pay a reduced rate of contribution to be disqualified for receiving benefit payable under Part III (regulation 12); special provisions for married women in temporary employment (regulation 13); the remaining provisions of the regulations are of a consequential nature.

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