
GUERNSEY STATUTORY INSTRUMENT

1964—No. 29

**The Social Insurance
(Contributions) (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 (6) of section two, subsection (4) of section four, section five, section seven and section sixty-seven 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:—

“certificate of exception” means a certificate issued for the purposes of the provisions of subparagraph (iii) of paragraph (a) of subsection (1) of section five of the Law (which relates to exception from liability for, and crediting of, contributions);

“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;

“due date”, in Part IV of these regulations, means, in relation to any contribution, the date on which that contribution was due to be paid;

“an employed contributor’s employment” includes, in relation to regulation two and regulation three only, any employment before the appointed day which would have been treated as an employed contributor’s employment if the Law and the regulations made thereunder had been in operation during that employment;

“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;

“week” means contribution week;

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shall be construed as including a reference to that enactment or those regulations, as the case may be, as amended, repealed, replaced or revoked by or under any other enactment or by any other regulations.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

Exceptions and credits

Unemployment

2. Subject to the provisions of paragraphs (1), (3), (4) and (5) of regulation five and paragraph (2) of regulation eleven of these regulations—

- (a) an insured person shall be excepted from liability to pay a contribution under the Law for any week of unemployment if Condition I or Condition II of the Schedule to these regulations has been satisfied, and a contribution as an employed person shall be credited to him for that week:

Provided that if the said Condition II is not satisfied, it shall be deemed to be satisfied if the insured person proves to the satisfaction of the Authority that he has become unemployed following employment in an employed contributor's employment and that he will normally rely upon such employment for his livelihood;

- (b) (and subject to the other provisions of these regulations) an insured person shall not be excepted from any liability to pay a contribution under the Law for any week of unemployment not being a week of unemployment in respect of which a contribution is credited under paragraph (a) of this regulation.

Incapacity for work

3. Subject to the provisions of paragraphs (2), (3) and (5) of regulation five and paragraph (1) of regulation eleven of these regulations—

(a) an insured person shall be excepted from liability to pay a contribution under the Law for any week of incapacity for work if any one of the Conditions contained in the Schedule to these regulations has been satisfied, and a contribution shall be credited to him for that week as follows:—

(i) if Condition I or Condition II of the said Schedule has been satisfied, a contribution as an employed person:

Provided that if the said Condition II is not satisfied, it shall be deemed to be satisfied by the insured person if he proves to the satisfaction of the Authority that he became incapable of work following employment in an employed contributor's employment, and that he will normally rely upon such employment for his livelihood;

(ii) if Condition III or Condition IV of the said Schedule has been satisfied (but not Condition I or Condition II thereof), a contribution as a self-employed person:

Provided that if the said Condition IV is not satisfied, it shall be deemed to be satisfied by the insured person if he proves to the satisfaction of the Authority that he became incapable of work following employment in an employed contributor's employment or as a self-employed person, and that he will normally rely upon any such employment for his livelihood;

- (b) (and subject to the other provisions of these regulations) an insured person shall not be excepted from any liability to pay a contribution under the Law for any week of incapacity for work if none of the Conditions contained in the said Schedule has been satisfied.

Payments of contributions as a non-employed person by persons excepted from liability to pay contributions on account of unemployment or incapacity for work

4. Where an insured person is excepted from liability to pay a contribution for any week under the provisions of regulation two or of regulation three of these regulations he may, for any such week, pay a contribution as a non-employed person.

4A . . .

Provisions determining days of unemployment or incapacity for work

5. (1) For the purposes of regulation two of these regulations (which relates to unemployment) and subject to the provisions of this regulation, a day shall not be a day of unemployment unless on that day the person concerned is capable of work and is, or is deemed in accordance with any regulations made under sub-paragraph (i) of paragraph (a) of subsection (2) of section twelve of the Law (which sub-paragraph relates to days which may be treated as days of unemployment) to be, available for employment in an employed contributor's employment.

(2) For the purposes of regulation 3 of these regulations (which relates to incapacity for work), a day shall not be a day of incapacity for work unless on that day the person concerned is, or is deemed in accordance with any regulations made under sub-

paragraph (ii) of the said paragraph (a) (which subparagraph relates to days which may be treated as days of incapacity for work) to be, incapable of work by reason of some specific disease or bodily or mental disablement.

(3) For the purposes of regulation two and regulation three of these regulations and subject to the provisions of this regulation, the following provisions shall apply:—

- (a) a day which is, in accordance with any regulations made under subsection (3) of the said section twelve (which subsection relates to days which are or are not to be treated for the purposes of unemployment benefit and sickness benefit as days of unemployment or incapacity for work) treated for the purposes of unemployment benefit and sickness benefit as a day of unemployment or incapacity for work shall be a day of unemployment or incapacity for work, as the case may require, for the purposes of this regulation, but any day which under any such regulations is treated as not being such a day shall not be a day of unemployment or incapacity for work for those purposes;
- (b) any period which would in respect of any person be a period of unemployment or incapacity for work by virtue of the provisions of this regulation but for the provisions of section forty-four of the Law (which relates to claims and notices) and regulations made thereunder, shall be treated as a period of unemployment or incapacity for work, as the case may be;
- (c) any period in respect of which a person—
 - (i) by reason of the provisions of subsection (1) of section fourteen of the Law

(which relates to disqualifications and special conditions) is, or by reason of the provisions of subsections (2) or (3) thereof or of any regulations made thereunder is or would if he had otherwise had a right thereto have been, disqualified for receiving either unemployment benefit or sickness benefit; or

- (ii) is unable to satisfy any additional conditions with respect to the receipt of unemployment benefit or sickness benefit imposed in his case by regulations made under subsection (4) of the said section fourteen, other than the Social Insurance (Married Women) (Guernsey) Regulations, 1964;

shall not be a period of unemployment or incapacity for work, as the case may be;

- (d) any period in respect of which a person is disqualified for receiving unemployment benefit or sickness benefit by reason of the provisions of paragraph (a) of subsection (1) of section thirty-seven of the Law (which paragraph relates to disqualification for benefit by reason of not being ordinarily resident in Guernsey) shall not be a period of unemployment or incapacity for work, as the case may be.

(4) For the purposes of the application of regulation two of these regulations to any person in respect of a week in which he is occupied in employment on any day, such occupation in employment shall be disregarded and that day shall not by reason only of that occupation be treated as not being a day of unemployment if—

- (a) the employment is one in which that person, being available for full time employment in

some employed contributor's employment, is occupied on any day or days in that week for not more than eight hours in the aggregate (including any occupation in an employment which by virtue of Part III of the First Schedule to the Social Insurance (Classification) (Guernsey) Regulations, 1964, is to be disregarded) and the occupation in which he is so employed is consistent with that full time employment and, if he is following that occupation under a contract of service, it is not his usual main occupation; or

- (b) the employment (not being employment which falls within sub-paragraph (a) of this paragraph) is one in respect of which, by virtue of paragraph 8 of Part II of the First Schedule to the said Social Insurance (Classification) (Guernsey) Regulations, 1964 (which paragraph relates to employment by one employer in a week in which a person renders part-time services in that employment) he is treated as a self-employed person or would be so treated but for Part III of the said First Schedule and in which he is occupied on one day only in that week:

Provided that, where in the same week a person is occupied in employment which falls within sub-paragraph (a) and in employment which falls within sub-paragraph (b) of this paragraph, the provisions of this paragraph shall not apply to that person's case in that week if he is occupied in such employments for more than eight hours in the aggregate in that week.

(5) For the purposes of regulation two and regulation three of these regulations, where in any week a person is for part of that week unemployed and for the remainder of that week incapable of work, he shall be treated as if unemployed for the whole of

that week, if Condition I or Condition II of the Schedule to these regulations has been satisfied, and, if neither of those Conditions has been satisfied but Condition III or Condition IV of that Schedule has been satisfied, he shall be treated as if incapable of work for the whole of that week, and the said regulations shall be construed accordingly:

Provided that for the purposes only of this paragraph a person shall not in respect of any week be treated as being unemployed on any day or days by virtue of paragraph (4) of this regulation unless—

- (i) Condition I or Condition II of the Schedule to these regulations has been satisfied, and
- (ii) in respect of any day to which sub-paragraph (b) of the said paragraph (4) applies, he is unemployed on at least one other day in that week.

Persons over pensionable age

6. A person who is over pensionable age shall be excepted from liability to pay a contribution under the Law for any week of unemployment or incapacity to which regulation two or regulation three of these regulations applies, notwithstanding that the conditions for exception from such liability under either of those regulations are not satisfied in his case.

Imprisonment or detention in legal custody

7. (1) For any week during the whole of which he is undergoing imprisonment or detention in legal custody an insured person—

- (a) shall be excepted from liability to pay a contribution as a self-employed or non-employed person, if by reason of his imprisonment or detention he is, or if he had otherwise had a right thereto would have been, disqualified for receiving sickness benefit for that week

or if he would for the said reason have been so disqualified but for the provisions of paragraph (3) of regulation nine of the Social Insurance (General Benefit) (Guernsey) Regulations, 1964; but

- (b) shall not have any contribution credited to him under these regulations if by reason of his imprisonment or detention he is, or if he had otherwise had a right to sickness benefit would have been, so disqualified.

(2) A person who under the provisions of the last foregoing paragraph is excepted from liability to pay a contribution as a self-employed or non-employed person for any week of imprisonment or detention in legal custody, may if he so desires pay therefor, at any time before the end of the sixth contribution year following the contribution year in which the period of imprisonment or detention in legal custody terminated, a contribution as a non-employed person or alternatively, if immediately before the commencement of that period he was a self-employed person, a contribution as a self-employed person.

Widows

8. (1) A widow who but for the provisions of this paragraph would be liable to pay a contribution as an insured person, shall be entitled but shall not be liable to pay such a contribution—

- (a) for the week in which the death of her husband occurs and each of the thirteen succeeding weeks; and
- (b) if at the end of that period there is pending a claim or application, made by her or on her behalf as a widow for any benefit referred to in paragraph (2) or paragraph (3) of this regulation other than a widow's basic

pension, a widow's preserved pension or a contributory old age pension, for each week during any part of which that claim or application remains pending:

Provided that this paragraph shall not apply as respects any week during the whole or part of which she is an employed person.

(2) Subject to the provisions of paragraph (6) of this regulation, a woman who is a non-employed person shall be entitled but shall not be liable to pay a contribution as a non-employed person as respects benefits other than limited medical benefit for 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 within the meaning of the Social Insurance (Pensions, Existing Beneficiaries and Other Persons) (Transitional) (Guernsey) Regulations, 1964) is payable to her as the widow of her husband or would be so payable but for the provisions of subsection (4) of section sixteen of the Law (which subsection relates to the reduction, based on earnings, of widow's benefit).

(3) Subject to the provisions of paragraph (6) of this regulation, a woman who is a self-employed person may elect by notice in writing to the Authority to be liable only to pay a contribution as respects limited medical benefit and where she so elects she shall not be liable and shall not be entitled to pay a contribution as respects benefits other than limited medical benefit for any such week as is specified in paragraph (2) of this regulation or for any week for the whole or any part of which a retirement pension by virtue of her husband's insurance (not being a contributory old age pension within the meaning of the last mentioned regulation) is payable to her as the widow of her husband or as a woman to whom paragraph (2) of regulation seven of the Social Insur-

ance (Married Women) (Guernsey) Regulations, 1964, applies, or would be so payable but for the provisions of subsection (5) of section nineteen of the Law (which subsection relates to the reduction, based on earnings, of retirement pensions).

(4) Where a woman who is self-employed has elected under and in accordance with the provisions of the last preceding paragraph to be liable only to pay contributions as respects limited medical benefit, the said provisions shall apply to her as from the beginning of the contribution week in which she notifies the Authority of that election and shall cease so to apply to her from the beginning of the contribution week next following the contribution week in which the Authority receives a notice in writing of her intention to cease to be liable only to pay such contributions.

(5) A woman who is an employed person shall be entitled but shall not be liable to pay contributions in accordance with the provisions of paragraph (a) of subsection (2) of section two of the Law (which relates to source of funds) for any week for the whole or any part of which a retirement pension by virtue of her husband's insurance (not being a contributory old age pension within the meaning of the Social Insurance (Pensions, Existing Beneficiaries and Other Persons) (Transitional) (Guernsey) Regulations, 1964) is payable to her as the widow of her husband or would be so payable but for the provisions of subsection (5) of section nineteen of the Law (which subsection relates to the reduction based on earnings of retirement pensions).

(6) The provisions of paragraph (2) and of paragraph (3) of this regulation shall not apply to a woman for so long as she is excepted from liability to pay a contribution by virtue of the provisions of paragraph (1) of this regulation.

Full-time education, unpaid apprenticeship and training

9. (1) In this regulation "education" means full-time education, "apprenticeship" means full-time unpaid apprenticeship and "training" means full-time training at a course approved by the Authority, and the provisions of this regulation shall have effect in relation to any person who has not attained the age of eighteen as if any week in a period not exceeding thirteen weeks from and including the week in which the termination of education, apprenticeship or training occurs and ending immediately before the first week thereafter in respect of which a contribution is payable by him as an employed or self-employed person or the week in which he attains the age of eighteen, whichever first occurs, were a week of education, apprenticeship or training, as the case may be.

(2) For any week of education, apprenticeship or training a person—

- (a) shall be excepted from liability to pay a contribution as a non-employed person, and
- (b) may, if he so desires and is not entitled to be credited with a contribution for that week under paragraph (4) of this regulation, pay a contribution as a non-employed person, and payment thereof may be made at any time before the end of the sixth contribution year following the contribution year in which the education, apprenticeship or training terminated.

(3) Any contribution paid by a person as a non-employed person in accordance with the preceding paragraph shall be treated as equivalent to a contribution of the appropriate class in relation to unemployment and sickness benefit if in respect of the period

of three years immediately preceding the commencement of the education, apprenticeship or training he had paid or had credited to him not less than one hundred and four contributions as an employed or self-employed person.

(4) To persons excepted from liability to pay contributions under paragraph (2) of this regulation, contributions shall be credited as follows:—

(a) to any person who has not attained the age of eighteen years there shall be credited for any week of education, apprenticeship or training a contribution of the class specified in relation to his case in sub-paragraph (c) of this paragraph;

(b) to any person who has attained the age of eighteen years there shall be credited for any week of training a contribution of the class specified in relation to his case in the succeeding sub-paragraph if—

(i) the training was not, at its commencement, intended to continue for more than one year or, in the case of a person undergoing a course of rehabilitative training, such longer period as the Authority may in such case think fit, and

(ii) he has, unless the Authority is of the opinion that in the circumstances of his case it is reasonable to dispense with this condition, paid or had credited to him not less than one hundred and four contributions as an employed or self-employed person in respect of the three years preceding the commencement of the training, and

(iii) immediately before the commencement of the training there were, in the opinion

of the Authority, having regard to his particular circumstances, reasonable grounds for believing that unless he underwent training he would become, or remain, unemployed.

(c) Contributions specified for the purposes of the two preceding sub-paragraphs are—

(i) in the case of a person who satisfies Condition I or Condition II of the Schedule to these regulations, a contribution as an employed person;

(ii) in the case of a person who satisfies Condition III or Condition IV of the said Schedule (but not Condition I or Condition II thereof), a contribution as a self-employed person;

(iii) in the case of a person who satisfies none of the Conditions of the said Schedule, a contribution as a non-employed person.

(5) For the purposes of unemployment and sickness benefit only—

(a) a person who—

(i) has made a claim for unemployment or sickness benefit after the termination of education, apprenticeship or training; and

(ii) has paid twenty-six contributions of the appropriate class since his entry into insurance under the Law;

shall, subject to the following provisions of this paragraph, be credited with a contribution of the appropriate class for any week of education, apprenticeship or training, being education, apprenticeship or training which commenced before he paid the twenty-

sixth contribution referred to in head (ii) of this sub-paragraph.

- (b) a contribution shall not be credited to any person under this paragraph in respect of any week—
- (i) for which a contribution of the appropriate class is payable; or
 - (ii) which occurred before the beginning of the contribution year immediately preceding the benefit year which includes the period for which benefit is claimed.

(6) For the purposes of regulations two and three of these regulations, when a person has in any benefit year made a claim for unemployment or sickness benefit (as the case may be) and such claim has been allowed by reason of his having been credited with contributions under the preceding paragraph, he shall be deemed to have satisfied Condition I of the Schedule to these regulations in respect of any week in that benefit year other than a week commencing before the first day in that year for which he made such claim.

Certificate of exception

10. (1) An insured person shall be excepted from liability to pay a contribution under the Law as a self-employed person or a non-employed person for any week during the whole of which a certificate of exception is in force.

(2) A person to whom the preceding paragraph of this regulation is applicable may, if he so desires, pay a contribution as, or as if he were, a non-employed person for any week during the whole of which the certificate is in force and during which he is either a self-employed person or a non-employed person.

(3) Contributions shall not be credited to a person, in respect of whom a certificate of exception has been granted, while the certificate remains in force, but any such person, in respect of whom at the time of the issue of the certificate less than twenty-six contributions as an employed person had been paid in respect of him since the appointed day or his subsequent entry into insurance under the Law shall, nevertheless, upon the first occasion on which such a certificate ceases to be in force in his case, be entitled, for the purposes of unemployment benefit and sickness benefit only, to have a contribution credited as an employed person in respect of every week (not being a week in respect of which a contribution as an employed person is payable) during which the certificate was in force, subject to the following provisions, namely:—

- (a) the question of crediting any such contributions shall not be determined unless and until the next following sub-paragraph is satisfied and thereafter the person concerned makes his first claim for any such benefit;
- (b) contributions shall not be credited to such a person until twenty-six contributions, whether as an employed or self-employed person, have been paid in respect of him for weeks commencing not earlier than the week in which the certificate ceased to be in force;
- (c) notwithstanding the provisions of the foregoing sub-paragraph, any such contributions so credited shall not be taken into account for the purposes of unemployment benefit until twenty-six contributions as an employed person have been paid in respect of him for weeks commencing not earlier than the week in which the said certificate ceases to be in force;

- (d) contributions shall not be credited for any period earlier than the beginning of the contribution year immediately preceding the benefit year which includes the period for which benefit is claimed.

Conditions for the crediting of contributions

11. (1) It shall be a condition of a person's right to be credited with a contribution for any week under the provisions of regulation three of these regulations that he shall furnish to the Authority notice in writing of the grounds on which a contribution should be so credited before the end of the benefit year immediately following the contribution year in which the week in question falls, or within such longer period as the Authority may in a particular case allow:

Provided that where in respect of any week a person has claimed sickness benefit such claim shall be sufficient notice in respect of that week for the purposes of regulation three.

(2) It shall be a condition of a person's right to be credited with a contribution for any week under the provisions of regulation two of these regulations that he shall attend at the office of the Authority, or at such other place as the Authority may direct, on every working day in that week for which he does not claim unemployment benefit and, if directed to do so, shall sign a register kept there for that purpose and that he shall so attend at such time, if any, as the Authority may direct.

(3) "Working day" for the purposes of paragraph (2) of this regulation means every day other than—

- (a) Sunday; and
- (b) any day upon which a person is incapable of work but is treated as unemployed by

virtue of paragraph (5) of regulation five of these regulations.

Pre-entry credits, etc.

12. (1) (a) Subject to the provisions of paragraph (2) of this regulation, contributions as an employed person shall be credited to a person for the period between the beginning of the contribution year last preceding that in which he became an insured person and his entry into insurance under the Law.

(b) Contributions credited in respect of a person in accordance with sub-paragraph (a) of this paragraph shall not be taken into account for the purpose of the Conditions mentioned in the Schedule to these regulations, unless, in the case of Condition I or Condition II, twenty-six contributions as an employed person have been paid by or in respect of him since his entry into insurance, or, in the case of Condition III or Condition IV, twenty-six contributions, whether as an employed person or self-employed person, have been so paid since such entry.

(2) A contribution as a non-employed person shall be credited to a person who on his entry into insurance is under the age of sixteen for the week in which he enters insurance and for any subsequent week ending before he attains the age of sixteen, being, in either case, a week for which he would have been liable to pay a contribution as a non-employed person but for the provisions of paragraph (a) of section sixty-seven of the Law (which paragraph provides that a person shall not be liable to pay a contribution as a non-employed person before attaining the age of sixteen).

Special provision relating to the grant of certificates of exception

13. (1) The following provisions of this regulation shall apply in relation to persons who desire to be

excepted from liability to pay contributions by virtue of the provisions of sub-paragraph (iii) of paragraph (a) of subsection (1) of section five of the Law (which sub-paragraph relates to the exception of persons from such liability when they are not in receipt, or are deemed in accordance with regulation fourteen or fifteen of these regulations not to be in receipt, of an income exceeding ~~two~~^{three} hundred and ~~eight~~^{twelve} pounds a year).

(2) (a) A person desiring to be so excepted shall make application to the Authority for that purpose and, if the application is granted, a certificate of exception shall be issued to him by the Authority.

(b) Any such application and certificate of exception shall be in such form as may for the time being be approved by the Authority.

(c) A person making such an application shall furnish to the Authority such information and evidence relating to his income as the Authority may require, and a person in respect of whom a certificate of exception has been issued shall so furnish any such information and evidence as the Authority may require from time to time.

(3) (a) Any such certificate of exception shall be in force for such period as may be specified in the certificate, being a period commencing not earlier than the date on which application for exception is made, subject to the qualification that if any condition attached to the grant, or continuation in force, of the certificate ceases to be, or is not, fulfilled while the certificate is in force, the certificate shall cease to be in force as from the date of such cessation or non-fulfilment, and the holder shall forthwith notify the Authority to that effect:

Provided that the period specified in the certificate may, at the discretion of the Authority, commence

at such date not earlier than thirteen weeks before the date on which application for exception is made as the Authority may consider appropriate to the circumstances of the case.

(b) A person to whom a certificate of exception is issued may give notice to the Authority at any time while it is in force that he desires the certificate to be cancelled, and, if such notice is so given, the certificate shall cease to be in force from such date as the Authority may determine.

(c) The holder of a certificate of exception shall, when called upon to do so by an officer of the Authority, produce such certificate for his inspection.

(4) (a) Nothing in these regulations shall preclude a person from receiving benefit, while a certificate of exception is in force, by virtue of contributions paid by or credited to him in respect of any period before the day on which the certificate commenced to be in force.

(b) Any contribution credited to a person by virtue of these regulations in respect of the period during which a certificate of exception is in force shall be taken into account only for the purposes of unemployment benefit or sickness benefit in respect of periods occurring after the certificate has ceased to be in force.

14. Where an applicant for a certificate of exception is in receipt of an income exceeding ~~two~~^{three} hundred and ~~eight~~^{eight} pounds a year by reason only of the inclusion therein of any one or more of the following items, he shall be deemed for the purposes of subparagraph (iii) of paragraph (a) of subsection (1) of section five of the Law not to be in receipt of an income exceeding ~~two~~^{three} hundred and ~~eight~~^{eight} pounds a year:—

- (1) any sum received under either the Non-Contributory Pensions (Guernsey) Law, 1955 or the Public Assistance Law, 1937;
- (2) any sum received on account of an allowance under the Family Allowances (Guernsey) Law, 1950;
- (3) any sum received by way of guardian's allowance or child's allowance, under the Law;
- (4) any one of the following payments or parts of payments up to the amount of twenty shillings a week or, if the applicant is in receipt of more than one such payment, up to the said amount in the aggregate:
 - (a) the first ten shillings and sixpence a week of any payment of sick pay received from a friendly society or trade union;
 - (b) the first ten shillings and sixpence a week of any superannuation payment or superannuation payments in respect of previous service or employment from which the applicant has retired or resigned (whether payable by a former employer or not);
- (5) any other sum which in the opinion of the Authority should be disregarded.

15. Where an applicant for a certificate of exception is in receipt of an income which, after the deduction therefrom of such, if any, of the items specified in the last preceding regulation as are included therein, exceeds ^{three}~~two~~ hundred and ^{thirty}~~eight~~ pounds a year by an amount no greater than the amount of the contributions which he would be liable to pay in a year if he were not excepted, he shall be deemed for the purposes of sub-paragraph (iii) of paragraph (a) of subsection (1) of section five of the Law, not to be

in receipt of an income exceeding ~~two~~^{three} hundred and ~~eight~~^{five} pounds a year.

Contributions to be taken into account

16. Where by virtue of these regulations more than one contribution is credited to any person for any week or a contribution is credited to him for a week in respect of which a contribution is paid in respect of him, not more than one such contribution shall be taken into account for any purpose.

Provisions relating to Schedule

17. (1) Any contributions which under paragraph (3) of regulation nine of these regulations are treated as equivalent to contributions of another class shall for the purpose of the Schedule to these regulations be treated as contributions of that other class.

(2) Any contribution as a non-employed or self-employed person which under the provisions of the Social Insurance (Unemployment and Sickness Benefit) (Guernsey) Regulations, 1964, is treated as equivalent to a contribution of another class for the purposes of unemployment benefit or sickness benefit shall be treated as a contribution of that other class for the purposes of the application of the Schedule hereto to the provisions of regulation two or regulation three of these regulations:

Provided that—

- (a) any such contribution which is so treated as equivalent to a contribution of another class for the purposes only of unemployment benefit shall be treated as a contribution of that other class for the purposes only of the application of the Schedule to regulation two of these regulations; and

- (b) any such contribution which is so treated as equivalent to a contribution of another class for the purposes only of sickness benefit shall be treated as a contribution of that other class for the purposes only of the application of the Schedule to regulation three of these regulations.

PART III

Miscellaneous provisions relating to contributions

Disposal of contributions improperly paid

18. Where contributions are paid under the Law which are of the wrong class or at the wrong rate, the Authority may treat them as paid on account of the contributions properly payable.

Return of contributions paid in error

19. (1) Subject to the provisions of regulation eighteen of these regulations and of this regulation, any contributions paid under the Law by a person or his employer (if any) under the erroneous belief that the contributions were payable by, or in respect or on behalf of that person under the provisions of the Law shall be returned by the Authority to that person or his employer, as the case may require, if application to that effect is made in writing to the Authority within the appropriate time specified in paragraph (4) of this regulation.

(2) In calculating the amount of any repayment to be made under this regulation to such a person or an employer, there shall be deducted—

- (a) in the case of employers' contributions and contributions as an insured person, the amount of any contributions paid under the

said erroneous belief which have under the provisions of regulation eighteen been treated as paid on account of other contributions; and

- (b) in the case of contributions as an insured person, the amount, if any, paid to that person (and to any other person on the basis of that erroneous belief) by way of benefit which would not have been paid had the contributions (in respect of which an application for their return is duly made in accordance with paragraph (4) of this regulation) not been paid in the first instance.

(3) Contributions erroneously paid by an employer on behalf of any person and not recovered from him may be repaid to the employer instead of to that person, but if so recovered may be repaid to that person, or, with his consent in writing, to his employer.

(4) A person desiring to apply for the return of any contribution paid under the said erroneous belief shall make the application in such form and in such manner as the Authority may from time to time determine, and—

- (a) if the contribution was paid at the due date, within two years from the date on which that contribution was paid; or
- (b) if the contribution was paid at a later date than the due date, within two years from the due date or within twelve months from the date of actual payment of the contribution, whichever period ends later.

(5) In this regulation the expression "due date" means the date on which the contribution, if it had been payable, would have been due to be paid.

Recovery of contributions

20. (1) In any case where an employer or an insured person has been convicted of the offence under subsection (7) of section two of the Law of failing to pay a contribution, he shall be liable to pay to the Guernsey Insurance Fund a sum equal to the amount which he failed to pay.

(2) In any case where—

(a) an employer or an insured person is convicted of an offence under paragraph (b) of subsection (1) of section sixty of the Law, or of an offence under section thirteen of the Stamp Duties Management Act, 1891, as applied by any Ordinance made under subsection (4) of section seven of the Law, or of an offence under regulations made under the Law; and

(b) the evidence on which he is convicted shows that he, for the purpose of paying any contribution which he was liable or entitled to pay, has affixed to any insurance card any used insurance stamp within the meaning of the said paragraph (b);

he shall be liable to pay to the Guernsey Insurance Fund a sum equal to the amount of the contribution in respect of which the stamp was affixed.

(3) On any such convictions as is mentioned in either of the last two foregoing paragraphs, if notice of intention to do so has been served with the summons, evidence may be given—

(a) in the case of an employer—

(i) of the failure on his part to pay on behalf or in respect of the same person other contributions under the Law during the two years preceding the date of the offence; and

(ii) in the case of any such conviction as is mentioned in paragraph (1) of this regulation, of the failure on his part to pay on behalf or in respect of any other person employed by him any contributions under the Law on that date or during those two years; and

(b) in the case of an insured person (other than an employed person), of the failure on his part to pay other contributions as such an insured person during those two years;

and on proof of such failure the employer or the insured person shall be liable to pay to the Guernsey Insurance Fund a sum equal to the total of all the contributions under the Law which he is so proved to have failed to pay.

(4) Where an employer or an insured person is convicted of any such offence as is mentioned in paragraph (1) or paragraph (2) of this regulation, and an order is made under the Law entitled "Loi relative à la Probation de Délinquants" registered on the twenty-third day of November, nineteen hundred and twenty-nine, placing the offender on probation or discharging him absolutely or conditionally, the foregoing provisions of this regulation shall apply as if the conviction were deemed to be a conviction for all purposes.

(5) Any sum paid under the foregoing provisions of this regulation shall be treated as a payment in satisfaction of the unpaid contributions and no part of any such sum paid by an employer shall be recoverable by him from the insured person in respect of whom it is paid.

(6) If the employer, being a body corporate, fails to pay to the Guernsey Insurance Fund any sum which the employer has been ordered to pay under

this regulation, that sum, or such part thereof as remains unpaid, shall be a debt due to the Guernsey Insurance Fund jointly and severally from any directors of the body corporate who knew, or could reasonably be expected to have known, of the failure to pay the contribution or contributions in question.

(7) Nothing in this regulation shall be construed as preventing the recovery of any sums due to the Guernsey Insurance Fund by means of civil proceedings.

Employment to be disregarded

21. There shall be disregarded for the purposes of section four of the Law (which section relates to the number and class of contribution for any week) any employment in which a person who is under pensionable age, engages or continues to be engaged solely or mainly for the purpose of acquiring or preserving a right or a larger right to benefit.

PART IV

Provisions relating to contributions which are not paid or which are paid after the due date

Treatment for the purpose of any benefit of late paid or unpaid contributions without consent, connivance or negligence of the employed person

22. (1) Where a contribution under the Law payable by an employer on behalf of an insured person is paid after the due date or is not paid, and the delay or failure in making payment thereof is shown to the satisfaction of the Authority not to have been with the consent or connivance of, or attributable to

any negligence on the part of the insured person, the contribution shall, for the purpose of any right to benefit, be treated as paid on the date due.

(2) The following provisions of these regulations shall, in their application to a contribution under the Law payable by an employer on behalf of an insured person, have effect subject to the provisions of this regulation.

Treatment for the purpose of any benefit of contributions paid late through ignorance or error

23. In the case of a contribution paid after the due date, where—

- (a) the contribution is paid after the time when it would, under the following provisions of these regulations, have been treated as paid for the purposes of the right to a benefit; and
- (b) the failure to pay the contribution before that time is shown to the satisfaction of the Authority to be attributable to ignorance or error on the part of the insured person which was not due to any failure on his part to exercise due care and diligence;

the Authority may direct that for the purposes of the following provisions of this Part of these regulations the contribution shall be treated as having been paid on such earlier day as it may consider appropriate in the circumstances and those provisions shall have effect subject to any such direction.

Treatment for the purpose of unemployment or sickness benefit of late paid contributions

24. (1) For the purpose of any right to unemployment or sickness benefit, a contribution under the Law paid after the due date shall, in determining

whether the relevant contribution conditions are satisfied as respects the number of contributions paid in respect of the period between entry into insurance and the day for which the benefit is claimed, be treated—

- (a) for the purpose of the right to any such benefit in respect of any day before the date on which payment of the contribution is made, as not paid; and
- (b) for the purpose of the right to any such benefit in respect of any other day, as paid on the date on which payment of the contribution is made.

(2) For the purpose aforesaid, in determining whether the relevant contribution conditions are satisfied in whole or in part as respects the number of contributions paid or credited in respect of the last complete contribution year before the beginning of the benefit year which includes the day for which unemployment or sickness benefit is claimed, a contribution under the Law paid after the due date shall be treated—

- (a) if paid before the beginning of the said benefit year, as paid on the due date;
- (b) if paid during the said benefit year, as not paid in relation to the right to either of the said benefits in respect of any day before the expiry of a period of seventy days (including Sundays) from and including the date on which payment of that contribution is made and as paid at the expiry of that period in relation to the right to either of the said benefits in respect of any other day;
- (c) if paid after the end of the said benefit year, as not paid.

Treatment for the purpose of widow's benefit or retirement pension of late paid contributions

25. (1) For the purpose of any right to widow's benefit or to a retirement pension, a contribution under the Law paid after the due date and before the relevant time shall be treated—

- (a) if paid before the end of the sixth contribution year following the contribution year which includes the contribution week in respect of which it is payable, as paid on the due date;
- (b) if paid at any other time, as not paid.

(2) For the purpose aforesaid, a contribution under the Law paid after the due date and after the relevant time shall, if it is a contribution—

- (a) payable in respect of a week
 - (i) commencing before the relevant time in the contribution year which includes that time; or
 - (ii) in the contribution year immediately preceding that year; and
- (b) paid before the end of the period of one year from the relevant time;

be treated as paid on the due date and any other contribution paid after the due date and after the relevant time shall be treated as not paid.

(3) In this regulation the expression "relevant time" has the same meaning as in paragraph 2 of the Third Schedule to the Law.

Treatment for the purpose of increase of rate of retirement pension of late paid contributions

26. For the purpose of subsection (4) of section nineteen of the Law (which subsection provides for the increase of the weekly rate of retirement pension

where contributions are paid in respect of the period after the attainment of pensionable age) and for the purpose of subsection (3) and subsection (4) of section twenty of the Law (which relates to special provisions as to women), a contribution under the Law paid after the due date shall be treated—

- (a) if paid before the end of the period of one year beginning immediately after the end of the contribution year which includes the contribution week in respect of which it is payable, as paid on the due date;
- (b) if not paid before the end of the said period, as not paid.

PART V

Provisions relating to contributions which persons are entitled, but not liable, to pay

Treatment for the purpose of any benefit of contributions which persons are entitled, but not liable, to pay

27. (1) Subject to the following provisions of this regulation, the provisions of regulations twenty-three to twenty-six of these regulations shall apply to contributions which persons are entitled, but not liable, to pay as if each contribution were due to be paid on the last day in the contribution week in respect of which it is paid.

(2) For the purpose of any right to widow's benefit or to a retirement pension, a contribution which a person is entitled, but not liable, to pay in accordance with the provisions of sub-paragraph (b) of paragraph (1) of regulation seven, or regulation nine, of these regulations, or of regulation five of the Social Insurance (Residence and Persons Abroad) (Guernsey) Regulations, 1964 (which regulation contains special provisions for payment of contributions in respect of periods abroad), shall, if it is paid

before the relevant time and within the period within which it may be paid under any of the said provisions, be treated as paid on the due date.

(3) In the preceding paragraph of this regulation, the expression "the relevant time" has the same meaning as in paragraph 2 of the Third Schedule to the Law.

Payments after death

28. If a person dies, any contributions which, immediately before his death, he was entitled, but not liable, to pay, if he so desired, may be paid notwithstanding his death, subject, however, to the same provisions with respect to the time for payment as were applicable to that person.

PART VI

Miscellaneous

Contributions as respects limited medical benefit not to be credited

29. Notwithstanding anything contained in these regulations, a contribution as respects limited medical benefit shall not be credited to any person.

Citation and commencement

30. These regulations may be cited as the Social Insurance (Contributions) (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.

SCHEDULE

Conditions attaching to exception from liability to pay, and to the crediting of, contributions

Condition I

That not less than twenty-six contributions as an employed person have been paid by or credited to the insured person in respect of the contribution year immediately preceding the benefit year which includes the relevant week.

Condition II

That not less than ten contributions as an employed person have been paid by or credited to the insured person in respect of the thirteen weeks immediately preceding the relevant week.

Condition III

That not less than twenty-six contributions, whether as an employed person or a self-employed person, have been paid by or credited to the insured person in respect of the contribution year immediately preceding the benefit year which includes the relevant week.

Condition IV

That not less than ten contributions, whether as an employed person or a self-employed person, have been paid by or credited to the insured person in respect of the thirteen weeks immediately preceding the relevant week.

In this Schedule, the expression "the relevant week" means the week in respect of which a question arises under these regulations either in relation to exception from liability to pay, or to the crediting of, a contribution.

EXPLANATORY NOTE

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

Part I of the Regulations is restricted to definitions. Part II deals principally with the circumstances in which persons are excepted from liability to pay contributions and in which they are either credited with contributions or permitted to pay contributions which they are not otherwise liable to pay. Part III provides for the disposal, return or recovery of contributions which have either been paid in the wrong class or have not been paid and with the disregarding of certain employment. Part IV provides for the circumstances in which, and the times at which, contributions which are either paid after the dates on which they become due or are not paid are to be treated as paid for the purpose of any right to benefit under the Social Insurance (Guernsey) Law, 1964. Part V deals with the treatment for the purpose of any benefit of contributions which persons are entitled but not liable to pay.