
GUERNSEY STATUTORY INSTRUMENT

1964—No. 30

**The Social Insurance
(Classification) (Guernsey) Regulations,
1964**

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

THE STATES INSURANCE AUTHORITY, in exercise of the powers conferred upon it by section one and section eight 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 Law” means the Social Insurance (Guernsey) Law, 1964;

“officer of police” means a member of the salaried police force of the Island of Guernsey;

“share fisherman” means any person who is or has been employed in the fishing industry, whether or not under a contract of service, as master or a member of the crew of a fishing vessel manned by more than one person and remunerated in respect of that employment

in whole or in part by a share in the profits or gross earnings of the fishing vessel; and the expression "the fishing vessel" means that fishing vessel of which the person is a master or a member of the crew;

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shall be construed as including a reference to that enactment or those regulations, as the case may be, as amended, repealed, replaced or revoked by or under any other enactment or by any other regulations.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

Classification of insured persons

2. For the purposes of the Law, the classification of insured persons shall be modified in manner following, that is to say:—

- (a) subject to the provisions of paragraph (b) and paragraph (c) of this regulation, every insured person shall, in respect of any employment specified in any paragraph of column (A) of Part I of the First Schedule to these regulations, be treated as an employed person in so far as he is gainfully occupied in such employment and is not a person specified in the corresponding paragraph of column (B) of that Part;
- (b) subject to the provisions of paragraph (c) of this regulation, every insured person shall, in respect of any employment specified in

any paragraph of column (A) of Part II of the said First Schedule, be treated as a self-employed person in so far as he is gainfully occupied in such employment and is not a person specified in the corresponding paragraph of column (B) of that Part;

- (c) every insured person shall, in respect of any employment specified in any paragraph of column (A) of Part III of the said First Schedule, be treated as a non-employed person, and any such employment shall be disregarded, in so far as he is not a person specified in the corresponding paragraph of column (B) of that Part.

Employments treated as continuing

3. For the purposes of the Law, the employment of a person shall be treated as continuing in the circumstances specified in the Second Schedule to these regulations.

Special provisions with respect to persons declared by the Ordinary Court to be included in a particular class of insured persons

4. (1) Where, under the provisions of the Law relating to references and appeals to the Ordinary Court, the Ordinary Court decides any question as to the class of insured persons in which a person is to be included, and that decision is inconsistent with some previous determination of a question by the Authority, then, if the Authority is satisfied that contributions of a prior class have been paid by or in respect of any person by reason of that determination or in the reasonable belief that that determination was applicable, it may, if it appears to it that it would be in the interest of the person by or in

respect of whom such contributions have been paid, or of any claimant or beneficiary by virtue of that person's insurance, so to do, direct that that person shall be treated as though he had been included in the class of insured persons corresponding to the contributions paid during any contribution weeks for which contributions of a prior class were so paid before the date on which the decision of the Ordinary Court was given, and, if such a direction is given, that person shall be deemed to have been included in that class accordingly for any such weeks.

(2) In any case where the Authority, on new facts being brought to its notice, has revised a determination of a question previously given by it, the provisions of this regulation shall apply with the necessary modifications in the same manner as they apply where the Ordinary Court has given a decision inconsistent with a determination previously given by the Authority.

(3) In this regulation, the expression "contributions of a prior class" means, in relation to a non-employed person, contributions as an employed or self-employed person and employer's contributions, and, in relation to a self-employed person, contributions as an employed person and employer's contributions.

Persons to be treated as employers

5. In relation to any employment specified in column (A) of the Third Schedule to these Regulations, the person specified opposite thereto in column (B) of that Schedule shall for the purposes of the Law be treated as the employer for the employed person concerned.

*Effect of regulations for the purposes of section
twenty-two of the Law*

6. The provisions of these regulations shall not have effect for the purpose of the determination of any question whether a person is or is not engaged in a gainful occupation which arises under section twenty-two of the Law (which relates to increase of benefit for adult dependants) or any regulations made thereunder.

Citation and commencement

7. These regulations may be cited as the Social Insurance (Classification) (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.

REGULATION 2

FIRST SCHEDULE

Part I

Employments in respect of which, subject to the provisions of Regulation 2 and to the exceptions in column (B) of this Part, persons are treated as employed persons. (A)	Persons excepted from the operation of column (A). (B)
<p>1. Employment under the States of Guernsey, the States of Alderney or any other public authority (not being employment under the Crown), or employment under a parochial authority, notwithstanding that any such employment is not employment under a contract of service.</p>	<p>1. Any person in employment specified in paragraph 1 of column (A) where the service ordinarily performed by the person in that employment (or, if he is employed in more than one such employment, the aggregate service performed by him in those employments) is part-time service only or where that employment is—</p> <p>(a) as a chaplain or other minister of religion;</p> <p>(b) otherwise than as an officer or servant of the States of Guernsey, the States of Alderney or any other public authority, or of a parochial authority or as an officer of police.</p>

(A)	(B)
2. Employment as the Magistrate appointed for the time being in pursuance of the provisions of the Magistrate's Court (Guernsey) Law, 1954.	2. None.
3. Employment of a medical practitioner or a dental practitioner in which he is wholly or mainly engaged and is remunerated by salary.	3. None.
4. Employment in Guernsey in plying for hire with any vehicle or vessel the use of which is obtained under any contract of bailment or letting for hire (other than a hire purchase agreement) in consideration of the payment of a fixed sum or a share in the earnings or otherwise.	4. None.

Part II

<p>Employment in respect of which, subject to the provisions of Regulation 2 and to the exceptions in column (B) of this Part, persons are treated as self-employed persons.</p>	<p>Persons excepted from the operation of column (A).</p>
(A)	(B)
5. Employment of a person in any employment by virtue of which he would but for the provisions of this paragraph be an employed person, if—	5. None.

(A)

(B)

(a) the person is not ordinarily resident in Guernsey; and

(b) the employer of that person is not so ordinarily resident, and has no place of business in Guernsey.

6. Employment of a casual nature.

*Amended by
S.I. 1966 No. 15.
11.10.1966*

7. Employment in or about a church or other place of religious worship as (a) organist, (b) caretaker, (c) sexton or (d)

6. Any person in employment specified in paragraph 6 of column (A) where that employment is either—

(a) for the purposes of the employer's ~~trade or business or~~, where the employer is the States of Guernsey or the States of Alderney, for the purposes of the exercise and performance of the powers and duties of any Committee of the States of Guernsey or the States of Alderney, as the case may be;

(b) for the purposes of any game or recreation where the person employed is engaged or paid through a club.

7. Any person (not being a person mainly dependent for his livelihood on his earnings from other employment as

(A)	(B)
<p>verger, including duties incidental to the employment.</p>	<p>a self-employed person) whose weekly earnings from any one or more of the employments specified in paragraph 87 of column (A) are ordinarily forty shillings or more.</p>
<p>8. Employment as a sub-postmaster remunerated by scale payment.</p>	<p>8. Any person who renders on the average 18 or more hours' personal service weekly as a sub-postmaster remunerated by scale payment and is not mainly dependent for his livelihood on the earnings derived by him from any occupation other than employment under the Postmaster-General.</p>
<p>9. Employment of a person in any capacity by any one employer on any day or days in any contribution week on which that person renders services in that employment where—</p>	<p>9. None.</p>
<p>(a) if the employment is in continuation of employment by that employer in which services are or would be rendered normally for more than eight hours in a week, such services are rendered in that week for not more than four hours; or</p>	

*amended
by S.I. 1966
No 15 19.10.66*

(A)

(b) in any other case, such services are not rendered in that week for more than eight hours.

10. Employment as an agent paid by commission or fees or a share in the profits, or partly in one and partly in another of such ways, where the person so employed is mainly dependent for his livelihood on his earnings from some occupation other than employment as such an agent, or where he is ordinarily employed as such agent by more than one employer, and his employment under no one of such employers is that on which he is mainly dependent for his livelihood.

11. Employment under a contract of service by the insured person's wife for the purposes of a trade or business.

12. Employment under contract of service of a married woman by her husband.

*Amended
by 8.1.1966
No 15.11.10.66*

13. Occasional employment by any one employer in the picking of fruit, vegetables or flowers or the lifting or planting of bulbs or potatoes or in connection with the preparation for market of fruit, vegetables or flowers.

(B)

10. None.

11. None.

12. None.

13. Any person employed as specified in paragraph 13-2 in column (A)—

(a) who is ordinarily employed in employed contributors' employment or is ordinarily gainfully occupied in

(A)	(B)
14. Employment as a share fisherman.	agriculture (including horticulture); and (b) who produces to his employer satisfactory evidence that he is so ordinarily employed or occupied. 14. None.

Part III

Employments in respect of which, subject to the exceptions in column (B) of this Part, persons are treated as non-employed persons and their employment therein disregarded.	Persons excepted from the operation of column (A).
(A)	(B)
15. Any employment or employments as a self-employed person (including any employment in respect of which a person is, under these Regulations, treated as a self-employed person) where the insured person is not ordinarily gainfully occupied in any such employment or employments or where the weekly earnings (or, where there is more than one such employment, the aggregate weekly earnings) derived therefrom are ordinarily less than forty shillings.	15. None.

(A)

(B)

16. Employment of a person by any one employer in any contribution week—

16. None.

(a) on the Sunday where services (not exceeding in length a normal working day) are rendered in that employment only on that day in that week and that person is also employed by the same employer on the Monday of the succeeding contribution week; or

(b) on the Monday where services (not exceeding in length a normal working day) are rendered in that employment only on that day in that week and that person has also been employed by the same employer only on the Saturday, or on the Friday and the Saturday, and on the Sunday in the preceding contribution week.

17. Employment by the father, mother, grandfather, grandmother, stepfather, stepmother, son, daughter, grandson, grand-daughter, stepson,

17. None.

(A)	(B)
stepdaughter, brother, sister, half-brother or half-sister of the insured person, in so far as the employment—	
(a) is employment in a private dwelling-house in which both the insured person and the employer reside; and	
(b) is not employment for the purposes of any trade or business carried on there by the employer.	
18. Employment by the insured person's wife otherwise than for the purposes of a trade or business whether or not under a contract of service.	18. None.
19. Employment of a married woman (whether or not under contract of service) by, or as partner of, or in any similar association with, her husband.	19. Any person employed as specified in paragraph 19 of column (A) where that employment is in a trade or business and she is ordinarily engaged therein for not less than 24 hours in a contribution week.
20. Employment of any person as a member of the special constabulary of the Island of Guernsey where such person is not gainfully occupied in any other employment.	20. None.
21. Employment, involving part-time service only, as a member of a fire-brigade.	21. None.

(A)	(B)
22. Employment, involving part-time service only, in the operation of a life-boat and in any duties ancillary to such operation.	22. None.
23. Employment, involving part-time service only, in connection with the relief of light keepers or otherwise in attendance upon lighthouses, or in connection with the care or upkeep of minor lights, buoys, beacons, signals or tide-gauges.	23. None.
24. Employment as secretary or clerk of a society, club, committee, philanthropic institution, school or other similar body or institution, where personal service is ordinarily required only occasionally or outside the ordinary hours of work.	24. None.
25. Employment, involving part-time service only, in the performance of clerical duties after 6 p.m. or outside the ordinary hours of work.	25. None.
26. Employment as a caretaker in respect of which no wages are paid, or other money payments made, either by the employer or by any other person.	26. None.
27. Employment, involving part-time service only, as a care-	27. None.

(A)

taker of, or key-keeper at, ancient monuments.

28. Employment, involving part-time service only, as a leader, helper or instructor in an institution of further education, including a voluntary youth club where personal service is required only outside the ordinary hours of work.

29. Employment under the States of Guernsey, involving part-time service only, as a home-help under the Home Help Service administered by the States Insurance Authority.

30. Employment of a person undergoing full-time education where the service in that employment is rendered in or about his place of education to the body or authority providing the education.

31. Employment, involving part-time service only, in or about a theatre, cinema, music-hall or any place ordinarily used for public dancing or music or other public entertainment of a like kind as—

- (a) an attendant engaged for the comfort, convenience or safety of the public admitted thereto; or

(B)

28 to 33. Any person (not being a person mainly dependent for his livelihood on his earnings from employment as a self-employed person) employed in one or more of the employments specified in paragraphs 28 to 33 of column (A) whose weekly earnings in employment by the same employer in any one or more of the employments so specified are ordinarily forty shillings or more.

(A)	(B)
<p>(b) - (i) check-taker, (ii) money-taker, (iii) property-man, (iv) stage hand, (v) supernumerary, (vi) lighting operator.</p>	
<p>32. Employment, involving part-time service only, in the delivery of goods from retail establishments.</p>	
<p>33. Employment, involving part-time service only, as a sick visitor by or on behalf of a society or other body providing benefits to its members during sickness, or a branch of any such society or body.</p>	

REGULATION 3

SECOND SCHEDULE

Circumstances in which employment is treated as continuing

Where an insured person is employed as a self-employed person and is ordinarily so employed, that employment shall be treated as continuing unless and until he is no longer ordinarily employed in any gainful occupation in Guernsey (other than an employment specified in Part III of the First Schedule to these Regulations which is to be disregarded):

Provided that—

- (a) any week during the whole or part of which he is engaged in an employed contributor's

employment shall (subject to the provisions of paragraph (b) of this proviso) not be taken into account for the purposes of this Schedule;

- (b) this Schedule shall cease to apply to a person if and when in a period of thirteen consecutive weeks he has been engaged in an employed contributor's employment for ten of those weeks.

REGULATION 5

THIRD SCHEDULE

Employment in respect of which persons are treated as employers

Employments (A)	Persons treated as employers (B)
1. Employment in Guernsey in plying for hire with any vehicle or vessel the use of which is obtained under any contract of bailment or letting for hire (other than a hire purchase agreement) in consideration of the payment of a fixed sum or a share in the earnings or otherwise.	1. The person from whom the use of the vehicle or vessel is so obtained.
2. Employment of a casual nature for the purposes of any game or recreation of a person who is engaged or paid for that employment through a club.	2. The club.
3. Employment of any person under the States of Guernsey or the States of Alderney as a nurse for the sick or as a midwife	3. The States of Guernsey or the States of Alderney, as the case may be.

(A)	(B)
<p>where the pecuniary remuneration in respect of the employment of that person is received from any agency for the supply of nurses.</p> <p>4. Employment as the Magistrate appointed for the time being in pursuance of the provisions of the Magistrate's Court (Guernsey) Law, 1954.</p>	<p>4. The States of Guernsey.</p>

EXPLANATORY NOTE

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

These Regulations modify the classification of certain insured persons in specified employments with the result that, according to circumstances, persons who would otherwise be employed persons are treated either as self-employed persons or non-employed persons, and persons who would otherwise be self-employed persons are treated either as employed persons or non-employed persons. Non-employed persons are not reclassified (Regulation 2 and First Schedule).

Provision is made for continuing the status of a self-employed person until the happening of certain specified events (Regulation 3 and Second Schedule).

Provision is also made for the special classification of persons following a decision of the Ordinary Court or a revised decision of the States Insurance Authority so as to enable the original classification to stand where this would be in the interests of the person concerned (Regulation 4).

The remaining provisions are of a consequential character.