

1964 — No. 32

**The Social Insurance
(New Entrants) (Transitional) (Guernsey)
Regulations, 1964**

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

THE STATES INSURANCE AUTHORITY, in exercise of the powers conferred upon it by section seventy-six of the Social Insurance (Guernsey) Law, 1964, and of all other powers enabling it in that behalf, hereby orders:—

Interpretation

1. (1) In these regulations, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

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

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

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

“ new entrant ” means a person who becomes insured under the Law on or after the appointed day and was not immediately before that day an existing contributor within the meaning of regulation two of the Social Insurance (Pensions, Existing Contributors) (Transitional) (Guernsey) Regulations, 1964;

and any other expressions have the same meanings as in the Law.

(2) Except where the context otherwise requires, any reference in these regulations to any enactment or regulations shall be construed as including a reference to that enactment or those regulations, as the case may be, as amended, repealed, replaced or revoked by or under any other enactment or by any other regulations.

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

Postponement of pensionable age for new entrants

2. (1) The provisions of this regulation shall apply to a new entrant who becomes insured under the Law at such an age as would prevent him, on attaining pensionable age, from establishing a yearly average of at least ten contributions paid or credited under the Law.

(2) For the purposes only of a retirement pension, a new entrant may, on attaining pensionable age, elect to be deemed not to have attained that age until—

- (a) he has satisfied condition (a) of sub-paragraph (1) of paragraph two of the Third Schedule to the Law; and
- (b) his yearly average of contributions paid or credited under the Law is at least ten.

whereupon he shall be deemed to have attained that age and to have retired from regular employment :

Provided that—

- (a) for the purpose of calculating the amount of the retirement pension payable to a new entrant or, by virtue of his insurance, to his wife, the said yearly average shall be deemed not to exceed ten;
 - (b) this paragraph of this regulation shall not extend the provisions of the Law reducing the rate of retirement pension in respect of the beneficiary's earnings.
- (3) Subject to the provisions of the next succeeding paragraph, a new entrant who elects to be deemed not to have attained pensionable age in pursuance of the provisions of paragraph (2) of this regulation, shall for any week until his yearly average of contributions paid or credited under the Law is at least ten, be entitled to pay a contribution as a non-employed person who has not attained the age of sixty-five years.

(4) The provisions of section six of the Law (which relates to contributions of employed persons and employers) shall apply to the employer of a new entrant who is an employed person and such employer shall be entitled to recover from the employed person that sum which represents the difference between the amount of contribution payable by a non-employed person who has not attained the age of sixty-five years and the amount which an employer is liable to pay under Part II of the First Schedule to the Law in respect of an employed person.

(5) A new entrant shall, on attaining pensionable age, be entitled to elect not to be qualified for a retirement pension and if he so elects—

- (a) he shall be deemed to have retired from regular employment; and
- (b) no retirement pension shall be payable by virtue of that person's insurance either to that person or to his wife; and
- (c) that person shall, in respect of each contribution paid by that person in respect of any week as an employed, self-employed or non-employed person, be entitled to a refund after attaining the said age of that portion of the contributions which is attributable to retirement pensions and for that purpose shall be entitled to a refund—
 - (i) in the case of a man who is an employed person, of the amount set out in the second column of the Schedule to these regulations appropriate to the age of that man as set out in the first column of that Schedule,
 - (ii) in the case of a man who is a self-employed or non-employed person, of the amount set out in the third column of the Schedule to these regulations appropriate to the age of that man as set out in the first column of that Schedule,
 - (iii) in the case of a woman who is an employed person, of the amount set out in the fifth column of the Schedule to these regulations appropriate to the age of that woman as set out in the fourth column of that Schedule.
 - (iv) in the case of a woman who is a self-employed or non-employed person, of the amount set out in the sixth column

of the Schedule to these regulations appropriate to the age of that woman as set out in the fourth column of that Schedule.

(6) An election under this regulation shall be made by notice in writing addressed to the Authority, in such form as the Authority may from time to time determine, before the expiration of the period of thirteen weeks ending with the week in which the person concerned attains pensionable age.

Modification of contribution conditions for unemployment and sickness benefit and special provisions relating to the crediting of contributions in the case of new entrants

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

(2) In the application of regulation three of the Social Insurance (Contributions) (Guernsey) Regulations, 1964 (which regulation relates to exceptions and credits for incapacity for work) to a new entrant, condition I of the Schedule to those regulations shall be deemed to be satisfied in relation to any week throughout which the new entrant was employed in an employment which is an employed contributor's employment for the purposes of section one of the Law (which relates to description and classification of insured persons):

Provided that this paragraph shall cease to apply to a new entrant as from the commencement of that entrant's first normal benefit year.

Contributions credited in respect of weeks before the appointed day

4. For the purpose of calculating in relation to any benefit the yearly average of the contributions paid by or credited to a new entrant, a contribution of the appropriate class should be credited to him for every contribution week during the period beginning with the beginning of the relevant contribution week in the contribution year—

- (a) in which the first day of January, nineteen hundred and fifty-two occurred, and ending with the last contribution week immediately before that day, if he attained the age of sixteen years before that day; or
- (b) in which he attained the age of sixteen years, if he attained that age on or after the first day of January, nineteen hundred and fifty-two, and ending with the last contribution week immediately before attaining that age.

Modifications, additions and exceptions in these regulations to be overriding

5. The provisions of the Law and the regulations for the time being in force thereunder shall be subject to the modifications, additions and exceptions contained in these regulations.

Citation and commencement

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

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

A. QUEVATRE,

President of the States Insurance Authority,
for and on behalf of the Authority.

SCHEDULE

Regulation 2

MEN			WOMEN		
Age of man at expiration of period of currency of contribution card on which contribution was paid (1)	Employed	Self-employed or Non-employed	Age of woman at expiration of period of currency of contribution card on which contribution was paid (4)	Employed	Self-employed or Non-employed
	Total number of pence to be refunded (including interest) in respect of each contribution (2) (3)			Total number of pence to be refunded (including interest) in respect of each contribution (5) (6)	
	Pence	Pence		Pence	Pence
65 or over	37	75	65 or over	29	57
64	38	77	64	29	59
63	39	79	63	30	60
62	40	81	62	31	62

EXPLANATORY NOTE

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

These Regulations permit certain new entrants to postpone attainment of pensionable age for the purposes of retirement pension and the right of electing not to be qualified for a retirement pension and a consequential refund of moneys in respect of paid contributions (regulation 2); they also give concessions to employed persons in relation to unemployment and sickness benefit and to self-employed persons in relation to sickness benefit (regulation 3).

Printed by Guernsey Herald Ltd., Victoria Road, Guernsey.

To be purchased directly from: The States
Insurance Office, Guernsey, or the States
Office, Alderney.

PRICE 1/- NET.