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GUERNSEY STATUTORY INSTRUMENT

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1964--No. 34

**The Social Insurance  
(Miscellaneous Provisions) (Transitional)  
(Guernsey) Regulations, 1964**

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

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THE STATES INSURANCE AUTHORITY, in exercise of the powers conferred upon it by sections seventy-two and seventy-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:—

“accident benefit” means accident benefit payable in pursuance of the provisions of Part I of the Second Schedule to the Law of 1947;

“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;

“the Law of 1947” means the Benefits and Pensions (Contributory and Non-Contributory) Amendment Law, 1947;

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shall be construed as including a reference to that enactment or those regulations, as the case may be, as amended, repealed, replaced or revoked by or under any other enactment or by any other regulations.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

*Description of additional benefit to be included in benefit under the Law*

2. There shall be included in the description of benefit under the Law the following benefit, namely, partial disablement benefit.

*Certain existing contributors to receive sickness benefit on the appointed day*

3. (1) Subject to the provisions of these regulations, an existing contributor who immediately before

the appointed day is in receipt of accident benefit and would but for the repeal of the Contributory Pensions Laws have been entitled to accident benefit on that day, shall, as from that day, be entitled to sickness benefit.

(2) For the purpose of the preceding paragraph, an existing contributor shall, on the appointed day, be deemed to have satisfied—

- (a) the conditions contained in paragraph 1 of the Third Schedule to the Law;
- (b) the condition contained in subsection (2) of section thirteen of the Law (which relates to exhaustion and requalification for benefit); and
- (c) the provisions of section forty-four of the Law (which relates to claims and notices).

(3) A person to whom this regulation applies shall be deemed, for the purposes of sub-paragraph (a) of paragraph 1 of the Third Schedule to the Law, to have paid a contribution for each week in respect of the whole of which he receives sickness benefit by virtue of this regulation, save, however, that the number of contributions so deemed to have been paid shall not exceed twenty-six.

(4) An existing contributor's entitlement to sickness benefit by virtue of the provisions of the preceding paragraphs of this regulation shall cease on the first day following the appointed day on which he is no longer incapable of work by reason of the injury which entitled him to accident benefit as aforesaid:

Provided that where he again becomes incapable of work by reason of such injury within the period of twenty-six weeks next following the appointed day, he shall be entitled to sickness benefit by virtue of the said provisions.

(5) In calculating for the purpose of subsection (2) of section thirteen of the Law (which relates to exhaustion and requalification for sickness benefit) the number of days in respect of which a person has been entitled to sickness benefit, there shall be disregarded any day in respect of which a person was entitled to sickness benefit by virtue of the provisions of this regulation.

*Modification of regulation three of these regulations*

4. The provisions of the preceding regulation shall not apply to an existing contributor—

- (a) from the date on which he is treated as having retired from regular employment in accordance with the provisions of section nineteen of the Law (which relates to retirement pensions).
- (b) if he is a person to whom regulation nine of the Social Insurance (Pensions, Existing Contributors) (Transitional) (Guernsey) Regulations, 1964 (which regulation relates to the postponement of pensionable age for certain existing contributors), applies, from the date on which he attains, is deemed by virtue of regulation three of those regulations to have attained, pensionable age.

*Partial disablement benefit for certain existing contributors*

5. (1) Subject to the provisions of this regulation, an existing contributor who before the appointed day sustained an injury by accident and who had by reason of such injury been awarded benefit by virtue of the provisions of Part II of the Second Schedule of the Law of 1947 shall, subject to the provisions of this regulation, be entitled to partial disablement benefit on and after the appointed day.

(2) A person to whom this regulation applies shall be entitled to receive by way of partial disablement benefit a weekly sum not exceeding the difference between the amount of his average weekly earnings before the injury by accident referred to in the preceding paragraph and the usual weekly amount which he is earning or is able to earn in some suitable employment or business after the accident but such weekly sum shall bear such relation to the amount of such difference as in the circumstances of the case may appear proper to the determining authority:

Provided however that the amount of partial disablement benefit payable shall not exceed the amount of sickness benefit which would have been payable had such person claimed and been entitled to sickness benefit and had satisfied the conditions contained in paragraph 1 of the Third Schedule to the Law.

(3) In determining for the purpose of the last preceding paragraph the amount of sickness benefit to which a person would have been entitled no regard shall, notwithstanding the provisions of that paragraph, be had to an adult dependant of the claimant other than his wife.

(4) Every person who makes a claim, or is in receipt of partial disablement benefit shall furnish such documents, information and evidence for the purpose of determining the weekly amount thereof as may be required by the Authority and if he fails to furnish such documents, information and evidence within such time as may be specified by the Authority, he shall not be entitled to partial disablement benefit for so long as he continues in default.

(5) Partial disablement benefit shall not be payable under this regulation to a person who has retired

or is deemed to have retired from regular employment.

(6) For the purposes of the Overlapping Benefits Regulations, partial disablement benefit payable under this regulation shall be treated as personal benefit.

*Partial disablement benefit for certain existing beneficiaries*

6. (1) Any person, not being an existing contributor who, immediately before the appointed day, is receiving a benefit by virtue of the provisions of Part II of the Second Schedule to the Law of 1947 shall, subject to the provisions of this regulation, be entitled to receive partial disablement benefit on and after that day.

(2) The weekly sum of partial disablement benefit for the purposes of this regulation shall be determined by the determining authority in accordance with the provisions of the said Part II in all respects as if the Contributory Pensions Laws had not been repealed, so, however, that the reference in the said Part II to the Insurance Authority shall be construed as a reference to the determining authority.

(3) Partial disablement benefit shall not be payable under this regulation to a person who has attained the age of sixty-five years.

(4) For the purposes of the Overlapping Benefits Regulations, partial disablement benefit payable under this regulation shall be treated as personal benefit.

*Temporary modification of contribution conditions relating to sickness benefit for certain existing contributors, in respect of accidents not arising out of and in the course of their employment*

7. (1) The provisions of this regulation shall apply to an existing contributor who on or after the

appointed day but before the fifth day of July, nineteen hundred and sixty-five (hereafter in this regulation and the next succeeding regulation referred to as "the relevant period") sustains personal injury by accident (hereafter in this regulation referred to as "the relevant accident"), which does not arise out of and in the course of his employment, at a time when he is in Guernsey and is then being treated for the purposes of section one of the Law (which relates to description and classification of insured persons) or under the Social Insurance (Classification) (Guernsey) Regulations, 1964, as an employed or self-employed person.

(2) A person to whom this regulation applies and who claims sickness benefit by reason of the relevant accident shall as respects the said accident be deemed to have satisfied the conditions contained in subsection (2) of section thirteen of the Law (which relates to exhaustion and requalification for benefit) and in paragraph 1 of the Third Schedule to the Law.

(3) A person to whom this regulation applies shall be deemed, for the purposes of sub-paragraph (a) of paragraph 1 of the Third Schedule to the Law, to have paid a contribution for each week in respect of the whole of which he receives sickness benefit by virtue of this regulation, save, however, that the number of contributions so deemed to have been paid shall not exceed twenty-six.

(4) The provisions of this regulation shall cease to apply to an existing contributor after the expiration of the relevant period:

Provided that where a person to whom this regulation applies is incapable of work at the expiration of the relevant period by reason of the relevant accident, he shall be entitled to sickness benefit by virtue of

this regulation until he next ceases to be so incapable of work after the expiration of the relevant period.

*Temporary modification of contribution conditions in relation to existing contributors sustaining personal injury caused by accident arising out of and in the course of their employment*

8. Where an existing contributor is entitled to sickness benefit by virtue of section thirty-one of the Law by reason of personal injury caused by accident occurring during the relevant period, he shall, for the purposes of sub-paragraph (a) of paragraph 1 of the Third Schedule to the Law, be deemed to have paid a contribution for each week in respect of the whole of which he receives sickness benefit by virtue of that section, save, however, that the number of contributions so deemed to have been paid shall not exceed twenty-six.

*Certain existing contributors to be entitled to industrial medical benefit*

9. In any case where the Authority is satisfied that an existing contributor would, but for the repeal of the Contributory Pensions Law, 1935, have been entitled to receive medical benefit in pursuance of the provisions of Article XVI of that Law in respect of personal injury caused by accident occurring before the appointed day and arising out of and in the course of his employment, the Authority may, in its absolute discretion, determine that he shall be entitled to industrial medical benefit in all respects as if such accident had occurred on or after the appointed day.

*Certain existing contributors to be entitled to limited medical benefit*

10. In any case where the Authority is satisfied that an existing contributor would, but for the repeal

of the Contributory Pensions Law, 1935, have been entitled to receive medical benefit in pursuance of the provisions of Article XVI of that Law in respect of personal injury caused by accident occurring before the appointed day and not arising out of and in the course of his employment, the Authority may, in its absolute discretion, determine that he shall be entitled to limited medical benefit in all respects as if such accident had occurred on or after the appointed day:

Provided that, except as respects grants to meet the cost of replacing or repairing an artificial limb or a surgical appliance, grants in respect of limited medical benefit shall not be provided by virtue of this regulation after the need for medical treatment first ceases after the appointed day.

*Citation and Commencement*

11. These regulations may be cited as the Social Insurance (Miscellaneous Provisions) (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.

## EXPLANATORY NOTE

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

These regulations modify the provisions of the Law for a limited period in respect of sickness benefit, industrial disablement benefit, industrial medical benefit and limited medical benefit in relation to persons insured under the Contributory Pensions Laws who but for the repeal of those Laws would have been entitled to accident or medical benefit. They also preserve to certain existing contributors entitlement to partial disablement benefit.