

1964—No. 36

**The Social Insurance
(Pensions, Existing Contributors)
(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-two and section 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 having the meanings hereby respectively assigned to them, that is to say:—

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

“contributory old age pension” has the same meaning as in the Social Insurance (Pensions, Existing Beneficiaries and Other Persons) (Transitional) (Guernsey) Regulations, 1964;

“the Contributory Pensions Laws” means the Contributory Pensions (Guernsey) Laws, 1935 to 1962;

“existing widow pensioner” means a widow who immediately before the appointed day is entitled to a widow’s pension under the Contributory Pensions Laws:

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

“relevant contribution week” means in relation to any person the first complete contribution week in the month of March, June, September or December as may be determined by the Authority to be applicable in his case for the purpose of contribution years:

“widow’s basic pension” has the same meaning as in the Social Insurance (Pensions, Existing Beneficiaries and Other Persons) (Transitional) (Guernsey) Regulations, 1964:

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

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construed as including a reference to that enactment or those regulations, as the case may be, as amended, extended, repealed, replaced or revoked by or under any other enactment or by any other regulations.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

Application of the Law to existing contributors under the Contributory Pensions Laws

2. In relation to existing contributors who immediately before the appointed day are insured under the Contributory Pensions Laws and who are

on that day under seventy years of age (hereafter in these regulations referred to as "existing contributors"), the provisions of the Law and Ordinances and regulations for the time being in force thereunder shall have effect subject to the modifications contained in these regulations.

Modification of pensionable age for existing contributors and their wives

3. For the purposes of these regulations, an existing contributor or the wife of an existing contributor who attained the age of sixty-five years before the appointed day shall be deemed to have attained pensionable age on that day.

Insurance under the Contributory Pensions Laws to be treated as insurance under the Law

4. (1) Subject to the succeeding provisions of this regulation, the insurance under the Contributory Pensions Laws of an existing contributor shall be treated as insurance under the Law for the purposes of widow's benefit and a retirement pension including a retirement pension for a widow by virtue of her husband's insurance.

(2) An existing contributor's entry into insurance under the Contributory Pensions Laws shall be deemed for the purposes as aforesaid to have occurred—

- (a) on the first day of January, nineteen hundred and fifty-two, if on or before that date he had attained the age of sixteen years; or
- (b) on the date on which he attained the age of sixteen years if he attained that age after the first day of January, nineteen hundred and fifty-two.

(3) For the purposes of guardian's allowance an existing contributor who attained pensionable age before the appointed day shall be treated as if he were an insured person.

Widow's basic pension, etc., for certain widows not entitled to widow's benefit

5. (1) The provisions of this regulation shall apply to the widow of an existing contributor if—

(a) she was married to him before the appointed day; and

(b) he dies before the expiration of the period of ten years commencing on the appointed day.

(2) Subject to the provisions of these regulations, the widow of an existing contributor to whom this regulation applies shall, for any period when she is not entitled to a widow's allowance, a widowed mother's allowance, a widow's pension, a retirement pension by virtue of her husband's insurance or a retirement pension by virtue of her own insurance, be entitled to a widow's basic pension if either the conditions contained in ~~the next succeeding~~ paragraph⁽³⁾ of this regulation or the condition contained in paragraph (4) of this regulation, has been satisfied in respect of her husband.

^(2A)
(3) The condition to be satisfied in respect of the husband if he dies before attaining pensionable age is that at least one hundred contributions had been paid by or in respect of him or credited to him during the one hundred and four weeks immediately preceding the week in which he died.

(4) The condition to be satisfied in respect of the husband if he dies after attaining pensionable age is that at least one hundred contributions had been paid by or in respect of him or credited to him during the

one hundred and four weeks immediately preceding:—

- (a) the week in which he attained pensionable age; or
- (b) the week in which he died or attained age seventy, whichever first occurs.

(5) Notwithstanding the foregoing provisions of this regulation, any contributions paid by or in respect of the husband or credited to him by virtue of the provisions of regulation nine of these regulations shall be disregarded for the purposes of the said foregoing provisions of this regulation.

(6) Notwithstanding the foregoing provisions of this regulation, where the conditions contained in paragraph (3) or paragraph (4) are ^{not} satisfied in the case of a husband whose death resulted from an accident, those conditions shall be deemed to have been satisfied:

Provided that this paragraph shall not apply where the death of the husband occurred during the period, if any, during which he was entitled to pay contributions by virtue of the provisions of regulation nine of these regulations.

~~(7) Notwithstanding that a widow to whom this regulation applies may be entitled to a widow's allowance, a widowed mother's allowance, a widow's pension or a retirement pension by virtue of her husband's insurance or a retirement pension by virtue of her own insurance, she may elect by notice in writing to the Authority to receive a widow's basic pension instead of any of the said allowances or pensions.~~

~~(8) An election made in pursuance of the provisions of the last preceding paragraph shall be made in such form as the Authority may, from time to time, determine and the notice of such election shall be delivered to the Authority before the expiration~~

~~of the twenty eighth day next following the day on which the award of the allowance or pension was made by the Administrator or the tribunal, as the case may be, but such election shall be of no effect until the commencement of the day in the week next following the week in which the notice of such election was received by the Authority, being the day on which, by virtue of the Social Insurance (Claims and Payments) (Guernsey) Regulations, 1964, widow's benefit is payable.~~

(9) If a widow to whom this regulation applies is not entitled to a widow's allowance, a widowed mother's allowance or a retirement pension and is in consequence entitled to a widow's basic pension in pursuance of the provisions of paragraph (2) of this regulation ~~or elects to receive a widow's basic pension in pursuance of the provisions of paragraph (7) of this regulation~~, she shall nevertheless be entitled in respect of a child to such increase as she would have been entitled to had she been awarded a widow's allowance, a widowed mother's allowance or a retirement pension, as the case may be:

Provided that an increase awarded in respect of a child under this paragraph shall cease to be payable on the date on which it would have ceased to be payable had the widow been awarded a widow's allowance, a widowed mother's allowance or a retirement pension.

~~(10) An election made in accordance with the provisions of paragraph (7) of this regulation shall remain in force until the widow notifies the Authority in writing of her desire to cancel the election save that the Authority shall not accept the cancellation of the election unless—~~

~~(a) it is made on or after the date on which the widow has attained the age of sixty-five years; and~~

~~(b) on the day on which the widow cancels the election she has retired and is from that day entitled to a retirement pension by virtue of her own insurance.~~

~~(11) Subject to the provisions of the last preceding paragraph, a widow who, on attaining the age of seventy years, is in receipt of a widow's basic pension, shall have that pension converted into a contributory old age pension at the same rate:~~

~~Provided that if a woman does not become the widow of an existing contributor until she has attained the age of seventy years she shall, subject to the provisions of this regulation, be entitled to a contributory old age pension at the same rate as that to which she would have been entitled had she become a widow immediately before attaining that age and had been awarded a widow's basic pension.~~

~~^(6,8)
Contributions under the Contributory Pensions Laws
to be taken into account for the purposes of the
Law~~

~~6. (1) Subject to the provisions of this regulation, in determining whether the contribution conditions contained in—~~

~~(a) paragraph two of the Third Schedule to the Law; or~~

~~(b) either paragraphs (3) or (4) of regulation five of these regulations, as the case may require,~~

~~have been satisfied, the contributions paid or deemed to have been paid by or in respect of an existing contributor shall to the extent permitted by virtue of the next succeeding paragraph be treated as having been actually paid under the Law.~~

~~(2) The extent to which contributions as aforesaid are to be treated as having been paid under the Law shall be—~~

ning 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.

Election, under section 20 (7) of the Law, by the widow of an existing contributor

8. (1) Where, in accordance with an election made by a widow in pursuance of the provisions of subsection (7) of section twenty of the Law (which relates to special provisions as to women) a number of contributions equal to the yearly average (ascertained as at the date of her husband's attaining pensionable age or dying under that age) of the contributions paid by or credited to her husband is to be treated as having been paid by or credited to her for any period, that yearly average shall, if he was an existing contributor, be—

- (a) the yearly average (so ascertained) of the contributions which were required, or would have been required, to be taken into account for the purpose of his right to a retirement pension; or
- (b) in the case of a widow who, immediately before attaining pensionable age, was entitled to widow's benefit (other than a widow's basic pension) by virtue of his insurance, the yearly average (so ascertained) of the contributions

- (a) in the case of an existing contributor who was insured under the Contributory Pensions Laws on the first day of January, nineteen hundred and fifty-two, and had on or before that date attained the age of sixteen years, those contributions paid or deemed to have been paid by or in respect of that contributor between the aforementioned date and the second day of January, nineteen hundred and sixty-five; and
- (b) in the case of any other existing contributor, those contributions paid or deemed to have been paid by or in respect of him between the date of the first occasion on which he became insured under the Contributory Pensions Laws subsequent to the first day of January, nineteen hundred and fifty-two and the second day of January, nineteen hundred and sixty-five:

Provided that any such contributions which are paid on or after the appointed day, other than contributions payable by an employer in respect of an existing contributor, the delay in making payment of which 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 said contributor, shall not be taken into account unless such contributions are paid before the fifth day of March, nineteen hundred and sixty-five.

Contributions credited in respect of weeks before the appointed day

7. For the purpose of calculating in relation to any benefit the yearly average of the contributions paid by or credited to an existing contributor, a contribution of the appropriate class shall be credited to him for every contribution week during the period begin-

which were required to be taken into account for the purpose of her right to that benefit, if that yearly average is the higher.

(2) For the purposes of sub-paragraph (b) of the foregoing paragraph, a widow who, immediately before attaining pensionable age, would have been entitled to a widow's benefit as therein mentioned but for any one or more of the following factors, namely—

- (a) disqualifications for the receipt of benefit for any reason;
- (b) the operation of any provision relating to overlapping benefits made under section thirty-eight of the Law;
- (c) the operation of any provision of either the Law or any regulations made thereunder relating to earnings;
- (d) an election under regulation five of these regulations by a widow to receive a widow's basic pension instead of either a widow's allowance or a widowed mother's allowance:

shall be treated as if she had then been so entitled thereto and, in relation to such a widow, the reference in that sub-paragraph to the contributions which were required to be taken into account for the purpose of her right to that benefit shall be construed as a reference to the contributions which would have been required to be taken into account for that purpose.

Postponement of pensionable age for certain existing contributors

9. (1) The provisions of this regulation shall apply to an existing contributor who became insured or last became insured under the Contributory Pensions Laws 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 or from satisfying condition (a) of sub-paragraph (1) of paragraph two of the Third Schedule to the Law.

(2) For the purposes only of a retirement pension, an existing contributor may, on attaining pensionable age, elect to be deemed not to have attained that age until he satisfies the following conditions—

- (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 an existing contributor 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, an existing contributor 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 the conditions contained in the said paragraph are satisfied, 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 an existing contributor 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) An existing contributor 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 after the appointed day as an employed, self-employed or non-employed person, be entitled to a refund after attaining the said age of that portion of the contribution 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 week in which the person concerned attains or is deemed by virtue of regulation three of these regulations to have attained, pensionable age.

*Limitation of liability to pay contributions under the
Contributory Pensions Laws*

10. A person shall not be liable to pay, either in respect of himself or on behalf of some other person, a contribution in accordance with the provisions of the Contributory Pensions Laws which, but for the repeal of those Laws, he would have been liable to pay in respect of the week commencing on the third day of January, nineteen hundred and sixty-five.

*Modification of rules for certain married women
who elect to be liable to pay contributions*

11. The provisions of regulations two and three of the Social Insurance (Married Women) (Guernsey) Regulations, 1964, which relate to the time in which an election has to be made, shall apply to an existing contributor who is a married woman to whom subparagraph (a) of paragraph (1) of regulation four of those regulations applies save that any notice of election given within a period of thirteen weeks beginning with the week in which the appointed day occurs shall be operative from that day and any election made after the expiration of that period shall be operative from the beginning of the week in which the said notice was given.

Citation and Commencement

12. These regulations may be cited as the Social Insurance (Pensions, Existing Contributors) (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

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 modify the Social Insurance (Guernsey) Law, 1964 in its application to persons who immediately before the appointed day (4th January, 1965) were existing contributors under the repealed Contributory Pensions Laws.

The main modifications relate to treating insurance and contributions paid under the repealed Laws as insurance and contributions paid under the Social Insurance Law (regulations 2, 4 and 6); to deeming existing contributors who have attained age 65 on the appointed day to have attained pensionable age on that day (regulation 3); to preserving the rights under the repealed Laws of certain widows (regulation 5); to granting contribution credits to existing contributors for periods before either 1st January, 1952 or the date on which an existing contributor attained age 16, if he attained that age after 1st January, 1952 (regulation 7); to permitting the widow of an existing contributor to treat her late husband's contribution record as her own record for the purpose of qualifying for a retirement pension (regulation 8); to permitting certain existing contributors to be deemed not to have attained pensionable age in order to qualify for a retirement pension which they would not otherwise do (regulation 9); to removing liability from existing contributors to pay contributions under the repealed Laws in respect of the week commencing 3rd January, 1965 (regulation 10); to crediting contributions to existing widow pensioners in relation to periods of widowhood before the appointed day (regulation 11); and to altering the normal rules relating to married women who wish to pay contributions as self-employed or non-employed persons in a voluntary capacity.

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.