
GUERNSEY STATUTORY INSTRUMENT

1964—No. 40

**The Social Insurance
(Overlapping Benefits) (Guernsey)
Regulations, 1964**

Made 25th November, 1964
Coming into Operation .. 4th January, 1965

THE STATES INSURANCE AUTHORITY, in exercise of the powers conferred upon it by section thirty-eight 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:—

“beneficiary” means the person to whom any benefit, pension or allowance is payable;

“dependency benefit” means that benefit, pension or allowance under the Law which, apart from these regulations, is payable to a person in respect of another person who is a child or an adult dependant;

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

“personal benefit” means that benefit, pension or allowance under the Law which, apart from these regulations, is payable to a person otherwise than in respect of another person who is a child or an adult dependant;

“widow’s basic pension” and “widow’s preserved pension” have the same meanings as in the Social Insurance (Pensions, Existing Beneficiaries and Other Persons) (Transitional) (Guernsey) Regulations, 1964;

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shall be construed as including a reference to that enactment or those regulations, as the case may be, as amended, repealed, replaced or revoked by or under any other enactment or by any other regulations.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

Adjustments for Overlapping Benefits

Adjustment of personal benefit under the Law where other personal benefit under the Law is payable

2. (1) Where, for any period more than one personal benefit would, but for this regulation, be payable to any person, then for that period an adjustment between those personal benefits shall, subject

to the provisions of regulation three, be made in accordance with the provisions of paragraph (2) of this regulation.

(2) Where in accordance with paragraph (1) of this regulation an adjustment between any personal benefits is required to be made for any period, then the amount payable for that period in respect of those personal benefits shall be the amount which, but for this provision, would be payable for that period in respect of one of those personal benefits (if they would be so payable at equal rates) or that one of them which would be so payable for that period at the higher or highest rate:

Provided that...

Exception to regulation two

3. (1) Subject to the provisions of paragraph (2) of this regulation, an adjustment shall not be made between any two personal benefits of which one is specified in any paragraph of the first column of the Schedule to these regulations and the other is specified in the corresponding paragraph of the second column of that Schedule.

(2) Where for any period both sickness benefit and industrial disablement benefit would, but for the provisions of this paragraph, be payable to any person by reason of the same relevant accident, then for that period an adjustment between those two benefits shall be made in accordance with the provisions of paragraph (2) of regulation two.

Adjustment of dependency benefit where other dependency benefit is payable

4. (1) Subject to the provisions of this regulation, where, for any period, any dependency benefit is or, but for this regulation, would be payable to any

person in respect of a child or an adult dependant, that dependency benefit shall be adjusted—

- (a) in the case of dependency benefit in respect of a child, by reference to any other dependency benefit which is payable for that period in respect of that child; or
- (b) in the case of dependency benefit in respect of an adult dependant, by reference to any other dependency benefit which is payable for that period to that person in respect of that or any other adult dependant or to any person in respect of that adult dependant,

so that the amount which, but for this regulation, would be payable in respect of that dependency benefit shall be reduced or extinguished by the deduction therefrom of the amount payable for that period in respect of that other dependency benefit or those other dependency benefits by reference to which the dependency benefit is required by this regulation to be adjusted and only the balance (if any) shall be payable for that period in respect of that dependency benefit.

(2) Notwithstanding the provisions of paragraph (1) of this regulation, where, for any period, a guardian's allowance is payable or, but for those provisions, would be payable in respect of the elder or eldest child (hereafter in this paragraph referred to as "the first child") of a family which includes also a child or children in respect of whom no such allowance is payable for that period (which child, or, if the family includes more than one such child, the elder or eldest of such children, is hereafter in this paragraph referred to as "the other child"), the following provision shall apply, that is to say,

if, for that period, there is payable or, but for the said paragraph (1), there would be payable, in respect of the first child—

(a) a guardian's allowance; and

(b) a dependency benefit under the Law or more than one of such dependency benefits,

the said paragraph (1) shall not, for that period, be applied in relation to that allowance or those benefits so as to require that allowance or those benefits to be adjusted by reference to each other; but, as a special provision, the amount of dependency benefit which (after the making of any other adjustment required by the said paragraph (1)) would be payable for that period in respect of the first child shall be reduced or extinguished for that period by the deduction therefrom of the amount of any dependency benefit, or, if more than one, the aggregate amount of the dependency benefits, which (after the making of any adjustments required by the said paragraph (1)) is payable for that period in respect of the other child.

(3) Where, for the purposes of section twenty-one of the Law (which section relates to increases of benefit in respect of children), a child is, under subsection (2) of that section, treated as a child of a man's family, that child shall be so treated for the purposes of the last foregoing paragraph.

(4) The foregoing provisions of this regulation shall not operate to require the making of any adjustment as between two dependency benefits of which one is a dependency benefit by way of an increase of benefit under paragraph (c) of subsection (2) of section twenty-two of the Law, or under subsection (3) of that section, which is or, but for those provisions, would be payable to a person (hereafter in this paragraph referred to as "the beneficiary")

in respect of another person who is employed by, but is not residing with, the beneficiary, and the other is any other dependency benefit and is or, but for those provisions, would be payable in respect of that other person to some person other than the beneficiary.

Adjustment of dependency benefit where personal benefit is payable

5. (1) Subject to the provisions of paragraph (2) of this regulation, where, for any period, any one or more personal benefits is or are payable to any person—

- (a) if the weekly rate or the aggregate weekly rate at which that personal benefit or those personal benefits (if more than one) is or are payable for that period (hereafter in this regulation called "the weekly rate of personal benefit") is equal to or exceeds the weekly rate of any dependency benefit which, apart from this regulation, would be payable for that period (hereafter in this regulation called "the weekly rate of dependency benefit"), there shall not be paid in respect of that person for that period any dependency benefit; and
- (b) in any other case, there shall not be paid in respect of that person for that period any dependency benefit at a weekly rate exceeding the difference between the weekly rate of personal benefit and the weekly rate of dependency benefit.

(2) The provisions of this regulation shall not apply in relation to any dependency benefit by way of an increase of benefit under paragraph (c) of subsection (2) of section twenty-two of the Law,

or under subsection (3) of that section, in respect of a person who is employed by, but is not residing with, the beneficiary.

Construction of Part II

6. Nothing in this Part of these regulations shall be construed as requiring any adjustment to be made to, or any account to be taken of, the payment payable under the Law of limited medical benefit or industrial medical benefit.

PART III

Miscellaneous provisions and citation and commencement

Priority of title to increases of benefit

7. Where, but for any of the foregoing provisions of these regulations, two persons would both be entitled to an increase of benefit under the Law in respect of a third person, the person entitled thereto shall, as between such persons, be determined in accordance with the following order of priority:—

- (a) such one of the two persons as may be designated in a written notice to the Authority, signed by the other; or
- (b) such one of the two persons as the Authority may in its discretion determine, having regard to the circumstances of the case.

Two increases of the same benefit to be treated as separate benefits

8. For the purposes of these regulations, in any case where dependency benefit by way of increases of benefit in respect of more than one person (being a child or an adult dependant) is payable, each of such increases of benefit shall be treated as a separate dependency benefit.

Provisions for adjusting benefit, etc., for part of a week

9. (1) Where, in accordance with the provisions of these regulations, any benefit under the Law is required to be adjusted for a part only of a week, then, for the purposes of making that adjustment and of determining the amount of that benefit which is payable for the part (if any) of that week for which it is not so required to be adjusted, the amount of the appropriate weekly rate of that benefit and of every benefit by reference to which it is so required to be adjusted shall, if it is not payable for that week at a daily rate, equal to one-sixth of the appropriate weekly rate, for each day of the week excluding Sunday, be deemed to be so payable:

Provided that, if the benefit or one of the benefits so required to be adjusted is unemployment benefit or sickness benefit which is, or but for the provisions of these regulations, would be payable to a person in whose case the day to be disregarded in accordance with regulations made under paragraph (d) of subsection (2) of section twelve of the Law (which paragraph relates to disregarding Sunday or some other prescribed day for the purpose of unemployment and sickness benefit) is a day other than Sunday, the first reference in this paragraph to Sunday shall be construed as a reference to that other day.

(2) In the last preceding paragraph, the expression "appropriate weekly rate" means, in relation to any benefit, the weekly rate at which it would be payable but for the provisions of these regulations.

(3) In this regulation, the expression "benefit" (except in the expression "unemployment benefit" and "sickness benefit") includes any pension or allowances under the Law.

Persons to be treated as entitled to benefit for certain purposes

10. Any person who would be entitled to any benefit under the Law but for these regulations shall be treated as if he were entitled thereto for the purpose of any rights or obligations under the Law and the regulations made thereunder (whether of himself or some other person) which depend on his being so entitled, other than for the purposes of the right to payment of that benefit.

Citation and commencement.

11. These regulations may be cited as the Social Insurance (Overlapping Benefits) (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 3

Showing in Column 1, by paragraphs, personal benefits under the Law which are not required to be adjusted by reference to any personal benefit shown in the corresponding paragraph of Column 2.

Column 1	Column 2
(1) Widow's basic pension or widow's preserved pension	(1) Unemployment benefit or sickness benefit
(2) Any personal benefit	(2) Industrial disablement benefit

EXPLANATORY NOTE

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

These regulations (Part II and Schedule) provide for adjusting personal benefit under the Social Insurance (Guernsey) Law, 1964, where other personal benefit under the Law is payable, with the exception of those benefits specified in the Schedule. Provision is also made for the adjustment of dependency benefit where other dependency benefit or personal benefit is payable. Part III provides for certain miscellaneous matters.