
GUERNSEY STATUTORY INSTRUMENT

1964—No, 42

**The Social Insurance
(Unemployment and Sickness Benefit)
(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 sections eleven to fourteen, section twenty-two, section twenty-three and section seventy-seven 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” does not include contributions as respects limited medical benefit;

“the determining authority” means, as the case may require, the Administrator or the tribunal;

“the Determination of Claims and Questions Ordinance” means the Social Insurance (Determination of Claims and Questions) (Guernsey) Ordinance, 1964;

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shall be construed as including a reference to that enactment or those regulations, as the case may be, as amended, repealed, replaced or revoked by or under any other enactment or by any other regulations.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

Contributions treated as equivalent to contributions of the appropriate class

2. Where a person makes a claim for unemployment benefit or for sickness benefit for a day which forms parts of a period of interruption of employment, the following provisions of this regulation shall apply in relation to the claimant and, for the purposes of those provisions, the following expressions have the meanings hereby respectively assigned to them—

“appropriate week” means a contribution week in respect of which a contribution as an employed person or as a self-employed person does not, by virtue of any other provision of the regulations made under the Law, fall to be credited to the claimant;

“relevant contribution year” means the last complete contribution year before the benefit year which includes the day for which benefit is claimed;

“relevant period” means the period beginning with the first day of the relevant contribution year

and ending immediately before the contribution week which includes the day for which benefit is claimed:—

- (1) if, in respect of the relevant contribution year, there have been paid by or credited to the claimant not less than thirty-nine contributions of the appropriate class, every contribution as an insured person which is not a contribution of the appropriate class and has been paid by or credited to the claimant in respect of the relevant contribution year shall, for the purpose of his right to the benefit claimed for the day in question, be treated as equivalent to a contribution of the appropriate class, save that a contribution paid in pursuance of subparagraph (ii) of paragraphs (a), (c) and (d) of subsection (2) of section two (which relates to source of funds), of subsection (1) of section nine (which relates to women seasonal workers) and of subsection (1) of section ten of the Law (which relates to widows who are employed persons) shall not be so treated;
- (2) if, in respect of appropriate weeks in the relevant period or (in a case where the number of appropriate weeks in the relevant period exceeds thirty-nine) in respect of the last thirty-nine appropriate weeks in the relevant period, the claimant has paid not less than twenty-six contributions as an employed person, every contribution as a self-employed or non-employed person paid by or credited to the claimant in respect of a contribution week in the relevant contribution year shall be treated as equivalent to

a contribution as an employed person for the purpose of his satisfying the contribution condition set out in sub-paragraph (b) of paragraph 1 of the Third Schedule to the Law (which paragraph sets out the contribution conditions for unemployment and sickness benefit) whether in relation to the benefit claimed for the day in question or in relation to any benefit of the same description claimed by the claimant for any later day in the benefit year which includes the day in question;

- (3) if the claim is a claim for sickness benefit and, in respect of appropriate weeks in the relevant period or (in a case where the number of appropriate weeks in the relevant period exceeds thirty-nine) in respect of the last thirty-nine appropriate weeks in the relevant period, the claimant has not paid twenty-six contributions as an employed person but has paid (either with or without any other contribution) twenty-six contributions of which each is either a contribution as an employed person or a contribution as a self-employed person, every contribution as a non-employed person paid by or credited to the claimant in respect of a week in the relevant contribution year shall be treated as equivalent to a contribution as a self-employed person for the purpose of his satisfying the contribution condition set out in the said sub-paragraph (b) whether in relation to the sickness benefit claimed for the day in question or in relation to any sickness benefit claimed by the claimant for any later day in the benefit year which includes the day in question.

Persons deemed to be incapable of work

3. (1) A person who is not incapable of work shall, if the Administrator or the tribunal, as the case may be, so determines, be deemed to be incapable of work by reason of some specific disease or bodily or mental disablement for any day on which he satisfies the conditions specified in paragraph (a) or paragraph (b) below, namely:—

- (a) that he is under medical care in respect of a disease or disablement as aforesaid; that it is certified by a medical practitioner that by reason of such disease or disablement he should abstain from work; and that he does not work; or
- (b) that he is excluded from work on the certificate of the States Medical Officer of Health; and that he is under medical observation by reason of his being a carrier, or having been in contact with a case, of infectious disease.

(2) A woman who is confined shall be deemed to be incapable of work on each day in the period between the beginning of the two weeks last preceding that in which she is confined and the expiration of the two weeks next succeeding the week in which she is confined:

Provided that this paragraph shall not apply to such a woman in respect of any week in the said period during the whole or any part of which she does not abstain from work.

(3) For the purpose of the last preceding paragraph, the expression "confined" means being in labour resulting in the issue of a living child, or labour after twenty-eight weeks of pregnancy resulting in the issue of a child whether alive or dead.

4. A person who at the commencement of any day is or thereafter on that day becomes incapable of work by reason of some specific disease or bodily or mental disablement and does no work as an employed or self-employed person on that day shall be deemed to be so incapable of work throughout that day.

Special provisions relating to day substituted for Sunday

5. (1) In the case of a person who—

(a) in any week in which, in the normal course, he would work as an employed person on not more than six days including the Sunday, is unemployed on that Sunday; and

(b) claims unemployment benefit for that Sunday;

the day of that week on which, in the normal course, he would not work as an employed person, or (if that week contains more than one day on which in the normal course he would not so work) the later or last of those days, shall be substituted for that Sunday as a day which, by virtue of the provisions of paragraph (d) of subsection (2) of section twelve of the Law, is not to be treated as a day of unemployment or of incapacity for work for the purposes of any provision of the Law relating to unemployment or sickness benefit and, for those purposes, is to be disregarded in computing any period of consecutive days.

(2) In the case of a person who—

(a) in any week, in the normal course, would not work as an employed person on the Sunday;

- (b) objects on religious grounds to working on a specific day in each week other than Sunday, but does not so object to working on Sunday: and
- (c) in respect of that work is unemployed on and claims unemployment benefit for Sunday;

that specific day shall in that week be substituted for Sunday as a day which, by virtue of the provisions of paragraph (d) of subsection (2) of section twelve of the Law, is not to be treated as a day of unemployment or of incapacity for work for the purposes of any provision of the Law relating to unemployment benefit or sickness benefit and, for those purposes, is to be disregarded in computing any period of consecutive days.

(3) In this regulation, the expression "week" means a period of seven days commencing with the midnight between Saturday and Sunday.

(4) In the application to a person of subparagraph (a) of paragraph (1) of this regulation, no account shall be taken of any period of short time working due to adverse industrial conditions in determining whether in any week, in the normal course, a person would work as an employed person on not more than six days including the Sunday.

Night workers

6. (1) In relation to night workers for the purposes of unemployment and sickness benefit where a period of employment begun on any day extends over midnight into the following day, the person employed shall, in respect of such period—

- (a) be treated as having been employed on the first day only, if the employment before midnight is of longer duration than that

after midnight, and, in that case, the first day shall not be treated as a day of interruption of employment; or

- (b) be treated as having been employed on the second day only, if the employment after midnight is of longer duration than that before midnight, or if the employment before and after midnight is of equal duration, and, in either of these cases, the second day shall not be treated as a day of interruption of employment.

(2) Where a person—

- (a) is by virtue of the provisions of paragraph (1) of this regulation, to be treated as having been employed on one day only of two days; and

- (b) throughout that part of the other of those two days during which that person is not employed, is, or is deemed in accordance with regulations to be, available for employment in an employed contributor's employment or incapable of work by reason of some specific disease or bodily or mental disablement,

that person shall, for the purposes of unemployment or sickness benefit, be deemed to be so available for employment, or, as the case may be, to be so incapable of work, throughout that other of those two days.

(3) Where a person—

- (a) is, by virtue of the provisions of paragraph (1) of this regulation, to be treated as having been employed on the second day only of two days; and,

- (b) throughout the day immediately preceding the first of those two days, is, or is

deemed in accordance with regulations to be, incapable of work by reason of some specific disease or bodily or mental disablement.

that person shall, for the purposes of sickness benefit, be deemed to be so incapable of work throughout the first of those two days.

Days not to be treated as days of unemployment or incapacity for work

7. For the purposes of unemployment and sickness benefit—

- (a) a day shall not be treated as a day of interruption of ~~un~~employment if it is a day in respect of which a person fails to prove, in such manner as the Authority shall require, that he is unemployed and capable of work and available for employment in an employed contributor's employment, or incapable of work, as the case may be;
- (b) a day shall not be treated as a day of unemployment if it is a day in respect of which a person is disqualified for receiving unemployment benefit;
- (c) a day shall not be treated as a day of incapacity for work if it is a day in respect of which a person is disqualified for receiving sickness benefit;
- (d) a day shall not be treated as a day of unemployment if it is a day in respect of which a person, notwithstanding that his employment has terminated, receives the wages which he would have received for that day if the employment had not been terminated;

(e) a day shall not be treated as a day of unemployment if on that day a person does no work; and—

(i) is on holiday; or

(ii) is a person who does not ordinarily work on every day in a week (exclusive of Sunday or the day substituted therefor by regulation five) but who has, in the week in which the said day occurs, been employed to the full extent normal in his case:

(f) a day shall not be treated as a day of incapacity for work if a person does any work on that day other than—

(i) work which is undertaken under medical supervision as part of his treatment while he is a patient in or of a hospital or similar institution; or

(ii) work as a non-employed person which is not so undertaken and which he has good cause for doing,

and from which, in the case of work of either description, his earnings, if any, are ordinarily less than forty shillings a week;

(g) (subject to the provisions of regulation eight) a day shall not be treated as a day of unemployment if on that day an insured person is following any occupation (including any occupation in an employment which, in accordance with any provisions of the Law and the regulations made thereunder relating to the classification of insured persons, is to be disregarded) unless the earnings derived from that occupation, in respect of that day, do not exceed six shillings and eightpence, or where the earn-

ings are earned in respect of a longer period than a day, the earnings do not on the daily average exceed that amount, and unless he is available on that day for full-time employment in some employed contributor's employment and the occupation which he is following is consistent with that full-time employment, and if he is following that occupation under a contract of service, it is not his usual main occupation:

- (h) a day shall not be treated as a day of unemployment if it is a day which forms part of a period in respect of which a person is receiving or is entitled to receive a pension or allowance in excess of forty shillings a week (not being a benefit payable under the Law) in respect of ~~un~~employment which ended before that day and for the purposes of this paragraph where a person receives or is entitled to receive two or more such pensions or allowances they shall be aggregated.

Persons deemed to be available for employment in an employed contributor's employment

8. Notwithstanding the provisions of paragraph (g) of the last preceding regulation, an insured person engaged in—

- (a) the manning of a lifeboat; or
 (b) the performance of duty as a part time fireman in a fire brigade maintained in pursuance of the provisions of the Law entitled "Loi relative au Service Public pour l'Extinction des Incendies" registered on the twentieth day of August, nineteen hundred and thirty-two or maintained by

or on behalf of the States of Alderney, as the case may be; shall be deemed to be available for employment in an employed contributor's employment, and the provisions of the said paragraph (g) shall not apply to him.

Special provisions relating to delay or failure in claiming benefit

9. Notwithstanding anything contained in regulation six, a person who, in respect of any period of interruption of employment, would have been entitled to unemployment or sickness benefit for any day but for any delay or failure to make or prosecute a claim, shall, for the purposes of section thirteen of the Law but subject to the proviso to subsection (4) of that section (which relates to exhaustion of, and requalification for, benefit) be treated as having been entitled to benefit for that day.

Disqualification for sickness benefit

10. A person shall be disqualified for receiving sickness benefit for such period not exceeding ten weeks as may be determined in the manner provided by the Determination of Claims and Questions Ordinance if—

- (a) he has become incapable of work through his own misconduct, except that this disqualification shall not apply where the incapacity is due to venereal disease or, in the case of a woman who is not a wife, or, being a wife, is separated from her husband to pregnancy; or
- (b) he fails without good cause, on receipt of not less than three clear days notice in writing given by the Authority requiring

him to do so, to attend for, or to submit himself, to medical or other examination at such place and time (of which two clear days notice shall be given) as may be subsequently communicated to him; or

- (c) he fails without good cause to attend for, or to submit himself to, medical or other treatment: provided that this disqualification shall not apply to any failure to attend for or to submit to vaccination or inoculation of any kind or to a surgical operation of a minor character, and is considered by the determining authority to be unreasonable; or
- (d) he fails, without good cause to observe any of the following rules of behaviour, namely:—
 - (i) to refrain from behaviour calculated to retard his recovery, and to answer any reasonable enquiries (not being enquiries relating to medical examination, treatment or advice) by or on behalf of the Authority directed to ascertaining whether he is doing so;
 - (ii) not to be absent from his place of residence without leaving word where he may be found;
 - (iii) to do no work for which remuneration is, or would ordinarily be, payable unless it is work which is described in paragraph (f) of regulation seven of these regulations.

Increase of benefit for dependent relative and further conditions applicable

11. (1) For the purposes of paragraph (b) of subsection (2) of section twenty-two of the Law (which

relates to increase of benefit for adult dependants), the relatives shall be the persons who bear any such relationship to the beneficiary as is specified in the First Schedule to these regulations, and shall not include any person who is a child, but shall include any person who is any such relative by adoption and any person who would be such a relative if some person born illegitimate had been born legitimate.

(2) The following further conditions shall apply in relation to any such relative as is mentioned in the last preceding paragraph:—

- (a) a beneficiary shall not be entitled to an increase of benefit under the said subsection (2) in respect of any such relative for any period during which that relative—
 - (i) is undergoing imprisonment or detention in legal custody; or
 - (ii) (if a woman) is engaged in any gainful occupation from which her weekly earnings (calculated or estimated in such manner and on such basis as is prescribed for the purposes of subsection (1) of the said section twenty-two, which subsection relates to an increase of benefit in respect of a wife) exceed the amount of the increase specified in the fifth column of the Second Schedule to the Law;
- (b) where any such relative is a man, the increase shall not be payable for any period other than a period during which he is incapable of self-support;
- (c) where any such relative is a married woman, the increase shall not be payable for any period other than a period during which—

- (i) she is not residing with and is unable to obtain any financial assistance from her husband; or
 - (ii) her husband is incapable of self-support;
- (d) the increase shall not be payable for any period during which any such relative is absent from Guernsey, except in the case of sickness benefit for any period during which that relative is residing with the beneficiary outside Guernsey and for which, by virtue of the provisions of paragraph (6) of regulation seven or paragraph (2) of regulation eight of the Social Insurance (Residence and Persons Abroad) (Guernsey) Regulations, 1964, the beneficiary is not disqualified for receiving that benefit.

Partial satisfaction of contribution conditions, and reduced rates of benefit

12. (1) Where a person would be entitled to unemployment or sickness benefit but for the fact that the relevant contribution conditions are not satisfied as respects the number of contributions paid or credited in respect of the relevant contribution year, he shall nevertheless be entitled to benefit in accordance with the next succeeding paragraph, if not less than twenty-six contributions of the appropriate class or their equivalent have been paid or credited in respect of the relevant contribution year.

(2) Where the full weekly rate of benefit or increase of benefit for an adult dependant under the Second Schedule to the Law is at one of the rates set out at the head of columns (2), (3) and (4) of the Second Schedule to these regulations, then benefit or increase of benefit for an adult dependant shall be payable at the reduced rate specified in the appropriate column of the Second Schedule to these

regulations which corresponds with the number of contributions paid or credited in the relevant contribution year as shown in column (1) of that Schedule.

(3) For the purposes of this regulation, the expression "the relevant contribution year" means the last complete contribution year before the beginning of the benefit year which includes the day for which benefit is claimed.

Increase of unemployment and sickness benefit for persons over pensionable age

13. Where, by virtue of the provisions of section twenty-four of the Law (which relates to unemployment and sickness benefit for persons over pensionable age), a person who is over pensionable age is entitled to unemployment or sickness benefit in respect of any day for which he would have been entitled to a retirement pension only by virtue of section twenty-three of the Law (which relates to partial satisfaction of contribution conditions), the weekly rate of any increase of the said unemployment or sickness benefit under section twenty-one of the Law (which relates to increase of benefit for children) or under subsection (1) or paragraph (c) of subsection (2) of section twenty-two of the Law (which relates to increase of benefit for adult dependants) shall be that at which that increase would have been payable if the benefit to be increased had been the retirement pension to which that person would have been so entitled.

Citation and commencement

14. These regulations may be cited as the Social Insurance (Unemployment and Sickness Benefit) (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.

FIRST SCHEDULE Regulation 11(1)

Prescribed Relationships

(a) Lineal descendant or ascendant in a direct line, and

(b) Stepfather, stepmother, stepson, step-daughter, brother, sister, half-brother, half sister, stepbrother, stepsister, and

(c) Where the beneficiary is a man, the father or mother of any woman who is, or was at her death, the wife of the beneficiary, and

(d) Where the beneficiary is a woman, the father or mother of any man who is, or was at his death, the husband of the beneficiary.

SECOND SCHEDULE Regulation 12(2)

*Showing Reduced Rates of Unemployment
and Sickness Benefit and of Increase of
Benefit in Respect of Adult Dependants*

(1)	(2)	(3)	(4)
Number of contributions paid or credited in the relevant contribution year	Full weekly rate of benefit applicable under the Second Schedule to the Law		
	s. d. 50 0	s. d. 30 0	s. d. 28 6
	Reduced rate at which benefit is payable		
	s. d.	s. d.	s. d.
45-49	45 0	27 0	25 6
40-44	40 0	24 0	22 6
35-39	35 0	21 0	20 0
30-34	30 0	18 0	17 0
26-29	25 0	15 0	14 6

EXPLANATORY NOTE

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

These regulations contain various provisions relating to the payment of unemployment and sickness benefit.

The principal matters dealt with are the counting of contributions (other than those of the appropriate class) for the purposes of unemployment and sickness benefit (regulation 2); the deeming of persons to be incapable of work (regulations 3 and 4); the substitution of another day for Sunday as the day of the week to be disregarded (regulation 5); the position of night workers (regulation 6); the days which are or are not to be treated as days of unemployment or incapacity for work (regulation 7); the position of lifeboatmen and part time firemen (regulation 8); delay or failure in claiming benefit in order to avoid the necessity for requalification (regulation 9); disqualification for sickness benefit (regulation 10); the position in relation to adult dependants (regulation 11); the payment of benefit at reduced rates in the case of deficient contribution records (regulation 12); and the payment of unemployment and sickness benefit to persons over pensionable age (regulation 13).