
GUERNSEY STATUTORY INSTRUMENT

1964—No. 44

**The Social Insurance
(Widow's Benefit and Retirement Pensions)
(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 seventeen, section nineteen, section twenty, section twenty-one and section twenty-three 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:—

“contributions” means contributions under the Law;

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

"disqualification" shall in relation to any period include any period during which, by virtue of the proviso to subsection (3) of section sixteen of the Law, widow's benefit is not payable by reason of the widow cohabiting with a man as his wife:

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construed as including a reference to that enactment or those regulations, as the case may be, as amended, extended, repealed, replaced or revoked by or under any other enactment or by any other regulations.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

PART II

Conditions for the receipt of widow's benefit and retirement pension

Widows' pensions for widows incapable of self-support

2. Subject to the provisions of the Social Insurance (Determination of Claims and Questions) (Guernsey) Ordinance, 1964, where a widow in relation to whom neither the conditions for a widow's pension contained in paragraph (c) of subsection (1) of section sixteen of the Law (which relates to widow's benefit) nor the alternative conditions contained in subsection (1) of section seventeen of the Law are satisfied,

would, but for the provisions of this regulation, cease to be entitled to widow's benefit at a time when she is by reason of any infirmity incapable of self-support and is under pensionable age, she shall, for any subsequent period during which she is incapable of self-support by reason of that infirmity have the same right (if any) to a widow's pension in respect of the marriage in respect of which she was entitled to the widow's benefit as if the said conditions were satisfied.

Condition of entitlement to a widowed mother's allowance otherwise than by virtue of the widow having a family

3. Sub-paragraph (ii) of paragraph (b) of subsection (1) of section sixteen of the Law (which sub-paragraph specifies certain conditions of entitlement to widowed mother's allowance otherwise than by virtue of the widow having a family) and sub-paragraph (b) of paragraph (1) of regulation four of the Social Insurance (Pensions, Existing Beneficiaries and Other Persons) (Transitional) (Guernsey) Regulations, 1964 (which sub-paragraph specifies corresponding conditions applying in certain transitional cases) shall have effect subject to the exception that a widow shall not be entitled thereunder to a widowed mother's allowance in respect of a child, unless either that child cannot, by reason of the provisions of subsection (3) of section twenty-two of the Family Allowances (Guernsey) Law, 1950 (which subsection makes it a condition of a child being treated as a member of any family that the child is in Guernsey) be treated as a member of any family or that child is not a son or daughter of hers and the husband's and could not by reason of the provisions of the said subsection (3) be treated at the date of the husband's death, as a member of any family.

Condition as to duration of marriage in relation to widows' pensions in the case of widows who have been married more than once

4. (1) Subject to the provisions of this regulation where a widow has been married more than once, then for the purpose of her right to a widow's pension in respect of her last marriage, the condition as to the duration of that marriage contained in paragraph (c) of subsection (1) of section sixteen of the Law (or, in a case to which, instead of that condition, the alternative condition contained in paragraph (b) of subsection (1) or in subsection (3) of section seventeen of the Law applies, the said alternative condition) shall be deemed to be satisfied if the sum total of any periods before the relevant time (as defined in the next succeeding paragraph) during which she was either a married woman, or entitled to widow's benefit or to a benefit in respect of a child in pursuance of the provisions of Part I or Part II of the Third Schedule to the Benefits and Pensions (Contributory and Non-Contributory) Amendment Law, 1947 (hereinafter referred to as the "Law of 1947"), or only not so entitled by reason of disqualification, amounts to not less than three years:

Provided that if throughout the three years immediately preceding the date of any marriage of the widow, she was neither a married woman nor entitled either to such widow's benefit or to such a benefit under the Law of 1947 (apart from any disqualification therefor), any period during which she was married, or was so entitled to such benefit or such pension before the date of that marriage, shall not be taken into account for the purpose of this regulation.

(2) In the preceding paragraph, the expression "the relevant time" means for the purposes of the

said paragraph (c) the date of the husband's death, for the purposes of the said paragraph (b) the date on which the widow ceases to be entitled to a widowed mother's allowance, and for the purposes of the said subsection (3) the date on which she ceases to be entitled to a widow's pension.

(3) In paragraph (1) of this regulation, the expression "widow's benefit" shall not include a widow's basic pension other than a widow's basic pension which—

- (a) is payable in pursuance of the provisions of paragraph (2) of regulation five of the Social Insurance (Pensions, Existing Contributors) (Transitional) (Guernsey) Regulations, 1964, but only for so long as she is entitled to an increase to that pension in pursuance of the provisions of paragraph (9) of the said regulation five; or
- (b) in pursuance of the provisions of paragraph (7) of the said regulation five, the widow has elected to receive instead of a widow's benefit.

*Special conditions in relation to retirement pensions
by virtue of the husband's insurance in the case
of women marrying after pensionable age*

5. (1) For the purposes of paragraph (iii) of subsection (1) of section twenty of the Law (which relates to special provisions as to women), one of the following further conditions must be satisfied in the case of a woman to whom that paragraph is applicable, that is to say:—

- (a) that she and her husband have been married for not less than three years or that, if the husband dies before the expiration of three years from the date of the marriage, she satisfies the requirements of paragraph (b) of subsection (1) of section sixteen of the Law (which relates to widow's benefit); or
- (b) that, immediately before the date of the marriage, she was or, but for any disqualification, would have been, entitled to widow's benefit; or
- (c) that, immediately before the said date, she was entitled to a retirement pension, or would have been so entitled but for any disqualification, or but for her failure to satisfy the condition that she had retired from regular employment; or
- (d) that, immediately before the said date, she was entitled, otherwise than under the Law, to any pension or allowance wholly payable out of public funds and ceased to be so entitled by reason only of her marriage or re-marriage.

(2) In the application of subsection (3) of section twenty of the Law (which subsection relates to increase of rate of retirement pension for contributions paid after pensionable age) to a retirement pension payable to a woman to whom the provisions of the preceding paragraph of this regulation apply, contributions paid by the husband for any contribution weeks terminating before the earliest date on which the woman would have become entitled to a retirement pension by virtue of those provisions, if they had then both retired from regular employment, shall not be taken into account except for the purposes of paragraph (b) of the said subsection (3).

Special provisions applying to women who re-marry when over pensionable age

6. Where a man dies leaving a widow who re-marries after attaining pensionable age, the following provisions shall apply:—

- (1) subsection (3) of section twenty of the Law shall apply in relation to her as if she had remained his widow throughout any period after her re-marriage for which she is entitled to a retirement pension by virtue of his insurance;
- (2) subject to the provisions of the next following paragraph, paragraph (b) of the said subsection (3) shall apply in relation to her as if, throughout any period during the subsistence of that re-marriage for which she is entitled to a retirement pension by virtue of her insurance, she had remained the widow of the man whose widow she would have remained but for that re-marriage;
- (3) if, having re-married after attaining pensionable age, she becomes a widow for a second or subsequent time, the said paragraph (b) shall, if she so elects, apply in relation to her as if, throughout any period during which she is a widow and is entitled to a retirement pension by virtue of her insurance, she were not the widow of her last husband but had remained the widow of any man whose widow she would have remained but for any re-marriage after she had attained pensionable age; and, if she has so elected, the said paragraph (b) shall continue to apply in relation to her as if she had remained the widow of that man throughout any period, occurring dur-

ing the subsistence of any re-marriage next following the period of her last widowhood, for which she is so entitled to a retirement pension.

Choice of retirement pension by woman

7. A woman who, but for the provisions of subsection (6) of section twenty of the Law (which relates to special provisions as to women) would be entitled for the same period to more than one retirement pension may by notice in writing to the Authority choose from time to time which pension she shall be entitled to for any week commencing after the date on which such notice is so given:

Provided that for any period in respect of which no such notice is given the woman shall be treated as if she had chosen the pension which, excluding any increase for a child, is payable at the higher or highest rate.

Priority between a man and his wife to increase of retirement pension for a child

8. (1) Where but for paragraph (b) of subsection (3) of section twenty-one of the Law (which paragraph prevents a man and his wife both being entitled for the same period to certain increases of retirement pension in respect of children), a man and his wife would both be entitled for the same period, by virtue of his insurance, to an increase of retirement pension in respect of the same child, or to such an increase at the weekly rate specified in sub-paragraph (a) of paragraph 6 in the third column of the Second Schedule to the Law in respect of different children, the following provisions shall apply:—

- (a) if and so long as the man and his wife are living together, the man shall, and his wife

shall not, be entitled to the increase, or, as the case may be, to the increase at the weekly rate specified in sub-paragraph (a) of paragraph 6 in the third column of the Second Schedule to the Law;

- (b) if and so long as they are not living together, such one of them shall, and such other of them shall not, be entitled to the increase, or, as the case may be, to the increase at the weekly rate specified in sub-paragraph (a) of paragraph 6 in the third column of the Second Schedule to the Law, as the Authority may in its discretion from time to time determine.

(2) For the purpose of this regulation, a man and his wife shall not be deemed to be living otherwise than together unless they are permanently living in separation either by agreement or under an order of a court, or one of them has deserted the other and the separation which is incident to the desertion has not come to an end.

Partial satisfaction of contribution conditions and reduced rates of benefit

9. (1) Where a person would be entitled to widow's benefit or retirement pension but for the fact that the relevant contribution conditions are not satisfied as respects the yearly average of contributions paid or credited, that person shall nevertheless be entitled to benefit in accordance with the next succeeding paragraph, if the yearly average of contributions paid or credited is not less than ten.

~~(2) Where the full weekly rate of widow's benefit or retirement pension or increase of retirement pension 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) and (3) of the~~

~~First Schedule to these regulations, then the benefit or pension or increase shall be payable at the reduced rate specified in the appropriate column of the First Schedule to these regulations which corresponds with the yearly average of contributions paid or credited as shown in column (1) of that Schedule.~~

~~(3)~~

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Partial satisfaction of contribution conditions and reduced rates of retirement pension increments

10. (1) Where a person would be entitled to an increase in his retirement pension (hereinafter referred to as "a pension increment") by virtue of the provisions of subsection (4) of section nineteen or of subsection (3) of section twenty of the Law (which sections relate to retirement pensions and special provisions as to women) but for the fact that the relevant person does not satisfy condition (b) of sub-paragraph (1) of paragraph 2 of the Third Schedule to the Law, that person shall, nevertheless, be entitled to a pension increment based on the number of contributions of the appropriate class paid or taken into account as paid, by the relevant person, in accordance with the succeeding provisions of this regulation.

~~(2) The amount of a pension increment to which a person, being the relevant person, shall be entitled is that amount which is set out in Part B of the Second Schedule to these regulations below the number of contributions of the appropriate class paid by the relevant person, and opposite the yearly average of contributions paid by or credited to the relevant person as set out in Part A of the said Schedule.~~

(3) The amount of a pension increment or if there be more than one such increment each of them to which a person, not being the relevant person,

is entitled shall be one half of the amount to which the relevant person would have been entitled were he that person.

(4) For the purposes of this regulation, the following expressions have the meaning here respectively assigned to them, that is to say:—

“relevant person” means a person by whom the yearly average of contributions paid or credited has to be satisfied;

“^{relevant} yearly average” of contributions paid or credited has the meaning ascribed to it by subsection (5) of section eleven of the Law.

PART III

Re-entry into regular employment after retirement

Election to re-enter employment

11. (1) Subject to the provisions of this Part of these regulations, in the case of a person of any description specified in the next following paragraph who—

- (a) has retired for the purposes of the Law from regular employment or has otherwise become entitled to a retirement pension but is under the age of seventy; and
- (b) elects in the manner and in accordance with the conditions contained in this Part that this Part shall apply in his case;

the Law shall have effect as if that person had not retired or become entitled as aforesaid.

(2) The persons who may so elect are persons of any description who are entitled to retirement pensions, not being—

- (a) married women who are entitled to retirement pensions by virtue of their husband's

insurance for any period which includes the date upon which their election would take effect in accordance with paragraph (4) of this regulation:

- (b) persons who are not resident in Guernsey;
- (c) persons (other than widows who are entitled to retirement pensions by virtue of their husband's insurance) to whom there apply the provisions either of paragraph (1) of regulation two of the Social Insurance (New Entrants) (Transitional) (Guernsey) Regulations, 1964 or of paragraph (2) of regulation ten of the Social Insurance (Pensions, Existing Contributors) (Transitional) (Guernsey) Regulations, 1964 (which provisions relate to the retirement pensions of, respectively, certain new entrants and certain existing contributors who entered into insurance at such an age as would prevent them, on attaining pensionable age, from establishing a yearly average of contributions paid or credited of at least ten):

Provided that, where a husband and wife have both become entitled to retirement pensions by virtue of the husband's insurance, the husband shall not be entitled to elect as aforesaid without the consent of the wife, unless that consent is unreasonably withheld.

(3) Notice of election for the purpose of this Part of these regulations shall be given to the Authority in writing on the form approved by the Authority for the purpose, or in such other manner, being in writing, as the Authority may accept as sufficient in the circumstances of any particular case or class of cases.

(4) Notice under the last preceding paragraph shall take effect—

- (a) where the notice does not specify a date as the date of the person's election, on the date on which the notice is given; and
- (b) where the notice specifies a date, being a date not earlier than the date on which the notice is given and not later than the expiration of twenty-eight days after that date, as the date of the person's election, on the date so specified:

Provided that in the case of a man whose wife is entitled to a retirement pension by virtue of his insurance—

- (i) if she consents in writing to the election, notice shall not take effect earlier than the date of her consent; and
- (ii) if she does not so consent, notice shall not take effect unless the determining authority decides that her consent has been unreasonably withheld, and in that event shall take effect in accordance with the provisions of this paragraph, unless that authority, having regard to all the circumstances of the case determines that it shall take effect on some later date.

(5) Any such notice if sent by post shall be deemed to be given on the date on which it was posted.

Conditions of election

12. The following conditions shall apply to a person making an election for the purpose of the foregoing regulation:—

- (a) subject to the provisions of paragraphs (5) and (6) of regulation eight of the Social Insurance (Claims, and Payments) (Guernsey) Regulations, 1964 (which relate to the adjustment of the commencement and termination of benefit), no retirement pension shall be payable to him, or by virtue of his insurance to his wife, in respect of any period on or after the date of his election and before he subsequently retires for the purposes of the Law from regular employment or dies;
- (b) if after making his election he subsequently so retires, he shall not thereafter be entitled to make another such election;
- (c) after making such election, no person who was a widow at the date such election took effect shall be entitled by virtue of her former husband's insurance to widow's benefit for any subsequent period:

Provided that for the purposes of this paragraph of this regulation widow's benefit shall not include widowed mother's allowance, so far as it is, or is deemed to consist of, dependency benefit within the meaning of the Social Insurance (Overlapping Benefits) (Guernsey) Regulations, 1964;
- (d) where the person is a woman who was entitled to a retirement pension otherwise than by virtue of having retired from regular employment, she shall, for the purposes of this Part of these regulations, if she subsequently so retires, cease to be treated as if she had not become entitled to a retirement pension;
- (e) where the person is a man whose wife is

entitled to a retirement pension by virtue of his insurance and he subsequently retires for the purposes of the Law from regular employment and claims a retirement pension, his claim may be treated as including a claim by the wife for a retirement pension by virtue of his insurance.

Special provisions applying after election

13. (1) In the application of subsection (4) of section nineteen or subsection (3) of section twenty of the Law (which sections relate to retirement pensions and special provisions as to women) in relation to contributions paid by a person who has made an election under regulation eleven, contributions as an employed or self-employed person paid in respect of any period occurring after pensionable age and before as well as after his first retirement shall be taken into account.

(2) Any woman who makes an election under regulation eleven and is not then an insured person shall be treated, for the purpose of her liability to pay contributions as from the date of such election, as if she were an insured person.

Unemployment and sickness benefit in certain cases after election

14. (1) For the purpose of the provisions of section twenty-four of the Law (which relates to unemployment and sickness benefit for persons over pensionable age), a woman who is entitled to a retirement pension by virtue of her husband's insurance and makes an election under regulation eleven shall, if she is unable to satisfy the condition contained in subsection (1) of that section that on the day for

which benefit is claimed she would be entitled to a retirement pension had she retired from regular employment on attaining pensionable age and made the necessary claim, be deemed nevertheless to satisfy that condition.

(2) Where the foregoing paragraph applies to a woman, the references in subsection (2) of the said section twenty-four to the retirement pension referred to in subsection (1) shall be construed as referring to the retirement pension to which she was entitled when she made the election.

(3) If a woman who makes an election under regulation eleven would, but for the provisions of subsection (6) of section twenty of the Law (which subsection provides that a woman shall not be entitled for the same period to more than one retirement pension), be entitled for any period which includes the date upon which her election takes effect to retirement pensions by virtue both of her own and of her husband's insurance, the references in subsection (2) of the said section twenty-four to the retirement pension referred to in subsection (1) shall be construed as referring to the greater of the retirement pensions to which she would, but for the said provisions, have been entitled when she made the election.

PART IV

Supplementary provisions relating to widow's benefit

Supplementary provisions for widows in receipt of a widow's benefit by virtue of subsection (2) of section sixteen of the Law

15. A widow who, on attaining pensionable age, is entitled to a widow's benefit by virtue of the provisions of subsection (2) of section sixteen of the

Law (which relates to widow's benefit) or who would be so entitled but for one or more of the following factors, namely—

- (a) that she is disqualified for the receipt of benefit for any reason other than her cohabitation with a man as his wife;
- (b) the operation of the Social Insurance (Overlapping Benefits) (Guernsey) Regulations, 1964;
- (c) the operation of any of the provisions of the Law or any regulations made thereunder relating to earnings;

shall, for the purposes of entitlement to a retirement pension, be deemed to have satisfied the relevant contribution conditions.

PART V

Citation and commencement

Citation and commencement

16. These regulations may be cited as the Social Insurance (Widow's Benefit and Retirement Pensions) (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 9(2)

† Showing reduced rates of widows' benefit and retirement pensions and of increase of retirement pension in respect of an adult dependant.

(1)	(2)		(3)	
Yearly average of contributions paid or credited	Full weekly rate of benefit or pension applicable under the Second Schedule to the Law			
	s. d. 50. 0.	s. d. 30. 0.		
	Reduced rate at which benefit or pension is payable			
	s. d.	s. d.		
45—49	45. 0.	27. 0.		
40—44	40. 0.	24. 0.		
35—39	35. 0.	21. 0.		
30—34	30. 0.	18. 0.		
25—29	25. 0.	15. 0.		
20—24	20. 0.	12. 0.		
15—19	15. 0.	9. 0.		
10—14	10. 0.	6. 0.		

SECOND SCHEDULE

Regulation 10

Showing reduced rates of retirement pension increments in cases where there is partial satisfaction of contribution conditions.

Table I.

Part A	Part B																								
Yearly average of contributions paid by or credited to the relevant person	Number of contributions of the appropriate class paid by the relevant person to be taken into account, -																								
	10	20	30	40	50	60	70	80	90	100	110	120	130	140	150	160	170	180	190	200	210	220	230	240	250
45-49	s.d. 1 0	s.d. 2 0	s.d. 3 0	s.d. 4 0	s.d. 5 0	s.d. 5 0	s.d. 6 0	s.d. 7 0	s.d. 8 0	s.d. 9 0	s. d. 10 0	s. d. 11 0	s. d. 12 0	s. d. 13 0	s. d. 14 0	s. d. 15 0	s. d. 15 0	s. d. 16 0	s. d. 17 0	s. d. 18 0	s. d. 19 0	s. d. 20 0	s. d. 21 0	s. d. 22 0	s. d. 23 0
40-44	1 0	2 0	2 0	3 0	4 0	5 0	6 0	7 0	7 0	8 0	9 0	10 0	11 0	11 0	12 0	13 0	14 0	15 0	15 0	16 0	17 0	18 0	19 0	20 0	20 0
35-39	1 0	1 0	2 0	3 0	4 0	4 0	5 0	6 0	6 0	7 0	8 0	9 0	9 0	10 0	11 0	12 0	12 0	13 0	14 0	14 0	15 0	16 0	17 0	17 0	18 0
30-34	1 0	1 0	2 0	3 0	3 0	4 0	4 0	5 0	6 0	6 0	7 0	8 0	8 0	9 0	9 0	10 0	11 0	11 0	12 0	13 0	13 0	14 0	14 0	15 0	16 0
25-29	1 0	1 0	2 0	2 0	3 0	3 0	4 0	4 0	5 0	5 0	6 0	6 0	7 0	7 0	8 0	9 0	9 0	10 0	10 0	11 0	11 0	12 0	12 0	13 0	13 0
20-24	—	1 0	1 0	2 0	2 0	3 0	3 0	4 0	4 0	4 0	5 0	5 0	6 0	6 0	7 0	7 0	8 0	8 0	8 0	9 0	9 0	10 0	10 0	11 0	11 0
15-19	—	1 0	1 0	1 0	2 0	2 0	2 0	3 0	3 0	3 0	4 0	4 0	5 0	5 0	5 0	6 0	6 0	6 0	7 0	7 0	7 0	8 0	8 0	8 0	9 0
10-14	—	1 0	1 0	1 0	1 0	2 0	2 0	2 0	2 0	3 0	3 0	3 0	4 0	4 0	4 0	4 0	5 0	5 0	5 0	5 0	6 0	6 0	6 0	6 0	6 0

EXPLANATORY NOTE

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

These regulations contain miscellaneous provisions affecting widow's benefit and retirement pensions. Part II relates to pensions where the widow is incapable of self-support (regulation 2); the condition of entitlement to a widowed mother's allowance otherwise than by virtue of the widow having a family (regulation 3); the relaxing for the purposes of widow's pensions of the condition as to the duration of marriage in the case of widows married more than once (regulation 4); additional conditions for retirement pensions by virtue of husband's insurance in the case of women marrying after pensionable age (regulation 5); special provisions applying to women who re-marry when over pensionable age (regulation 6); the choice of retirement pension by women who, but for the provisions prohibiting double entitlement, would be entitled to more than one retirement pension (regulation 7); priority as between a man and his wife to an increase of retirement pension for a child (regulation 8); and the payment of benefit at reduced rates and reduced rates of retirement pensions increments in the case of deficient contribution records (regulations 9 and 10).

Part III of the regulations provides that persons in receipt of retirement pensions, with certain exceptions, may elect to give up their pensions and re-enter regular employment, and makes other provisions of a consequential character.

Part IV contains supplementary provisions for widows in receipt of widows' benefit by virtue of the death of their husbands as the result of industrial accidents within the meaning of Part III of the Law.