

STATUTORY INSTRUMENT

1952 No. 1

*Law not brought into force
and repealed by Social
Insurance (Guernsey) Law, 1964*

NATIONAL INSURANCE

THE NATIONAL INSURANCE (GUERNSEY) (COLLECTION OF CONTRIBUTIONS) REGULATIONS, 1952

Made

3rd January, 1952.

Laid before the States

Coming into Operation

3rd January, 1952.

The States Insurance Authority, in exercise of powers conferred by sections 4(3), 6, 7, 8 and 48 of the National Insurance (Guernsey) Law, 1951, and of all other powers enabling it in that behalf, hereby makes the following regulations:-

Citation, commencement and interpretation.

1. - (1) These regulations may be cited as the National Insurance (Guernsey) (Collection of Contributions) Regulations, 1952, and shall come into operation on the *3rd January, 1952.*

(2) In these regulations, unless the context otherwise requires -

"the Law" means the National Insurance (Guernsey) Law, 1951;

"the Administrator" has the same meaning as in the Law;

"the Authority" has the same meaning as in the Law;

"insured person" means an insured person under the Law (a), and includes a person in respect of whom (although not insured) contributions are payable by an employer (b);

"contributions" means contributions under the Law;

"employment exchange" means any organisation constituted by the States for the purpose of direction of or to, or of training, for labour;

"local office" means an office appointed by the Authority as a local office for the purpose of the

(a) See s.68(1), National Insurance (Guernsey) Law, 1951

(b) See First Sch., Pt.II, National Insurance (Guernsey)

Law or of these regulations;

"stamp" means an adhesive insurance stamp;

"termination of employment" means the day on which the employment actually comes to an end, whether such termination is in accordance with the terms of the contract or not and whether or not the employment is to be resumed at a later date;

"inspector" includes any person having the powers of an inspector (c) under the Law;

"insurance card" means a card issued in accordance with these regulations for the purpose of the payment of contributions by means of stamps affixed to the card;

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

(3) References in these regulations to any enactment shall include references to that enactment as amended by any subsequent enactment, order or regulations.

(4) The Interpretation (Guernsey) Law, 1948, applies to the interpretation of these regulations as it applies to the interpretation of an enactment.

Issue, custody and disposal of cards, etc.

Provisions
as to issue
and custody
of cards,
etc.

2. - (1) Every insured person shall apply to the Authority for an insurance card, and shall obtain such card, on such occasions and in such manner as the Authority shall direct.

(2) An insured person on his obtaining or on the return to him of an insurance card in accordance with these regulations shall be responsible for its custody unless and until it is delivered or re-delivered to an employer, the Administrator, a local office or an employment exchange or retained by an inspector in accordance with regulations made under the Law.

(3) The Authority may direct that a person who will attain school-leaving age within twelve months after such direction shall apply for, or obtain, an insurance card as if he were an insured person, and any such person shall comply with such direction accordingly.

(4) Every employer liable to pay contributions in respect of an insured person (d) shall, immediately after the date of the insured person's entry into the employment, or, in the case of a person employed but not yet over school-leaving age, immediately after his attaining that age, obtain from the insured person an insurance card then current, and it shall be the duty of the insured person to deliver or cause to be delivered his insurance card to the employer accordingly:

Provided that, where at the time of his entry into the employment an insured person's insurance card is lodged with the Administrator or at a local office or employment exchange, the employer shall be held to have complied with this regulation as soon as he has obtained from the insured person the receipt or token card for such insurance card duly issued by the Administrator, the local office or employment exchange and has despatched it to the Administrator, that local office or employment exchange with a view to obtaining the insurance card:

Provided also that where, in response to an application for an insurance card properly made by an insured person, an insurance card is issued by the Administrator, a local office, employment exchange or inspector direct to his employer, the requirements of paragraphs (1), (4) and (9) of this regulation shall be deemed to have been satisfied as respects that card.

(5) The employer, on obtaining the insurance card, shall become responsible for the custody thereof so long

(d) See s.2(2), National Insurance (Guernsey) Law, 1951.

as the employment continues or until the insurance card is returned to the insured person, or delivered to the Administrator, a local office or employment exchange, or retained by an inspector, in accordance with these regulations or any other regulations made under the Law.

(6) The person for the time being responsible for the custody of the insurance card in accordance with these regulations, or any person having in his possession or under his control any insurance card issued in respect of an insured person, shall produce it for inspection at any reasonable time when required to do so by an inspector, and if so required shall deliver up the insurance card to the inspector, who may, if he thinks fit, retain it. The inspector shall give a receipt for any stamped insurance card retained by him.

(7) Every insured person shall, within four weeks before the surrender of his insurance card in pursuance of paragraph (2) of regulation 4, sign the card and insert thereon such information as may be required by the Authority and indicated on the insurance card.

(8) Every employer having the custody in accordance with these regulations of the insurance card of an insured person shall permit that person to have access to such card for the purpose of completing the card in accordance with paragraph (7) of this regulation, and, in addition and without prejudice to this right, if an insured person desires to inspect his insurance card while it is in the custody of the employer, the employer shall give him a reasonable opportunity of so doing either within or immediately before or after working hours:

Provided that no insured person shall be entitled by virtue of this provision to inspect his insurance card more than once in any one month nor except at such time as may be fixed by the employer for the purpose.

(9) Where an insurance card of any insured person is destroyed or lost, or is defaced in any material particular, the insured person shall apply to the Authority for a new insurance card, and shall obtain such card, in such manner as the Authority shall direct:

Provided that where the insurance card is in the custody of an employer at the time it is destroyed, lost or so defaced it shall be the duty of the employer forthwith to report the destruction, loss or defacement of the insurance card to the Administrator or to a local office and to the insured person so that he may comply with the provisions of this paragraph.

Disposal of insurance card on termination of employment, etc.

3. - (1) Subject as hereafter provided in these regulations, the employer shall, on the termination of the employment, forthwith return the insurance card to the insured person:

Provided that where the employment is terminated by the insured person without any notice or intimation to the employer, the insurance card shall be returned to the insured person, or, where this is impracticable, to the Administrator or to the local office, within fourteen days of the termination of the employment.

(2) Subject as aforesaid, where contributions cease to be payable by the employer in respect of the insured person for any period during which the employment still continues, but contributions are payable by the insured person or by some other person in respect of him, the employer shall, if so requested by the insured person and unless an emergency card is obtainable by the insured person for the payment of such contributions, return the card to him, and in this event it shall be the duty of the employer, immediately on his again becoming liable to pay contributions in respect of the insured person, to obtain the insurance card from the insured person, and the insured

person shall re-deliver the insurance card to the employer accordingly.

(3) The insured person on the termination of his employment shall apply to the employer for the return of his insurance card and, on the insurance card being returned to him, shall give to the employer, if he demands it, a receipt for the insurance card.

(4) If for any reason, other than the loss or destruction of the card, the insurance card is not returned to the insured person in accordance with paragraph (1) or (2) of this regulation on the termination of his employment or on contributions ceasing for any other reason to be payable in respect of him, the employer shall, as soon as may be, deliver the insurance card to the Administrator or to a local office:

Provided that nothing in this paragraph shall relieve the employer of his obligation to comply with the said paragraph (1).

(5) If for any reason contributions cease to be payable whether by or in respect of him, an insured person shall forthwith deliver or produce his insurance card to the Administrator or a local office or such other place as the Authority shall direct:

Provided that this paragraph shall not apply -

- (a) in the case of an insured person excepted from liability to pay contributions by regulations made under section 5 of the Law (which section relates to exceptions from liability for, and crediting of, contributions), unless the Authority so directs, or unless and until, apart from such exception, no contributions would be payable in his case; or
- (b) in any case or class of cases where the Authority directs that it shall not apply.

(6) An insured person or an employer shall comply with any directions which may be given by the Authority as to the sending to the Administrator or to a local office or to an employment exchange, or, in the case of an employer, as to the return to an insured person, of an insurance card.

(7) On the death of an insured person, the employer, if the insurance card is then in his custody, or any other person having possession or thereafter obtaining possession of the insured person's insurance card, shall forthwith deliver it to the Administrator or to a local office.

Issue and
currency of
insurance
cards.

4. - (1) An insurance card shall be issued without charge to a person properly applying therefor and, when issued, shall remain the property of the States.

(2) An insurance card shall be in such form as the Authority may direct and shall be current for such period as the Authority may provide and shall within six days, or such longer time as the Authority may in any special case allow, after the date on which it ceases to be current, be returned by the person for the time being responsible in accordance with these regulations for the custody of the insurance card to the Administrator or to a local office, and a fresh insurance card shall thereupon be issued without charge to the person so returning the insurance card:

Provided that, where the Authority so directs, an insurance card may be exchanged for a fresh card at any time or in a manner other than that prescribed in this regulation.

Emergency
cards.

5. - (1) If either -

(a) an insurance card is destroyed or lost, or is defaced in a material particular, and a new insurance card has not been obtained, or obtained and delivered to the employer, as the case may be, in accordance with regulation 2; or

(b) any person in respect of whom contributions are payable or are about to become payable by his employer has not delivered or caused to be delivered to his employer an insurance card; the insured person, or, if the insurance card should have been delivered to, or was in the custody of, an employer, the employer, shall obtain a card (hereafter in these regulations referred to as "an emergency card") from the Administrator or a local office in such manner as the Authority shall direct, but an emergency card shall be deemed to be an insurance card only for the purposes of the provisions of these regulations relating to the stamping of insurance cards and to deductions from wages in respect of stamps affixed by employers, and to the production of insurance cards to an inspector.

(2) An emergency card shall be in such form as the Authority may direct and shall be current during such period, not exceeding thirteen weeks, as may be specified thereon, and when issued shall remain the property of the States, and shall, at the end of such period, or, in the case of a card issued to an employer, on the previous termination of the employment, be returned by the person to whom the card was issued to the Administrator or to the local office from which it was issued:

Provided that if the insured person before such date delivers or causes to be delivered to the employer an insurance card in accordance with these regulations, the employer shall forthwith return the emergency card to the Administrator or to the local office from which it was issued, having first entered in the space marked for that purpose on the emergency card the national insurance number of the insured person shown on the insurance card so delivered to the employer.

(3) Where contributions cease to be payable by an employer in respect of an insured person for any period

during which the employment still continues, but contributions as a non-employed person are payable by the insured person, the insured person shall obtain an emergency card in accordance with the preceding provisions of this regulation:

Provided that any such emergency card shall be returned to the Administrator or to the local office from which it was issued as soon as contributions as an employed or a self-employed person become payable in respect of him or when his employer returns his insurance card to him or when the emergency card ceases to be current, whichever first occurs.

Method of and time for payment of contributions, etc.

Stamping of
insurance
cards, etc.

6. - (1) Every contribution which is payable shall, except as herein otherwise provided, be paid by the affixing of a stamp to the insurance card of the insured person in the space indicated for that purpose upon the insurance card:

Provided that where more than one contribution (other than a contribution as a self-employed or non-employed person) is payable in respect, or on behalf, of an insured person in any one contribution week (e), payment shall be made by the affixing by the employer of a single stamp in respect of all such contributions.

(2) An employer who is liable to pay contributions in respect, or on behalf, of an insured person shall (except as provided in the next following paragraph) pay those contributions at the following times, that is to say:-

(a) where he pays to the insured person wages or other pecuniary remuneration in respect of the employment of such insured person -

(e) See s.68(1), National Insurance (Guernsey) Law, 1951.

before paying to the insured person the wages or remuneration in respect of the period for which a contribution is payable;

(b) where he does not pay to the insured person wages or other pecuniary remuneration in respect of the employment -

on the first day of employment in each contribution week.

(3) Where an insured person's remuneration for any period is paid in advance by an employer, the employer shall pay contributions in advance for that period before the payment of the remuneration.

(4) In addition to his obligation to comply with any other requirement of the Law or of these regulations, it shall be the duty of the employer to pay all contributions due from him but still outstanding in respect of any insured person -

(a) within fourteen days of the termination of the employment where the employment is terminated by the insured person without any notice or intimation to the employer, and forthwith on the termination of the employment where the employment is terminated in any other manner; and

(b) within six days after the expiration of the period of currency of the insurance card; and

(c) within forty-eight hours after being requested to do so by the insured person.

(5) - (a) ^The Authority may, if it thinks fit, and subject to such terms and conditions as it may impose, approve any arrangements whereby contributions are paid at times, or in a manner, other than those prescribed in this regulation, and any such arrangement may include provision for the payment to the Authority of such fees as may be determined by the Authority to represent the estimated additional expense in administration to the

Authority, and may, as a condition of authorising the payment of any contribution at a date later than that upon which the wages or other pecuniary remuneration for any part of the period in respect of which the contributions payable are paid, require the making of such deposit of money by way of security as the Authority may approve.

(b) The provisions of these regulations shall, subject to the provisions of the arrangements, apply to any persons affected by the arrangements, and any contravention of, or failure to comply with, any requirement of the arrangements shall be deemed to be a contravention of or failure to comply with these regulations.

(6) An insured person who is liable to pay contributions as a self-employed (f) or as a non-employed person (f) under the Law shall pay those contributions not later than the last day in the contribution week in respect of which the contribution is due.

(7) - (a) A person shall, immediately after affixing a stamp to any insurance card, cancel the stamp by writing in ink, or stamping with a metallic die with black indelible ink or composition across the face of the stamp, the date upon which it is affixed and not otherwise, but, save as expressly provided in regulations made under the Law or as specially authorised by the Authority, no other writing or mark and no perforation shall at any time be made on or in, affixed to or impressed on, an insurance card or stamp.

(b) An employer may, if he thinks fit, inscribe upon the insurance card of any insured person employed

(f) See ss.1 (2) and 2(2), National Insurance (Guernsey) Law, 1951.

by him, on any part of the card not designated for any specific purpose, the number of that insured person upon the pay list or in the books of the employer.

Recovery by employers of contributions paid on behalf of insured persons.

7. - (1) An employer shall be entitled to recover from an insured person, subject to and in accordance with the provisions of this regulation, the amount of any contribution paid or to be paid by him on behalf of that person:

Provided that the amount of any contribution not yet paid shall not be recoverable except under and in accordance with the next following paragraph.

(2) Where the insured person receives any wages or other pecuniary remuneration from the employer, the amount of any contribution paid or to be paid by the employer on behalf of the insured person, notwithstanding the provisions of any contract to the contrary, shall be recoverable by means of deductions from the wages of that person or from any other remuneration due from the employer to that person and not otherwise:

Provided that -

(a) no such deduction may be made from any wages or remuneration other than such as are paid wholly or partly in respect of the contribution week or part of the contribution week for which the contribution is payable or may become payable, as the case may be; and

(b) no such deduction may be made of any contribution not yet paid except where it is not payable until after the date when the said wages or remuneration are paid.

(3) Where the wages or other pecuniary remuneration of an insured person are paid at calendar monthly intervals, it shall, notwithstanding the provisions of the last preceding paragraph of this regulation, be lawful for

the employer, at his option, to recover from each such payment of wages or remuneration, in lieu of the amount authorised to be recovered by him in accordance with the said provisions, an amount equal to one-twelfth of the contributions paid or to be paid by the employer on behalf of the insured person during the calendar year:

Provided that -

- (a) where the employment commences after the beginning, or is to be terminated before the end, of a calendar year, the contributions paid or to be paid by the employer on behalf of the insured person during the calendar year shall be calculated for the purpose of ascertaining the said fraction of one-twelfth as though the employment continued throughout that year;
- (b) in calculating the said fraction of one-twelfth, fractions of a penny may be disregarded;
- (c) such adjustment (whether by way of repayment or increased or reduced deduction or otherwise) as may be necessary to secure that the amounts which have been recovered in accordance with this paragraph are, when so adjusted, equal to the amounts which could have been recovered in accordance with the aforesaid provisions, shall be made between the employer and the insured person -
 - (i) on the termination of the employment;
 - (ii) not later than three calendar months after any contribution week (being a week in respect of which an amount has been recovered by the employer under this paragraph) during which week the insured person is incapable of work and in respect of which no contributions as an employed person were payable by virtue of subsection (3) of section 4 of the Law (which relates to excusal of contributions during periods of incapacity for work);

(iii) at intervals of not more than one year during the employment;

(d) for the purpose of this paragraph, an employment in relation to which -

(i) the employer begins, or ceases, to recover amounts in accordance with this paragraph of this regulation; or

(ii) contributions on behalf of the insured person cease to be payable or become payable at a different rate;

shall be treated as commencing, or terminating, upon that event.

(4) Where the insured person does not receive any wages or other pecuniary remuneration from the employer but receives such remuneration from some other person, the amount of any contribution paid by the employer on behalf of the insured person shall (without prejudice to any other means of recovery) be recoverable from the insured person as a civil debt, if proceedings for the purpose are instituted within three months from the date on which the contribution was payable.

(5) Where the insured person does not receive any wages or other pecuniary remuneration either from his employer or from any other person, the employer shall be liable to pay the contributions payable both by himself and the insured person and shall not be entitled to recover any part thereof from the insured person.

Employment
by two or
more em-
ployers.

8. - (1) Where an insured person is employed by two or more employers in any contribution week, the first employer employing him in that week shall, subject to the following provisions of these regulations, be treated as his employer for the purposes of the provisions of the Law relating to contributions.

(2) Where an insured person is employed by two or more employers in any contribution week and no one of those employers is the first person employing him in that week, then, unless the case is one for which other provision is expressly made by these regulations, that one of the employers who first makes a money payment to the person employed in respect of his employment in that week shall be deemed to be the employer of that person for the purposes of the provisions of the Law relating to contributions.

(3) In the case of an insured person employed as an agent by two or more employers and paid by commission or fees or a share in the profits, or partly in one and partly in another of those ways, the employer in the employment on which the person employed as an agent is mainly dependent for his livelihood shall be deemed to be the employer of that person for the purposes of the provisions of the Law relating to contributions.

Agreement
to pay con-
tributions
by two or
more em-
ployers.

9. - (1) Notwithstanding anything in these regulations, where an insured person is ordinarily employed by two or more employers in a contribution week, the employers of that person may enter into an agreement for the payment of contributions in respect of that person in such form as the Authority may approve, and, where any such agreement is entered into between any such employers, the following provisions shall have effect:-

(a) Where in any week the person in respect of whom the agreement is made is, before any contribution has become payable in respect of him for that week, employed by an employer who is not a party to the agreement, that employer shall, for the purposes of the provisions of the Law relating to the payment of contributions, be deemed to be the employer of that person for that week.

- (b) If, in any week, a contribution is payable by the employers who are parties to the agreement or by any of them, that contribution shall, in the first such week, be paid by that one of the parties to the agreement employing the insured person during that week whose signature to the agreement appears first in order, and, in any subsequent week, by that one of the parties to the agreement employing the insured person during that week whose signature to the agreement is next in succession to that of the person who paid the last weekly contribution payable by the parties to the agreement, and for this purpose the signatures of the parties shall be read in rotation, the first signature to be deemed to be next in succession to the last and the signature of any person who does not employ the insured person during that week being disregarded.
- (c) The employer whose duty it is to pay the contribution for any week shall be deemed to be the employer of the insured person for the purposes of the provisions of the Law relating to contributions.
- (d) Any one of the parties to the agreement may, immediately after paying a contribution, but not at any other time, strike out his signature to the agreement and write his initials with the date opposite his signature and, upon so doing, he shall cease to be a party to the agreement, and the insured person may, upon ceasing to be employed by any person who is a party to the agreement, strike out from the agreement the signature of that person, and on so doing shall write his own initials with the date opposite the signature struck out.
- (e) If at any time any other person employing or about to employ the insured person desires to become a party to the agreement, he may, subject as hereinafter provided, affix his signature with the date at the end of the signatures appended to the agreement, and this

regulation shall thenceforward apply to him in like manner as if he had been an original party to the agreement:

Provided that, where a contribution would be payable in any week in respect or on behalf of the insured person by any such other person, if that person did not become a party to the agreement, that person shall not be entitled to affix his signature as aforesaid unless and until he has paid any contribution so payable.

(2) Employers desiring to enter into an agreement for the purposes of this regulation shall enter their names and addresses in a book to be issued for the purpose by the Authority, and every such book shall be signed in each week by the employer paying the contribution in respect of that week.

(3) Upon the termination of the period specified in any such book the agreement shall cease to be binding upon the employers, and any person having possession of the book shall forthwith return it to the Authority.

Contributions during holidays.

10. For the purposes of subsection (3) of section 4 of the Law (which provides for the disregarding of employed contributor's employment where no services are rendered, and, except in certain cases, where no remuneration is paid), as respects any employed contributor's employment, if no services are rendered by an insured person during any contribution week and during the whole or part of that week that person is on holiday, any payments which he receives or is entitled (whether conditionally or not) to receive before, during or after that week, and which are, or would be ordinarily, applied to, or would secure that money is available for, meeting expenditure incurred or to be incurred for or during that week, shall be deemed to be remuneration paid in respect of those days in that week

on which he is on holiday, if the said payments are made or to be made out of funds provided wholly or partly by his employer:

Provided that this regulation shall not apply to any week where the said payments in respect of that week do not exceed twenty shillings.

Insurance cards not to be assigned, defaced, etc.

11. - (1) No person shall assign or charge or agree to assign or charge any insurance card or emergency card, and any sale, transfer or assignment of, or any charge on, any insurance card or emergency card shall be void and of no effect.

(2) No person shall deface or destroy any insurance card or emergency card or, save as authorised by the Authority, alter, amend or erase any of the figures or particulars (other than to amend the address of the insured person) therein contained.

(3) For the purposes of this regulation, a person who removes from any insurance card or emergency card a stamp which has been affixed thereto shall be deemed to have defaced that insurance card or emergency card.

Offences and Penalties.

Breach of regulations.

12. If any person contravenes or fails to comply with any requirement of these regulations, in respect of which no special penalty is provided, he shall, for each offence, be liable on conviction by the Magistrate to a penalty not exceeding ten pounds, or where the offence consists of continuing any such contravention or failure after conviction thereof, ten pounds together with a further ten pounds for each day on which it is so continued.

Dated this 3rd day of January, 1952.

(Signed) Miss S. M. Randall.

John President,
States Insurance Authority
on behalf of that Authority.

EXPLANATORY NOTE

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

These Regulations contain provisions in regard to the payment and collection of contributions under the National Insurance (Guernsey) Law, 1951, payable by insured persons and employers, either by means of adhesive stamps or under other arrangements, and in connection therewith provide for the issue, custody and surrender of insurance cards.

In relation to insured persons whose employers are liable to pay contributions on their behalf, provision is made governing both the recovery of such contributions from the insured persons and the discharge of the employers' liability in cases where there is more than one employer. Provision is also made for deeming certain payments to be remuneration paid in respect of holidays during which no services are rendered by an insured person.