

GUERNSEY

STATUTORY INSTRUMENT

1952 No. 20

Law not brought into force

*Repealed by the Social Insurance
(Guernsey) Law, 1964*

NATIONAL INSURANCE

THE NATIONAL INSURANCE (GUERNSEY) (PENSIONS, 1952
EXISTING CONTRIBUTORS) (TRANSITIONAL) REGULATIONS, 1951

Made 23rd January, 1952.

Laid before the States

Coming into Operation 23rd January, 1952.

The States Insurance Authority, in exercise of the powers conferred by section 57 of the National Insurance (Guernsey) Law, 1951, and of all other powers enabling it in that behalf, hereby makes the following regulations:-

Citation,
commence-
ment and
interpre-
tation.

1. - (1) These regulations may be cited as the National Insurance (Guernsey) (Pensions, Existing Contributors) (Transitional) Regulations, ¹⁹⁵¹ ~~1951~~, and shall come into operation on the 23rd January, 1952.

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

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

"the Contributory Pensions Laws" means the Contributory Pensions Laws, 1935 to 1949;

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

"insurance contribution year" means a period of 52 or 53 weeks commencing on the 27th Monday in any year and terminating on the day preceding the 27th Monday in the next year;

"relevant contribution week" means in relation to any person the first complete contribution week^(a) in the month of March, June, September or December as may be determined by the Authority to be applicable in his case for the purpose of contribution years;

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

"existing widow pensioner" means a widow who immediately before the appointed day^(b) is entitled to a widow's pension under the Contributory Pensions Laws;

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

(3) References in these regulations to any enactment or regulations shall include references to such enactment or regulations 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.

Application 2. In relation to existing contributors who immediately of the Law to existing before the appointed day are insured under the Contributory contributory Pensions Laws and are under seventy years of age (hereafter the Contributory Pensions Laws. in these regulations referred to as "existing pensions contributors"), the provisions of the Law and the orders and regulations for the time being in force thereunder (other than any such provision relating to death grant) shall have full force and effect subject to the modifications contained in those regulations.

Insurance under the Contributory Pensions Laws to be treated as insurance under the Law. 3. - (1) The insurance under the Contributory Pensions Laws of an existing pensions contributor shall be treated as insurance under the Law for the purposes of widow's benefit and retirement pensions, and in these regulations the expression "last entry into insurance" shall be construed accordingly.

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

(b) 3rd March, 1952. See G.S.I. 1951 No. 155.

Modifica-
tion of
conditions
for widow's
benefit for
widows of
existing
pensions
contribu-
tors.

4. - (1) Subject to the provisions of these regulations, in the case of the widow of an existing pensions contributor the provisions of sections 16 and 17 of the Law (which relate to widow's benefit) shall apply subject to the modifications specified in the First Schedule to these regulations of the contribution conditions contained in paragraph 4 of the Third Schedule to the Law.

(2) Regulation 3 of the National Insurance (Guernsey) (Widow's Benefit and Retirement Pensions) Regulations, ¹⁹⁵²~~1951~~ (c) (which relates to the condition as to duration of marriage in relation to widows' pensions in the case of widows who have been married more than once) shall apply to the widow of an existing pensions contributor as if the references therein to any periods during which she was entitled to widow's benefit included references to any periods during which she was entitled to a widow's pension under the Contributory Pensions Laws in so far as that pension included an additional allowance in respect of a child or children.

Modifica-
tions of
conditions
for retire-
ment
pensions
for exist-
ing pensions
contributors
and their
wives and
widows.

5.- (1) Subject to the provisions of these regulations, in the case of an existing pensions contributor, and the wife of such a contributor, the provisions of sections 19 and 20 of the Law (which sections relate to retirement pensions) shall apply, subject to the condition that not less than ten years have elapsed between the date of his last entry into insurance and the date on which he attains pensionable age and to the modifications specified in the First Schedule to these regulations of the contribution conditions contained in paragraph 4 of the Third Schedule to the Law:

Provided that in the application of the regulations for the time being in force under section 25 of the Law (which section relates to the partial satisfaction of the

contribution conditions) to any retirement pension to which any such person, who immediately before the appointed day is an existing widow pensioner over the age of fifty-five, is entitled by virtue of the provisions of this regulation, the weekly rate thereof shall not be reduced to less than the rate of the retirement pension to which she would have become entitled by virtue of the provisions of regulation 11, if that regulation had applied in her case.

(2) Subject as aforesaid, the provisions of the said section 20 shall apply to the widow of an existing pensions contributor, subject to the modifications of the said contribution conditions specified in the said First Schedule.

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

6. - (1) Subject to the provisions of these regulations, the widow of an existing pensions contributor, if she was married to him before the appointed day, shall for any period when she is not entitled to a widow's allowance, a widowed mother's allowance, a widow's pension or a retirement pension by virtue of her husband's insurance, be entitled -

(a) where she has not attained pensionable age, to a widow's basic pension within the meaning of regulation 3 of the National Insurance (Guernsey) (Pensions, Existing Beneficiaries and Other Persons) (Transitional) Regulations, ~~1951~~¹⁹⁵² (d); and

(b) where she has attained that age, to a contributory old age pension within the meaning of the said regulation 3;

if the husband satisfies the contribution conditions contained in paragraph 4 of the Third Schedule to the Law, as modified by the First Schedule to these regulations; and the provisions of the said regulation 3, in so far as they relate to widows' basic pensions and contributory old age pensions, shall apply to any such pension payable by virtue of this regulation.

(2) A pension to which a widow becomes entitled by virtue of this regulation shall, subject to the provisions of the next succeeding paragraph, be at the rate of ten shillings a week.

(3) Where a widow would be entitled to a pension by virtue of this regulation but for the fact that the relevant contribution conditions are not satisfied as respects the yearly average of contributions paid by or credited to her husband, she shall nevertheless be entitled to such a pension, if the yearly average of contributions so paid or credited is not less than thirteen, at the reduced rate specified in the second column of the Second Schedule to these regulations which corresponds with the yearly average of contributions paid or credited as shown in the first column of that Schedule.

(4) Where a widow has not become entitled to a widowed mother's allowance to which she would otherwise be entitled by virtue of these regulations because the child by reason of whose inclusion in her family that allowance would be payable is not in Guernsey, then if -

(a) the child is in any part of His Majesty's dominions outside Guernsey, and would be included in her family but for the provisions of subsection (3) of section 22 of the Family Allowances (Guernsey) Law, 1950 (which subsection makes residence in Guernsey a condition of a child's being included in a family); and

(b) the widow becomes or has become entitled to a widow's basic pension;

a child's allowance shall be payable to the widow for any period during which the child would, but for the said subsection(3), be included in her family, at such a rate as will increase the rate of that pension to the rate below which the widowed mother's allowance, if it were payable,

might not be reduced under regulation 12, on account of the earnings of the widow.

Period over which yearly average to be calculated in the case of existing pensions contributors.

7. Subject to the provisions of regulation 11, the yearly average of the contributions paid by or credited to any existing pensions contributor shall be calculated over the period -

- (a) beginning with the relevant contribution week in the insurance contribution year ended on the 5th July, 1936, or in the insurance contribution year next preceding that in which his last entry into insurance occurred, whichever is the later; and
- (b) ending with the end of the last complete contribution year^(e) before the date as at which the average is to be ascertained.

Contributions under the Contributory Pensions Laws to be taken into account for the purposes of the Law.

8. In determining whether the contribution conditions contained in paragraph 4 of the Third Schedule to the Law have been satisfied by an existing pensions contributor, the contributions paid by or in respect of him under the Contributory Pensions Laws and the contributions treated as so paid for the purposes of all the relevant contribution conditions under those Laws shall be taken into account:

Provided that any such contributions, other than contributions payable by an employer in respect of an existing pensions contributor the delay in making payment of which is shown to the satisfaction of the Authority not to have been with the consent or connivance of, or attributable to any negligence on the part of the said contributor, shall not be taken into account if they are paid after the 31st August, 1952.

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

Contributions credited in respect of weeks before the appointed day.

9. - (1) For the purpose of calculating in relation to any benefit the yearly average of the contributions paid by or credited to an existing pensions contributor, a contribution of the appropriate class shall be credited to him for every contribution week during the period beginning with the beginning of the period over which the average is to be calculated for the purpose of that benefit and ending with the week immediately preceding that in which his last entry into insurance occurred.

(2) For the purpose aforesaid any contributions which have been paid by any person in respect of any contribution week for which a contribution is credited under paragraph (1) of this regulation shall be disregarded.

Postponement of pensionable age for certain existing pensions contributors.

10. - (1) Subject to the provisions of regulation 11, as respects an existing pensions contributor who fails to satisfy the condition of paragraph (1) of regulation 5 of these regulations, the following provisions shall apply:-

(a) For the purposes only of any retirement pension or widow's benefit payable by virtue of his insurance any such person shall be deemed to attain pensionable age on the expiration of ten years from the date of his last entry into insurance, if then alive, and to retire from regular employment immediately thereafter, and shall be deemed not to attain that age or to retire from regular employment before that time, so, however, that this regulation shall not extend the operation of the provisions of the Law reducing the rate of a retirement pension in respect of the beneficiary's earnings.

(b) As from the appointed day no such person shall be liable to pay a contribution as an employed or self-employed person for any period after attaining the age of sixty-five (or, in the case of a woman, sixty) but, subject to sub-paragraph (c) of this paragraph, -

- (i) any employer's contribution paid in respect of any such person for any such period shall be treated for the purposes aforesaid as a contribution as an insured person paid by him or her; and
- (ii) any such person (including a person who in fact attained the age of sixty-five (or, in the case of a woman, sixty) before the appointed day) shall be entitled to pay a contribution as a non-employed person at the same rate as a person under the age of sixty-five (or, in the case of a woman, sixty), for any such period after that day for which no employer's contribution is paid in respect of him or her.
- (c) Any such person shall, if he attains the age of sixty-five (or, in the case of a woman, sixty) after the appointed day, be entitled to elect in accordance with the provisions of sub-paragraph (e) of this paragraph not to be qualified for a retirement pension, and if such an election is made by any person -
- (i) no retirement pension shall be payable by virtue of that person's insurance, either to that person, or, during his life, to his wife;
- (ii) that person shall in respect of each contribution paid by that person in respect of any week after the appointed day as an employed, self-employed or non-employed person be entitled to a refund after attaining the said age of that portion of the contribution which is attributable to retirement pensions and for that purpose shall be entitled to a refund of the amount set out at the head of column (2), (3), (4), (6), (7) or (8) (whichever is appropriate) of the Third Schedule to these regulations, together with such interest thereon as will bring the total of the amount to be refunded up to the amount, appropriate to the

circumstances of the case as set out in the appropriate column; and

- (iii) the provisions of sub-paragraph (b) of this paragraph shall not apply to that person, except in so far as they confer exemption from liability to pay contributions.
- (d) The provisions of sub-paragraph (c), other than clause (ii) thereof, shall apply in relation to any such person who on the appointed day has attained age sixty-five (or, in the case of a woman, sixty).
- (e) An election by any such person for the purpose of sub-paragraph (c) of this paragraph shall be made by notice in writing addressed to the Authority, in the form approved by the Authority for that purpose, within the period of thirteen weeks from the appointed day or the date on which that person attains the age of sixty-five (or, in the case of a woman, sixty) whichever event last occurs, or within such longer period as the Authority may in any particular case allow.

(2) Nothing in this regulation shall entitle any person to whom it applies to an increase of retirement pension in respect of his wife or the wife of any such person to a retirement pension by virtue of his insurance during his life unless that person has attained the age of seventy or (apart from fulfilling the condition of giving notice of retirement) could be treated as having retired from regular employment^(f).

Special provisions for certain widows over the age of fifty.

11. - (1) In the case of an existing pensions contributor who immediately before the appointed day is an existing widow pensioner over the age of fifty and under pensionable age who fails to satisfy the condition contained in paragraph (1) of regulation 5, the provisions of section 19

(f) See s.19(2), National Insurance (Guernsey) Law, 1951.

of the Law shall apply subject to the modification that the contribution condition specified in sub-paragraph (1)(a) of paragraph 4 of the Third Schedule to the Law shall be deemed to have been satisfied.

(2) Subject to the provisions of paragraph (3) of this regulation, the yearly average of the contributions paid by or credited to any such person shall be calculated only over the period -

- (a) beginning with the beginning of the contribution year in which the appointed day occurs; and
- (b) ending with the end of the last complete contribution year before the date on which she attains the age of sixty.

(3) In the case of any such person who immediately before the appointed day is over the age of fifty-five, and to whom the provisions of paragraph (2) of this regulation would otherwise be applicable, the following provisions shall apply in substitution for those contained in the said paragraph for the purpose of determining her right to a retirement pension by virtue of her own insurance:-

(a) The said yearly average shall be calculated only over the period -

- (i) beginning with the beginning of the contribution year in which she attained the age of fifty-five; and
- (ii) ending with the end of the last complete contribution year before the date on which she attains the age of sixty.

(b) A contribution shall be deemed to have been paid by or in respect of her for every contribution week in the period over which the said yearly average is to be calculated and ending before the appointed day.

Modification of provisions of the Law relating to reductions in rate of benefit on account of earnings.

12. In the application of the provisions of subsection (3) of section 16 or subsection (3) of section 20 of the Law to any widowed mother's allowance, widow's pension or retirement pension for a widow by virtue of her husband's insurance, to which a person is entitled by virtue of any of the foregoing provisions of these regulations, the weekly rate thereof shall not be reduced if the marriage in respect of which the benefit is payable took place before the appointed day -

- (a) in the case of a widowed mother's allowance at the rate of thirty-three shillings and sixpence, to less than fifteen shillings; or
- (b) in the case of a widowed mother's allowance at one of the rates specified in the first column of the Fourth Schedule to these regulations, to less than the rate set opposite thereto in the second column; or
- (c) in the case of a widow's pension or such a retirement pension at the rate of twenty-six shillings, to less than ten shillings; or
- (d) in the case of a widow's pension or such a retirement pension at one of the rates specified in the third column of the said Schedule, to less than the rate set opposite thereto in the fourth column.

Modification in the case of a married woman existing pensions contributor of contribution conditions for retirement pension by virtue of her own insurance.

13. In the application of subsection (5) of section 20 of the Law (which subsection relates to the calculation of a married woman's contributions for the purpose of entitlement to a retirement pension by virtue of her own insurance) to an existing pensions contributor, being a woman who on attaining pensionable age is the wife of a man to whom she was married before the appointed day -

- (a) if she attains pensionable age before the 2nd March, 1953, the provisions of that subsection shall be deemed to be satisfied;

(b) in any other case the said provisions shall apply only in respect of the period between the date of her last entry into insurance (or, if the marriage took place after that date, between the date of the marriage) and her attaining pensionable age.

Further modifications of conditions relating to widow's benefit and retirement pensions for certain widows.

14. The widow of an existing contributor, if he on the appointed day was over seventy years of age and was immediately before that day insured under the Contributory Pensions Laws, shall, if she married that existing contributor before the appointed day and when he was under the age of seventy years, be entitled to widow's benefit or a retirement pension as if her husband had been an existing pensions contributor:

Provided that for the purpose of this regulation only there shall be substituted in sub-paragraph 2 (b) of paragraph 4 of the Third Schedule to the Law the words "age seventy" for the words "pensionable age".

Dated this 23rd day of January, 1952.

Signed) Wilfred J. Barrett

President,
States Insurance Authority
on behalf of that Authority.

FIRST SCHEDULE.

Regulations 4, 5 and 6.

Modifications of contribution conditions contained in paragraph 4 of the Third Schedule to the Law in relation to benefit for existing pensions contributors and their wives and widows.

1. For the reference in sub-paragraph (1) (a) of paragraph 4 of the Third Schedule to the Law to "entry into insurance" there shall be substituted a reference to "last entry into insurance".

2. For the reference in the said sub-paragraph (1) (a) to one hundred and fifty-six contributions there shall be substituted a reference to one hundred and four contributions -

(a) for the purpose of widow's benefit or a retirement pension for a widow by virtue of her husband's insurance (other than a pension referred to in sub-paragraph (c) of this paragraph), in any case where the marriage to the husband took place before the appointed day and the husband last entered into insurance before the 5th March, 1950, or dies or attains pensionable age before the 1st September, 1953;

(b) for the purpose of a retirement pension (other than a pension referred to in sub-paragraph (a) or (c) of this paragraph), in any case where the existing pensions contributor last entered into insurance before the 5th March, 1950; and

(c) for the purpose of a widow's basic pension and a contributory old age pension, in any case.

SECOND SCHEDULE

Regulation 6 (3).

showing reduced rates of widow's basic pension and contributory old age pension.

Yearly average of contributions paid or credited. Reduced rate at which pension is payable.

(1)	(2)
	s. d.
48 and under 50 	9 6
46 and under 48 	9 0
43 and under 46 	8 6
40 and under 43 	8 0
37 and under 40 	7 6
34 and under 37 	6 6
30 and under 34 	6 0
26 and under 30 	5 0
22 and under 26 	4 0
18 and under 22 	3 6
13 and under 18 	2 6

THIRD SCHEDULE

Regulation 10 (1) (c) (ii).

Table showing:-

- (1) at the head of columns (2), (3), (4), (6), (7) & (8), the portion of each contribution paid by a person in respect of any week after the appointed day as an employed, self-employed or non-employed person, to be refunded to that person if that person elects not to be qualified for a retirement pension; and
- (2) in columns (1) and (5), the age of any such person at the date of the expiration of the period of currency of the contribution card on which any such contribution was paid; and
- (3) in the said columns (2), (3), (4), (6), (7) & (8), the total amount, including interest, to be refunded.

MEN				WOMEN			
Age of man at expiration of period of currency of contribution card on which contribution was paid.	Employed	Self-employed	Non-employed	Age of woman at expiration of period of currency of contribution card on which contribution was paid.	Employed	Self-employed	Non-employed
(1)	Portion of contribution to be refunded			(5)	Portion of contribution to be refunded		
	Pence 21.2 (2)	Pence 41.7 (3)	Pence 40.5 (4)		Pence 19.8 (6)	Pence 39.0 (7)	Pence 36.1 (8)
	Total number of pence to be refunded (including interest) in respect of each contribution.				Total number of pence to be refunded (including interest) in respect of each contribution.		
65 or over	21	42	41	60 or over	20	39	36
64	22	43	42	59	20	40	37
63	22	44	43	58	21	41	38
62	23	45	44	57	21	42	39
61	24	46	45	56	22	43	40
60	24	48	46	55	23	45	41
59	25	49	48	54	23	46	42
58	26	50	49	53	24	47	44
57	26	52	50	52	25	48	45
56	27	53	52	51	25	50	46
55	28	55	53	50	26	51	47

FOURTH SCHEDULE.

Regulation 12.

Table showing:-

- (1) in the first and third columns respectively, the rates of widowed mother's allowance and widow's pension or retirement pension for a widow by virtue of her husband's insurance where the marriage took place before the appointed day; and
- (2) in the second and fourth columns, the rates below which a widowed mother's allowance and a widow's pension or such a retirement pension, as the case may be, shall not be reduced on account of earnings.

Rate of widowed mother's allowance	Minimum reduced rate	Rate of widow's pension or retirement pension for a widow by virtue of husband's insurance	Minimum reduced rate
(1) s. d.	(2) s. d.	(3) s. d.	(4) s. d.
32 6	14 6	25 0	9 6
31 6	13 6	24 0	9 0
30 6	13 0	23 0	8 6
28 6	12 0	21 0	8 0
26 6	11 0	19 0	7 6
24 6	10 0	17 0	6 6
22 6	9 0	15 0	6 0
20 6	7 6	13 0	5 0
18 6	6 6	11 0	4 0
16 6	5 0	9 0	3 6
14 6	4 0	7 0	2 6

EXPLANATORY NOTE

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

These Regulations modify the National Insurance (Guernsey) Law, 1951, in its application to persons who immediately before the appointed day (3rd March, 1952) are existing contributors under the existing Contributory Pensions Laws.

The main modifications relate (a) to treating insurance and contributions paid under those Laws as insurance and contributions paid under the National Insurance (Guernsey) Law, 1951 (regulations 3 and 8); (b) to relaxations of the contribution conditions for widow's benefit and retirement pensions (regulations 4 and 5); (c) to the provision, subject to the satisfaction of contribution conditions, of widows' basic pensions and contributory old age pensions for widows not entitled to widow's benefit or retirement pensions (regulation 6); (d) to variations of the period over which the average of the contributions paid or credited is to be calculated, depending on the date of entry into insurance under the existing Laws (regulation 7); (e) to crediting for the purpose of such average contributions in respect of periods before the appointed day (regulation 9); (f) (in certain cases) to the postponement of pensionable age (ten years after the date of last entry into insurance) for the purposes of retirement pension and widow's benefit, the payment of contributions, the right of electing not to be qualified for a retirement pension and a consequential refund of money in respect of paid contributions (regulation 10); (g) to special provisions for existing pensions contributors who are also widow pensioners (regulation 11); and (h) to the partial relaxation of the rule reducing the rate of widow's benefit or a retirement pension on account of the earnings of the beneficiary (regulation 12).