

GUERNSEY

STATUTORY INSTRUMENTS

*has not brought into force*

1952 No. 22

*Repealed by the Social Insurance (Guernsey) Law, 1964*

NATIONAL INSURANCE.

THE NATIONAL INSURANCE (GUERNSEY) (RESIDENCE AND PERSONS ABROAD) REGULATIONS, 1951-1952

Made 23rd January 1952.  
Laid before the States  
Coming into Operation 23rd January 1952.

The States Insurance Authority, in exercise of powers conferred by sections 1, 13, 29, 54 and 61 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) (Residence and Persons Abroad) Regulations, ~~1951,~~ <sup>1952,</sup> 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; 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.

Residence Condition.

Condition as to residence in Guernsey.

2. For the purposes of subsection (1) of section 1 of the Law (which subsection provides for persons who are in Guernsey becoming insured under the Law subject to such

conditions as may be prescribed as to residence in Guernsey), the condition as to residence in Guernsey shall be that a person must have been resident in Guernsey for a continuous period of twenty-six weeks terminating on or after the appointed day (a) and on or after attaining school leaving age:

Provided that -

(a) this condition shall not apply to the following persons as from the respective dates mentioned below:-

(i) (subject to the provisions of paragraphs (b) and (c) of this proviso) in the case of a person who, but for the foregoing provision, would be an employed person (b) - as from the date on which he becomes such a person;

(ii) in the case of a person who, but for the said foregoing provision, would be a self-employed person (c) or a non-employed person (d) and who notifies the Authority that this condition shall not apply to him - as from the date of such notification;

(iii) in the case of a person over school leaving age and under the age of eighteen who came to Guernsey for the purpose of receiving full time education or of becoming a full time unpaid apprentice not gainfully occupied - as from the date of the commencement of such education or apprenticeship, or, if the education or apprenticeship commenced before, and was still

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- (a) 3<sup>rd</sup> March, 1952. See G.S.I. 1951. No. 155.  
(b) See S. 1 (2) (a), National Insurance (Guernsey) Law, 1951.  
(c) See S. 1 (2) (b), National Insurance (Guernsey) Law, 1951.  
(d) See S. 1 (2) (c), National Insurance (Guernsey) Law, 1951.

- existing on, the appointed day, as from that day;
- (b) where an employed person (not being an existing contributor within the meaning of any regulations (e) made under section 57 of the Law) to whom the provisions of sub-paragraph (i) of the preceding paragraph of this proviso would otherwise apply is not ordinarily resident in Guernsey and either the employer of that person is not so ordinarily resident or the employer's principal place of business is not in Guernsey, the foregoing condition shall apply with the substitution of fifty-two weeks (weeks commencing before the appointed day being disregarded) for twenty-six weeks if, in the country in which the employed person is ordinarily resident, payments by the employer or the employed person in respect of the period of the employment are being made for the purpose of enabling him to qualify for benefits substantially similar to benefits provided under the Law;
- (c) where a person (not being an existing contributor within the meaning of any regulations made under section 57 of the Law) in relation to whom the provisions of the said sub-paragraph (i) would otherwise apply is not ordinarily resident in Guernsey, the foregoing condition shall apply if during a vacation occurring in a course of full time studies which he is pursuing outside Guernsey, he is gainfully occupied under a contract of service in Guernsey in temporary employment of a nature similar or related to that course of studies.

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(e) see National Insurance (Guernsey) (Pensions, Existing Contributors) (Transitional) Regulations, 1952 (G.S.I. 1952 No. 20).

Payment of contributions in respect of periods abroad.

Contributions in respect of employment outside Guernsey in continuance of employed contributor's employment.

3.--(1) Where a person employed in an employed contributor's employment (f) ceases to be so employed in Guernsey but is employed (whether by the same or a different employer) outside Guernsey in continuation of an employed contributor's employment, that employment outside Guernsey shall be treated as an employed contributor's employment for the period for which contributions are payable in respect of it under sub-paragraph (a) of paragraph (2) of this regulation, provided the employer has a place of business in Guernsey, and the person concerned is ordinarily resident therein.

(2) Where under the preceding paragraph employment outside Guernsey is treated as an employed contributor's employment, the following provisions shall apply with respect to the payment of contributions under the Law:

(a) Weekly contributions at the appropriate rates specified in Part I and Part II of the First Schedule to the Law (which Parts respectively specify the contributions payable by employed persons and the employers of such persons) shall be payable in respect of such employment during the period of twelve months from the commencement thereof.

(b) After the completion of the period for which contributions are payable under the preceding sub-paragraph, the insured person shall, for any week thereafter during the whole of which he is outside Guernsey, be entitled to pay contributions as a non-employed person.

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

(3) Where a person to whom sub-paragraph (b) of the preceding paragraph is applicable returns to Guernsey, any contribution as a non-employed person paid by him (whether before or after his return to Guernsey) in accordance with the provisions of that sub-paragraph shall be treated as if it were a contribution paid by him in respect of an employed contributor's employment, provided that in respect of each contribution year commencing on or after the appointed day during the whole of which he was outside Guernsey not less than forty-five contributions of any class have been paid by or credited to him as an insured person.

Special provision relating to persons outside Guernsey on the appointed day.

4. Where a person (not being a person insured by virtue of any provision of the Law) is on the appointed day over school leaving age and under pensionable age, and is then gainfully occupied in an employment outside Guernsey which is in continuation of employment in Guernsey, and which, had the employment in Guernsey ceased on that day, would have been treated as an employed contributor's employment under paragraph (1) of regulation 3, then, as from the appointed day, that person shall be insured under the Law, and that employment outside Guernsey shall be treated as an employed contributor's employment for the purposes of regulation 3, as if that employment were in continuation of an employed contributor's employment.

Contributions as a non-employed or self-employed person in respect of periods outside Guernsey.

5 - (1) Where an insured person is throughout any contribution week outside Guernsey and is not in that week an employed person, he shall not be liable to pay any contributions as an insured person for that week.

(2) (a) Subject to the conditions specified in sub-paragraph (b) of this paragraph, an insured person shall, for any week during the whole of which he is outside Guernsey, and for which by virtue of paragraph

(1) of this regulation he is not liable to pay a contribution as an insured person, be entitled to pay a contribution as a non-employed person or, if he so desires and is gainfully occupied in that week, as a self-employed person,

(b) The conditions referred to in the preceding sub-paragraph are either that, subject to the provisions of sub-paragraph (c) of this paragraph, not less than one hundred and fifty-six contributions of any class under the Law had been paid by him as an insured person, or, alternatively, that he had been resident in Guernsey for a continuous period of not less than three years at any time before the week in question.

(c) For the purposes of the first of the alternative conditions contained in sub-paragraph (b) of this paragraph, the following provisions shall apply:-

- (i) in the case of a person who became insured under the Contributory Pensions Laws before the 5th March, 1950, and who continued to be an insured person under those Laws up to immediately before the appointed day, and in respect of whom the contributions paid before that day under those Laws since his last entry into insurance were not less than one hundred and four, the said condition shall be deemed to be satisfied;
- (ii) in the case of a person who became so insured on or after the said 5th March, or in respect of whom less than one hundred and four such contributions were so paid before the appointed day, and who continued to be an insured person under the Contributory Pensions Laws up to

immediately before that day, any such contributions shall count towards the satisfaction of the said condition.

(3) This regulation shall not apply to a person to whom the provisions of sub-paragraph (b) of paragraph (2) of regulation 3 are applicable.

Special provisions for payment of contributions in respect of periods abroad by persons returning to Guernsey.

6 - (1) (a) Where a person who (being a person who immediately before the appointed day was over school leaving age and under pensionable age) was resident in Guernsey before the appointed day but outside Guernsey on that day returns to Guernsey thereafter but within three years of that day or within such longer period as the Authority may in any particular case determine, he shall, subject to his becoming an insured person and to the provisions of these regulations, be entitled to pay contributions as a non-employed person in respect of the period or part of the period between the appointed day and his return to Guernsey; and any contributions so paid shall be treated as having been paid in respect of continuous weeks ending with the week immediately preceding the day of such return.

(b) Notwithstanding anything contained in regulation 2, a person who on his return to Guernsey pays contributions under the foregoing provisions of this paragraph, shall thereupon be entitled to pay contributions as a non-employed person for the whole or part of any period during which the provisions relating to residence contained in that regulation apply in his case.

(2) Any contributions which a person is entitled to pay under the preceding paragraph may be paid -

(a) by a person in whose case the period between the appointed day and his return to Guernsey

fell in three or more contribution years, at any time before the end of the fourth contribution year following the contribution year in which that period terminated; and

- (b) by a person in whose case the period between the appointed day and his return to Guernsey fell only in one or two contribution years, at any time before the end of the benefit year beginning next after the end of the contribution year in which that period terminated: provided that the Authority, if it is satisfied that there is good cause for delay in making payment, may extend the time under this provision but not later than the end of the third contribution year following the contribution year in which that period terminated.

(3) Any such person shall be deemed to be an insured person under the Law for the period or periods in respect of which contributions have been paid or treated as having been paid in accordance with the provisions of paragraph (1) of this regulation.

Payment of benefit to persons absent from Guernsey.

Modifica-  
tions of  
the Law  
in  
relation  
to  
payment of  
benefit  
abroad.

7. The following provisions shall apply in relation to the payment of benefit to or in respect of persons absent from Guernsey:-

- (1) A person shall not be disqualified for receiving sickness benefit or maternity allowance -

(a) by reason of being temporarily absent from Guernsey (being in the United Kingdom, the Isle of Man or one of the Channel Islands other than Guernsey) during the period of six months from the date on which

such absence commences; or

(b) by reason of being temporarily absent from Guernsey (not being in the United Kingdom, the Isle of Man or one of the Channel Islands other than Guernsey) for the specific purpose of being treated for incapacity which commenced before he left Guernsey, during such period as the Authority may allow, having regard to the particular circumstances of the case, subject to the qualification that payment of the benefit shall be suspended until that person returns to Guernsey, unless he has nominated a person in Guernsey (who is approved by the Authority) to receive payment of the benefit on his behalf.

- (2) A person shall not be disqualified for receiving a widow's benefit, a guardian's allowance or a retirement pension, by reason of being absent from Guernsey -
- (a) if he is in any other part of His Majesty's dominions; or
- (b) if, being absent from His Majesty's dominions, his absence therefrom does not exceed twelve months, but in that event the disqualification shall not only apply in respect of the last six months of such a period of absence, and this sub-paragraph shall be subject to the further conditions that payment of benefit shall be suspended until that person returns to Guernsey or to any other part of His Majesty's dominions, and

that, for the purpose of determining the period of such absence, any temporary presence in His Majesty's dominions shall be disregarded.

(3) Where by virtue of the foregoing provisions of this regulation a husband or wife is not disqualified for receiving a benefit although absent from Guernsey, he or she shall not be disqualified for receiving any increase (where payable) of that benefit in respect of his or her spouse by reason of the spouse being absent from Guernsey, provided the spouse is residing with the husband or wife, as the case may be.

Modifica-  
tions of the  
Law in  
relation to  
payment of  
maternity  
benefit.

8. - (1) A woman shall not be disentitled to a maternity grant or an attendance allowance by reason of the confinement occurring -

(a) in the United Kingdom, the Isle of Man or one of the Channel Islands other than Guernsey; or

(b) elsewhere outside Guernsey, if at the time of the confinement she is ordinarily resident in Guernsey;

and any such woman shall, in addition, not be disqualified for receiving any such benefit by reason of her being absent from Guernsey.

(2) Notwithstanding the foregoing provisions of this regulation, where such a woman is absent from Guernsey, the United Kingdom, the Isle of Man and one of the Channel Islands other than Guernsey, payment of the benefit or grant shall be suspended until she returns to Guernsey, unless she has nominated a person in Guernsey (who is approved by the Authority) to receive payment of the benefit or grant on her behalf.

Suspension  
of payment  
of benefit.

9. - (1) The payment of benefit to or in respect of any person which is payable otherwise than in respect of a period of absence from Guernsey shall be suspended while the beneficiary is absent from Guernsey, unless the benefit is one (and only so long as it is one) which, by reason of the foregoing provisions of these regulations, the person is not disqualified for receiving or not disentitled to when so absent.

(2) Where by virtue of the foregoing provisions of these regulations payment of benefit is suspended for any period, then, in the case of maternity benefit, the first six months of that period, and in the case of any other benefit, the period of suspension, shall not be taken into account in calculating any period under the provisions of regulation 11 of the National Insurance (Guernsey) (Claims and Payments) Regulations, 1952, (g) (which regulation relates to the extinguishment of the right to sums payable by way of benefit which are not obtained within the prescribed time).

Adminis-  
trative  
arrange-  
ments as  
to contri-  
butions  
and  
benefits.

10. Contributions and benefit which become payable by virtue of these regulations shall be paid and collected, or, as the case may be, paid, at such times and in such manner and subject to the furnishing of such information and evidence as the Authority may determine or require from time to time.

Dated this 23<sup>rd</sup> day of January, 1952.

*(Signed) Michael J. ...*

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 deal with four main subjects, namely, (1) the condition as to residence in Guernsey which must ordinarily be complied with before a person can become insured under the National Insurance (Guernsey) Law, 1951 (regulation 2); (2) payment of contributions in respect of periods abroad (regulations 3 to 6); (3) the right on return to Guernsey of persons employed in employed contributor's employment abroad to convert contributions paid abroad as a non-employed person into employed person's contributions (regulation 3 (3)); and (4) the removal in some cases of the statutory disqualification for the receipt of benefit for periods of absence from Guernsey and for the suspension of payment of benefit in certain cases (regulations 7 to 9).