

GUERNSEY

STATUTORY INSTRUMENT

1952 No. 39.

*Law not brought into force -
Repealed by the Social Insurance
(Guernsey) Law, 1964.*

NATIONAL INSURANCE

THE NATIONAL INSURANCE (GUERNSEY) (OVERLAPPING BENEFITS)
REGULATIONS, 1952

Made

6th February, 1952

Laid before the States

Coming into Operation

6th February, 1952

The States Insurance Authority, in exercise of the powers conferred by section 30 of the National Insurance (Guernsey) Law, 1951, and of all other powers enabling it in that behalf, hereby makes the following regulations: -

PART I

General

1. - (1) These regulations may be cited as the National Insurance (Guernsey) (Overlapping Benefits) Regulations, 1952, and shall come into operation on the 6th February, 1952,

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

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

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

"personal benefit" means that benefit, pension or allowance under the Law which, apart from these regulations, is payable to a person otherwise than in respect of another person who is a child or an adult dependant;

"dependency benefit" means that benefit, pension or allowance under the Law which, apart from these regulations, is payable to a person in respect of another person who is a child or an adult dependant;

Citation,
commence-
ment and
inter-
pretation.

"training allowance" means an allowance (whether by way of periodical grants or otherwise) payable, out of public funds, by or on behalf of the States to a person for his maintenance, or in respect of any dependant of his, for the period, or part of the period, during which he is following a course of training or instruction provided by, or in pursuance of arrangements made with, that department or approved by that department in relation to him;

"training scheme" means a scheme or arrangement under which a training allowance may be paid;

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 or regulations.

(4) For the purposes of these regulations, where any benefit by way of widowed mother's allowance is or may be payable to a widow by reason of her having a family which includes a child or children, that benefit shall be deemed to consist of -

- (a) dependency benefit by way of widowed mother's allowance payable to the widow in respect of that child or the elder or eldest of those children at the weekly rate of seven shillings and sixpence; and
- (b) personal benefit by way of widowed mother's allowance payable to the widow otherwise than in respect of any child at the weekly rate at which the first mentioned benefit is or may be payable reduced by seven shillings and sixpence a week:

Provided that where widowed mother's allowance is paid at a rate of less than seven shillings and sixpence the whole of the allowance shall be regarded as dependency benefit.

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

PART II

Adjustment of personal benefit where other personal benefit is payable.

2. - (1) Where, for any period, more than one personal benefit would, but for this regulation, be payable to any person, then for that period an adjustment between those personal benefits shall, subject to the provisions of regulation 3, be made in accordance with the provisions of paragraph (2) of this regulation.

(2) Where in accordance with paragraph (1) of this regulation an adjustment between any personal benefits is required to be made for any period, then the amount payable for that period in respect of those personal benefits shall be the amount which, but for this provision, would be payable for that period in respect of one of those personal benefits (if they would be so payable at equal rates) or of that one of them which would be payable for that period at the higher or highest rate.

Exception to regulation 2.

3. No adjustment shall be made between any two personal benefits of which one is specified in any paragraph of the first column of the Schedule to these regulations and the other is specified in the corresponding paragraph of the second column of the said Schedule.

Adjustment of dependency benefit where other dependency benefit is payable.

4. Where, for any period, any dependency benefit is or, but for this regulation, would be payable to any person in respect of a child or an adult dependant, that dependency benefit shall be adjusted -

- (a) in the case of dependency benefit in respect of a child, by reference to any other dependency benefit which is payable for that period in respect of that child; or
- (b) in the case of dependency benefit in respect of an adult dependant, by reference to any other dependency benefit which is payable for that period to that person in respect of that or any other adult dependant or to any person in respect of that adult dependant,

so that the amount which, but for this regulation, would be payable in respect of that dependency benefit shall be reduced or extinguished by the deduction therefrom of the amount payable for that period in respect of that other dependency benefit or those other dependency benefits by reference to which the dependency benefit is required by this regulation to be adjusted and only the balance (if any) shall be payable for that period in respect of that dependency benefit under the Law.

Adjustment of dependency benefit where personal benefit is payable.

5. Where, for any period, one or more personal benefits is or are payable to any person -

- (a) if either -
 - (i) the weekly rate or the aggregate weekly rate at which that personal benefit or those personal benefits (if more than one) is or are payable for that period is equal to or exceeds twenty-six shillings a week; or

- (ii) the personal benefit or one of the personal benefits payable to that person for that period is a personal benefit by way of unemployment benefit or sickness benefit which is not payable at a reduced weekly rate by reason of the partial satisfaction of the appropriate contribution conditions, there shall not be paid in respect of that person for that period any dependency benefit; and
- (b) in any other case, there shall not be paid in respect of that person for that period any dependency benefit at a weekly rate exceeding the difference between the weekly rate or the aggregate weekly rate at which that personal benefit or those personal benefits (if more than one) is or are payable for that period and the rate of twenty-six shillings a week:

Provided that, where the personal benefit or one of the personal benefits payable to that person for that period is personal benefit by way of unemployment benefit or sickness benefit which is payable at a reduced weekly rate by reason of the partial satisfaction of the appropriate contribution conditions, dependency benefit shall not be paid in respect of that person for that period at a weekly rate which exceeds the weekly rate by which that personal benefit is so reduced for that period:

Provided further that for the purpose of this regulation only attendance allowance shall be deemed not to be a personal benefit.

Benefit not to be paid to a person to whom a training allowance is payable.

6. Where, for any period, a training allowance is payable to any person under any training scheme, there shall not be paid to that person for that period any personal or dependency benefit:

Provided that for the purpose of this regulation only, widow's allowance shall be deemed not to be a personal benefit.

Construction of Part II.

7. Nothing in this Part of these regulations shall be construed as requiring either -

- (a) that any personal benefit by way of maternity grant or death grant shall be adjusted; or
- (b) that any personal benefit or dependency benefit shall be adjusted by reason of personal benefit by way of maternity grant or death grant.

PART III

Miscellaneous provisions

Priority of entitlement to increases of benefit.

8. Where, but for any of the foregoing provisions of these regulations, two persons would both be entitled to an increase of benefit in respect of a third person, the person entitled thereto shall, as between such persons, be determined in accordance with the following order of priority:-

- (a) Such one of the two persons as may be designated in a written notice to the Authority, signed by the other.
- (b) Such one of the two persons as the Authority may in its discretion determine, having regard to the circumstances of the case.

Two increases of the same benefit to be treated as separate benefits.

9. For the purposes of these regulations, in any case where dependency benefit by way of increases of benefit in respect of a child and of an adult dependant is payable, each of such increases of benefit shall be treated as a separate dependency benefit.

Provisions for adjusting benefit, etc., for part of a week.

10. - (1) Where, in accordance with the provisions of these regulations, any benefit is required to be adjusted for a part only of a week, then, for the purposes of making that adjustment and of determining the amount of that benefit which is payable for the part (if any) of that week for which it is not so required to be adjusted, the amount of the appropriate weekly rate of that benefit and of every benefit by reference to which it is so required to be adjusted shall, if it is not payable for that week at a daily rate, equal to one sixth of the appropriate weekly rate, for each day of the week excluding Sunday, be deemed to be so payable.

(2) In the last preceding paragraph, the expression "appropriate weekly rate" means, in relation to any benefit, the weekly rate at which it would be payable but for the provisions of these regulations.

(3) In this regulation, the expression "benefit" (except in the expressions "unemployment benefit" and "sickness benefit") includes any pension or allowance.

Persons to be treated as entitled to benefit for certain purposes.

11. Any person who would be entitled to any benefit but for these regulations shall be treated as if he were entitled thereto for the purpose of any rights or obligations under the Law and the regulations made thereunder (whether of himself or some other person) which depend on his being so entitled, other than for the purposes of the right to payment of that benefit.

Dated this 6th day of February, 1952.

(signed) Wilfred J. Borbet,

President,
States Insurance Authority
on behalf of that Authority.

Regulation 3.

SCHEDULE

Showing in Column 1, by paragraphs, personal benefits which are not required to be adjusted by reference to any personal benefit shown in the corresponding paragraph of Column 2.

Column 1	Column 2
(1) Widow's benefit.	(1) Attendance allowance.
(2) Attendance allowance.	(2) Widow's benefit.
(3) Partial disablement benefit.	(3) Sickness benefit.

EXPLANATORY NOTE

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

These Regulations provide, with certain exceptions, for the non-duplication of benefits payable under the National Insurance (Guernsey) Law, 1951.