

GUERNSEY

STATUTORY INSTRUMENT *Law not brought into force*

1952 No. 41

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

NATIONAL INSURANCE

THE NATIONAL INSURANCE (GUERNSEY) (UNEMPLOYMENT  
AND SICKNESS BENEFIT) REGULATIONS, 1952

Made	6th. February, 1952
Laid before the States	
Coming into Operation	6th. February, 1952

The States Insurance Authority, in exercise of powers conferred by sections 9 to 12, 24 and 25 of the National Insurance (Guernsey) Law, 1951, and of all other powers enabling it in that behalf, hereby makes the following regulations:-

1. - (1) These regulations may be cited as the National Insurance (Guernsey) (Unemployment and Sickness Benefit) 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 Determination of Claims and Questions Regulations" means the National Insurance (Guernsey) (Determination of Claims and Questions) Regulations, 1952 (a);

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

"the Administrator", "the tribunal" and "the Court" have the same meanings as in the Determination of Claims and Questions Regulations;

"the determining authority" means, as the case may require, the Administrator, the tribunal or the Court;

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

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(a) G.S.I. 1952 No. 18.

Citation,  
commence-  
ment and  
interpre-  
tation.

(3) References in these regulations to any enactment or regulations shall include a reference 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.

2. For the purposes of satisfying the contribution condition for unemployment benefit and sickness benefit set out in sub-paragraph (b) of paragraph 2 of the Third Schedule to the Law, the following provisions shall apply:-

Contributions treated as equivalent to contributions of the appropriate class.

- (1) Where an insured person has paid the twenty-sixth contribution of the appropriate class since his entry into insurance, any contributions as an insured person under the Law not of the appropriate class which have been paid by or credited to him in respect of the period beginning with the commencement of the last complete contribution year before the benefit year which includes the contribution week in respect of which the said twenty-sixth contribution was paid and terminating with that week shall be treated as equivalent to contributions of the appropriate class.
- (2) Notwithstanding that paragraph (1) of this regulation has been applied to an insured person in relation to sickness benefit, that insured person shall be entitled to the benefit of that provision in relation to unemployment benefit if he subsequently completes the payment of the twenty-sixth contribution of the appropriate class for the purposes of the latter benefit.

(3) Where not less than thirty-nine contributions of the appropriate class, or contributions treated as equivalent thereto by virtue of paragraph (1) of this regulation, have been paid by or credited to an insured person for the relevant year, contributions as an insured person of any class (not being contributions of the appropriate class nor contributions in the last complete contribution year treated as equivalent thereto by virtue of the said paragraph (1)) paid by or credited to that insured person in respect of the relevant year shall be treated as equivalent to contributions of the appropriate class.

(4) (a) References in this regulation to "contributions of the appropriate class" shall be construed -

- (i) in relation to unemployment benefit, as references to contributions as an employed person; and
- (ii) in relation to sickness benefit, as references to contributions as an employed or self-employed person.

(b) References in the last preceding paragraph to "the relevant year" shall be construed as references to the last complete contribution year before the beginning of the benefit year which includes the day for which benefit is claimed.

Persons deemed to be incapable of work.

3. - (1) A person who is not incapable of work shall, if the Administrator, the tribunal or the Court, as the case may be, so determines, be deemed to be incapable of work by reason of some specific disease or bodily or mental disablement for any day on which he satisfies the conditions specified in paragraph (a) or paragraph (b) below, namely:-

(a) that he is under medical care in respect of a disease or disablement as aforesaid; that it is certified by a registered medical practitioner

that by reason of such disease or disablement he should abstain from work; and that he does not work; or

- (b) that he is excluded from work on the certificate of the Medical Officer of Health; and that he is under medical observation by reason of his being a carrier, or having been in contact with a case, of infectious disease.

(2) A person who at the commencement of any day is or thereafter on that day becomes incapable of work by reason of some specific disease or bodily or mental disablement and does no work as an employed or self-employed person on that day shall be deemed to be so incapable of work throughout that day.

Night  
Workers.

4.-(1) The following provisions shall apply in relation to night workers for the purposes of unemployment and sickness benefit:-

- (a) Where a period of employment begun on a Saturday extends over midnight into Sunday, the person employed shall, in respect of such period, be treated as having been employed on Saturday only, which day shall not be treated as a day of interruption of employment; and
- (b) where a period of employment begun on a Sunday extends over midnight into Monday, the person employed shall, in respect of such period, be treated as having been employed on Monday only, which day shall not be treated as a day of interruption of employment; and
- (c) where a period of employment begun on any day other than Saturday or Sunday extends over midnight into the following day, the person employed shall, in respect of such period -

- (i) be treated as having been employed on the first day only, if the employment before midnight is of longer duration than that after midnight, and, in that case, the first day shall not be treated as a day of interruption of employment; or
- (ii) be treated as having been employed on the second day only, if the employment after midnight is of longer duration than that before midnight, or if the employment before and after midnight is of equal duration, and, in either of these cases, the second day shall not be treated as a day of interruption of employment.

(2) Where a person -

- (a) is, by virtue of the provisions of paragraph (1) of this regulation, to be treated as having been employed on one day only of two days; and,
- (b) throughout that part of the other of those two days during which that person is not employed, is, or is deemed in accordance with regulations to be, available for employment in an employed contributor's employment or incapable of work by reason of some specific disease or bodily or mental disablement,

that person shall, for the purposes of unemployment or sickness benefit, be deemed to be so available for employment, or, as the case may be, to be so incapable of work, throughout that other of those two days.

(3) Where a person -

- (a) is, by virtue of the provisions of subparagraph (c) of paragraph (1) of this regulation, to be treated as having been employed on the second day only of two days; and,

(b) throughout the day immediately preceding the first of those two days, is, or is deemed in accordance with regulations to be, incapable of work by reason of some specific disease or bodily or mental disablement,

that person shall, for the purposes of sickness benefit, be deemed to be so incapable of work throughout the first of those two days.

Days not to be treated as days of unemployment or incapacity for work.

5. - (1) For the purposes of unemployment and sickness benefit -

- (a) a day shall not be treated as a day of interruption of employment if it is a day in respect of which a person fails to prove, in such manner as the Authority shall require, that he is unemployed and capable of work and available for employment in an employed contributor's employment, or incapable of work, as the case may be;
- (b) a day shall not be treated as a day of unemployment if it is a day in respect of which a person is disqualified for receiving unemployment benefit;
- (c) a day shall not be treated as a day of incapacity for work if it is a day in respect of which a person is disqualified for receiving sickness benefit;
- (d) a day shall not be treated as a day of unemployment if it is a day in respect of which a person, notwithstanding that his employment has terminated, continues to receive wages or receives any payment by way of compensation for the loss of, and substantially equivalent to, the remuneration which he would have received for that day if the employment had not been terminated; and, for the purpose of this sub-paragraph, any day occurring within thirteen weeks of the termination of the employment in respect of which a person receives

payment by way of compensation for loss of remuneration, shall not be treated as a day of unemployment, if the payment of compensation for loss of remuneration in respect of that day exceeds the amount arrived at by deducting two-thirds of the benefit to which that person would be entitled if the day in question were a day of unemployment for which benefit was payable from two-thirds of the remuneration lost in respect of that day;

- (e) a day shall not be treated as a day of unemployment if on that day a person does no work, and -
  - (i) is on holiday; or
  - (ii) is a person who does not ordinarily work on every day in a week (exclusive of Sunday) but who has, in the week in which the said day occurs, been employed to the full extent normal in his case;
- (f) a day shall not be treated as a day of incapacity for work if on that day a person is attending at a training course approved by the Authority, and payment of training allowance is made by the States to the said person so attending for his attendance at that course;
- (g) a day shall not be treated as a day of incapacity for work if a person does any work on that day as an employed or self-employed person, other than such work as is referred to in sub-paragraph (iii) of paragraph (d) of regulation 9;
- (h) (subject to the provisions of regulation 6) a day shall not be treated as a day of unemployment if on that day an insured person is following any occupation (including any occupation in an employment which, in accordance with any provision of the Law and the regulations made thereunder relating to the classification of insured persons,

is to be disregarded) unless -

- (i) that occupation could ordinarily have been followed by him in addition to his usual employment and outside the ordinary working hours of that employment; and
- (ii) the earnings derived therefrom, in respect of that day, do not exceed three shillings and fourpence, or where the earnings are earned in respect of a period longer than a day, the earnings do not on the daily average exceed that amount.

(2) Notwithstanding the provisions of sub-paragraph (e) of the last preceding paragraph, in relation to an employed person whose employment is indefinitely suspended, any day or days of recognised or customary holiday in connection with the employment which has been suspended which occur during the period of suspension, being a period consisting of not less than twelve consecutive week days exclusive of such holidays, shall be treated as a day or days of unemployment, if they would have been so treated had his employment been terminated or treated as having been terminated at the date on which it was suspended.

Persons deemed to be available for employ-ment in an employed contributor's employment.

6. Notwithstanding the provisions of sub-paragraph (h) of paragraph (1) of the last preceding regulation, an insured person engaged in -

- (a) the manning or launching of a lifeboat; or
- (b) the performance of duty as a part time fireman in a fire brigade;

shall be deemed to be available for employment in an employed contributor's employment, and the provisions of the said sub-paragraph (h) shall not apply to him.

Reckoning of periods of interruption of employment.

7. For the purpose of reckoning periods of interruption of employment, but for that purpose only, -

- (a) any day in respect of which a woman is entitled to and is in receipt of maternity allowance

or attendance allowance shall (notwithstanding the provisions of sub-paragraph (c) of paragraph (1) of regulation 5) be treated as a day of incapacity for work;

- (b) a person shall be deemed to be available for employment in an employed contributor's employment on any such day as is referred to in sub-paragraph (f) of paragraph (1) of regulation 5 and any such day shall be treated as a day of unemployment.

Special provision relating to delay or failure in claiming or giving notice.

8. Notwithstanding anything contained in paragraph (1) of regulation 5, a person who, in respect of any period of interruption of employment, would have been entitled to unemployment or sickness benefit for any day but for any delay or failure to make or prosecute a claim or give a notice, shall, for the purposes of section 11 of the Law but subject to the proviso to subsection (4) of that section (which section relates to exhaustion of, and requalification for, benefit), be treated as having been entitled to benefit for that day.

Disqualifications for sickness benefit.

9. A person shall be disqualified for receiving sickness benefit for such period not exceeding six weeks as may be determined in the manner provided by the Determination of Claims and Questions Regulations if -

- (a) he has become incapable of work through his own misconduct, except that this disqualification shall not apply where the incapacity is due to venereal disease or, in the case of a woman who is not a wife, or, being a wife, is separated from her husband, to pregnancy;  
or
- (b) he fails without good cause, on receipt of not less than three clear days notice in writing given by the Authority requiring him to do so, to attend for, or to submit himself to, medical or other

examination at such place and time (of which two clear days notice shall be given) as may be subsequently communicated to him; or

(c) he fails without good cause to attend for, or to submit himself to, medical or other treatment: provided that this disqualification shall not apply to any failure to attend for or to submit to vaccination or inoculation of any kind or to a surgical operation, unless the failure is a failure to attend for or to submit to a surgical operation of a minor character, and is considered by the determining authority to be unreasonable; or

(d) he fails without good cause to observe any of the following rules of behaviour, namely:-

(i) to refrain from behaviour calculated to retard his recovery, and to answer any reasonable enquiries (not being enquiries relating to medical examination, treatment or advice) by the Authority or its officers directed to ascertaining whether he is doing so;

(ii) not to be absent from his place of residence without leaving word where he may be found;

(iii) to do no work for which remuneration is, or would ordinarily be, payable unless it is work which is undertaken under medical supervision as part of his treatment while he is a patient in or of a hospital or similar institution, and his earnings in respect of that work do not exceed twenty shillings a week.

Increase of benefit for dependent relative and further conditions applicable.

10. - (1) For the purposes of paragraph (b) of subsection (2) of section 24 of the Law (which paragraph relates to increase of unemployment benefit or sickness benefit for any period during which the beneficiary has residing with him and

is wholly or mainly maintaining such relative other than the husband or wife of the beneficiary as may be prescribed, being a relative in relation to whom such further conditions as may be prescribed are fulfilled), the relatives shall be the persons who bear any such relationship to the beneficiary as is specified in the First Schedule to these regulations, and shall not include any person who is a child, but shall include any person who is any such relative by adoption and any person who would be such a relative if some person born illegitimate had been born legitimate.

(2) The following further conditions shall apply in relation to any such relative as is mentioned in the foregoing paragraph:-

(a) A beneficiary shall not be entitled to an increase of benefit under the said subsection (2) in respect of any such relative for any period during which that relative -

- (i) is undergoing imprisonment or detention in legal custody; or
- (ii) (if a woman) is engaged in any gainful occupation or occupations from which her weekly earnings (calculated or estimated in such manner and on such basis as is prescribed (b) for the purposes of subsection (1) of the said section 24, which subsection relates to an increase of benefit in respect of a wife) exceed twenty shillings.

(b) Where any such relative is a man, the increase shall not be payable for any period other than a period during which he is incapable of self-support(c).

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(b) See National Insurance (Guernsey) (General Benefit) Regulations, 1952 (G.S.I. 1952 No. 42 ).  
(c) See s.68 (1), National Insurance (Guernsey) Law, 1951.

- (c) Where any such relative is a married woman, the increase shall not be payable for any period other than a period during which -
- (i) she is not residing with and is unable to obtain any financial assistance from her husband; or
  - (ii) her husband is incapable of self-support.
- (d) The increase shall not be payable for any period during which any such relative is absent from Guernsey, except in the case of sickness benefit for any period during which that relative is residing with the beneficiary outside Guernsey and for which, by virtue of the provisions of paragraph (1) of regulation 7 of the National Insurance (Guernsey) (Residence and Persons Abroad) Regulations, <sup>1952</sup> ~~1951~~, (d), the beneficiary is not disqualified for receiving that benefit.

Increase of benefit for female person having care of child.

11. For the purposes of paragraph (c) of subsection (2) of section 24 of the Law (which paragraph relates to increase of unemployment benefit or sickness benefit for a female person, not being a child, who has the care of a child or children of the beneficiary's family), the following further conditions shall apply in relation to any such female person:-

- (1) A beneficiary shall not be entitled to an increase of benefit under the said subsection (2) in respect of any such female person unless -
  - (a) she is residing with the beneficiary and is wholly or mainly maintained by him; or
  - (b) she is employed by the beneficiary in an employment from which her weekly earnings (calculated or estimated in such manner and on such basis as is prescribed for the purposes

of the said subsection (1) of section 24) are not less than sixteen shillings, and was so employed by him before he became unemployed or incapable of work, as the case may be, subject to the qualification that the condition of employment before that event shall not apply in a case where the necessity for her employment first arose thereafter.

(2) A beneficiary shall not be entitled to an increase of benefit under the said subsection (2) in respect of any such female person for any period during which that female person -

(a) is undergoing imprisonment or detention in legal custody; or

(b) is engaged in any gainful occupation or occupations (other than her employment by the beneficiary) from which her weekly earnings (calculated or estimated in such manner and on such basis as is prescribed for the purposes of the said subsection (1) of section 24), exceed, in the case of such a person who is residing with the beneficiary, twenty shillings, or, in any other case, thirty shillings; or

(c) is absent from Guernsey, except in the case of sickness benefit for any period during which she is residing with the beneficiary outside Guernsey and for which, by virtue of the provisions of paragraph (1) of regulation 7 of the National Insurance (Guernsey) (Residence and Persons Abroad) Regulations, <sup>1952,</sup> ~~1951,~~ the beneficiary is not disqualified for receiving that benefit.

(3) A beneficiary shall not be entitled to an increase of benefit under the said subsection (2) in respect of any such female person unless the beneficiary is entitled to an increase of benefit in respect of a child of his family as

specified in paragraph (c) of that subsection, or would be so entitled but for the provisions of any regulations for the time being in force under the Law relating to overlapping benefits.

Partial satisfaction of contribution conditions, and reduced rates of benefit.

12. - (1) Where a person would be entitled to unemployment or sickness benefit but for the fact that the relevant contribution conditions are not satisfied as respects the number of contributions paid or credited in respect of the relevant contribution year, he shall nevertheless be entitled to benefit in accordance with the next succeeding paragraph, if not less than twenty-six contributions of the appropriate class or their equivalent have been paid or credited in respect of the relevant contribution year.

(2) Where the full weekly rate of benefit or increase of benefit for an adult dependant under Part I of the Second Schedule to the Law is at one of the rates set out at the head of columns (2), (3), (4) and (5) of the Second Schedule to these regulations, then benefit or increase of benefit for an adult dependant shall be payable at the reduced rate specified in the appropriate column of the Second Schedule to these regulations which corresponds with the number of contributions paid or credited in the relevant contribution year as shown in column (1) of that Schedule.

(3) For the purposes of this regulation, the expression "the relevant contribution year" means the last complete contribution year before the beginning of the benefit year which includes the day for which benefit is claimed.

Dated this

6<sup>th</sup>

day of February, 1952.

(Signed) Wilfred J. Borbet,

President,  
States Insurance Authority  
on behalf of that Authority.

Regulation 10 (1)

FIRST SCHEDULE

PRESCRIBED RELATIONSHIPS

- (a) Lineal descendant or ascendant in a direct line, and
- (b) Stepfather, stepmother, stepson, stepdaughter, brother, sister, half-brother, half-sister, stepbrother, stepsister.

Regulation 12 (2)

SECOND SCHEDULE

Showing reduced rates of unemployment and sickness benefit and of increase of benefit in respect of adult dependants.

(1)	(2)	(3)	(4)	(5)
	Full weekly rate of benefit applicable under Part I of the Second Schedule to the Law.			
	s. d. 26 0	s. d. 20 0	s. d. 16 0	s. d. 15 0
Number of contributions paid or credited in the relevant contribution year.	Reduced rate at which benefit is payable.			
	s. d.	s. d.	s. d.	s. d.
48-49           ...	25 0	19 6	15 6	14 6
46-47           ...	24 0	19 0	15 0	14 0
43-45           ...	23 0	18 0	14 0	13 6
40-42           ...	21 0	16 6	13 0	12 6
37-39           ...	19 0	15 0	12 0	11 6
34-36           ...	17 0	13 6	11 0	10 6
30-33           ...	15 0	12 0	9 6	9 0
26-29           ...	13 0	10 0	8 0	7 6

EXPLANATORY NOTE

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

These Regulations contain various provisions relating to the payment of unemployment and sickness benefit.

The principal matters dealt with are the counting of contributions (other than those of the appropriate class) for the purposes of unemployment and sickness benefit (regulation 2); the deeming of persons to be incapable of work (regulation 3); the position of night workers (regulation 4); the days which are or are not to be

treated as days of unemployment or incapacity for work (regulations 5 and 7); the position of lifeboatmen and part time firemen (regulation 6); failure to claim or give a notice in order to avoid the necessity for requalification (regulation 8); disqualifications for sickness benefit (regulation 9); the position in relation to adult dependants (regulations 10 and 11); and the payment of benefit at reduced rates in the case of deficient contribution records (regulation 12).