

GUERNSEY
STATUTORY INSTRUMENT
1952 No. 44

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Repealed by the Social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

NATIONAL INSURANCE

THE NATIONAL INSURANCE (GUERNSEY) (CLASSIFICATION)
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 section 1 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) (Classification) 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;

"nurse" means any person within the class of persons who, in the United Kingdom, under section 7 of the Nurses Act, 1943, or section 7 of the Nurses (Scotland) Act, 1943, and any regulations made thereunder may lawfully be supplied from an agency for the supply of nurses or a registered midwife within the meaning of the Ordinance entitled "The Midwives Ordinance, 1950 (No. X of 1950)";

"hospital" means any institution for the reception and treatment of persons suffering from illness or mental defectiveness, any maternity home, and any institution for the reception and treatment

of persons during convalescence or persons requiring medical rehabilitation, and includes clinics, dispensaries and out-patient departments maintained in connection with any such institution or home as aforesaid;

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.

Classifica-
tion of
insured
persons.

2. For the purposes of the Law, the classification of insured persons shall be modified in manner following, that is to say:-

(1) Subject to the provisions of paragraphs (2) and (3) of this regulation, every insured person shall, in respect of any employment specified in any paragraph of column (A) of Part I of the First Schedule to these regulations, be treated as an employed person in so far as he is gainfully occupied in such employment and is not a person specified in the corresponding paragraph of column (B) of that Part.

(2) Subject to the provisions of paragraph (3) of this regulation, every insured person shall, in respect of any employment specified in any paragraph of column (A) of Part II of the said First Schedule, be treated as a self-employed person in so far as he is gainfully occupied in such employment and is not a person specified in the corresponding paragraph of column (B) of that Part.

(3) Every insured person shall, in respect of any employment specified in any paragraph of column (A) of Part III of the said First Schedule, be treated as a non-employed person, and any such employment shall be disregarded, in so far as he is not a person specified in the corresponding paragraph of column (B) of that Part.

Employments treated as continuing. 3. For the purposes of the Law, the employment of a person shall be treated as continuing in the circumstances specified in the Second Schedule to these regulations.

Special provisions with respect to persons declared by Royal Court to be included in a particular class of insured persons. 4. - (1) Where, under the provisions of the Law relating to references and appeals to the Royal Court(a), the Royal Court decide any question as to the class of insured persons in which a person is to be included, and that decision is inconsistent with some previous determination of a question by the Authority^(a), then, if the Authority is satisfied that contributions of a prior class have been paid by or in respect of any person by reason of that determination or in the reasonable belief that that determination was applicable, it may, if it appears to it that it would be in the interests of the person by or in respect of whom such contributions have been paid, or of any claimant or beneficiary by virtue of that person's insurance, so to do, direct that that person shall be treated as though he had been included in the class of insured persons corresponding to the contributions paid during any contribution weeks for which contributions of a prior class were so paid before the date on which the decision of the Royal Court was given, and, if such a direction is given, that person shall be deemed to have been included in that class accordingly for any such weeks.

(a) See s.39(5), National Insurance (Guernsey)

(2) In any case where the Authority, on new facts being brought to its notice, has revised a determination of a question previously given by it, the provisions of this regulation shall apply with the necessary modifications in the same manner as they apply where the Royal Court have given a decision inconsistent with a determination previously given by the Authority.

(3) In this regulation, the expression "contributions of a prior class" means, in relation to a non-employed person, contributions as an employed or self-employed person and employer's contributions, and, in relation to a self-employed person, contributions as an employed person and employer's contributions.

Effect of
Regulations
for the
purposes of
section 24
of the Law.

5. The provisions of these regulations shall not have effect for the purpose of the determination of any question whether a person is or is not engaged in a gainful occupation which arises under section 24 of the Law (which section relates to increase of benefit for adult dependants) or any regulations^(b) made thereunder.

Dated this 6th day of February, 1952.

(Signed) Wilfred J. Borbel,

President,
States Insurance Authority
on behalf of that Authority.

(b) See regs. 10 and 11, National Insurance (Guernsey) (Unemployment and Sickness Benefit) Regulations, 1951, 1952 (G.S.I. 1952 No. 4).

FIRST SCHEDULE

Regulation 2

Part I

Employments in respect of which, subject to the provisions of regulation 2 and to the exceptions in column (B) of this Part, persons are treated as employed persons.

Persons excepted from the operation of column (A).

(A)

(B)

1. Employment under the States of Guernsey or the States of Alderney or a parochial authority in Guernsey or employment partly under any of those bodies and partly under the Crown notwithstanding that it is not employment under a contract of service.

1. The Bailiff of Guernsey for the time being and any person in employment specified in paragraph 1 of column (A) where the service ordinarily performed by the person in that employment (or, if he is employed in more than one such employment, the aggregate service performed by him in those employments) is part-time service only,

or where that employment is -

(a) as a chaplain or other minister of religion;

(b) otherwise than as an officer or servant of the States of Guernsey or the States of Alderney or a parochial authority.

2. Employment of a medical practitioner or a dental practitioner in which he is wholly or mainly engaged and is remunerated by salary.

2. None.

3. Employment of a nurse (as defined in regulation 1 (2)) as nurse for the sick or as midwife, notwithstanding

3. Any person in employment specified in paragraph 3 of column (A) in any contribution week in which that

Employments in respect of which, subject to the provisions of regulation 2 and to the exceptions in column (B) of this Part, persons are treated as employed persons.

Persons excepted from the operation of column (A).

(A)

ing that the employment is not under a contract of service.

(B)

person is not exclusively so employed by one employer for at least one day.

Part II

Employments in respect of which, subject to the provisions of regulation 2 and to the exceptions in column (B) of this Part, persons are treated as self-employed persons.

Persons excepted from the operation of column (A).

(A)

(B)

4. Employment of a person in any employment by virtue of which he would but for the provisions of this paragraph be an employed person, if -

4. None.

(a) the person is not ordinarily resident in Guernsey; and

(b) the employer of that person is not so ordinarily resident, and has no place of business in Guernsey.

5. Employment of a casual nature.

5. Any person in employment specified in paragraph 5 of column (A) where that employment is either -

(a) for the purposes of the employer's trade or business; or

(b) of a nurse (as defined in regulation 1(2)) as nurse for the sick or as midwife in any contribution week in which the nurse is exclusively so employed by one employer for at least one day.

Employments in respect of which, subject to the provisions of regulation 2 and to the exceptions in column (B) of this Part, persons are treated as self-employed persons.

Persons excepted from the operation of column (A).

(A)

(B)

6. Employment in or about a church or other place of religious worship as (a) organist, (b) caretaker, (c) sexton or (d) verger, including duties incidental to the employment.

6. Any person (not being a person mainly dependent for his livelihood on his earnings from other employment as a self-employed person) whose weekly earnings from any one or more of the employments specified in paragraph 6 of column (A) are ordinarily twenty shillings or more.

7. Employment as a sub-postmaster remunerated by scale payment.

7. Any person who renders on the average 18 or more hours' personal service weekly as a sub-postmaster remunerated by scale payment and is not mainly dependent for his livelihood on the earnings derived by him from any occupation other than employment under the Postmaster General.

8. Employment (not being employment specified in paragraphs 9 and 10 of column (A)) of a person by any one employer on any day or days in any contribution week on which that person renders services in that employment where such services are rendered for less than 4 hours in that week.

8. None.

Employments in respect of which, subject to the provisions of regulation 2 and to the exceptions in column (B) of this Part, persons are treated as self-employed persons.

Persons excepted from the operation of column (A).

(A)

(B)

9. Employment of a person in cleaning or other domestic work by any one employer on any day or days in any contribution week on which that person renders services, where such services are rendered for less than eight hours in that week.

9. None.

10. Employment of a person in the supervision of the consumption of school meals provided mainly for day pupils by an education authority or other school governors or managers on any day or days in any contribution week on which that person renders services, where such services are rendered for less than eight hours in that week.

10. None.

11. Employment as an agent paid by commission or fees or a share in the profits, or partly in one and partly in another of such ways, where the person so employed is mainly dependent for his livelihood on his earnings from some occupation other than

11. None.

Employments in respect of which, subject to the provisions of regulation 2 and to the exceptions in column (B) of this Part, persons are treated as self-employed persons.

Persons excepted from the operation of column (A).

(A)

(B)

employment as such an agent, or where he is ordinarily employed as such agent by more than one employer, and his employment under no one of such employers is that on which he is mainly dependent for his livelihood.

12. Employment under a contract of service by the insured person's wife for the purposes of a trade or business.

12. None.

13. Employment of a nurse (as defined in regulation 1 (2)) as nurse for the sick or as midwife in any contribution week in which the nurse is not exclusively so employed by one employer for at least one day.

13. None.

Part III

Employments in respect of which, subject to the exceptions in column (B) of this Part, persons are treated as non-employed persons and their employment therein disregarded.

Persons excepted from the operation of column (A).

(A)

(B)

14. Any employment or employments as a self-employed person (including any employment in respect of which a person is, under these regulations, treated as a self-employed person) where the insured person is not ordinarily gainfully occupied in any such employment or employments or where the weekly earnings (or, where there is more than one such employment, the aggregate weekly earnings) derived therefrom are ordinarily less than twenty shillings.

14. None.

15. Employment of a person by any one employer in any contribution week -

15. None.

(a) on the Sunday where services (not exceeding in length a normal working day) are rendered in that employment only on that day in that week and that person is also employed by the same employer on the Monday of

Employments in respect of which, subject to the exceptions in column (B) of this Part, persons are treated as non-employed persons and their employment therein disregarded.

Persons excepted from the operation of column (A).

(A)

(B)

the succeeding
contribution week; or

(b) on the Monday where services (not exceeding in length a normal working day) are rendered in that employment only on that day in that week and that person has also been employed by the same employer only on the Saturday, or on the Friday and the Saturday, and on the Sunday in the preceding contribution week.

16. Employment by the father, mother, grandfather, grandmother, stepfather, stepmother, son, daughter, grandson, granddaughter, stepson, stepdaughter, brother, sister, half-brother or half-sister of the insured person, in so far as the employment -

(a) is employment in a private dwelling-house in which both the insured person and the employer reside; and

(b) is not employment for the purposes of any trade or business carried on there by the employer.

16. None.

Employments in respect of which, subject to the exceptions in column (B) of this Part, persons are treated as non-employed persons and their employment therein disregarded.

Persons excepted from the operation of column (A).

(A)

(B)

17. Employment by the insured person's wife otherwise than for the purposes of a trade or business whether or not under a contract of service.

17. None.

18. Employment of a married woman (whether or not under contract of service) by, or as partner of, or in any similar association with, her husband.

18. Any person employed as specified in paragraph 18 of column (A), where her employment is as partner of, or in any similar association with, her husband in a trade or business, and she is ordinarily engaged in that business for not less than twenty-four hours in a contribution week.

19. Employment as a special constable save when such employment is regular full-time employment.

19. None.

20. Employment, involving part-time service only, as a member of a fire brigade.

20. None.

21. Employment, involving part-time service only, in the operation of a life-boat and in any duties ancillary to such operation.

21. None.

22. Employment, involving part-time service only, in

22. None.

Employments in respect of which, subject to the exceptions in column (B) of this Part, persons are treated as non-employed persons and their employment therein disregarded.

Persons excepted from the operation of column (A).

(A)	(B)
connection with the relief of light keepers or otherwise in attendance upon lighthouses.	
23. Employment as secretary or clerk of a society, club, committee, philanthropic institution, school or other similar body or institution, where personal service is ordinarily required only occasionally or outside the ordinary hours of work.	23. None.
24. Employment, involving part-time service only, in the performance of clerical duties after 6 p.m. or outside the ordinary hours of work.	24. None.
25. Employment as a caretaker in respect of which no wages are paid, or other money payments made, either by the employer or by any other person.	25. None.
26. Employment, involving part-time service only, as a caretaker of, or key-keeper at, ancient monuments.	26. None.
27. Employment, involving part-time service only, as a leader, helper or instructor in an institution of further	

Employments in respect of which, subject to the exceptions in column (B) of this Part, persons are treated as non-employed persons and their employment therein disregarded.

Persons excepted from the operation of column (A).

(A)

(B)

education, including a voluntary youth club where personal service is required only outside the ordinary hours of work.

28. Employment, involving part-time service only, in or about a theatre, cinema, music-hall or any place ordinarily used for public dancing or music or other public entertainment of a like kind as -

- (a) an attendant engaged for the comfort, convenience or safety of the public admitted thereto; or
- (b) - (i) check-taker, (ii) money-taker, (iii) flyman, (iv) property-man, (v) stage hand, (vi) supernumerary, (vii) lighting operator, (viii) call boy or (ix) dresser.

29. Employment, involving part-time service only, as a sick visitor by or on behalf

27 to 29. Any person (not being a person mainly dependent for his livelihood from employment as a self-employed person) whose weekly earnings from any one of the employments specified in paragraphs 27 to 29 of column (A) are ordinarily twenty shillings or more.

Employments in respect of which, subject to the exceptions in column (B) of this Part, persons are treated as non-employed persons and their employment therein disregarded.

Persons excepted from the operation of column (A).

(A)

(B)

of a society or other body providing benefits to its members during sickness, or a branch of any such society or body.

SECOND SCHEDULE

Regulation 3

Circumstances in which employment is treated as continuing.

Where an insured person is employed as a self-employed person and is ordinarily so employed, that employment shall be treated as continuing unless and until he is no longer ordinarily employed in any gainful occupation in Guernsey (other than an employment specified in Part III of the First Schedule to these regulations which is to be disregarded):

Provided that -

- (a) any week during the whole or part of which he is engaged in an employed contributor's employment shall (subject to the provisions of paragraph (b) of this proviso) not be taken into account for the purposes of this Schedule;
- (b) this Schedule shall cease to apply to a person if and when in a period of thirteen consecutive weeks he has been engaged in an employed contributor's employment for ten of those weeks.

EXPLANATORY NOTE

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

These Regulations modify the classification of certain insured persons in specified employments with the result that, according to circumstances, persons who would otherwise be employed persons are treated either as self-employed persons or non-employed persons, and persons who would otherwise be self-employed persons are treated either as employed persons or non-employed persons. Non-employed persons are not reclassified (regulation 2 and First Schedule).

Provision is made for continuing the status of a self-employed person until the happening of certain specified events (regulation 3 and Second Schedule).

Provision is also made for the special classification of persons following a decision of the Royal Court or a revised decision of the Authority so as to enable the original classification to stand where this would be in the interests of the person concerned (regulation 4).

The remaining provisions are of a consequential character.