

GUERNSEY STATUTORY INSTRUMENT

2016 No. 57

**The Social Insurance (Contributions) (Amendment)
Regulations, 2016**

Made

6th December, 2016

Coming into operation

1st January, 2017

Laid before the States

, 2017

THE COMMITTEE FOR EMPLOYMENT & SOCIAL SECURITY, in exercise of the powers conferred on it by sections 3, 6, 8, 11, 15, 29(3) and 116 of the Social Insurance (Guernsey) Law, 1978^a, and of all other powers enabling it in that behalf, hereby makes the following Regulations:-

Amendment of the Social Insurance (Contributions) Regulations, 2000.

1. The Social Insurance (Contributions) Regulations, 2000^b are amended as follows.

^a Ordres en Conseil Vol. XXVI, p. 292; Vol. XXVII, pp. 238, 307 and 392; Vol. XXIX, pp. 24, 148 and 422; Vol. XXXII, p. 59; Vol. XXXIV, pp. 397 and 510; Vol. XXXV(1), p. 161; Vol. XXXVI, pp. 123 and 343; Vol. XXXVIII, p. 59; Vol. XXXIX, p. 107; Vol. XL, p. 351; Vol. XLI, p. 267; Vol. XLII (2), p. 1230; Vol. XLIII (2), p. 813 and Vol. XLIV (1), p. 262; Orders in Council No. XVIII of 2007 and No. III of 2016; Ordinance No. XIV of 1993 (Tome XXVI, p. 177), Ordinance No. XLII of 2009, Ordinance No. XVII of 2011, Ordinance No. XXXVIII of 2012 and the Social Insurance (Guernsey) Law (Amendment) Ordinance, 2016.

^b G.S.I. No. 49 of 1999; Nos. 3 and 43 of 2001; No. 49 of 2002; No. 40 of 2003; No. 37 of 2005; No. 49 of 2006; No. 23 of 2007; No. 65 of 2008; No. 90 of 2009; Nos. 43 and 73 of 2012 and No. 101 of 2014.

2. In the Arrangement of Regulations –

- (a) in the heading to regulation 13, for "maternity allowance", substitute "maternal health allowance, newborn care allowance and parental allowance", and
- (b) in the headings to regulations 33, 39 and 51, for "maternity allowance", substitute "maternal health allowance, newborn care allowance, parental allowance".

3. In regulation 12(4) –

- (a) delete the words "No person who has exercised any right to elect not to be liable to pay a contribution shall be entitled to receive a contribution credit under this regulation for any period during which such an election is in force, and", and
- (b) for "no" substitute "No".

4. In regulation 13 –

- (a) in the heading, for "maternity allowance" substitute "maternal health allowance, newborn care allowance and parental allowance",
- (b) before the words "Subject to the provisions of these Regulations", insert "(1)",
- (c) in paragraph (1) (as created further to paragraph (b) of this Regulation) –
 - (i) for "woman in receipt of a maternity allowance", substitute "person in receipt of a

maternal health allowance, newborn care allowance or parental allowance", and

(ii) in subparagraph (a), for "she" substitute "that person", and

(d) immediately after paragraph (1) (as created further to paragraph (b) of this Regulation) insert the following paragraphs –

"(2) Where the contribution conditions for the receipt of maternal health allowance, newborn care allowance or parental allowance are not satisfied they shall be deemed to be satisfied in respect of this regulation where it has been determined by or on behalf of the Committee that an insured person would be liable to pay a contribution of the appropriate class.

(3) No credit shall be awarded to a person liable to pay a Class 3 contribution unless the person is entitled to receive the benefit claimed, in which case the person shall be credited with a contribution of the class paid, or predominantly paid, in the relevant contribution year.

(4) Where no claim for maternal health allowance, newborn care allowance or parental allowance has been made, it shall be a condition of an insured person's right to be credited with a contribution for any week under the provisions of these regulations that the person shall furnish to the Authority a notice in writing of the grounds on which a contribution should be credited before the end of the benefit year immediately following the contribution year which includes the week in question or within such longer period as the Committee may in a particular case allow.

(5) For the purposes of section 28B(2) of the Law, any period during which, under paragraph (2) of this regulation, contribution conditions are deemed to be satisfied in the case of –

- (a) a woman who does not satisfy the contribution conditions for the receipt of maternal health allowance, or
- (b) a person who does not satisfy the contribution conditions for the receipt of newborn care allowance,

shall be deemed to form part of the relevant period.

(6) In paragraph (5), the "**relevant period**" means –

- (a) in the case of maternal health allowance, the period during which a maternal health allowance has been paid in respect of a child, and
- (b) in the case of newborn care allowance, the continuous period of 26 weeks during which a newborn care allowance is payable.

(7) For the purposes of section 28C(2) of the Law, any period during which, under paragraph (2) of this regulation, contribution conditions are deemed to be satisfied in the case of a person who does not satisfy the contribution conditions for the receipt of parental allowance shall be deemed to form part of the continuous period of 26 weeks during which a parental allowance is payable."

5. In regulation 33 –

- (a) in the heading, for "maternity allowance" substitute "maternal health allowance, newborn care allowance, parental allowance", and

- (b) in paragraph (1), for "maternity allowance" substitute "maternal health allowance, newborn care allowance, parental allowance".

6. In regulation 36, for "maternity allowance" substitute "maternal health allowance, newborn care allowance, parental allowance".

7. In regulation 39, in the heading, for "maternity allowance" substitute "maternal health allowance, newborn care allowance, parental allowance".

8. In regulation 51 –

- (a) in the heading, for "maternity allowance" substitute "maternal health allowance, newborn care allowance, parental allowance", and

- (b) in paragraph (1), for "maternity allowance" substitute "maternal health allowance, newborn care allowance, parental allowance".

Interpretation.

9. (1) In these Regulations, unless the context requires otherwise –

"**enactment**" includes a Law, an Ordinance and any subordinate legislation and includes any provision or portion of a Law, an Ordinance or any subordinate legislation, and

"**subordinate legislation**" means any regulation, rule, order, rule of court, resolution, scheme, byelaw or other instrument made under any statutory, customary or inherent power and having legislative effect, but does not include an Ordinance.

(2) Any reference in these Regulations to an enactment is a reference thereto as from time to time amended, re-enacted (with or without modification) extended or applied.

(3) The Interpretation (Guernsey) Law, 1948^c applies to the interpretation of these Regulations as it applies to the interpretation of an enactment.

Extent.

10. These Regulations shall have effect in the Islands of Guernsey, Alderney, Herm and Jethou.

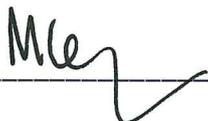
Citation and commencement.

11. These Regulations may be cited as the Social Insurance (Contributions) (Amendment) Regulations, 2016 and shall come into force on the 1st January, 2017.

Dated this 6th day of December, 2016.

M. LE CLERC

President of the States Committee for Employment & Social Security
For and on behalf of the Committee



EXPLANATORY NOTE

(This note is not part of the Regulations)

With effect from 1st January 2017, the provisions of the Social Insurance (Guernsey) Law, 1978 (“the 1978 Law”) relating to maternity allowance will be repealed. From this date, maternity allowance will be replaced with the new benefits known as maternal health allowance and newborn care allowance and an equivalent benefit, known as parental allowance, will be available to adoptive parents.

^c Ordres en Conseil Vol. XIII, p. 355.

These Regulations replace references in the Social Insurance (Contributions) Regulations, 2000 to “maternity allowance” with references to “maternal health allowance, newborn care allowance and parental allowance”. They provide for contribution credits to be awarded to people who do not satisfy the contribution conditions for the receipt of maternal health allowance, newborn care allowance or parental allowance. They also provide that where contributions are credited to a person who does not satisfy the contribution conditions for the receipt of maternal health allowance, newborn care allowance or parental allowance, they shall be deemed to be paid for the purpose of determining the period for which a newborn care allowance or parental allowance is payable, as appropriate.

These Regulations come into force on the 1st day of January, 2017.