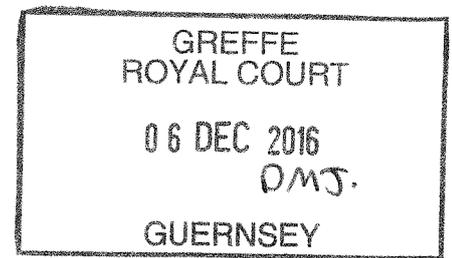


GUERNSEY STATUTORY INSTRUMENT
2016 No. 61



**The Social Insurance (Residence and Persons Abroad)
(Guernsey) (Amendment) Regulations, 2016**

<i>Made</i>	<i>6th December, 2016</i>
<i>Coming into operation</i>	<i>1st January, 2017</i>
<i>Laid before the States</i>	<i>, 2017</i>

THE COMMITTEE FOR EMPLOYMENT & SOCIAL SECURITY, in exercise of the powers conferred on it by sections 1, 6, 8, 15, 98 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 (Residence and Persons Abroad) (Guernsey) Regulations, 1978.

1. The Social Insurance (Residence and Persons Abroad) (Guernsey) Regulations, 1978^b are amended as follows.

2. In regulation 1(1) –

(a) immediately before the definition of "contributions" insert -

"adoption agency" has the same meaning as in the Maternity Leave and Adoption Leave (Guernsey) Ordinance, 2016,"

^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. 25 of 1978; Nos. 5 and 27 of 1995; No. 52 of 1999; No. 52 of 2002; No. 42 of 2003; No. 50 of 2006 and No. 91 of 2009.

(b) immediately after the definition of "**mariner**" insert -

"**Pensionable age**" has the same meaning as in the Law;".

3. In subparagraph (b) of Regulation 3(2), for "the age of sixty-five" substitute "Pensionable age".

4. In regulation 6 -

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

(b) in paragraph (2) for "maternity allowance", substitute "maternal health allowance", and

(c) after paragraph (2) insert the following paragraphs -

"(3) A person shall not be disqualified for receiving newborn care allowance by reason of being absent from Guernsey if maternal health allowance was payable in respect of the child.

(4) A person shall not be disqualified for receiving parental allowance by reason of being absent from Guernsey if -

(a) payment of parental allowance commenced before the person's departure, or

(b) the person is absent for the purposes of adopting a child -

(i) through an adoption agency which is not located in Guernsey or Alderney, or

(ii) where -

(A) the child is the subject of an overseas adoption for the

purposes of the Adoption (Designation of Overseas Adoptions) Ordinance, 1978, and

- (B) during the absence the person has not become insurable under the legislation of another country."

5. In subparagraph (k) of regulation 11 for the words "maternity benefit", substitute "maternal health allowance".

Interpretation.

6. (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.

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

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

Citation and commencement.

8. These Regulations may be cited as the Social Insurance (Residence and Persons Abroad) (Guernsey) (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)

These Regulations set out the exceptions to the general disqualification for the receipt of maternal health allowance, newborn care allowance and parental allowance by reason of being absent from Guernsey, as provided for under section sixty-seven of the Social Insurance (Guernsey) Law, 1978.

These Regulations also substitute a reference to “maternity benefit” with “maternal health allowance”, which is one of the new parental benefits which will replace the current maternity benefits with effect from 1 January 2017.

These Regulations also replace a reference to “the age of 65 years” with the term “Pensionable age”. This change is necessary because Pensionable age, which is currently 65 years, will start to increase incrementally in 2020.

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