

GUERNSEY STATUTORY INSTRUMENT

2018 No. 45

**The Social Insurance (Collection of Contributions)
(Transfer of Functions) Regulations, 2018**

<i>Made</i>	26 th September, 2018
<i>Coming into operation</i>	22 nd October, 2018
<i>Laid before the States</i>	, 2018

THE POLICY & RESOURCES COMMITTEE and the **COMMITTEE FOR EMPLOYMENT & SOCIAL SECURITY**, acting jointly in exercise of the powers conferred on them by sections 3 and 4 of the States (Reform) (Guernsey) Law, 2015^a and all other powers enabling them in that behalf, hereby make the following Regulations:-

Transfer of functions under Social Insurance Law.

1. The functions, rights and liabilities of the Committee for Employment & Social Security and of its President and members relating to the collection of social insurance contributions arising under or by virtue of the Social Insurance (Guernsey) Law, 1978^b (the "**Social Insurance Law**"), any Ordinance or regulations made thereunder and any other enactment are transferred to and vested in, respectively, the Policy & Resources Committee and its President and members.

^a Order in Council No. XVII of 2015

^b Ordres en Conseil Vol. XXVI, p. 292.

Amendment of statutory references to Committee for Employment & Social Security.

2. For any reference in the Social Insurance Law, any Ordinance or regulations made thereunder and any other enactment to the Committee for Employment & Social Security or its President or members, however expressed, there is substituted, to the extent that the reference relates to the collection of social insurance contributions, a reference to the Policy & Resources Committee or (as the case may be) its President or members.

Savings and transitional provisions.

3. Anything done before the date of commencement of these Regulations or in the process of being done on that date by or in relation to the Committee for Employment & Social Security or its President or members under or by virtue of the Social Insurance Law, any Ordinance or regulations made thereunder or any other enactment shall have effect as if done or (as the case may be) may be continued by or in relation to the Policy & Resources Committee or (as the case may be) its President or members, to the extent that the thing done or in the process of being done relates to the collection of social insurance contributions.

Committee for Employment and Social Security may not continue to exercise the functions.

4. For the purposes of section 3(4)(b) of the States (Reform) (Guernsey) Law, 2015, the Committee for Employment & Social Security and its President may not continue to exercise the functions referred to in regulation 1 while these Regulations remain in force.

Certain functions not affected.

5. (1) These Regulations do not empower the Policy & Resources Committee to perform any legislative function of the Committee for Employment & Social Security.

(2) These regulations do not transfer the function of the Committee for Employment & Social Security under section 74(1)(a) of the Social Insurance Law to determine the question of whether the contribution conditions for any benefit are satisfied to the Policy & Resources Committee.

Interpretation.

6. (1) In these Regulations, unless the context requires otherwise -

"benefit" means benefit under the Social Insurance Law and any Ordinance or regulations made thereunder,

"collection of social insurance contributions" means -

(a) the functions of collection and recovery of, and enforcement of liability to pay, social insurance contributions,

(b) the function of the classification of insured persons, and

(c) all consequential, incidental, supplementary and ancillary functions, including (without limitation) -

(i) the function of the Committee for Employment & Social Security -

(A) under section 74(1)(a) of the Social Insurance Law to determine questions (not being questions of whether the contribution conditions for any benefit are satisfied, as to which see regulation

5(2) above) otherwise relating to a person's contributions,

(B) under section 74(1)(c) of the Social Insurance Law to determine questions as to the class of insured persons in which a person is to be included and as to the liability of an insured person to pay contributions of any class, and

(C) under section 76 of the Social Insurance Law to review any decision described in item (A) or (B), and

(ii) the functions of the obtaining, receipt, keeping, disclosure and exchange of information in respect of or relevant to -

(A) social insurance contributions,

(B) the collection and recovery of, and enforcement of liability to pay, such contributions, or

(C) the classification of insured persons,

arising under or by virtue of sections 111 to 112A of the Social Insurance Law, section 206A of the Income Tax (Guernsey) Law, 1975 and any other enactment,

"enactment" means any Law, Ordinance or subordinate legislation,

"function" includes every power and duty which is or may be given to or imposed on a Committee, whether by an enactment, resolution of the States, rule of law, custom or otherwise,

"legislative function" means a power to make any subordinate legislation,

"social insurance contributions" means contributions payable under the Social Insurance Law and any Ordinance or regulations made thereunder,

"Social Insurance Law" means the Social Insurance (Guernsey) Law, 1978,

"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,

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

(2) The Interpretation (Guernsey) Law, 2016^c applies to the interpretation of these Regulations.

(3) 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.

^c Order in Council No. V of 2018

Extent.

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

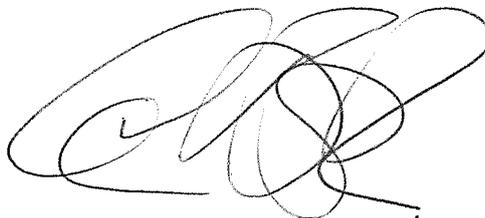
Citation.

8. These Regulations may be cited as the Social Insurance (Collection of Contributions) (Transfer of Functions) Regulations, 2018.

Commencement.

9. These Regulations shall come into force on the 22nd October, 2018.

Dated this 26th day of September, 2018



G. A. ST PIER

President of the Policy & Resources Committee

For and on behalf of the Committee



M. K. LE CLERC

President of the Committee for Employment & Social Security

For and on behalf of the Committee

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations transfer the functions of the Committee for Employment & Social Security relating to the collection of social insurance contributions under the Social Insurance (Guernsey) Law, 1978 to the Policy & Resources Committee. It is intended that those functions will be performed, on behalf of the Policy & Resources Committee, by the Director of Income Tax (to whom the functions will be delegated under the Public Functions (Transfer and Performance) (Bailiwick of Guernsey) Law, 1991) until the establishment of the new office of Director of the Revenue Service, to which the collection of contribution functions will then be assigned.

These Regulations come into force on the 22nd October, 2018.