

GUERNSEY STATUTORY INSTRUMENT

ENTITLED

The Social Insurance (Residence and Persons Abroad) (Guernsey) Regulations, 1978 *

[CONSOLIDATED TEXT]

NOTE

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* G.S.I. No. 25 of 1978; as amended by the: Guernsey Social Security Authority (Transfer of Functions) Ordinance, 1993 (Recueil d'Ordonnances Tome XXVI, p. 177); Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003, Recueil d'Ordonnances Tome XXIX, p. 406); Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016 (No. IX of 2016); Same-Sex Marriage (Consequential and Miscellaneous Amendments and Contrary Provisions) (Guernsey) Ordinance, 2017 (No. XIII of 2017); Same-Sex Marriage (Consequential and Miscellaneous Amendments and Contrary Provisions) (Alderney) Ordinance, 2018 (Alderney Ordinance No. VIII of 2018); Social Insurance (States Pension) (Amendment) (Guernsey) Ordinance, 2021 (No. ** of 2021); Social Insurance (Residence and Persons Abroad) (Amendment) (Guernsey) Regulations, 1986 (G.S.I. No. 35 of 1986); Social Insurance (Residence and Persons Abroad) (Amendment) (Guernsey) Regulations, 1995 (G.S.I. No. 5 of 1995); Social Insurance (Residence and Persons Abroad) (Amendment) (No. 2) (Guernsey) Regulations, 1995 (G.S.I. No. 27 of 1995); Social Insurance (Residence and Persons Abroad) (Amendment) Regulations, 1999 (G.S.I. No. 52 of 1999); Social Insurance (Residence and Persons Abroad) (Guernsey) (Amendment) Regulations, 2002 (G.S.I. No. 52 of 2002); Social Insurance (Residence and Persons Abroad) (Amendment) Regulations, 2003 (G.S.I. No. 42 of 2003); Social Insurance (Residence and Persons Abroad) (Amendment) (Guernsey) Regulations, 2006 (G.S.I. No. 50 of 2006); Social Insurance (Residence and Persons Abroad) (Guernsey) (Amendment) Regulations, 2009 (G.S.I. No. 91 of 2009); Social Insurance (Residence and Persons Abroad) (Guernsey) (Amendment) Regulations, 2016 (G.S.I. No. 61 of 2016); Social Insurance (Miscellaneous Amendments) (Incapacity Benefit) Regulations, 2017 (G.S.I. No. 70 of 2017). See also the: Social Insurance (Industrial Injuries Benefits) (Guernsey) Regulations, 1978 (G.S.I. No. 31 of 1978); Social Insurance (Collection of Contributions) (Transfer of Functions) Regulations, 2018 (G.S.I. No. 45 of 2018).

GUERNSEY STATUTORY INSTRUMENT

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The Social Insurance (Residence and Persons Abroad) (Guernsey) Regulations, 1978

ARRANGEMENT OF REGULATIONS

1. Interpretation.
2. Condition as to residence in Guernsey.
3. Payment of contributions in respect of periods abroad.
4. Class 2 and Class 3 contributions in respect of periods outside Guernsey.
5. Crediting of contributions in respect of periods outside Guernsey.
6. Modifications of the Law in relation to sickness benefit, incapacity benefit, industrial injury benefit and, maternal health allowance, newborn care allowance and parental allowance.
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Explanatory Note.

(Made on 4th December, 1978.)

The Social Insurance (Residence and Persons Abroad) (Guernsey) Regulations, 1978

THE STATES INSURANCE AUTHORITY, in exercise of the powers conferred upon it by section one, section twenty-seven, section thirty seven, section sixty-seven and section ninety-eight of the Social Insurance (Guernsey) Law, 1978, and by Part II of the Fourth Schedule to that Law, and in exercise of all other powers enabling it in that behalf, hereby orders:-

Interpretation.

1. (1) In these regulations, except where the context otherwise the following expressions have the meanings hereby respectively assigned to that is to say –

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

"**contributions**" has the same meaning as in the Law,

"**the Contributory Pensions Laws**" means the Contributory Pensions (Guernsey) Laws, 1955 to 1962,

["**Guernsey ship**" means a ship or vessel registered in Guernsey of which the owner (or managing owner if there is more than one owner) or the manager resides or has his principal place of business in Guernsey,]

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

["**manager**" means, in relation to any ship or vessel, the ship's husband

or other person to whom the management of the ship or vessel is entrusted by or on behalf of the owner; and references to the owner of a ship or vessel shall, in relation to a ship or vessel which has been demised, be construed as referring to the person for the time being entitled as charterer to possession and control of the ship or vessel, by virtue of the demise or any sub-demise,]

["**mariner**" means a person who is or has been employed under a contract of service either as master or a member of the crew of any ship or vessel, or in any other capacity on board any ship or vessel where –

- (a) the employment in that other capacity is for the purposes of the ship or vessel or her crew or of any passengers or cargo or mails carried thereby, and
- (b) the contract is entered into in Guernsey with a view to its performance (in whole or in part) while the ship or vessel is on her voyage,]

["**Pensionable age**" has the same meaning as in the Law,]

"**share fisherman**" means any person who is a share fisherman within the meaning of the Social Insurance (Classification) (Guernsey) Regulations, 1978,

"**week**" means a contribution week,

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

(2) Except where the context otherwise requires, any reference in these regulations to any enactment or regulations shall be construed as including a reference to that enactment or those regulations, as the case may be, as amended,

extended, repealed, replaced or revoked by or under any other enactment or by any other regulations.

(3) The Interpretation (Guernsey) Law, 1948, shall apply to the interpretation of these regulations as it applies to the interpretation of a Guernsey enactment.

NOTES

In regulation 1,

the definitions of the expressions, first, "adoption agency" and, second, "Pensionable age" were inserted by the Social Insurance (Residence and Persons Abroad) (Guernsey) (Amendment) Regulations, 2016, regulation 2, respectively paragraph (a) and paragraph (b), with effect from 1st January, 2017;

the definitions of the expressions, first, "Guernsey ship" and, second, "manager" and "mariner" were inserted by the Social Insurance (Residence and Persons Abroad) (Amendment) Regulations, 2003, regulation 1, respectively paragraph (a) and paragraph (b), with effect from 1st January, 2004.

In accordance with the provisions of the Social Insurance (Industrial Injuries Benefits) (Guernsey) Regulations, 1978, regulation 17(1), with effect from 1st January, 1979 and save in so far as they are expressly varied or excluded by, or are inconsistent with, the provisions of Part III of the aforesaid 1978 Regulations, these Regulations shall apply in relation to prescribed diseases as they apply in relation to accidents.

In accordance with the provisions of the Social Insurance (Industrial Injuries Benefits) (Guernsey) Regulations, 1978, regulation 17(2), with effect from 1st January, 1979 and save as provided in Part III of the aforesaid 1978 Regulations or where the context otherwise requires, references in these Regulations to accidents shall be construed as references to prescribed diseases, references to the relevant accident shall be construed as references to the relevant disease, and references to the date of the relevant accident shall be construed as references to the date of development of the relevant disease.

In accordance with the provisions of the Social Insurance (Collection of Contributions) (Transfer of Functions) Regulations, 2018, regulation 1, with effect from 22nd October, 2018 and subject to the savings and transitional provisions in regulation 3, 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 these Regulations were transferred to and vested in, respectively, the Policy & Resources Committee and its President and members; and, in accordance with regulation 2 of the 2018 Regulations, for any reference herein to the Committee for Employment & Social Security or its President or members, however expressed, there was substituted, to the extent that the reference related to the collection of social insurance contributions, a reference to the Policy & Resources Committee or (as the case may be) its President or members.

The Interpretation (Guernsey) Law, 1948 has since been repealed by the Interpretation and Standard Provisions (Bailiwick of Guernsey) Law, 2016, section 28(a), with effect from 1st October, 2018.

Condition as to residence in Guernsey.

2. For the purposes of paragraph (b) of subsection (1) of section one of the Law, the condition as to residence in Guernsey shall be that a person must have been resident in Guernsey for a continuous period of twenty-six weeks terminating after the appointed day and on or after attaining school-leaving age:

Provided that –

- (a) this condition shall not apply to the following persons as from the respective dates mentioned below –
 - (i) (subject to the provisions of paragraphs (b) and (c) of this proviso) in the case of a person who, but for the foregoing provision, would be an employed person, as from the date on which he becomes such a person,
 - (ii) in the case of a person who, but for the said foregoing provision, would be a self-employed person or a non-employed person and who notifies [the Committee] that this condition shall

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not apply to him, as from the date of such notification,

- (iii) in the case of a person over school-leaving age and under the age of eighteen who came to Guernsey for the purpose of receiving full-time education, as from the date of the commencement of such education, or, if the education commenced before, and was still existing on, the appointed day, as from that day,

- (b) where an employed person to whom the provisions of sub-paragraph (i) of paragraph (a) of this proviso would otherwise apply is not ordinarily resident in Guernsey and either the employer of that person is not so ordinarily resident or the employer's principal place of business is not in Guernsey, the foregoing condition shall apply with the substitution of fifty-two weeks or such longer period as [the Committee] may in any particular case think fit, (weeks commencing before the appointed day being disregarded) for twenty-six weeks, if, in the country in which the employed person is ordinarily resident, payments by the employer or the employed person in respect of the period of the employment are being made for the purpose of enabling him to qualify for benefits substantially similar to benefits provided under the Law,

- (c) where a person in relation to whom the provisions of the said sub-paragraph (i) would otherwise apply is not ordinarily resident in Guernsey, the foregoing condition

shall apply if during a vacation occurring in a course of full-time studies which he is pursuing outside Guernsey, he is gainfully occupied under a contract of service in Guernsey in temporary employment of a nature similar or related to that course of studies.

NOTES

In regulation 2, the words "the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 4, with effect from 1st May, 2016.

The functions, rights and liabilities of the Social Security Department and of its Minister or Deputy Minister arising under or by virtue of these Regulations were transferred to and vested in, respectively, the Committee for Employment & Social Security ("the Committee") and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 13 and section 4, with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.¹

Payment of contributions in respect of periods abroad.

[3. (1) Where a person is employed outside Guernsey and that employment would, in Guernsey, be treated as an employed contributor's employment, that employment outside Guernsey shall be treated as an employed contributor's employment for the period mentioned in sub-paragraph (a) of paragraph (2) of this regulation, as being the period for which contributions are payable in respect of the earnings paid to that person in respect of that employment, provided that –

- (a) the employer has a place of business in Guernsey, and
- (b) the person concerned is ordinarily resident in Guernsey, and

- (c) immediately before entering into that employment the person concerned was resident in Guernsey.

(2) Where under paragraph (1) of this regulation employment outside Guernsey is treated as an employed contributor's employment, the following provisions shall apply with respect to the payment of contributions –

- (a) primary and secondary Class 1 contributions shall be payable in respect of any payment of earnings for the employment outside Guernsey during the period of one hundred and fifty-six weeks from the beginning of the week on which that employment begins to the same extent as that to which such contributions would have been payable if the employment had been in Guernsey,
- (b) after the completion of the period mentioned in sub-paragraph (a) of this paragraph, the insured person shall, for any week thereafter during the whole of which he is outside Guernsey be entitled to pay a Class 2 contribution related to his earnings if in that week he is under [Pensionable age].

(3) Where a person to whom sub-paragraph (b) of the last foregoing paragraph is applicable returns to Guernsey, any reckonable Class 2 contributions derived from a Class 2 contribution paid (whether before or after any such event) in accordance with the provisions of that sub-paragraph shall be treated as if it were a reckonable Class 1 contribution paid by him:

Provided that in respect of each contribution year during the whole of which he was outside Guernsey not less than forty-five reckonable contributions of any class have

been paid by or credited to him.]

NOTES

Regulation 3 was substituted by the Social Insurance (Residence and Persons Abroad) (Amendment) (Guernsey) Regulations, 1995, regulation 1, with effect from 19th March, 1995.

In regulation 3, the words in square brackets in subparagraph (b) of paragraph (2) were substituted by the Social Insurance (Residence and Persons Abroad) (Guernsey) (Amendment) Regulations, 2016, regulation 3, with effect from 1st January, 2017.

[Class 2 and Class 3 contributions in respect of periods outside Guernsey.]

4. (1) Where an insured person is throughout any contribution week outside Guernsey and is not in that week an employed person, he shall not be liable to pay any Class 2 or Class 3 contributions for that week:

Provided that this paragraph shall not apply to a share fisherman as respects any week throughout which he is outside Guernsey in connection with his employment as a share fisherman.

(2) Notwithstanding paragraph (1) of this regulation, any such person, being ordinarily resident in Guernsey, shall be deemed to be present in Guernsey during any period of absence [of less than [thirteen]] complete contribution weeks.

(3) Any person ordinarily resident in Guernsey who is not liable to pay a contribution in accordance with paragraphs (1) and (2) of this regulation shall be entitled to pay a contribution of the appropriate class, if he so desires, in accordance with subsection (3) of section 6 or section 8 of the Law, as the case may be:

Provided that such contributions shall be payable only in respect of one complete contribution year in any continuous period of absence.

(4) An insured person who is not ordinarily resident in Guernsey or who is not entitled to pay a Class 2 or Class 3 contribution by virtue of paragraph (3) of this regulation shall be entitled to pay a Class 3 contribution, or, if he so desires and is gainfully occupied in that week, a Class 2 contribution [in the amount] prescribed for non-residents, in accordance with subsection (2) of [section (6) or section (8) of the Law], as the case may be, on condition that not less than 156 contributions of any class have been paid by him since his entry into insurance.

(5) Any contribution which a person is entitled to pay under this regulation may be paid not later than the end of the sixth contribution year following the contribution year which includes the contribution week in respect of which it is payable.

(6) This regulation shall not apply to a person to whom the provisions of sub-paragraph (b) of paragraph (2) of regulation three of these regulations are applicable.]

NOTES

Regulation 4 was substituted by the Social Insurance (Residence and Persons Abroad) (Amendment) (No. 2) (Guernsey) Regulations, 1995, regulation 1, with effect from 1st January, 1996.

In regulation 4,

the words in square brackets in paragraph (2) were substituted by the Social Insurance (Residence and Persons Abroad) (Amendment) Regulations, 1999, regulation 1, with effect from 1st January, 2000;

the word in square brackets within the square brackets in paragraph (2) was substituted by the Social Insurance (Residence and Persons Abroad) (Amendment) (Guernsey) Regulations, 2006, regulation 1, with effect from 1st January, 2007;

the words in the first pair of square brackets in paragraph (4) were substituted by the Social Insurance (Residence and Persons Abroad) (Guernsey) (Amendment) Regulations, 2009, regulation 1, with effect from 1st January, 2010.

The words in the second pair of square brackets in paragraph (4) shown, incorrectly in the printed version of this section as "section (6) or section (8) of the Law" should read "section 6 or section 8 of the Law".

Crediting of contributions in respect of periods outside Guernsey.

5. Where a person is by virtue of the provisions of these regulations not liable to pay a contribution for any week during the whole of which he is absent from Guernsey and would but for those provisions have been excepted from liability for and credited with a contribution for that week under the provisions of [regulations 12, 13 or 36 of the Social Insurance (Contributions) Regulations, 2000], that person shall be entitled to be credited with such contribution as if those regulations applied to his case.

NOTE

In regulation 5, the words in square brackets were substituted by the Social Insurance (Residence and Persons Abroad) (Amendment) Regulations, 2003, regulation 2, with effect from 1st January, 2004.

[Modifications of the Law in relation to sickness benefit, [incapacity] benefit, industrial injury benefit [, maternal health allowance, newborn care allowance and parental allowance].

6. (1) A person shall not, during such period as may be allowed by or on behalf of [the Committee], be disqualified for receiving sickness benefit, [incapacity] benefit or industrial injury benefit by reason of being temporarily absent from Guernsey if –

- (a) the absence is for the specific purpose of being treated for incapacity which commenced before he left

Guernsey, or

- (b) the absence is for such exceptional reason, following the commencement of incapacity, as [the Committee] may be satisfied is necessary for his well-being and will not hinder his recovery, or
- (c) on the day on which the absence began he was, and had for the past six months continuously been, incapable of work, and on the day for which benefit is claimed he has been continuously so incapable since the absence began.

(2) A woman shall not be disqualified for receiving [maternal health allowance] by reason of being absent from Guernsey if –

- (a) she becomes entitled to receive the allowance immediately following a period of incapacity for which benefit was payable in accordance with the foregoing paragraph, or
- (b) payment of an allowance has commenced before her departure[, or]
- [(c) (i) she was resident and present in Guernsey 16 weeks before the date on which it was expected that she would be confined, and
- (ii) during the absence she has not become insurable under the legislation of another country.]

[(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.]]

NOTES

Regulation 6 was substituted by the Social Insurance (Residence and Persons Abroad) (Amendment) Regulations, 1999, regulation 2, with effect from 1st January, 2000.

In regulation 6,

the word "incapacity" in square brackets, wherever occurring, was substituted by the Social Insurance (Miscellaneous Amendments) (Incapacity Benefit) Regulations, 2017, regulation 1(b), with effect from 20th September, 2017;

first, the words in the second pair of square brackets in the heading thereto, second, the words in square brackets in paragraph (2) and, third, paragraph (3) and paragraph (4) were inserted by the Social Insurance (Residence and Persons Abroad) (Guernsey) (Amendment) Regulations, 2016, regulation 4, respectively paragraph (a), paragraph (b) and paragraph (c), with effect from 1st January, 2017;

the words "the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 4, with effect from 1st May, 2016;

first, the punctuation and word in square brackets in paragraph (2)(b) was substituted and, second, paragraph (2)(c) was inserted by the Social Insurance (Residence and Persons Abroad) (Guernsey) (Amendment) Regulations, 2002, regulation 1, respectively paragraph (a) and paragraph (b), with effect from 6th January, 2003.

[Modifications of the Law in relation to survivor's benefit, [States pension], travelling allowance grant and industrial disablement benefit.]

7. A person shall not be disqualified for receiving survivor's benefit, [a States pension], travelling allowance grant or industrial disablement benefit by reason of being absent from Guernsey.]

NOTES

Regulation 7 was substituted by the Social Insurance (Residence and Persons Abroad) (Amendment) Regulations, 2003, regulation 3, with effect from 1st January, 2004.

In regulation 7, the words, first, "States pension" and, second, "a States pension" in square brackets, wherever occurring, were substituted by the Social Insurance (States Pension) (Amendment) (Guernsey) Ordinance, 2021, section 2, respectively paragraph (a) and paragraph (b), with effect from 1st March, 2021.

Modifications of the Law in relation to limited medical benefit and industrial medical benefit.

8. A person shall not, during such period as may be allowed by or on behalf of [the Committee], be disqualified for receiving limited medical benefit or industrial medical benefit by reason of being temporarily absent from Guernsey if –

- (a) the absence is for the specific purpose of being treated for the relevant injury and if the relevant accident occurred before he left Guernsey,
- (b) the relevant accident occurred during a period of absence from Guernsey in connection with his employment in a gainful occupation, or
- (c) as respects industrial medical benefit, he is a person to whom paragraph (2) of regulation three of these regulations apply.

NOTES

In regulation 8, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 4, with effect from 1st May, 2016.

In accordance with the provisions of the Social Insurance (Industrial Injuries Benefits) (Guernsey) Regulations, 1978, regulation 17(2), with effect from 1st January, 1979 and save as provided in Part III of the aforesaid 1978 Regulations or where the context otherwise requires, the references herein to accidents shall be construed as references to prescribed diseases, references to the relevant accident shall be construed as references to the relevant disease and references to the date of the relevant accident shall be construed as references to the date of development of the relevant disease.

Modifications of the Law in relation to maternity grant.

9. ...

NOTE

Regulation 9 was repealed by the Social Insurance (Residence and Persons Abroad) (Amendment) Regulations, 1999, regulation 3, with effect from 1st January, 2000.

[Removal of disqualification in the case of mariners receiving benefit whilst absent from Guernsey.]

10. Any person, who is or has been employed as master or a member of the crew of any ship or vessel or who is or has been under contract to travel at his employer's expense for the purpose of commencing such employment, shall not, by reason of his being absent from Guernsey (but subject to the provisions of paragraph (a) of regulation 39 of the Social Insurance (Benefits) Regulations, 2003^{*}) be disqualified on any day for receiving –

- (a) sickness benefit, [incapacity] benefit, limited medical benefit, industrial medical benefit or industrial injury benefit, if –
 - (i) on account of any hurt or injury received, or any illness suffered, by him while so employed or under contract so to travel, or
 - (ii) in consequence of any action taken, while he is or was so employed or under contact so to travel, for the purpose of preventing infection,

he has been left outside Guernsey or has been

* S.I. 2003 No. 37.

discharged or has not commenced such employment, or

- (b) unemployment benefit or any such benefit as mentioned in the last foregoing sub-paragraph, if, while so employed or under contract so to travel, he has been left outside Guernsey for any reasons other than those specified in that sub-paragraph and reports to the appropriate superintendent or consular officer or chief officer of customs not later than fourteen days after being so left, or, if, at the time of being so left, he was placed in custody, immediately after his release from custody:

Provided that this regulation shall cease to have effect –

- (a) on that person's commencing or resuming employment outside Guernsey, or
- (b) in any case where that person does not return to a proper return port without undue delay, on his return being so delayed, or
- (c) in any other case, on his return to a proper return port.]

NOTES

Regulation 10 was substituted by the Social Insurance (Residence and Persons Abroad) (Amendment) Regulations, 2003, regulation 4, with effect from 1st January, 2004.

In regulation 10, the word in square brackets in paragraph (a) was substituted by the Social Insurance (Miscellaneous Amendments) (Incapacity Benefit) Regulations, 2017, regulation 1(b), with effect from 20th September, 2017.

Modifications of the Law in relation to death grant.

11. Subject to the provisions of the Law and of these regulations, a death grant shall be payable in respect of a death occurring outside Guernsey if the conditions contained in any one of the following paragraphs are satisfied, namely –

- (a) that the deceased immediately before death was, or but for any failure to make a claim would have been, entitled to sickness benefit, [incapacity] benefit or industrial injury benefit,
- (b) that the deceased immediately before death was, or but for any failure to make a claim would have been, entitled to [survivor's] benefit or [a States pension][...],
- (c) ...
- (d) that the deceased immediately before death was entitled to industrial disablement benefit under the Law,
- (e) that the deceased immediately before death was liable or entitled, as the case may be, to pay contributions under the provisions of paragraph (2) of regulation three of these regulations or paragraph (2) of regulation four of these regulations and not less than forty-five reckonable contributions of any class were paid by or credited to him in respect of a contribution year, being either the last complete contribution year before his death or the contribution year immediately preceding that year,

- [(f) that the deceased immediately before death was employed as a mariner (other than a mariner excepted from insurance by regulation 4(2) of the Social Insurance (Classification) (Guernsey) Regulations, 1978^{**}), or was a person who was not disqualified for receiving any benefit by reason of his absence from Guernsey,]

- (g) that the deceased immediately before death was the wife, husband or child (to whom the provisions of subsection (1) of section thirty-seven of the Law are applicable) of a person who, had he then died, would have satisfied the conditions contained in any one of the foregoing paragraphs, and such wife, husband or child, as the case may be, was then resident with that person and for this purpose the expression "**child of the family**" contained in the said subsection (1) shall be deemed to include a child who would be included in that expression but for the provisions of subsection (3) of section twenty-two of the Family Allowances Law,

- (h) that the deceased immediately before death was ordinarily resident in Guernsey, and the death occurred within a period of thirteen weeks from the date when he last left Guernsey,

- (i) that the deceased was a [person] who immediately before death was living with [his spouse] and both of

^{**} S.I. 1978 No. 32.

them were ordinarily resident in Guernsey,

- (j) that the deceased was a child who immediately before death was the child of the family of an insured person who was ordinarily resident in Guernsey, or
- (k) that the deceased died during or as the result of a confinement in respect of which she was not, or but for any failure to make a claim would not have been, disqualified for receiving [maternal health allowance] (to which she was otherwise entitled) by reason of her absence from Guernsey.

NOTES

In regulation 11,

the word in square brackets in paragraph (a) was substituted by the Social Insurance (Miscellaneous Amendments) (Incapacity Benefit) Regulations, 2017, regulation 1(b), with effect from 20th September, 2017;

first, the word in the first and the words omitted in the third pairs of square brackets in paragraph (b) were, respectively, substituted and repealed, second, paragraph (c) was repealed and, third, paragraph (f) was substituted by the Social Insurance (Residence and Persons Abroad) (Amendment) Regulations, 2003, regulation 5, respectively paragraph (a), paragraph (b) and paragraph (c), with effect from 1st January, 2004;

the words in the second pair of square brackets in paragraph (b) were substituted by the Social Insurance (States Pension) (Amendment) (Guernsey) Ordinance, 2021, section 2(b), with effect from 1st March, 2021;

the words in square brackets in paragraph (i) were substituted by, first (in relation to Guernsey), the Same-Sex Marriage (Consequential and Miscellaneous Amendments and Contrary Provisions) (Guernsey) Ordinance, 2017, section 1, Schedule 1, Part III, paragraph 15, with effect from 2nd May, 2017 and, second (in relation to Alderney), by the Same-Sex Marriage (Consequential and Miscellaneous Amendments and Contrary Provisions) (Alderney) Ordinance, 2018, section 1, Schedule 1, Part III, paragraph 15, with effect from 14th June, 2018;

the words in square brackets in paragraph (k) were substituted by the Social Insurance (Residence and Persons Abroad) (Guernsey) (Amendment) Regulations, 2016, regulation 5, with effect from 1st January, 2017.

Modification of the Law in relation to a dependant.

12. A husband or wife shall not be disqualified for receiving any increase (where payable) of benefit in respect of his or her spouse by reason of the spouse's being absent from Guernsey, provided that the spouse is residing with the husband or wife, as the case may be.

Application of disqualification in respect of additional benefit.

[**13.** A person shall not be disqualified for receiving any additional benefit, in respect of any of the benefits mentioned in regulation 7 of these Regulations, which may become payable by virtue of an Ordinance made under sub-section (1) of section 19 or sub-section (4) of section 49 of the Law or in consequence of any regulations made under that Ordinance, by reason of being absent from Guernsey.]

NOTE

Regulation 13 was substituted by the Social Insurance (Residence and Persons Abroad) (Amendment) (Guernsey) Regulations, 1986, regulation 1, with effect from 5th January, 1986.

Administrative arrangements as to contributions and benefits in respect of persons absent from Guernsey.

14. (1) Contributions and benefit which are payable by virtue of these regulations in respect of a person who is not present in Guernsey shall be paid and collected, or, as the case may be, paid, at such times and in such manner and subject to the furnishing of such information and evidence as may be determined by or on behalf of [the Committee] from time to time.

(2) Any option which may be exercised by virtue of regulation three or regulation four of these regulations shall be made in writing and addressed to [the Committee].

NOTE

In regulation 14, the words "the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 4, with effect from 1st May, 2016.

Repeals.

15. The Social Insurance (Residence and Persons Abroad) (Guernsey) Regulations, 1964, the Social Insurance (Residence and Persons Abroad) (Amendment) (Guernsey) Regulations, 1971, the Social Insurance (Residence and Persons Abroad) (Amendment) (Guernsey) Regulations, 1975, and the Social Insurance (Residence and Persons Abroad) (Amendment) (Guernsey) Regulations, 1976, are hereby repealed.

Citation.

16. These regulations may be cited as the Social Insurance (Residence and Persons Abroad) (Guernsey) Regulations, 1973.

Commencement.

17. These regulations shall come into operation on the first day of January, nineteen hundred and seventy-nine.

EXPLANATORY NOTE

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

These regulations deal with three main subjects, namely, (1) the condition as to residence in Guernsey which must ordinarily be complied with before a person can become insured under the Social Insurance (Guernsey) Law, 1978 (regulation two); (2) payment of and crediting of contributions in respect of periods abroad (regulations three to five); and (3) the removal in some cases of the disqualification under section sixty-seven of the said Law for the receipt of benefit and increase of benefit for periods of absence from Guernsey (regulations six to thirteen).

1 The functions, rights and liabilities of the Social Security Department and its Minister arising under or by virtue of these Regulations were previously transferred to and vested in them, respectively, from the Social Security Authority and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 26 and section 5, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance; the functions of the Guernsey Social Security Authority under this Law were previously transferred to it from the States Insurance Authority by the Guernsey Social Security Authority (Transfer of Functions) Ordinance, 1993, section 1, Schedule 1, paragraph 3, with effect from 29th September, 1993, subject to the savings in section 2 of the 1993 Ordinance.

****** The text of this Explanatory Note is as it was when the Statutory Instrument was first made – that is to say that the Explanatory Note has not been updated to take account of any changes made by subsequent amending Statutory Instruments with their own Explanatory Notes, which latter should thus be, if necessary, consulted in the original.