

**The Social Insurance  
(Contributions) (Amendment) Regulations, 2024**

<i>Made</i>	<i>2<sup>nd</sup> September, 2024.</i>
<i>Coming into operation</i>	<i>See regulation 11.</i>
<i>Laid before the States</i>	<i>, 2024.</i>

**THE COMMITTEE FOR EMPLOYMENT & SOCIAL SECURITY**, in exercise of the powers conferred on it by sections 6, 8, 11, 15 and 116 of the Social Insurance (Guernsey) Law, 1978<sup>a</sup> and 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<sup>b</sup> ("the **principal Regulations**") are amended as follows.

2. In regulation 10 (assessment of income-related Class 2 and Class 3 contributions) –

(a) for paragraph (1) substitute the following -

---

<sup>a</sup> Ordres en Conseil Vol. XXVI, p. 292; this enactment has been amended.

<sup>b</sup> G.S.I. No. 49 of 1999; this enactment has been amended.

"(1) The Committee may request in writing from an insured person, within such reasonable period as it may specify, such information in writing as it reasonably considers is necessary for the Committee to be satisfied -

(a) for the purposes of section 6(3) of the Law, that the person's relevant income is below the upper annual earnings limit for a contribution year in respect of Class 2 contributions, or

(b) for the purposes of section 8(3) of the Law, that the person's relevant income is below the upper annual income limit for a contribution year in respect of Class 3 contributions."

(b) in paragraph (2) -

(i) for each reference to "applicant" substitute "insured person" and for each reference to "applicant's" substitute "insured person's",

(ii) for "having received an application made in accordance with the preceding paragraph" substitute "on the basis of information held by it",

- (iii) after "the Committee shall" insert ", subject to paragraph (2A)", and
  - (iv) in subparagraphs (a) and (b), for "desirous of paying" substitute "liable to pay",
- (c) after paragraph (2) insert –

"(2A) The duty on the Committee to issue a certificate under paragraph (2) is subject to the Committee having received any information in writing requested under paragraph (1), in relation to the relevant contribution year, within the period specified or within such further period as the Committee may allow.

(2B) For the avoidance of doubt, the Committee may use information held by it in relation to any contribution year to determine whether it is satisfied of the matters referred to in paragraph (1)(a) or (b) in relation to the relevant contribution year.", and

- (d) in paragraph (3)(d), for the definition of "**relevant contribution year**" substitute the following definition–

""**relevant contribution year**" means the contribution year in relation to which the Committee is making a decision, as to whether or not it is satisfied, for the purposes of section 6(3) or 8(3) of the Law, that the person's relevant income is below –

- (i) the upper annual earnings limit for that contribution year in respect of Class 2 contributions, or
- (ii) the upper annual income limit for that contribution year in respect of Class 3 contributions,".

3. In regulation 11 (re-assessment of income, refunds and additional contribution payments) –

- (a) the first paragraph is renumbered as paragraph (1),
- (b) for paragraph 2, substitute –

"(2) Where a person has paid contributions at the maximum rate, or at a reduced rate in accordance with a certificate of assessment issued by the Committee, whether by reference to an amount assessed under the Income Tax Law or an amount deemed proper by the Committee, and the amount of his relevant income has been assessed or re-assessed under the Income Tax Law or by the Committee and would result in a contribution rate different from that already paid, then, subject to paragraph (1) –

- (a) where the contributions have been paid in respect of any contribution year prior to 2021, and the relevant income, other than business income, relates to a year of charge less than eight years before the year in which the assessment or re-assessment takes place or, in the case of business income, relates to a year of charge less than seven years before the year in which the assessment or re-assessment takes place, and

- (b) where the contributions have been paid in respect of any contribution year after and including 2021, and the relevant income relates to a year of charge less than six years before the year in which assessment or re-assessment takes place,

the Committee may issue or vary a certificate so that either –

- (i) the Committee shall repay to that person an amount in respect of any week in respect of which a contribution has been paid by him, equal to the difference between the amount of contributions so paid and the amount specified in the certificate as so issued or varied, or
- (ii) that person shall be liable to pay the Committee in respect of any week in respect of which a contribution has been paid by him in the amount originally specified in the certificate, an amount equal to the difference between the amount of contributions so paid and the amount specified in the certificate as so varied."

4. In regulation 20 (employers' own records of earnings and contributions), for "regulation twenty-four" substitute "regulation 22".

5. In regulation 31 (conditions for the payment of a voluntary Class 3 contribution) –

- (a) the first paragraph is renumbered as paragraph (1), and
- (b) in the renumbered paragraph (1), omit "to make application in accordance with".

6. For the heading to regulation 34 (credits for persons in receipt of carer's allowance) substitute –

**"Credits for persons in receipt of family allowance and carer's allowance."**

7. In regulation 34, for regulation 34(1) substitute –

"(1) An insured person, who is present in Guernsey and excepted from liability to pay a Class 3 contribution under regulation 38, shall be entitled –

- (a) for all such persons except those within paragraph (1A), to be credited with a Class 3 contribution (for the purposes of death grant, States pension or survivor's benefits) in respect of any week in which family allowance is, or would be, payable for a child under the age of 12, or
- (b) for such persons falling within paragraph (1A), to be credited with a Class 3 contribution (for the purposes of death grant, States pension or

survivor's benefits) in respect of any week in which family allowance is, or would be, payable for a child under the age of 16.

(1A) An insured person falls within this paragraph if the Administrator is satisfied, in all the circumstances of the case, that it would be fair and equitable for the person to receive a Class 3 contribution credit for any of the following reasons –

- (a) the insured person is mainly responsible for the physical care of a child in respect of whom family allowance is payable and the child –
  - (i) is an incapacitated person within the meaning of regulation 3(4) of the Income Support (Guernsey) Regulations, 2014,
  - (ii) is not entitled to severe disability benefit under section 1 of the Severe Disability Benefit and Carer's Allowance (Guernsey) Law, 1984, and
  - (iii) is not a severely disabled person in respect of whom the insured person is entitled to receive carer's allowance under section 2 of the Severe Disability Benefit and Carer's Allowance (Guernsey) Law, 1984,

- (b) the insured person is responsible for providing education at home for a child in respect of whom family allowance is payable, or
- (c) the insured person's circumstances are otherwise such as to prevent, or to substantially limit, their ability to engage in employment as an employed or self-employed person or to pay a voluntary Class 3 contribution; and, for the avoidance of doubt, for the purposes of this paragraph such circumstances do not include term-time only working."

8. In regulation 37 (liability of persons treated as both employed and self-employed), revoke paragraph (1)(b)."

9. In the heading to regulation 38 (liability of persons with small income), for "persons" substitute "non-employed persons".

10. In regulation 38 –

- (a) after paragraph (1) insert the following paragraph -

"(1A) The Committee may request in writing from an insured person, within such reasonable period as it may specify, such information in writing as it reasonably considers is necessary for the Committee to be satisfied that the relevant income of an insured person, of a description referred to in paragraph (1), is less than the current lower annual income limit for non-employed persons."

- (b) for paragraph (3) substitute the following paragraph –

"(3) The exception in paragraph (1) is subject to –

- (a) the Committee having received any information in writing which it has requested under paragraph (1A) within the period specified, or within such further period as the Committee may allow, and
- (b) the Committee being satisfied that an insured person's income is less than the current lower annual income limit for non-employed persons.", and
- (c) in paragraphs (6) and (7), for each reference to "an applicant for exception under this Regulation" substitute "an insured person".

**Citation and commencement.**

11. (1) These Regulations may be cited as the Social Insurance (Contributions) (Amendment) Regulations, 2024.

(2) Subject to paragraph (3), these Regulations shall come into force on being made.

(3) Regulation 6 and regulation 7 (which amend regulation 34 of the principal Regulations) shall come into force on 1<sup>st</sup> January, 2025.

Dated this 2<sup>nd</sup> day of September, 2024



P. J. ROFFEY

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 amend the Social Insurance (Contributions) Regulations, 2000 ("the principal Regulations"). The main amendment is to remove the requirement for an application to be made to the Committee under regulation 10 before certain decisions can be made under the 2000 Regulations. Those decisions are the Committee being satisfied that the person can pay a reduced Class 2 or Class 3 social insurance contribution for a contribution year, in accordance with section 6(3) or 8(3) of the Social Insurance (Guernsey) Law, 1978, the Committee issuing or varying a certificate of assessment under regulation 11(2) to change contributions required to be paid, and excepting a person on a low income from liability to pay Class 3 contributions for a contribution year in accordance with regulation 38.

The amendments will mean that certain self-employed and non-employed persons, who currently fail to make the required application, will no longer have to pay maximum contribution rates for Class 2 or 3 contributions where the Committee already holds information on their income that would otherwise result in them paying a reduced rate of social insurance contributions or, in the case of non-employed persons, being excepted from payment.

A new requirement is added instead to regulation 10, in relation to the payment of reduced Class 2 or 3 contributions and regulation 38, in relation to excepting non-employed persons on low incomes from liability to pay Class 3 contributions, which requires that insured persons must have provided any information the Committee requires before it makes its decision in relation to a reduction or exception. The existing power to require information in regulation 10(1) has been reworded and a new information power has been added to regulation 38. Other consequential amendments to the principal Regulations have also been made, and a minor typographical error corrected.

The Committee functions in the principal Regulations are carried out by the Director of the Revenue Service under pre-existing performance of functions and delegation arrangements.

Finally, these Regulations also amend the upper age limit of a child in respect of whom an individual will be eligible to receive family allowance credits, from under 16 years to under 12 years, except in certain limited, specified circumstances, and then only for the purposes of death grant, survivor's benefit and States pension.

These Regulations came into force on being made on 2<sup>nd</sup> September, 2024, with the exception of the provisions (regulations 6 and 7) which amend the eligibility to receive family allowance credits referred to immediately above, which come into force on 1<sup>st</sup> January, 2025.