ORDER IN COUNCIL

Sanctioning a Projet de Loi

ENTITLED

"The Benefits and Pensions (Contributory and Non-Contributory)
"Amendment Law, 1947".

(Registered on the Records of the Island of Guernsey on the 14th day of June, 1947.)



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1953.

IX 1947

ORDER IN COUNCIL.



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The fourteenth day of June One thousand nine hundred and forty-seven, before Ambrose James Sherwill, Esquire, C.B.E., M.C., Bailiff; present Osmond Priaulx Gallienne, Esquire, Ernest de Garis, Esquire, O.B.E., Sir John Leale, Knight, James Frederick Carey, Esquire, Sir Abraham James Lainé, K.C.I.E., Arthur Falla, Pierre de Putron, Quertier Le Pelley, Walter John Sarre, Esquires, Richard Henry Johns, Esquire, O.B.E., and William Robert Freake Clark, Esquire, Jurats.

The Bailiff having this day placed before the Court an Order of His Majesty in Council dated May 21st, 1947, ratifying a Projet de Loi entitled "The Benefits and Pensions (Contributory and Non-Contributory) Amendment Law, 1947." The Court, after the reading of the said Order in Council and after having heard His Majesty's Comptroller, ordered that the said Order in Council be registered on the Records of this Island, of which Order in Council the tenor followeth:—

At the Court at Buckingham Palace,

The 21st day of May, 1947.

PRESENT,

The King's Most Excellent Majesty.

LORD PRESIDENT.
LORD CHAMBERLAIN.
MR. WILMOT.
MR. TOMLINSON.
SIR RAYMOND EVERSHED.

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 19th day of May, 1947, in the words following, viz:—

"Your Majesty having been pleased, by Your General Order of Reference of the 18th day of December, 1936, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth:

'1.—That in accordance with a resolution of the States of Deliberation of the 30th day of December, 1946, the Royal Court, at a sitting held on the 15th day of March, 1947, adopted a Bill or "Projet de Loi" entitled "The Benefits and Pensions (Contributory and Non-Contributory) Amendment Law, 1947," and requested the Bailiff to submit the same to the States for 2.—That on the 9th day of April, approval. 1947, the said Bill or "Projet de Loi" was duly considered by the States, when a resolution was passed approving the same with certain amendments and authorising the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. 3.—That the said Bill or "Projet de

Loi" is in the words and figures set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or "Projet de Loi" of the States of Guernsey entitled "The Benefits and Pensions (Contributory and Non-Contributory) Amendment Law, 1947," and to order and direct that the same shall have force of law in the Islands of Guernsey, Herm and Jethou.'

"The Lords of the Committee, in obedience to Your Majesty's said Order of Reference, have taken the said Petition and the said Projet de Loi into consideration, and do this day agree humbly to report, as their opinion, to Your Majesty, that it may be advisable for Your Majesty to comply with the prayer of the said Petition and to approve of and ratify the said Projet de Loi."

HIS MAJESTY having taken the said Report into consideration is pleased, by and with the advice of His Privy Council, to approve of and ratify the said Projet de Loi, and to order, as it is hereby ordered, that the same shall have the force of Law within the Islands of Guernsey, Herm and Jethou.

AND HIS MAJESTY doth hereby further direct that this Order, and the said Projet de Loi (a copy whereof is hereunto annexed) be entered upon the Register of the Island of Guernsey and observed accordingly.

AND the Lieutenant Governor or Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other His Majesty's Officers, for the time being, in the said Island, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

E. C. E. Leadbitter.

Projet de Loi referred to in the foregoing Order in Council.

PROJET DE LOI

"The Benefits and Pensions (Contributory and Non-Contributory) Amendment Law, 1947".

The States, in pursuance of their Resolution dated the 30th day of December, 1946, have approved the following provisions which, subject to the Sanction of His Most Excellent Majesty in Council, shall have force of law in the islands of Guernsey, Herm and Jethou.

PART I. DEFINITIONS.

1. In this Law the following expressions shall, unless repugnant to the context, have the meanings hereinafter respectively assigned to them:

"The Principal Law" means the Contributory Pensions Law, 1935, as amended from time to

time.

"The Law of 1931" means the Non-Contributory Old Age Pensions and Blind Persons

Law as amended from time to time.

"The appointed date" means the date which may be hereafter appointed by the Insurance Authority, and thereafter ordered by Ordinance of the Royal Court, in accordance with the provisions of Article 11 of this Law.

"This Island" includes the islands of Guernsey,

Herm and Jethou.

Expressions occurring in the Principal Law and in this Law which are defined in the Principal Law shall, for the purposes of this Law, unless the contrary intention therein appears, have the meanings assigned to them in the Principal Law.

PART II.

CONTRIBUTIONS. BENEFITS AND PENSIONS.

- 2. On and after the appointed date:
 - (a) the contributions payable under the Princi-Increase pal Law in respect of any period after the appointed appointed date shall be at the rates pre-date. scribed in the First Schedule to this Law instead of at those prescribed in the First Schedule to the Principal Law;

- (b) the accident benefits payable under the Principal Law in respect of any period after the appointed date shall be those prescribed in the Second Schedule to this Law instead of those prescribed in the Second Schedule to the Principal Law;
- (c) the benefits in case of death payable under the Principal Law in respect of any period after the appointed date shall be those prescribed in the Third Schedule to this Law instead of those prescribed in the Third Schedule to the Principal Law;
- (d) the old age pensions payable under the Principal Law in respect of any period after the appointed date shall be in accordance with the scale prescribed in the Fourth Schedule to this Law instead of in accordance with the scale prescribed in the Fourth Schedule to the Principal Law;
- (e) the pensions payable under the Law of 1931 in respect of any period after the appointed date shall be in accordance with the scale prescribed in the Fifth Schedule to this Law instead of in accordance with the scale prescribed in the Schedule to the Law of 1931:
- (f) references in the Principal Law to the First, Second. Third or Fourth Schedules to that

Law, or to any part of any of those Schedules, shall be construed as references to the First, Second, Third or Fourth Schedules, as the case may be, to this Law or to the corresponding part thereof;

(g) references in the Law of 1931 to the Schedule to that Law shall be construed as references to the Fifth Schedule to this Law:

PROVIDED that where by virtue of this Section the amount of the benefits or pension payable to any beneficiary on or after the appointed date in respect of any incident occurring before the appointed date would be less than the amount of the benefits or pension (including any bonus payable by virtue of the resolution of the States of the 27th day of June, 1945) payable to that beneficiary in respect of that incident before the appointed date, the latter amount of benefit or pension (together with a sum equal to and in substitution for the said bonus in the case where a bonus was payable before the appointed date) shall, in so far and for so long as the same would otherwise be payable, continue to be payable to that beneficiary after the appointed date in substitution for the first mentioned benefits or pension. For the purposes of this proviso an insured person and his wife being both entitled to a benefit by way of pension by virtue of the provisions of Section 1 of Article 20 of the Principal Law shall be regarded together as one beneficiary.

Benefits while insured person in hospital.

- 3. The Law of 1935 shall be amended as follows: -
 - (1) In Section 5 of Article XVI, for the words "Twenty-seven shillings" there shall be substituted the words "Forty-seven shillings and three pence."

(2) In section 1 of Article XX the words "benefits by way of a pension of a similar weekly amount" and all words thereafter appearing in that section shall be deleted, and there shall be substituted therefor the following words:—

"benefits by way of a pension, the weekly amount of which shall be calculated in accordance with the said scale, shall be payable to the wife of that insured person as from the attainment of the age of seventy by whichever of that insured person and his wife last attains that age."

(3) Section 2 of Article XXVIII shall be Limitation of deleted.

payments.

PART III.

MISCELLANEOUS.

4. In the case of any person who, being an insured Concession person left this Island during any part of the month of June, 1940, or voluntarily at any time during the occupation of this Island by the German Forces, if there shall be paid to the Administrator, before the expiration of a period of three months following the date of the registration of this Law on the records of this Island, all arrears of contributions unpaid for the period from the date of such leaving to the date of such payment or to the date of his becoming again an insured person or to the date of his attaining the age of 70, or to the date of his death, whichever shall be the earliest of those dates, which would have been payable by him had he been a voluntary contributor throughout such period, such contributions shall be deemed to have been paid on the proper dates and in the proper manner.

to persons voluntarily leaving this Island during or before the German occupation.

5. In the case of any person who either against his Concession will or in order to accompany a person or persons

to deported

detained against their will on the continent of Europe during the war of 1939 to 1945 was deported to the continent of Europe during the said war and there detained, being an insured person at the time of such deportation, there shall be deemed to have been paid during such period of deportation on the proper dates and in the proper manner such contributions as would have been payable in respect of such person had he remained in this Island an insured person, and such person shall be deemed to have been an insured person throughout such period.

Concession to workers employed by German firms, when such firms failed to hand in contributions.

- 6. In the case of any person who while a worker was employed by a German unit or firm during the occupation of this Island by the German forces and from whose wages in respect of such employment such unit or firm deducted any sum by way of workers contribution but
 - (1) did not pay the whole or part of such sum to the Administrator and/or
 - (2) did not pay to the Administrator the whole or part of the employer's contribution in respect of such sum

such sum or contribution in whole or in part shall be deemed to have been paid by the said unit or firm to the Administrator on the proper date and in the proper manner.

Concession to children deported or leaving the Island on or before the German occupation.

- 7. In the case of any person who left this Island before the 1st day of July 1940 owing to the impending occupation of this Island by the enemy or who was deported to the continent of Europe during the period of the occupation of this Island by the German forces, and who
 - (1) at the time of such leaving or deportation was in receipt of full-time instruction in a Guernsey school and

(2) became an insured person by actual payment of contribution before the 1st day of July 1946, or, becoming an insured person on or after that date but before the 31st day of December, 1947, is deemed by the Authority to be a person to whom the provisions of this Article should be applied

there shall be deemed to have been paid upon the proper dates and in the proper manner in respect of such person the contributions which would have been payable in respect of him had he become a compulsory contributor on reaching the age below which he was obliged to attend school and so remained until the date of his so becoming an insured person or until the date of his death, whichever date shall be the earlier and such person shall be deemed to have been a compulsory contributor throughout the period in respect of which such contributions shall be deemed to have been paid.

PROVIDED that nothing in this Article contained shall entitle any person to any benefit or pension in respect of any incident occurring before his becoming an insured person by actual payment of contribution.

- 8. Notwithstanding the provisions of Article VII and of Article IX of the Principal Law, in the case of any person who
 - (1) left this Island before the 1st day of July, 1940, owing to the impending occupation of this Island by the German forces, or was deported to the Continent of Europe during the period of such occupation and
 - (2) was at the time of such leaving or deportation in receipt of full-time instruction in a Guernsey school and
 - (3) subsequent to such leaving or deportation served in His Majesty's Forces and

Concession to persons leaving this Island before or during the German occupation or being deported, and thereafter entering His Majesty's Forces,

- (4) was or shall be discharged from His Majesty's Forces after the 30th day of June, 1946, but before the 31st day of December, 1948 and
- (5) within two months after such discharge returned or shall return to this Island and became or shall become an insured person by actual payment of contribution

there shall be deemed to have been paid in respect of such person on the proper dates and in the proper manner the contributions which would have been payable in respect of him had be become a compulsory contributor on the 30th day of June, 1946 and so remained a compulsory contributor during the period of service in His Majesty's Forces starting on the 30th day of June 1946 and ending two months after his discharge from such service or on his death, whichever shall be the earlier date.

PROVIDED that nothing in this Article contained shall entitle any person to any benefit or pension in respect of any incident occurring before his becoming an insured person by actual payment of contribution.

Concession to all insured persons serving in His Majesty's Forces or in those of His Allies.

9. Notwithstanding the provisions of Article VII and of Article IX of the Principal Law, in the case of a person serving in the Forces of His Majesty or of His Majesty's Allies during the period starting on the first day of January 1939 and ending with the period of emergency declared by His Majesty in Council in relation to the war of 1939 to 1945, being an insured person at the time of entering such service, the contributions which would have been payable by that person had he remained an insured person throughout the period starting with his entry into such service and ending two months after his discharge from such service or on his death, whichever shall be the earlier date, shall be deemed to have been paid upon the proper dates and in the proper

manner, and benefits shall be payable in respect of death or injury resulting from an incident occurring during such last mentioned period.

PROVIDED that any sum payable to any person by way of benefit by virtue of this Article shall be reduced by the amount of any sum which is payable to such person from a source outside the Island of Guernsey as compensation for the death or injury giving rise to such benefit.

10. Section 2 of Article XXV of the Principal Law Payment of shall be amended by the insertion between the arrears of benefit in words "on account of benefits" and the words "if certain payment of that sum " of the words "save sums circumstances, which may not be able to be paid owing to difficulties of communication or delivery caused by the war of 1939 to 1945."

11. The Authority shall appoint by regulation the Authority to date (to be known as "the appointed date") on and date. after which contributions, benefits and pensions which but for the provisions of Part II of this Law would be payable at the rates or according to the scales set out in the Principal Law shall be payable at the rates or according to the scales set out in Part II of this Law.

12. This Law shall be construed together with the Short Contributory Pensions Laws, 1935 to 1938, the Contributory Pensions (Emergency Provisions) Law (Guernsey) 1939, the Contributory Pensions Law, 1935, Amendment Law, 1945, and the Contributory Pensions Law, 1935, Amendment Law, 1947, and this Law may be cited together with those Laws as "The Contributory Pensions Laws, 1935 to 1947".

FIRST SCHEDULE.

Rates of Contributions.

Part I.

Rates of Contributions in respect of Employed Compulsory Contributors.

				\mathbf{P}	AYA	ŖLΕ
Contributions i	in case	of	Rate of contri- bution per week.	By the Employer.	By the Worker,	By the States.
males Contributions i			3/2	1/2	1/2	rod.
females			1/7	7d.	7đ.	5d.
			TT			

PART II.

Rates of Contributions in respect of Compulsory Contributors during periods of unemployment or non-employment or whilst entitled to become voluntary contributors.

Y O I CHINCELL Y	COLLETA	ou com.			
·		ory	PAYABLE		
• Contributions in case of	Rate of contri- bution per week.	By the Compulsory Contributor.	By the States	By the States Social Services Committee,	
males) not registered	3/2	2/4	ıod.	_	
males (registered as unemployed) Contributions in case of	3/2		ıod.	2/4	
females (notregistered as unemployed) Contributions in case of	1/7	1/2	5d.		
females (registered as unemployed)	1/7		5d.	1/2	

PART III.

Rates of Contributions in respect of Voluntary Contributors.

PAYABLE

Contributions	in case	of	Rate of contri- bution per week.	By the Employer.	By the Voluntary Contributor.	By the States.
males	1+1		3/2	-	3/2	_
Contributions females	in case	of 	1/7		1/7	_

PART IV.

Rates of Contributions in respect of workers aged 70 years and over.

PAYABLE

	Rate of contri- bution per week.	By the Employer.	By the Worker,	By the States,
Contributions in case of			-	7
males	I/2	1/2		
Contributions in case of				
females	7d.	7d.		

SECOND SCHEDULE.

Accident Benefits.

PART I.

Where total disablement results from an Accident.

(i) In the case of an Insured Person aged 18 or over.

26s. od. per week, together with the following additional weekly benefits:—

In respect of dependent wife or husband wholly dependent by reason of total permanent incapacity:—
16s. od. per week.

In respect of first or only wholly dependent child under 15 years of age:—

7s. 6d. per week.

- (ii) In the case of an Insured person under the age of 18:—
 - (a) during any period in which that person has a wife, wholly dependent husband (by reason of total permanent incapacity) or wholly dependent child dependent on him or her:—
 - (b) During any other period.

26s. od. per week, together with the additional weekly benefits provided for in (i) which are appropriate to the case of that insured person.

158. od. per week.

PART II.

Where Partial Disablement results from an accident.

The insured person shall be entitled to receive by way of benefits a weekly sum not exceeding the difference between the amount of the average weekly earnings of the insured person before the accident and the usual weekly amount which he is earning or is able to earn in some suitable employment or business after the accident, but such weekly sum shall bear such relation to the amount of such difference as in the circumstances of the case may appear proper to the Insurance Authority.

PROVIDED however that the benefits awarded shall not exceed the benefits which would have been awarded if the disablement had been total.

THIRD SCHEDULE.

Benefits in Case of Death.

PART I.

Where Death results from an Accident.

- (a) Reasonable Funeral expenses not exceeding Ten pounds.
- (b) Surviving dependents of the insured person shall be entitled to receive by way of benefits the sums provided in this paragraph:—
 - (i) In the case of a dependent widow or totally and permanently incapacitated and wholly dependent widower not having attained the age of 60:—

17s. 6d. per week.

(ii) In the case of a dependent widow or such wholly dependent widower having attained or on that widow or widower attaining, the age of 60:—

26s. od. per week.

(iii) If widow or widower entitled to benefits and child or children under fifteen years of age survive:

In addition to the sum provided in whichever of sub-paragraphs (i) and (ii) is applicable, such further sum not exceeding Twenty-seven shillings and sixpence per week calculated as follows: eight shillings and ninepence per week in respect of the eldest or only such child and six shillings and threepence per week in respect of each other such child:

PROVIDED that benefits may be continued in respect of any such child for such further period not exceeding twelve months after that child attains the age of fifteen years as the Insurance Authority may determine where, in the opinion of the Insurance Authority, it is expedient in the interest of such child so to do.

(iv) If no widow or widower entitled to benefits survives:

In respect of surviving child or children under fifteen years of age there shall be paid such maximum sum per week not exceeding forty-five shillings, calculated as follows: Seventeen shillings and sixpence per week in respect of the eldest or only such child, eight shillings and ninepence per week in respect of the second child and six shillings and threepence per week in respect of each other child.

PROVIDED that benefits may be continued in respect of any such child for such period not exceeding twelve months after that child attains the age of fifteen years as the Insurance Authority may determine where, in the opinion of the Insurance Authority, it is expedient in the interest of such child so to do.

(v) If no widow, widower or child entitled to benefits survives:

Benefits may be granted at the discretion of the Insurance Authority to other dependents according to the degree of their dependence, provided that the total weekly benefits payable in respect of that contributor do not exceed the sum of Thirty-one shillings and threepence.

(vi) On re-marriage, the widow, until then in receipt of a pension, of an insured person shall be entitled to receive the lump sum specified in the Table of Lump Sums payable on re-marriage contained in Part III of this Schedule which is appropriate having reference to the age on re-marriage of such widow.

PART II.

Where Death results otherwise than from an Accident.

The benefits which would be payable in respect of the insured person under paragraph (b) of Part I of this Schedule had the Death of such insured person resulted from an accident.

PART III.

Table of Lump Sums payable on the re-marriage of a widow.

Age	on Re	-marr	iage.	Lump Sum Payable.					
Belov					,		£52	0	o
,,	32		,				£50	10	o
,,	33						£49	0	o
,,	34		***		141		£.47	10	o
,,	35						£46	0	o
,,	36						£44	10	o
,,	37			***			£43	0	o
,,	38			,,,			£41	10	0
,,	39						£40	0	o
,,	40						£38	ю	o
,,,	41			•••			£37	0	0
,,	42						£35	ıo	0
,,	43						£34	0	0
,,	44		• • •	•			£32	10	o
,,	45						£31	0	0
"	46	•••	141				£29	10	О
,,	47						£28	0	0
,,	48				• • •		£26	10	0
,,	49	• • •		• • •		- 1 -	£25	0	О
,,	50	•••		• • •		• • •	£23	10	О
,,	5 I	•••		•••		• • •	£22	0	0
,,	52		•••		• • •		€20	IO	0
,,	53	• • •	• • •		•••	•••	£19		0
,,	54					• • •	£17	10	0
"	55	***			• • •		£16	О	0
,,	56	•••		• • •	***	***	£14	10	О
,,	57	•••	•••		• • •		£13	o	0
,,	58	• • •	•••		•••		£ II	10	0
,,	59	,.,		•••	**1	• • •	£10	0	O
,,	60	•••		• • •	•••		£8	10	0
39	61	• • •	•••	• • •	•••	•••	£7	0	О
Age	61 or	over			***		1	IIL.	

FOURTH SCHEDULE.

Scale of Old Age Pensions.

Average number per annum of con-
tributions paid or deemed to have
been paid by or in respect of the in- sured person before he attains the age
of seventy since the date on which he
attained the age of fifty or since the
date of the commencement of the Principle Law, whichever is the later
of those two dates:-

Weekly Amount of Pension Insured Wife aged 70 Person. or over of Old Age Pensioner.

50	and	over	***	···	 268.	od.	16s.	od.
45	and	under	50		 238.	od.	14s.	od.
40	and	under	45		 208.	od.	128.	od.
35	and	under	40		 18s.	od.	IIS.	od.
30	and	under	35		 158.	od.	9s.	od.
25	and	under	30		 138.	od.	8s.	od.
Un	der	25			 NI	L.	NI	L.

FIFTH SCHEDULE.

Rate of Non-Contributory Old Age and Blind Persons' Pension.

Where the yearly means of the claimant or pensioner under this Law.	than 1	Persons other than married women.		rried men.
Do not exceed £26 5s. od	26s.	od.	16s.	od.
Exceed £26 5s. od. but do				
not exceed £31 108. od	248.	od.	16s.	od.
Exceed £31 10s. od. but do				
not exceed £36 158. od	228.	od.	16s.	od.
Exceed £36 158. od. but do				
not exceed f_{42} os. od	208.	od.	16s.	od.
Exceed £42 os. od. but do				
not exceed £47 5s. od	18s.	od.	16s.	od.
Exceed £47 5s. od. but do				
not exceed £52 10s. od	16s.	od.	16s.	od.
Exceed £52 10s. od. but do				
not exceed £57 158. od	148.	od.	148.	od.
Exceed £57 158. od. but do				
not exceed £63 os. od	128.	od.	128.	od.
Exceed £63 os. od. but do				
not exceed £68 5s. od	ios.	od.	ios.	od.
Exceed £68 5s. od. but do				
not exceed £73 ros. od	8s.	od.	8s.	od.
Exceed £73 10s. od. but do				
not exceed £78 158. od	6s.	od.	бs.	od.
Exceed £78 15s. od. but do				
not exceed £84 os. od	48.	od.	48.	od.
Exceed £84 os. od. but do				
not exceed £89 5s. od	28.	od.	28.	od.
Exceed £89 5s. od		No Per		

JAMES E. LE PAGE, Her Majesty's Greffier.

22nd September, 1953.