

# ORDRE EN CONSEIL

Ratifiant un Projet de Loi intitulé

## Loi ayant rapport aux Pensions Contributives en cas d'Accidents ou de Décès et pour la Vieillesse, 1935.

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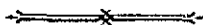
(Enregistré sur les Records de l'Ile de Guernesey le  
15 juin 1935.)



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**VIII**  
**1935**

# ORDRE EN CONSEIL.



A LA COUR ROYALE DE L'ÎLE DE GUERNESEY.

*Le 15 juin 1935, par devant William de Prélaz Crousaz, écuyer, Juge Délégué; présents: Jean Allés Simon, Osmond Priaulx Gallienne, Arthur Dorey, Geoffrey Alfred Carey, Ernest de Garis, Jean Nicolas Robin, Aylmer Mackworth Drake et John Leale, écuyers, Jurés.*

Monsieur le Juge Délégué ayant ce jour communiqué à la Cour un Ordre de Sa Majesté en Conseil en date du 6 juin 1935, ratifiant un Projet de Loi intitulé "Loi ayant Rapport aux Pensions Contributives en cas d'accidents ou de décès et pour la Vieillesse, 1935"—La Cour, après avoir eu lecture du dit Ordre en Conseil, ouïes les conclusions des Officiers du Roi, a ordonné que le dit Ordre en Conseil sera enregistré sur les Records de cette Ile, duquel Ordre la teneur suit :

**At the Court at Buckingham Palace,**

The 6th day of June, 1935.

**Present,**

**The King's Most Excellent Majesty**

LORD PRESIDENT.

MARQUESS OF LINLITHGOW.

LORD STEWARD.

SECRETARY SIR SAMUEL HOARE.

SIR GEORGE H. MURRAY.

SIR TEJ BAHADUR SAPRU.

MR. ATTLEE.

MR. HORE-BELISHA.

CAPTAIN R. C. BOURNE.

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 31st day of May, 1935, in the words following, viz.:—

“YOUR MAJESTY having been pleased by your General Order of Reference of the 10th day of May, 1910, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth:—(1) That on the 16th day of September, 1931, the States of Deliberation on the joint recommendation of the States’ Old Age Pensions Authority and the States’ Insurance Authority resolved to authorise a minute investigation on the question of Contributory Pensions for Old Age, Widows and Orphans, and to be furnished with a report thereon, and further voted a credit of £500 for the purpose of carrying out the said investigation. (2) That on the 16th day of February, 1934, the Reports of the above-named Authorities and of the Deputy Government Actuary, together with a supplementary Report by the said Authorities on the inquiry into the possibilities of a comprehensive Contributory Scheme for Accident Insurance, Widows’, Orphans’ and Old Age Pensions, were duly submitted to and carefully considered by the States when a resolution was passed requesting the States’ Insurance Authority and the Old Age Pensions Authority to present a shorter and more concise report on the details of the proposed scheme, and to submit the same to the States as soon as possible. (3) That on the 13th day of April, 1934, and in accordance with the aforesaid resolution, a joint supplementary report of the States’ Insurance Authority and the Old Age Pensions Authority was duly submitted, when the States decided to resolve themselves into a Committee in order that all amendments

thereon should be submitted at a subsequent meeting, in addition to other amendments which might be received by the President of the States before the 5th day of May, 1934. (4) That at an adjourned meeting of the States held on the 15th day of June, 1934, various amendments were submitted for consideration, and after a full debate a resolution was passed adopting, with modifications, the supplementary report of the aforementioned Authorities, and requesting the latter to confer with the Finance Committee of the States to consider and report on the whole question of the most suitable method of meeting the expenses of the scheme. (5) That at a meeting of the States held on the 9th day of November, 1934, and in conformity with the resolution of that body of the 15th day of June, 1934, the joint report of the aforementioned Authorities and Finance Committee was duly considered, when a resolution was passed adapting, with certain modifications, the recommendations contained in the said report, and requesting the Royal Court to prepare a Bill or *Projet de Loi* in order to give effect thereto. (6) That on the 12th day of March, 1935, in accordance with the resolution of the States of the 9th day of November, 1934, a Bill of *Projet de Loi*, prepared by the Law Officers of the Crown, intituled "*Loi ayant rapport aux Pensions Contributives en cas d'Accidents ou de Décès et pour la Vicillesse, 1935,*" was, with certain amendments, adopted by the Royal Court, and the Bailiff was requested to submit the same to the States for approval. (7) That the said Bill or *Projet de Loi* was duly considered by the States of Deliberation at an adjourned meeting held on the 28th day of March, 1935, when a resolution was passed approving the same, with modifications, and authorizing the President to present a most humble Petition to Your Majesty in Council praying for your Royal Sanction thereto. (8) 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 would be graciously pleased to grant Your Royal Sanction to the Bill or Projet de Loi of the States of Guernsey intituled "Loi ayant rapport aux Pensions Contributives en cas d'Accidents ou de Décès et pour la Vieillesse, 1935," and to order and direct that the same shall have the force of Law within 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.

M. P. A. HANKEY.

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

**LOI AYANT RAPPORT AUX PENSIONS CONTRIBUTIVES EN CAS D'ACCIDENTS OU DE DÉCÈS ET POUR LA VIEILLESSE, 1935.**

LES ETATS ont approuvé les dispositions suivantes rédigées en anglais, lesquelles moyennant la Sanction de Sa Très Excellente Majesté en Conseil, auront force de Loi en cette Ile et dans les Iles d'Herm et de Jethou.

**PART 1.**

**ARTICLE I.**

*Definitions.*

In this Law unless the contrary intention appears:

"The Administrator" means the Insurance Administrator constituted under this Law:

"Benefits" means the amount payable to a person in accordance with the provisions of this Law as may be appropriate in the case of that person.

"Compulsory Contributor" means a worker who has not attained the age of seventy years and includes every person—

- (a) who, being ordinarily a worker, is unemployed; or
- (b) who ceases temporarily to work for an employer: or
- (c) who has ceased to be a worker and, being still entitled to become a voluntary contributor, has not become a voluntary contributor.

"Dependants" means such members of the insured person's family as are wholly or in part dependent upon the earnings of the insured person at the time of his death or injury, or would, but for such death or for the incapacity resulting from such injury, have been so dependent, and where the insured

person, being the parent or grandparent of an illegitimate child, has or leaves such child so dependent upon his earnings, or being an illegitimate child, has or leaves a parent or grandparent so dependent upon his earnings, shall include such illegitimate child and such parent or grandparent respectively.

The words "wholly or in part dependent" mean dependent wholly or partially on contributions for the provision of the ordinary necessities of life suitable to the class and position of the person so dependent.

"Employer" includes:—

- (i) Any body of persons corporate or unincorporate and in the case of any body of persons unincorporate each of those persons shall be jointly and severally liable in respect of the duties, obligations and liabilities imposed upon an employer by this Law and in respect of every penalty for an infringement by an employer of the provisions of this Law:
- (ii) The legal personal representatives of a deceased employer:
- (iii) The person or body of persons with whom a worker has entered into a contract of service or apprenticeship and by whom the services of such worker are temporarily lent or let on hire to another person or body of persons. Such former person or body of persons shall, for the purposes of this Law, be deemed to continue to be the employer of the worker whilst he is working for that other person or body of persons: and
- (iv) The representatives or agent in this Island for the purposes of this Law of an employer not residing therein.

"Insurance Authority" means the States Insurance Authority constituted under this Law.

“Insured person” includes a compulsory contributor, a voluntary contributor (which expression, for the purposes of this definition, shall include a person of seventy years and over who was a voluntary contributor until he attained the age of seventy) and a worker who has attained the age of seventy. For the purposes of this Law, a person shall be deemed to have attained the age of seventy on the commencement of the day previous to the seventieth anniversary of the date of his birth, and similar method shall be applied in calculating any other age mentioned in or material as regards this Law.

“Island of Guernsey” and “this Island” includes the Islands of Herm and Jethou.

“Medical Practitioner” means a qualified physician or surgeon and, in relation to this Island, means a qualified physician or surgeon authorised by the Royal Court to practise therein.

“Medical Certificate” means a medical certificate completed by a Medical Practitioner in the form prescribed by the Insurance Authority.

“Member of family” means wife (widow) or husband (widower), father, mother, grandfather, grandmother, step-father, step-mother, son, daughter, grandson, granddaughter, stepson, stepdaughter, brother, sister, half-brother, half-sister, orphan nephew or orphan niece being in the custody of the insured person, and any child the custody of whom has been granted to and accepted by the insured person. Provided that no such orphan nephew or orphan niece nor any such child the custody of whom has been granted and accepted as aforesaid shall be included in the expression “member of family” unless the full name and the age of such orphan nephew or niece or of such child and such other particulars concerning him or her as the Insurance Authority may require shall have been declared by the insured person



to the Administrator in the form prescribed by the Insurance Authority before the happening giving rise to a claim occurs to the worker.

"The Militia" means The Royal Guernsey Militia or any other local Force substituted therefor, and includes any armed force raised and serving in this Island.

"Pension Day" means the Saturday of each week.

"Provisions of this Law" includes the provisions of any Regulations made and approved thereunder.

"The superseded Insurance Law" means The Worker's Insurance Law, 1930.

"Usual earnings" means the average amount as determined by the Authority of the weekly earnings or prospective weekly earnings, otherwise than by way of bonus and commission and in respect of overtime, during any period of fifty-two consecutive weeks containing the week in which such average amount is so determined, whether paid by the employer or by some other person and whether paid by time or by the piece or partly by time and partly by the piece or otherwise. Board and lodging when reckoned as part of earnings shall be computed at not more than Fifteen shillings per week and board only at not more than Ten shillings per week.

"Week" means the period between midnight on Saturday night and midnight on the succeeding Saturday night.

"Worker" means any person who has attained the age below which he is obliged to attend school and whose usual earnings do not exceed £3 per week and who has entered into or works under a contract of service or apprenticeship with an employer, whether by way of manual labour, clerical work or otherwise, and whether the contract is expressed or implied, is oral or in writing. An unpaid apprentice shall be a worker within the meaning of this definition.

Words importing the masculine gender shall include females; and

Words in the singular shall include the plural and words in the plural shall include the singular.

## ARTICLE II.

### *States Insurance Authority.*

1.—The States Insurance Scheme instituted by this Law shall be controlled and administered by a Committee styled “The States Insurance Authority” and hereinafter referred to as “The Insurance Authority”.

2.—(a) The Insurance Authority shall be composed of fourteen members, namely:—

The President

Twelve Ordinary Members

The Administrator

For the purposes of a meeting of the Insurance Authority the President and five Ordinary Members, or, in the absence of the President, six Ordinary Members shall form a quorum.

The Administrator shall have a voice, but shall have no vote at meetings of the Insurance Authority.

(b) The President and the Ordinary Members of the Insurance Authority shall be elected by the States and the President and seven at the least of the Ordinary Members shall be members of the States and shall retire from office on ceasing to be members of the States, but shall be eligible for election as non-States’ members of the Insurance Authority. Two of the members of the Insurance Authority shall be compulsory contributors and shall be entitled to compensation by the Insurance Authority in respect of the time occupied by them respectively in the performance of their duties as members of the Insurance Authority.

(c) The Administrator shall be appointed by the Appointments Board at such salary and upon such

conditions as shall be determined by Resolution of the States, and the Insurance Authority may confer upon the Administrator such powers in relation to the administration of the provisions of this Law as the Insurance Authority may deem expedient.

(d) The Insurance Authority shall elect a Vice-President from among those of its Ordinary Members who are members of the States.

(e) In the absence of the President and Vice-President, a meeting of the Insurance Authority shall be presided over by an Ordinary Member who shall be chosen for the purpose at that meeting.

(f) The presiding member at a meeting shall have a vote as member and also, in the case of an equal division of votes, a casting vote.

(g) The President shall be elected for a period of five years.

(h) The Ordinary Members elected on the first election shall retire from office in manner following:

Four members shall retire on the 31st day of January, 1937.

Four other members shall retire on the 31st day of January, 1938.

The remaining four members shall retire on the 31st day of January, 1939.

The order of retirement shall be determined by lot.

(i) Members elected to fill the vacancies thereby created and thereafter shall retire from office at the expiration of three years from the commencement of their period of office.

(j) Subject to the provisions of sub-section (b) of this Section, the President and every Ordinary member retiring at the expiration of his term of office shall be eligible for re-election if willing to serve.

(k) When a member ceases to hold office otherwise than under the provisions of sub-sections (h) and (i)

of this Section, the States shall elect a new member for the unexpired portion of the term of office of the member to be replaced.

Provided that until the Insurance Authority is constituted in accordance with the provisions of this Law, the States Insurance Scheme instituted by this Law shall be controlled and administered by a Committee composed of the members in office at the date of the commencement of this Law of the Committee called "The States Insurance Authority" and of the Committee called "The States Old Age Pensions Authority" and such Committee so composed and presided over by a President to be elected from amongst its members by that Committee shall continue in such control and administration notwithstanding the repeal or modification hereby effected of any Law under the provisions of which its members were elected to the offices respectively held by them immediately before the commencement of this Law and such Committee while so continuing in such control and administration shall be deemed to be the Insurance Authority.

Provided also that until the Administrator be appointed in accordance with the provisions of this Law, the Official holding the dual office of Administrator of Old Age Pensions and of Secretary to the States Insurance Authority immediately before the commencement of this Law shall carry out the duties of and be deemed to be the Administrator under this Law.

3.—The Insurance Authority shall have power to administer the various portions of the States Insurance Scheme by means of Committees chosen in that behalf from amongst its Members. The Administrator shall be an ex-officio member of every such Committee and shall have a voice but shall have no vote at meetings thereof. Each such Committee shall determine its quorum.

## ARTICLE III.

*Compulsory and Voluntary Insurance.*

1.—Subject to the provisions of this Law, all workers shall be, and any persons, not being workers but who possess the qualifications hereinafter in this Article mentioned, may be insured in manner provided by this Law, and there shall be payable in respect of all persons so insured (in this Law referred to as “insured persons”) in the manner provided by, and subject to the conditions contained in, this Law, the benefits conferred by this Law.

2.—The persons not being workers who are entitled to become insured persons (in this Law referred to as “voluntary contributors”) are the following persons, being persons who have not attained the age of seventy, that is to say:—

- (a) All persons who, being voluntary insurers under the superseded Insurance Law up to the date of the commencement of this Law, have been continuously insured under the superseded Insurance Law during the two years next preceding that date and who give notice in the manner prescribed by the Insurance Authority within three calendar months next after that date of their desire to become voluntary contributors under this Law.
- (b) All persons who cease to be compulsory contributors but have been continuously insured under this Law and the superseded Insurance Law or under either of those laws during the two years next preceding the date on which they cease to be compulsory contributors and who give notice in the manner prescribed by the Insurance Authority within the three calendar months next succeeding the date on

which they cease to be compulsory contributors of their desire to become voluntary contributors under this Law.

#### ARTICLE IV.

##### *Exemptions.*

1.—A worker who proves to the satisfaction of the Insurance Authority:—

- (a) That he is in receipt of unearned income, secured to his dependants in case of his death at a rate not less than the maximum rate of benefits he could obtain under this Law for total permanent disablement or that his dependants could obtain in case of his death; or
- (b) That, being a stranger, he is subject by the law of his country to compulsory insurance throughout the period of his residence in Guernsey, that such insurance continues in force throughout that period, that such insurance is in respect of the several eventualities for which benefits are payable under this Law and that, as regards each such eventuality, insurance benefits are payable which are not less in amount than the benefits in respect of that eventuality payable under this Law; or
- (c) That he is working solely for his father or mother or for both and that in the event of his incapacity or death during the lifetime of his employer, his father and mother or one of them can and will make such financial provision for the maintenance of such worker and his dependants until the death of the survivor of his father and mother as is equivalent to the maximum benefits payable under this Law in respect of such incapacity or death if the worker were an insured person and that as from the death of the survivor of his father and mother there will

be secured to such worker and his dependants out of the estates of his father and mother or out of the estate of one or other of them an income at a rate exceeding £75 per annum;

may obtain from the Insurance Authority an exemption card effective for such period as the Insurance Authority shall determine and inscribe thereon, and during the period of validity of such exemption card shall be exempt from compulsory insurance under this Law.

2.—No benefits shall be payable under this Law in respect of a worker exempted or entitled to be exempted from compulsory insurance under this Law in respect of any happening occurring while that worker is not insured under this Law.

## ARTICLE V.

### *Contributions and Financial Provisions.*

1.—For the purpose of making provision towards the cost of benefits payable under this Law and of the Administration of this Law, contributions under this Law shall, until varied in manner hereinafter provided, be payable to the Insurance Authority by or in respect of every person insured under this Law, whether a compulsory contributor or a voluntary contributor or a worker who has ceased by reason of attaining the age of seventy to be a compulsory contributor, at the rates specified in the First Schedule to this Law as being applicable thereto respectively.

2.—(a) Where the contributions are payable in respect of an employed compulsory contributor who has not become entitled to be a voluntary contributor, they shall be payable partly by the employer, partly by the compulsory contributor and partly by the States as provided in Part I of the First Schedule to this Law.

(b) Where the contributions are payable in respect of a voluntary contributor they shall be paid wholly by the voluntary contributor as provided in Part III of the First Schedule to this Law.

(c) Where the contributions are payable in respect of a worker who has attained the age of seventy they shall be paid wholly by the employer as provided in Part IV of the First Schedule to this Law.

(d) Where the contributions are payable in respect of a compulsory contributor who is unemployed or ceases temporarily to work for an employer or is entitled to become a voluntary contributor, the States' contribution shall continue to be payable by the States as provided in Part II of the First Schedule to this Law but both the employer's contribution and the contributor's contribution shall be payable wholly by the compulsory contributor unless the name, address and usual occupation of that contributor, he being unemployed, appears on the register of unemployed persons kept by the States Committee appointed to provide or obtain employment for unemployed workers, in which case those contributions shall be paid wholly by that Committee as provided in that Part of that Schedule.

3.—The contributions payable by the States to the Insurance Authority under the foregoing provisions of this Article in respect of each week ending in any calendar month shall be paid by the States to the Insurance Authority at the end of that month.

4.—For the purposes of this Law, there shall be opened in accordance with the directions of the Insurance Authority, two accounts, referred to respectively in this Law as "the Income and Expenditure Account" and "the Insurance Fund Account".

5.—All sums collected on account of contributions under this Law shall be carried to the Income and



Expenditure Account and all benefits payable under or by virtue of this Law and the cost of the administration of this Law shall be met out of that Account.

6.—The Insurance Authority shall from time to time carry to the Insurance Fund Account from the Income and Expenditure Account such sums standing to the credit of the latter account as, in the opinion of the Insurance Authority, will not, during such period next ensuing as the Insurance Authority may determine, be required to meet expenditure during that period.

7.—The Insurance Authority shall from time to time carry to the Income and Expenditure Account from the Insurance Fund Account such sums standing to the credit of the latter account, as in the opinion of the Insurance Authority, will be required during such period next ensuing, not exceeding six months, as the Insurance Authority may determine to meet expenditure during that period.

8.—(a) There shall be paid out of moneys provided by the States into the Insurance Fund Account on the twenty-ninth day of September One thousand nine hundred and thirty-five and on every succeeding calendar quarter-day up to and including that occurring on the twenty-fourth day of June One thousand nine hundred and forty-three the sum of Five thousand four hundred and seventy-five pounds and there shall be paid out of moneys so provided into that Account on the twenty-ninth day of September One thousand nine hundred and forty-three and on every succeeding calendar quarter-day up to and including that occurring on the twenty-fourth day of June One thousand nine hundred and eighty-five the sum of Nine thousand nine hundred and seventy-five Pounds.

(b) Notwithstanding the provisions of sub-section (a) of this Section, payment in whole or in part of any

sum payable under that sub-section may be made in advance of the date of payment as regards such sum stipulated therein and, in the case of any such payment in advance, the amount so paid in advance, together with the interest earned in connection therewith from the date of payment thereof to the date of payment stipulated under the provisions of that sub-section as regards the sum in respect or on account of which the amount so paid in advance was paid, shall be deemed to have been paid in respect or on account of such sum in accordance with the provisions of that sub-section.

9.—There shall also be transferred to the Insurance Authority and carried to the Insurance Fund Account the whole of the assets and liabilities as at the date of the commencement of this Law, of the States Accident Insurance Scheme in operation under the provisions of the superseded Insurance Law.

10.—The Insurance Authority is hereby authorised to receive and carry into the Insurance Fund Account such other sums as the States may determine from time to time to grant to the Insurance Authority for that purpose.

11.—Any sums standing to the credit of the Insurance Fund Account may from time to time be invested in such manner as the Insurance Authority may direct.

12.—The Accounts of the Insurance Authority shall be examined annually by an Auditor appointed in that behalf by the States and shall, together with his report thereon, be published annually as an Appendix to a Billet d'Etat.

13.—The expenditure to be incurred in any financial year shall include:—

- (a) The benefits payable under or by virtue of this Law in that year.

- (b) The expenses incurred in the administration of this Law or otherwise in relation thereto in that year.

## ARTICLE VI.

### *Payment of Contributions.*

1.—Contributions shall be payable at weekly intervals or at such other intervals as may be prescribed in Regulations made under the provisions of this Law.

2.—In the case of an employed compulsory contributor who has not become entitled to be a voluntary contributor, the employer shall in the first instance pay both the contributions payable by himself (in this Law referred to as “the employer’s contributions”) and also on behalf of the contributor the contributions payable by the contributor, and shall be entitled in accordance with and subject to the provisions of this Law to recover from the contributor by deduction from his wages or otherwise the amount of the contributions so paid by him on behalf of the contributor.

3.—Contributions payable by a compulsory contributor or by a voluntary contributor shall cease to be payable on his attaining the age of seventy years.

4.—A weekly contribution shall be payable for each week during the whole or any part of which a worker has been employed.

Provided that—

- (a) Where one weekly contribution has been paid in respect of a worker for any week, no other contribution shall be payable in respect of him for the same week: and
- (b) Where no services have been rendered by a worker during any week and no remuneration is paid in respect of that week, the employer shall not be liable to pay any contributions:

either on his own behalf or (if the worker be a compulsory contributor) on behalf of the worker in respect of that week.

5. (1)—In cases coming within proviso (b) of the foregoing section of this Article, the worker (if a compulsory contributor) shall be liable to pay both the employer's contribution and the worker's contribution in respect of that week unless, being totally incapacitated by reason of sickness or accident from working during the whole of that week—

- (a) The worker, if such incapacity results from sickness, within seven days after the cessation of such incapacity furnishes at his own cost to the Insurance Authority a certificate in the form prescribed by the Insurance Authority of such incapacity by reason of sickness during the whole of that week signed by a medical practitioner; or
- (b) If such incapacity results from accident, a claim to Accident Benefits accompanied by the medical certificate required under this Law to accompany such claim has been registered with the Insurance Authority within fourteen days after the occurrence of the accident:

in either of which cases the worker shall be exempt from such liability and for the purposes of this Law the contribution payable in respect of such worker shall be deemed to have been paid.

5. (2)—A voluntary contributor who is totally incapacitated by reason of accident from working during the whole of any week and in whose case the requirements, as regards a worker so incapacitated, of paragraph (b) of sub-section (1) of this section is complied with by that voluntary contributor shall be exempt from liability to pay any contribution in respect of that week, and for the purposes of this law the contribution payable by such voluntary contribu-

tor in respect of that week shall be deemed to have been paid.

6.—Where the employed compulsory contributor receives any wages or other pecuniary remuneration from the employer, the amount of any contribution paid by the employer on behalf of the contributor shall be recoverable by means of deductions from the wages or other remuneration of the contributor and not otherwise:

Provided that no such deduction may be made from any wages or remuneration other than such as are paid in respect of the period or part of the period in respect of which the contribution is payable, or in excess of the sum which represents the amount of the contribution or contributions for the period in respect of which the wages or other remuneration are paid.

7.—Where the employed compulsory contributor does not receive any wages or other pecuniary remuneration from the employer but receives such remuneration from some other person, a contribution paid by the employer on behalf of the contributor shall be recoverable as a civil debt if proceedings for the purpose are instituted within three months from the date on which the contribution was payable.

8.—When the employed compulsory contributor does not receive wages or other pecuniary remuneration either from his employer or from any other person the employer shall be liable to pay the contributions payable by himself and by the contributor and shall not be entitled to recover any part thereof from the contributor.

9.—When the employed compulsory contributor is not employed throughout the whole of any week by one employer, the employer who first employs him in that week shall be deemed to be the employer for the purposes of the provisions of this Law relating to the

payment of contributions and such employer may recover from the contributor in manner and to the extent permitted by this Law the amount of the contribution paid by the employer on behalf of the contributor and may also recover from the contributor the proportion of the employer's contribution in respect of that part of the week in which he is not the employer of the contributor and the contributor shall be entitled to recover from his other employers of the week the proportion of the employer's contribution due by them respectively. The Insurance Authority shall determine by Regulation the amounts representing the proportions so recoverable from and by the contributor.

10.—Notwithstanding any contract to the contrary, the employer shall not be entitled to deduct from the wages of, or otherwise to recover from the worker the employer's contribution.

11.—Any sum deducted by any employer from wages or other remuneration under this Article shall be deemed to have been entrusted to him for the purpose of paying the contribution in respect of which it was deducted.

## ARTICLE VII.

### *Crown Employees.*

For the purposes of this Law, no person whose usual earnings do not exceed £3 per week and who is :

- (a) employed in the Naval, Military or Flying Services of the Crown other than the Militia; or
- (b) employed by or under the Crown and is paid out of moneys provided by the Parliament of the United Kingdom and is entitled out of moneys so provided to sick pay or superannuation allowance;

shall be accepted as a compulsory contributor under this Law nor shall benefits be payable under this Law

in respect of any such person who has not been accepted as a voluntary contributor under this Law.

#### ARTICLE VIII.

##### *Militia.*

This Law shall apply during the annual training in peace time of the Militia to all persons serving therein whose remuneration therefrom does not exceed £3 per week and, during such training, the States shall be deemed for the purposes of this Law to be the employers of such persons.

#### ARTICLE IX.

##### *Limitation of States' Liability in Time of War.*

The Insurance Authority shall not be liable to pay any benefits under this Law in respect of injury to or the death of any person insured under this Law if such injury or death result from—

- (a) The action of the King's enemies in time of war; or
- (b) any happening in time of war occurring in the course of that person's duty while serving in the Militia.

#### ARTICLE X.

##### *Fishermen and Seafaring Persons.*

1.—This Law shall apply to the same extent and in the same manner as it applies to others to fishermen and other seafaring persons who—

- (a) are Guernsey born or have been and are settled and resident in Guernsey from the time of attaining the age of ten years: and
- (b) work on a vessel which is owned wholly by persons resident in Guernsey or is registered in Guernsey: and
- (c) do not in the course of their work proceed beyond the confines of a circle having a radius of one hundred and fifty miles and having the

White Rock Spur of Saint Peter Port Harbour as its centre: and

- (d) work on their own account or are employed by a person who or whose agent is within the jurisdiction of this Island for the purposes of this Law as regards the payment of contributions: and
- (e) are not entitled under the operation of any Statute of the United Kingdom or any enactment of any other country to benefits equivalent or approximately equivalent to those provided by this Law:

Provided that in the case of the occasional voyage of a vessel beyond the confines of the circle specified in paragraph (c) of this Article, the Insurance Authority may, on being previously notified of such voyage, by resolution declare that, in the case of persons working on such vessel to whom this Law would otherwise apply, this Law shall extend to apply to those persons notwithstanding the provisions of that paragraph and thereupon this Law shall apply accordingly.

2.—The card of every such fisherman and other seafaring person who in the course of his work proceeds beyond the confines of a circle having a radius of sixty miles and having its centre as aforesaid shall be kept at the office of the Insurance Authority.

#### ARTICLE XI.

##### *Actuarial Reports.*

An actuarial report on the general financial operation of this Law and the sufficiency or otherwise for the purpose of the payment of the benefits thereby provided of the contributions and grants payable thereunder shall be made in the year One Thousand nine hundred and forty-two and in every succeeding tenth year and at shorter intervals if so directed by the States.



Every such report shall be made, at the instance of the Insurance Authority, by the Government Actuary of Great Britain if he be willing or by an actuary nominated by him, or, if the said Government Actuary be unwilling or unable so to act or to nominate, by an actuary appointed by the Royal Court at the instance of the Insurance Authority.

Every actuarial report so made shall be submitted to the States as soon as may be after it is received by the Insurance Authority.

#### ARTICLE XII.

##### *Fixing and Revision of Contributions.*

Within the twelve calendar months next following the making of any actuarial report to be made under the provisions of this Law, the Insurance Authority shall review and may alter the rates of the contributions payable under this Law. Every such alteration shall be submitted to the States and shall have effect when sanctioned by the States and not otherwise.

#### ARTICLE XIII.

##### *Reciprocity.*

1.—The Insurance Authority may, subject to the sanction of the States, make reciprocal arrangements with the authority administering in Great Britain or in any of the Channel Islands to which this Law does not apply any scheme of insurance substantially corresponding to that provided by virtue of this Law and for which provision is made by legislative enactment whereby periods of insurance, contributions paid, and residence, in one country shall for the purpose of qualifications for pension in the other country, be treated as if they had been periods of insurance, contributions paid, and residence, in that other country, and whereby pensions payable by one country shall be payable to persons whilst resident in the other country.

2.—Provision may be made by regulations under this law for directing that this Law shall, in relation to or in connection with any persons affected by any arrangements made under this Article, apply, subject to such modifications and adaptations as may be prescribed in the regulations, and may make provision for any necessary financial adjustments.

3.—For the purpose of this Article the expression “country” means the Island of Guernsey on the one hand, and Great Britain or any of the Channel Islands to which this Law does not apply, on the other hand.

#### ARTICLE XIV.

##### *Powers of Investigation.*

1.—The Administrator or other person duly authorised thereto by him shall have power to enter during ordinary business hours on private property, other than a private dwelling, where any worker is employed, in order to—

- (a) investigate the causes which led to an accident to a worker; or
- (b) to demand production of and to inspect wage sheets, pay rolls and other records of wages paid to workers and to make interrogations concerning the same to ensure that this law is being observed in respect of such workers.

2.—Every employer and every insured person having in his possession any insurance card issued by the Insurance Authority shall, whenever the Administrator or other person duly authorised thereto requires him, either in person or by notice in writing, to produce that card, produce that card or cause the same to be produced to the Administrator or other authorised person and, if so required by the Administrator or other authorised person, shall deliver up such card to the Administrator or other authorised person, who may, if he thinks fit, retain any such card.

## PART II.

### BENEFITS IN RESPECT OF INJURY OR DEATH FROM ACCIDENT.

#### ARTICLE XV.

##### *Ordinary Benefits.*

1.—Subject to the provisions of this Part of this Law, benefits in respect of accidents to insured persons, however and whensoever such accidents may occur, shall be payable as specified in the Second Schedule, and in Part I of the Third Schedule to this Law as may be appropriate in respect of such persons respectively.

Provided that as from the expiration of two calendar years after the date of the commencement of this Law, none of the benefits specified in the second schedule to this law or in paragraph (a) of Part I. of the third schedule to this law shall be payable, nor shall any medical benefits be provided, in respect of an accident occurring to a person insured under this Law who has attained the age of seventy.

Provided also that if it be proved to the satisfaction of the Insurance Authority that the injury to or death of the insured person was attributable to the gross and wilful misconduct or drunkenness of the insured, any benefits claimed in respect of such injury or death may, at the discretion of the Insurance Authority, be disallowed in whole or in part.

Provided also that benefits under this Part of this Law in respect of the injury or death resulting from an accident to an insured person occurring in any place outside of the Bailiwick of the Island of Guernsey may, at the discretion of the Insurance Authority, be disallowed in whole or in part unless—

- (a) the card of that insured person fully prepaid for the period of absence from this Island of that insured person was deposited in this Island with

the employer of that insured person or with the Insurance Authority or with a person authorised by the Insurance Authority to receive such card before the departure from this Island of that insured person; and

- (b) such accident occurred during the temporary absence from this Island of that insured person and within the thirty days next succeeding the date on which such temporary absence commenced or within such greater period next succeeding that date as shall have been notified by that insured person to and approved by the Insurance Authority.

2.—Benefits shall commence to accrue on the day on which the insured person is first attended by a medical practitioner after the accident.

3.—Every claim in respect of injury shall be accompanied by a certificate from a medical practitioner in the form prescribed by the Insurance Authority stating the nature of the injury and that the injury is such as to prevent the insured person wholly or partially from working at his occupation and the probable duration of the incapacity. If the duration of the incapacity exceeds the period stated in any certificate of a medical practitioner as the period of the probable duration thereof, the payment of benefits for the excess period shall be conditional upon the production to the Insurance Authority of a medical certificate justifying such further payment of benefits.

4.—Where it appears to the medical practitioner having under his care an insured person in respect of whom benefits are being paid under this Part of this Law that his patient is sufficiently recovered to be capable of again undertaking work whether wholly or partially, it shall be his duty to forward to the Insurance Authority a certificate to that effect upon the form prescribed by the Insurance Authority.

5.—When an insured person in respect of whom benefits are payable under this Part of this Law has been attended by a medical practitioner, the fee for the first attendance by such practitioner (if such attendance has taken place within fourteen days of the occurrence of the accident) shall be paid by the Insurance Authority.

6.—It shall be the duty of every medical practitioner who, being consulted by an insured person who applies to such medical practitioner for a medical certificate for presentation to the Insurance Authority with regard to an injury alleged to have been sustained as the result of an accident, finds after examination of such person that no evidence exists of any such injury, to forward forthwith to the Insurance Authority a certificate to that effect upon the form prescribed by the Insurance Authority and the Insurance Authority shall pay to that medical practitioner in respect of that certificate, if it be received by the Insurance Authority within the forty-eight hours following the hour at which the medical practitioner was so consulted, such sum as may be prescribed by the Insurance Authority.

#### ARTICLE XVI.

##### *Medical Benefits (Accidents).*

1.—The Insurance Authority is empowered to pay for medical attendance to insured persons sustaining injury as the result of an accident at its discretion.

2.—Where there is reason to believe that perfect or partial recovery of capability to work by an insured person can only be obtained by special measures, the Insurance Authority may direct that he be sent to hospital, and may provide apparatus and means and defray the expenses necessary for the treatment of the case.

3.—An insured person who is living with his wife or family may only be sent to a hospital by his own

consent, unless the injury is of such a nature that the necessary treatment would make home-nursing impossible or very difficult.

4.—Where an insured person refuses, without sufficient reason, to submit to the treatment recommended by the Medical attendant, the Insurance Authority may, at its discretion, withhold the whole or part of the benefits granted, provided:—

- (a) that he be warned of the result of his refusal;
- (b) that it be explained to him that his capability to work may be adversely affected by his refusal.

5.—While an insured person is in hospital at the expense of the Insurance Authority, accident benefits shall not be payable to him, but there shall be payable to his dependants up to an amount not exceeding Twenty-seven shillings per week the benefits which would have been payable to them had such insured person died as the result of the accident which occasioned his injury.

## ARTICLE XVII.

### *Medical Examinations (Accidents).*

1.—Where an insured person has given notice of an accident he shall, if so required by the Insurance Authority, submit himself for examination by a Medical Practitioner provided and paid by the Insurance Authority, and, if he refuses to submit himself to such examination, or in any way obstructs or delays the same his right to benefits shall be suspended until such examination has taken place, and if his incapacity to work is increased or prolonged by reason of such refusal, obstruction or delay, the benefits may be reduced accordingly.

2.—Any insured person receiving benefits under this Part of this Law shall, if so required by the

Insurance Authority, from time to time submit himself for examination by a Medical Practitioner provided and paid by the Insurance Authority. If the insured person refuses to submit himself to such examination, or in any way obstructs the same, his rights to such benefits shall be suspended until such examination has taken place.

3.—Where an insured person has submitted himself for examination by a Medical Practitioner in accordance with the provisions of Section 1 or Section 2 of this Article, and is not satisfied with the report of such Medical Practitioner, he may, on payment of such fee not exceeding twenty-one shillings as may be prescribed by the Insurance Authority, require his case to be referred to a Medical Referee.

4.—The Medical Referee to whom a case is so referred shall give a certificate in the form prescribed by the Insurance Authority as to the condition of the insured person and his fitness or otherwise for employment, specifying the kind of employment (if any) for which he is fit, and that certificate shall be conclusive evidence as to the matter so certified.

5.—Where a case has been referred to a Medical Referee in accordance with the provisions of Section 3 of this Article, and the report of such Medical Referee upholds the contention of the insured person, the fee paid by the insured person in respect of such reference shall be refunded to the insured person by the Insurance Authority.

6.—Where under this Article a right to benefits is suspended, no benefits shall be payable in respect of the period of suspension.

#### ARTICLE XVIII.

##### *Medical Practitioners and Referees (Accidents).*

1.—The Insurance Authority shall appoint such Medical Practitioners to be Medical Referees for the purposes of this Law as it may determine.

2.—Where a Medical Referee has been engaged as a Medical Practitioner by or on behalf of an insured person, he shall not act as Medical Referee in the case of that insured person.

3.—The scale of fees payable by the Insurance Authority to the Medical Practitioners and Medical Referees performing services under this Law shall be determined by agreement between them and the Insurance Authority.

### **PART III.**

#### **BENEFITS TO WIDOWS AND DEPENDANTS. (DEATH FROM NATURAL CAUSES).**

##### **ARTICLE XIX.**

##### *Benefits and Statutory Condition.*

1.—Subject to the provisions of this Law, benefits in respect of the death occurring after the expiration of one hundred and four weeks from the date of the commencement of this Law, otherwise than as the result of an accident, of insured persons shall, if the condition mentioned in Section 2 of this Article (in this Law referred to as the statutory condition) is complied with, be payable as specified in Part II of the Third Schedule to this Law as may be appropriate in respect of such persons respectively.

2.—The statutory condition to be complied with in the case of every such insured person is that at least one hundred contributions have been paid or are deemed under the provisions of this Law to have been paid by or in respect of such person during the one hundred and four weeks which immediately preceded the week in which the death of such person occurred or, if that person died after attaining the age of seventy, during the one hundred and four weeks which immediately preceded the week in which that person attained that age.



**PART IV.****OLD AGE PENSIONS.****ARTICLE XX.***Amount of Pension and Statutory Condition.*

1.—Subject to the provisions of this Law, if the condition mentioned in Section 2 of this Article (in this Law referred to as the statutory condition) is complied with, benefits by way of a pension the weekly amount of which shall be determined in accordance with the Scale of Old Age Pensions contained in the Fourth Schedule to this Law, shall be payable to an insured person who attains the age of seventy after the expiration of one hundred and four weeks from the date of the commencement of this Law as from the attainment by that insured person of the age of seventy and benefits by way of a pension of a similar weekly amount 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.

2.—The statutory condition required to be complied with in the case of an insured person in order to entitle that insured person or that insured person and his wife in manner aforesaid, as the case may be, to a pension at one of the weekly rates of pension specified in the second column of the Fourth Schedule is that there shall have been paid or be deemed under the provisions of this Law to have been paid by or in respect of that insured person before he attains the age of seventy and since the date on which he attained the age of fifty or since the date of the commencement of this Law, whichever is the later of those two dates, such a number of contributions as, on being averaged over the period elapsing between whichever of the aforesaid dates is applicable in the case of that insured person and the date of attainment by that insured person of the age of seventy,

shows an average number of contributions per annum not less than the only or smaller number in the first column of that Schedule set against that weekly rate of pension.

## PART V.

### MISCELLANEOUS.

#### ARTICLE XXI.

##### *Regulations.*

1.—The Insurance Authority may at any time and from time to time prepare regulations generally for carrying this Law into effect and, subject to the provisions of this Law, provision may be made by regulations—

(a) for any matters incidental to the payment and collection of contributions payable under this Law, and in particular for—

(i) payment of contributions by means of adhesive or other stamps affixed to or impressed upon cards or otherwise and whether prepaid or otherwise, and regulating the manner, times and conditions in, at and under which such stamps are to be affixed or impressed or payments are otherwise to be made :

(ii) the issue, renewal, custody, production and delivery up of cards, the particulars to be inscribed thereon, the replacement of cards which have been lost, destroyed or defaced and providing against cards being obtained under false names and by false pretences and other matters of the like nature.

(b) for enabling a person to be appointed to exercise on behalf of any claimant or person entitled to or in receipt of benefits under this Law or entitled to or in receipt of a pension under the Law intituled “Loi

ayant rapport aux Pensions pour la Vieillesse et la Cécité, 1931" (herein called "the modified Law") who is, by reason of any mental or other incapacity, unable to act, any right to which that claimant or person may be entitled under this Law or the modified Law, and to authorise any person so appointed to receive on behalf and for the benefit of the claimant or person so entitled any benefits payable under this Law or the modified Law.

(c) for prescribing the manner in which claims to benefits are to be made and the procedure to be followed on the consideration and determination of claims and questions to be considered and determined by the Insurance Authority or by any Committee thereof and the mode in which any question may be raised as to the continuance, in the case of a person who is or has been receiving benefits under this Law, of the right of that person to receive benefits thereunder and as to the disqualifications of a person who is or has been in receipt of benefits thereunder.

(d) for requiring such returns to be made and such information to be supplied to the Insurance Authority by employers and contributors as the Insurance Authority may from time to time deem necessary for the purposes of this Law.

(e) for providing that, subject to the regulations—

(i) in the case of the death of a person who was in receipt of benefits, payment may be made of any sum which becomes payable within three months before the date of his death on account of benefits, but has not been paid; and

(ii) in the case of the death of a person who being entitled to benefits had made a claim thereto, payment may be made of any sum which, if his claim had been allowed immediately before his death, would have

become payable on account of benefits up to the date of his death; and

- (iii) in the case of the death of any person who was entitled to benefits but had made no claim thereto, payment may be made of any sum which, if a claim had been made immediately before his death, would have become payable on account of benefits up to the date of his death; and

(f) for providing that, subject to the regulations, probate or other proof of the title of the personal representatives of the deceased person may be dispensed with in the case of any such sum as is mentioned in the last preceding paragraph, and that any such sum may be paid or distributed to or among the persons appearing in manner provided by the regulations to be entitled to receive the said sum or any part thereof, either as being persons beneficially entitled thereto under any testamentary instrument or as next of kin, or as being creditors of the deceased person, or to or among any one or more of such persons exclusive of the others, or, in the case of any illegitimacy of the deceased person or any child of his, to or among such person or persons as may be directed by the regulations.

(g) for prescribing anything which under this Law is to be prescribed and for providing for and determining anything which under this Law is to be provided for or determined.

2.—The regulations shall provide for enabling claimants for benefits to make their claims and obtain information as respects benefits under this Law and for provisionally allowing claims to Old Age Pensions before the date on which the claimant will become actually entitled to the pension, for notice being given by the Registrar of Births, Marriages and Deaths to the Insurance Authority of the death of

every person over the age of fourteen years registered by him, the whole in such manner and subject to such conditions as may be prescribed in the Regulations and for enabling the Administrator to search the Registers of Births, Marriages and Deaths and to take notes of any entry therein, without payment of fee, and for making the procedure for considering and determining on any claim for or question with respect to benefits under this Law as simple as possible.

3.—Regulations so prepared shall have no effect until they have been submitted to and have received the approval of the Royal Court sitting as a Court of Chief Pleas and upon such regulations being so submitted, the Royal Court may modify or amend the same before giving its approval thereto. The Royal Court may by Ordinance modify and repeal any regulations previously approved.

4.—Upon the Royal Court approving of any such regulations, the Royal Court shall pass an Ordinance embodying such regulations and may prescribe penalties for their infringement.

5.—The passing of an Ordinance embodying any such regulations shall be conclusive evidence that the Ordinance and the regulations embodied therein are within the powers conferred by this Article.

6.—Stamps required for the purposes of this Law shall be prepared and issued in such manner as the Insurance Authority may direct.

#### ARTICLE XXII.

##### *Provision against Double Benefits.*

The receipt of benefits claimable under any part of this Law by any person shall disentitle that person whilst in receipt of such benefits to receive benefits under any other part of this Law or awarded under the Worker's Insurance Law, 1930, or claimable under the Law intituled "Loi ayant rapport aux

Pensions pour la Vieillesse et la Cécité, 1931 " and the receipt of benefit under either of the last mentioned Laws by any person shall disentitle that person whilst in receipt of such benefits to receive benefits under this Law.

Provided that where a person is entitled to claim benefits under more than one Part of this Law or under more than one of the three Laws mentioned in this Article, that person shall be entitled to receive benefits at the greatest rate applicable in the case of that person under any of the Parts of this Law or under any of the said Laws, as the case may be.

### ARTICLE XXIII.

#### *Disqualification for Benefits.*

1.—A person shall be disqualified from receiving or continuing to receive benefits in respect of himself or herself:—

- (a) While he is an inmate of any workhouse or other poor law institution.

Provided that, notwithstanding such disqualifications, benefits which would be payable to that person in respect of himself if he were not such an inmate shall, if he is an inmate of a workhouse or poor-law institution situate in this Island, be paid by the Insurance Authority to the Poor Law Authority in control of that workhouse or poor-law institution to be applied towards the cost of maintaining that person therein, save that, as regards any such inmate who has entered a workhouse of poor-law institution, for the purpose of receiving surgical or medical attention and is expected not to continue permanently as an inmate thereof, the Insurance Authority may in its discretion, during a period of not more than thirteen consecutive weeks, retain out of the amount so

payable to the Poor Law Authority such sum in respect of rent or other outgoing as appears necessary to the Insurance Authority for the purpose of maintaining in being the home of that person and the Insurance Authority shall apply any sums so retained in settlement of that rent or other outgoing.

- (b) While he is being detained in any lunatic asylum or mental hospital or is being maintained in any place as a pauper or criminal lunatic.

Provided that, notwithstanding such disqualification, benefits which would be payable to a person in respect of himself if he were not so detained shall, if he is detained or maintained as aforesaid in the said Island otherwise than as a criminal lunatic, be payable to the Authorities in control of such lunatic asylum, mental hospital or other place, to be applied towards the cost of maintenance of that person.

- (c) as regards benefits payable to that person by reason of the fact that she is the widow of an insured person,—while such widow and some other person are cohabiting as man and wife.
- (d) as regards benefits payable in respect of the temporary incapacity resulting from accident of an insured person,—while that insured person during such incapacity is absent from this Island unless such absence has been notified by that insured person to and approved by the Insurance Authority.

2.—Where a person has been, whether before or after the commencement of this Law, convicted of any offence and ordered to be imprisoned without the option of a fine or to suffer any greater punishment he shall be disqualified from receiving or continuing

to receive benefits while he is detained in prison in consequence of the order.

3.—During any period in which a person is disqualified for receiving or continuing to receive benefits, that person shall (unless the disqualification arises out of paragraph (c) of Section 1 of this Article, in which case the Insurance Authority in its discretion may refrain from enforcing the further disqualification next referred to herein) be disqualified for receiving or continuing to receive benefits in respect or on behalf of any other person and benefits which, but for such disqualification, would be payable to that person in respect or on behalf of any other person shall (unless the disqualification arises out of paragraph (d) of Section 1 of this Article, in which case such benefits shall not be paid) be paid for the benefit of that other person to such person as the Insurance Authority may appoint to receive the same.

#### ARTICLE XXIV.

##### *Posthumous Children.*

In the event of a posthumous child being born, any benefits which would have been payable in respect of that child had he been living at the date of his father's death shall be payable in respect of that child as from the date of birth.

#### ARTICLE XXV.

##### *Method and Limitation of Payment.*

1.—Benefits shall accrue in weekly instalments and each such instalment shall accrue due on the Pension Day of the week in respect of which or part of which it is payable. A weekly instalment of benefits shall be payable on any weekday which precedes the Saturday next following the Pension Day on which it accrued due. Subject to the Provisions of this Article the Administrator may determine the days and the hours on those days during which benefits shall be paid to persons entitled thereto and the



places at which the same shall be payable and may appoint different days, hours and places of payment as regards such persons as may in the opinion of the Administrator be convenient having regard to the places in which those persons reside.

Provided that benefits payable to any person who is absent from or not resident in this Island shall be payable quarterly in arrear if that person furnishes to the Insurance Authority proof, in such manner and at such intervals as may be prescribed by the Insurance Authority, of his identity and of the continuance of his right to receive such benefits and, if such proof is not so furnished, benefits shall cease to accrue or be payable to that person until such proof is so furnished.

2.—A sum shall not be paid on account of benefits if payment of the sum is not obtained within three months after the date on which it has become payable.

#### ARTICLE XXVI.

##### *Appeals.*

1.—If any person is dissatisfied by the award or decision of the Insurance Authority in respect of any claim for benefits under this Law, that person may appeal from such award or decision to the Royal Court sitting as an Ordinary Court and the decision of the Ordinary Court in the matter shall be final and conclusive.

2.—Provision may be made in the Regulations for limiting the time within which an appeal to the Ordinary Court may be brought, for requiring notice of any such appeal to be given to the Administrator for prescribing the procedure to be followed in the bringing and hearing of any such appeal, and the cost which may be awarded in regard thereto and for requiring notice of the decision in any such appeal to be communicated to the Insurance Authority.

3.—A copy of any award or decision of the Insurance Authority, if authenticated by the Signature of the President, Vice-President or Acting President of the Insurance Authority and by the signature of the Administrator or acting Administrator shall be received as evidence of that award or decision.

## ARTICLE XXVII.

### *General.*

1.—Notwithstanding anything in this Law contained, benefits may at the discretion of the Insurance Authority be withheld in whole or in part in cases where the contributions payable under this Law in respect of an insured person have not been fully paid up to the time of the happening giving rise to a claim for benefits in respect of that insured person or where contributions have been paid by or on behalf of an insured person at a rate which is less than the appropriate rate as regards that insured person.

2.—The Insurance Authority may at any time give such directions as to the mode of payment of benefits as in their opinion will ensure the proper expenditure of the same and the right to receive such benefits shall be satisfied by the payment of such benefits in accordance with such directions.

3.—The Insurance Authority is hereby authorised in cases in which in its discretion it may deem it advisable so to do, to permit the commutation of ordinary benefits awarded under Part II. of this Law.

4.—Where an insured person in respect of whom benefits are payable under Part II. or Part III. of this Law has or leaves both total and partial dependants the Insurance Authority in its discretion may allot benefits partly to the total dependants and partly to the partial dependants.

5.—Benefits awarded in the form of weekly payments under Part II. or Part III. of this Law may

be reviewed at the instance of the Insurance Authority or of a person to or in respect of whom such benefits are payable and on such review such benefits may, subject to the appropriate provisions of this Law as regards the payment of benefits be withdrawn, diminished, or increased.

Provided that, where the insured person to or in respect of whom benefits are so payable was at the time of the happening giving rise to the payment of benefits under twenty-one years of age and the review takes place more than twelve months after such happening, the amount of the weekly payment may be increased to any amount not exceeding the amount of the weekly wages which the insured person might be expected to have been earning at the date of such review if he had remained uninjured or not exceeding the amount representing the maximum benefits payable to or in respect of that insured person, whichever shall be the lesser of those two amounts.

6.—No benefits shall be payable under this Law in respect of any person by reason of the payment of any contribution by or in respect of that person unless at the time of the payment of such contribution that person was an insured person.

#### ARTICLE XXVIII.

##### *Extension and Limitation of Benefits.*

1.—Subject to the provisions of Section 2 of this Article, benefits may at the discretion of the Insurance Authority be paid under Part II. or Part III. of this Law in respect of the children over fifteen years of age of an insured person who were dependent upon that insured person and who were and are in a state of mental or physical incapacity and continue in a state of dependency by reason thereof.

2.—Notwithstanding anything in this Law contained save as provided in Part I. of the Second Schedule to this Law and in sub-paragraphs (iii) and

(iv) of paragraph (b) of Part I. of the Third Schedule to this Law and in Part II. of the latter Schedule (by reference to paragraph (b) of Part I. of that Schedule), the total benefits payable in respect of any insured person shall not exceed twenty-five shillings per week.

#### ARTICLE XXIX.

##### *Benefits not Assignable.*

Benefits awarded to any person under this Law shall not be capable of being assigned, charged or attached and shall not pass to any other person by operation of law nor shall any claim be set-off against the same.

#### ARTICLE XXX

##### *Limitation of Pensions to Widows.*

The widow of an insured person, if the insured person had attained the age of sixty-five at the date of the marriage, shall not, if the marriage takes place after the first day of January, Nineteen hundred and thirty-five, be entitled to a widow's pension unless either—

- (a) at the date of the death of her husband three years or more have elapsed since the date of the marriage; or
- (b) she was immediately before the marriage in receipt of a widow's pension under this law.

#### ARTICLE XXXI.

##### *Employers.—Limitation of Liability.*

No claim in respect of the injury to or death of a worker or voluntary contributor alleged to have resulted from or to be attributable to any happening in connection with the employment of that worker which, but for the provisions of this Article, would be maintainable by that worker or voluntary contributor or by his legal personal representatives or by any of his dependants or by the Insurance Auth-

ority against the employer of that worker or voluntary contributor shall, in the absence of a contract in writing to the contrary effect entered into between that worker or voluntary contributor or his dependants and the employer of that worker or voluntary contributor whether before or after the happening of such injury or death, be maintainable against such employer, except upon proof that such injury or death resulted from or was attributable to the personal negligence of such employer, if it be shown by such employer :

- (a) that, being the employer of that worker, he had, on the occasion next preceding that happening on which he was required by this Law or any Regulation made thereunder to comply with the provisions of Section 2 of Article 6 of this Law as regards that worker, complied with those provisions : or
- (b) that, being the employer of that voluntary contributor he had, before that happening occurred and in respect of the period of employment by him of that contributor in the week preceding the week in which that happening occurred, contributed (in addition to wages or other remuneration payable to that contributor) towards the contribution payable by that contributor an amount not being less than the amount which would have represented the employer's contribution in respect of that contributor, or the portion thereof not recoverable under this Law from that contributor, had that contributor been a worker.

#### ARTICLE XXXII.

##### *Assignment to Insurance Authority of Rights against Third Parties.*

1.—Where injury to or the death of an insured person occurs in or arises out of circumstances

creating a legal liability, otherwise than by virtue of contract, in any person to pay damages in respect of such injury or death, the right of such insured person or of his legal personal representatives or dependants to claim and recover damages from such person in respect thereof shall vest forthwith in the Insurance Authority and the Insurance Authority shall be deemed, and may be described in any legal proceedings for the enforcement of such right, as the legal assignee thereof from such insured person, his legal personal representatives or dependants, as the case may be.

2.—Such right of recovery so vested in the Insurance Authority shall be deemed to include the right to recover from any such person so liable all sums disbursed and to be disbursed by the Insurance Authority under the provisions of this Law in respect of the insured person and his dependants by reason of the injury to or death of such insured person, as though the same had been or would be disbursed by such insured person or his dependants by reason of that injury or death and were recoverable by him or them.

3.—Any amount recovered by the Insurance Authority by virtue of the provisions of this Article shall be received and held by the Insurance Authority as Trustee for the following uses so far as such amount shall suffice :

- (1) To pay therefrom all non-recoverable costs and expenses incurred by the Insurance Authority in the prosecution and recovery of the claim for damages.
- (2) To recover therefrom all benefits paid by reason of such injury or death and, as and when the same are paid, all future benefits payable by reason thereof.
- (3) On the cessation of payment of benefits, to pay

the balance, if any, to the insured person or to his legal personal representatives.

Provided that where in the opinion of the Insurance Authority the amount of damages so recovered is in excess of the total benefits payable, the Insurance Authority may at its discretion make grants from time to time therefrom to the insured person or his dependants during the time that the benefits under this Law are being paid.

4.—The provisions of this Article shall not affect the right, if any, of an insured person or his legal personal representative to claim and recover damages otherwise than in respect of injury to or the death of the insured person and for the purpose of recovering the same the insured person or his legal personal representatives may join in any proceedings brought by the Insurance Authority or may bring separate proceedings in respect thereof, as may be agreed between the Insurance Authority and the insured person or his legal personal representatives but the Insurance Authority shall only permit the insured person or his legal personal representatives to join in proceedings brought by the Insurance Authority upon being indemnified against all costs and expenses arising or which might arise by reason of such joinder.

#### ARTICLE XXXIII.

##### *Repayment of Contributions in Certain Cases.*

If an insured person who has attained the age of sixty-eight before the date of the commencement of this Law dies before attaining the age of seventy or, living to attain that age does not within one year thereafter become entitled to a non-contributory Old Age Pension or being entitled thereto does not within that period apply for the same, the Insurance Authority may pay to that person or to the widow

of that person, such amount as shall represent the sum of the employer's contributions and of the contributor's contributions paid in respect of that person since the date of the commencement of this Law.

#### ARTICLE XXXIV.

##### *Recovery of Penalty for non-payment of Contributions.*

Where benefits have been awarded under this Law and it is found that no card has been applied for by or in respect of the insured person as regards whom such benefits have been awarded for the period current at the time of the happening giving rise to the payment of benefits or that the contributions payable under this Law in respect of such insured person have not been fully paid up to the time of such happening, the Insurance Authority may take proceedings against any person responsible under this Law for the payment of any contribution which has not been paid in respect of that insured person or against the legal personal representative of that person and shall be entitled to recover twenty-five shillings in respect of every week in which payment of a contribution in respect of that insured person was omitted and any costs incurred in relation to such recovery.

#### ARTICLE XXXV.

##### *Notice of Claims.*

Notice of a claim for benefits under this Law shall be given as soon as practicable and not later than fourteen days after the happening giving rise to the claim. Provided that the want of or any defect or inaccuracy in such notice shall not be a bar to the maintenance of such claim if it is found in the proceedings for settling the claim that the Insurance Authority is not, or would not, if a notice or an amended notice were then given and the hearing postponed, be prejudiced by the want, defect or inaccuracy, or that such want, defect or inaccuracy was



occasioned by mistake, absence from the Island or other reasonable cause.

Claims for benefits under this Law shall be made on forms of notice to be provided free of cost by the Insurance Authority and shall contain such information as the Insurance Authority may think necessary for the proper verification of claims. A receipt shall be given to the person registering the claim.

## OFFENCES, LEGAL PROCEEDINGS, ETC.

### ARTICLE XXXVI.

Every person who does, or causes or procures to be done, or knowingly aids, abets, or assists in doing, any of the acts following, that is to say:—

- (1) forges a die used or to be used in the preparation of stamps to be issued for the purposes of this Law or under any Regulation made thereunder;
- (2) prints or makes an impression upon any material with a die which to his knowledge is a forgery of a die so used or to be used;
- (3) forges a stamp so issued or to be issued;
- (4) fraudulently prints or makes an impression upon any material from a genuine die so used or to be used;
- (5) fraudulently cuts, tears, or in any way removes from any material any stamp so issued, with intent that any use should be made of such stamp or any part thereof;
- (6) fraudulently mutilates any stamp so issued, with intent that any use should be made of any part of such stamp;
- (7) fraudulently fixes or places upon any material or upon any stamp so issued, any stamp so issued or part thereof which, whether fraudulently or not, has been cut, torn, or in any way

removed from any other material, or out of or from any other such stamp;

- (8) fraudulently erases or otherwise either really or apparently removes from any material, stamped with a stamp so issued any name, sum, date, or other matter or thing whatsoever thereon written, with the intent that any use should be made of the stamp upon such material;
- (9) knowingly sells or exposes for sale or utters or uses any stamp which is a forgery of a stamp so issued or to be issued or any stamp which has been fraudulently printed from a genuine die so used or to be used;
- (10) knowingly, and without lawful excuse (the proof whereof shall lie on the person accused) has in his possession any die which is a forgery of a die so used or to be used or stamp which is a forgery of a stamp so issued or to be issued or any stamp which has been fraudulently printed or impressed from a genuine die so used or to be used or any stamp so issued or to be issued or part thereof which has been fraudulently torn, cut or otherwise removed from any material, or any such stamp which has been fraudulently mutilated, or any material stamped with such stamp out of which any name, sum, date, or other matter or thing has been fraudulently erased or otherwise either really or apparently removed,

shall be guilty of felony, and shall on conviction be liable to be kept in penal servitude for any term not exceeding fourteen years, or to be imprisoned with or without hard labour for any term not exceeding two years.

## ARTICLE XXXVII.

1.—Every person who, for the purpose of obtaining or continuing benefits, either for himself or for any other person, or for the purpose of obtaining or continuing benefits for himself or for any other person at a higher rate than that appropriate to the case, knowingly makes any false statement or false representation, and every person who knowingly obtains payment of, or continues to receive, benefits which he is disqualified from receiving, shall be liable on summary conviction in the Police Court to imprisonment for a term not exceeding six months, with or without hard labour.

2.—If it is found at any time that a person has been in receipt of benefits during any period during which he was not entitled thereto, or has been in receipt of benefits at a higher rate than that appropriate to the case, then he, or, in the case of his death, his personal representative, shall be liable to repay to the Insurance Authority, at the discretion of the Insurance Authority, any sums paid to him in respect of the benefits during the period aforesaid, or, as the case may be, a sum representing the difference between benefits at the rate actually paid and benefits at the rate appropriate to the case.

3.—Any sum due to the Insurance Authority under this Article may be recovered by the Insurance Authority as a civil debt and proceedings for the recovery thereof may be brought at any time within twelve months from the time when the matter complained of arose, or, where the complaint is in respect of a consecutive series of payments on account of benefits, within twelve months from the date on which the last payment on account of pension was received.

4.—Where a person is liable under this Article to repay to the Insurance Authority any sum received

by way of benefits, that sum may be recovered without prejudice to any other remedy, by means of deductions from any benefits to which that person may thereafter be entitled.

5.—The provisions of this Article shall apply with the necessary modifications in the case of a person to whom benefits are paid for the benefit of any person.

#### ARTICLE XXXVIII.

1.—If—

- (a) any employer or compulsory contributor fails to pay any contributions which under this Law he is liable to pay; or
- (b) any employer deducts or attempts to deduct from the wages or other remuneration of a worker the whole or any part of the employer's contribution; or
- (c) any employer deducts or attempts to deduct from the wages or other remuneration of a worker who has ceased to be a compulsory contributor any sum purporting to be or form part of a contribution payable by that worker under this Law; or
- (d) any person obstructs or resists the Administrator or other authorised person in the execution of his powers or wilfully suppresses or withholds information or makes false statements when lawfully interrogated concerning any particulars which it is the duty of the Administrator or other person duly authorised thereto by him to ascertain, or refuses or neglects when so requested to produce or cause to be produced any card or refuses or neglects on being required so to do to deliver up to the Administrator or other authorised person any card which it is within his power to deliver up; or

- (e) any employer, insured person or other person is guilty of any other contravention of or non-compliance with any of the requirements of this Law or the regulations made thereunder in respect of which no special penalty is provided :

he shall, for each offence, be liable on summary conviction in the Police Court to a fine not exceeding *Ten pounds*, and where the offence is failure or neglect on the part of the employer or compulsory contributor to pay any contributions, to pay to the Insurance Authority a sum equal to the amount of the contributions which he has failed or neglected to pay, which sum, when paid, shall be treated as a payment in satisfaction of such contributions.

2.—If any person buys, sells or offers for sale, takes or gives in exchange, or pawns or takes in pawn, any insurance card, insurance book or used insurance stamp, he shall be liable on summary conviction in the Police Court to a fine not exceeding Twenty pounds, and in any proceedings under this section with respect to used insurance stamps, an insurance stamp shall be deemed to have been used if it has been cancelled or defaced in any way whatever, and whether it has been actually used for the purpose of payment of a contribution or not.

3.—Where an employer has been convicted under this Law of the offence of failing or neglecting to pay any contribution in respect of a person, then if notice of the intention so to do is served with the summons, evidence may be given of failure or neglect on the part of that employer to pay other contributions in respect of that person, and on proof of such failure or neglect the employer shall be liable to pay to the Insurance Authority a sum equal to the total amount of all the contributions which he is so proved to have failed or neglected to pay.

## ARTICLE XXXIX.

*Repeal of The Workers' Insurance Law, 1930.*

The Workers' Insurance Law, 1930, sanctioned by an Order of His Majesty in Council registered on the Records of this Island on the 2nd day of August, 1930 (hereinafter called "The Superseded Law") is hereby repealed.

Provided that such repeal shall not affect:

- (a) any right to continue to receive in accordance with the provisions of the superseded Law benefits awarded by "The States Insurance Authority" constituted under the superseded Law but such right shall be exercisable henceforth against the Insurance Authority constituted under this Law.
- (b) any right to claim and receive benefits in respect of an accident which occurred before the date of the commencement of this Law and as regards which benefits would have been payable under the superseded Law but such benefits shall be claimable from and payable by the Insurance Authority constituted under this Law in accordance with the provisions of this Law.
- (c) any claim, question or appeal pending at the commencement of this Law.
- (d) any fine or punishment incurred in respect of a breach of any of the provisions of the superseded Law.
- (e) any legal proceedings in respect of any such fine or punishment;

and any such legal proceedings may be instituted, continued or enforced and any such fine or punishment may be imposed as if the superseded law had not been repealed.

## ARTICLE XL.

*Modification of the Old Age and Blind Persons  
Pension Law, 1931.*

The modifications specified in the second column of the Fifth Schedule to this Law, being modifications of the Law intituled "Loi ayant rapport aux Pensions pour la Vieillesse et la Cécité, 1931" sanctioned by an Order of His Majesty in Council registered on the Records of this Island on the 7th day of November, 1931, shall be made in the provisions of that Law herein called "the modified Law" and as from the commencement of this Law, the modified Law shall have effect accordingly.

## ARTICLE XLI.

*Fines.*

The amount of all fines recovered under the provisions of this Law shall be applicable half to His Majesty and half to the States Insurance Authority.

## ARTICLE XLII.

*Ordinances.*

The Royal Court is authorised to pass such Ordinances as may be deemed necessary to give effect to this Law.

## ARTICLE XLIII.

*Short Title and Commencement.*

This Law may be cited as "The Contributory Pensions Law, 1935".

Article 21 of this Law shall come into force on the day of the registration of the Order of His Majesty in Council sanctioning this Law and the remainder of this Law shall come into force on such date thereafter as the Royal Court shall prescribe.

## ARTICLE V.

**FIRST SCHEDULE.****RATES OF CONTRIBUTIONS.****PART I.**

*Rates of Contributions in respect of Employed  
Compulsory Contributors.*

	PAYABLE			
	Rate of Contri- bution per wk.	By the Employer.	By the Worker.	By the States.
Contributions in case of males ...	1/5	4d.	5d.	8d.
„ „ females .	8½d.	2d.	2½d.	4d.

**PART II.**

*Rates of Contributions in respect of Compulsory  
Contributors during periods of unemployment or  
non-employment or whilst entitled to become Volun-  
tary Contributors.*

	PAYABLE			
	Rate of Contri- bution per wk.	By the Compul- sory Contributor	By the States.	By the States Unemployment Committee.
Contributions in case of males (not registered as unem- ployed) .....	1/5	9d.	8d.	—
Contributions in case of males (registered as unemployed) ..	1/5	—	8d.	9d.
Contributions in case of fe- males (not registered as un- employed) .....	8½d.	4½d.	4d.	—
Contributions in case of fe- males (registered as un- employed) .....	8½d.	—	4d.	4½d.



## PART III.

*Rates of Contributions in respect of Voluntary Contributors.*

		PAYABLE		
	Rate of Contribution per wk.	By the Employer.	By the Voluntary Contributor.	By the States.
Contributions in case of males	1/5	—	1/5	—
„ „ females	8½d.	—	8½d.	—

## PART IV.

*Rates of Contributions in respect of Workers aged 70 years and over.*

		PAYABLE		
	Rate of Contribution per wk.	By the Employer.	By the Worker.	By the States.
Contributions in case of males	4d.	4d.	—	—
„ „ females	2d.	2d.	—	—

## ARTICLE XV.

**SECOND SCHEDULE.**

## ACCIDENT BENEFITS.

## PART I.

*Where Total Disablement results from an Accident.*

The insured person shall be entitled by way of Benefits to receive Fourteen shillings per week during such disablement.

There shall also be paid by way of benefits to the insured person such further sum not exceeding Sixteen shillings per week at the rate of four shillings per week in respect of each of the following: the

wife of such insured person, the husband of such insured person wholly dependent by reason of total permanent mental or physical incapacity upon the earnings of such insured person and each of the children under fifteen years of age of such insured person so dependent.

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.

## 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 that 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.

## PART III.

### *Other Dependants.*

Where the weekly benefits granted to the insured person and his dependants or to his dependants alone under the preceding provisions of this Schedule

do not amount to twenty-five shillings per week benefits may be granted at the discretion of the Insurance Authority to other dependants according to the degree of their dependence, provided that the total weekly benefits payable in respect of that insured person do not exceed the sum of Twenty-five shillings.

#### ARTICLE XV.

### 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 dependants of the insured person shall be entitled to receive by way of benefits the sums provided in this paragraph:—
  - (i) *If Widow:* A pension of Ten Shillings per week until death or re-marriage.
  - (ii) *If Widower* wholly dependent by reason of total permanent mental or physical incapacity upon the earnings of an insured person who has not attained the age of seventy: A pension of Ten shillings per week during the continuance of such incapacity.
  - (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) or (ii) of this paragraph is applicable, such further sum not exceeding Twenty two shillings per week, calculated as follows:

seven shillings per week in respect of the eldest or only such child and five shillings 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.

Provided also that in the event of the death of such widow or widower as the case may be whilst there is a child living under fifteen years of age, sub-paragraph (b) (iv) next following shall apply from the date of such death instead of this sub-paragraph.

- (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 thirty-two shillings, calculated as follows: ten shillings per week in respect of the eldest or only such child, seven shillings per week in respect of the second child and five shillings per week in respect of each other 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.

- (v) *If no Widow, Widower or Child entitled to benefits survives:* Benefits may be granted at the discretion of the Insurance Authority to other dependants 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 Twenty-five shillings.
- (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 regard to the age on re-marriage of such widow.

#### ARTICLE XIX.

#### 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.*

<i>Age on Re-Marriage.</i>	<i>Lump Sum payable.</i>
Below 31 .....	£52 0 0
" 32 .....	£50 10 0
" 33 .....	£49 0 0
" 34 .....	£47 10 0
" 35 .....	£46 0 0
" 36 .....	£44 10 0
" 37 .....	£43 0 0
" 38 .....	£41 10 0
" 39 .....	£40 0 0
" 40 .....	£38 10 0
" 41 .....	£37 0 0
" 42 .....	£35 10 0
" 43 .....	£34 0 0
" 44 .....	£32 10 0
" 45 .....	£31 0 0
" 46 .....	£29 10 0
" 47 .....	£28 0 0
" 48 .....	£26 10 0
" 49 .....	£25 0 0
" 50 .....	£23 10 0
" 51 .....	£22 0 0
" 52 .....	£20 10 0
" 53 .....	£19 0 0
" 54 .....	£17 10 0
" 55 .....	£16 0 0
" 56 .....	£14 10 0
" 57 .....	£13 0 0
" 58 .....	£11 10 0
" 59 .....	£10 0 0
" 60 .....	£8 10 0
" 61 .....	£7 0 0
Age 61 or over .....	Nil.

## ARTICLE XX.

**FOURTH SCHEDULE.***Scale of Old Age Pensions.*

Average number per annum  
of Contributions paid or  
deemed to have been paid  
by or in respect of the in-  
sured person before he at-  
tains the age of seventy  
since the date on which he  
attained the age of fifty or  
since the date of the com-  
mencement of this Law,  
whichever is the later of  
those two dates.

Weekly amount  
of Pension.

50 and over .....	10/-
45 and under 50 .....	9/-
40 " " 45 .....	8/-
35 " " 40 .....	7/-
30 " " 35 .....	6/-
25 " " 30 .....	5/-
20 " " 25 .....	4/-
15 " " 20 .....	3/-
10 " " 15 .....	2/-
Under 10 .....	Nil.

## ARTICLE XL.

**FIFTH SCHEDULE.**

*Enactment to  
be modified.*

*Modification.*

La Loi ayant  
rapport aux  
Pensions pour la  
Vieillesse et la  
Cécité, 1931.

Article I.

For paragraphs (2) and (3)  
there shall be substituted the fol-  
lowing paragraphs:

“(2) ‘Pensions Authority’ means the States Insurance Authority constituted under the Contributory Pensions Law, 1935.”

“(3) ‘The Administrator’ means the Insurance Administrator constituted under the Contributory Pensions Law, 1935.”

After paragraph (5) there shall be inserted the following paragraph:

“(6) ‘Pension Day’ means the Saturday of each week.”

#### Article III.

For paragraph (1) of Part II of Article III there shall be substituted the following paragraph:

“(1) The person must have attained the age of seventy years before the commencement of the last of the one hundred and five weeks which next succeed the date of the commencement of the Contributory Pensions Law, 1935. For the purposes of this Law, a person shall be deemed to have attained the age of seventy years on the commencement of the day previous to the seventieth anniversary of the date of his birth, and a similar method shall be applied in calculating any other age under the provisions of this Law.”

#### Article VII.

In Section 1, for the words “a permanent Committee to be



called 'The States Old Age Pensions Authority' " there shall be substituted the words "The States Insurance Authority".

Sections 2, 3 and 4 are hereby repealed.

#### Article VIII.

In Section 1, for the words "in advance" substituted the words "in arrear."

For Section 2 the following Section shall be substituted:

"2.—Payment of weekly instalments of pensions shall be made at such places and during such hours on such weekdays preceding the Saturday next following the Pension Day on which such instalments accrued due as may be determined by the Administrator."

Section 3 is hereby repealed.

In Section 5 the words "appropriate to the parish in which the pensioner resides" and "for the given parish" (where the latter words first occur) and the words "or, if the later of those two dates is the pension day for the given parish, then on that day" shall be omitted.

# THE CONTRIBUTORY PENSIONS LAW, 1935.

## ARRANGEMENT OF ARTICLES.

### PART I.

#### ARTICLE

- I Definitions.
- II Composition of States Insurance Authority.
- III Compulsory and Voluntary Insurance.
- IV Exemptions.
- V Contributions and Financial Provisions.
- VI Payment of Contributions.
- VII Crown Employees.
- VIII Militia.
- IX Limitation of States' Liability in time of War.
- X Fishermen and Seafaring Persons.
- XI Actuarial Reports.
- XII Fixing and Revision of Contributions.
- XIII Reciprocity.
- XIV Powers of Investigation.

### PART II.

#### *Benefits in respect of Injury or Death from Accident.*

- XV Ordinary Benefits.
- XVI Medical Benefits.
- XVII Medical Examinations.
- XVIII Medical Practitioners and Referees.

### PART III.

#### *Benefits in respect of Death from Natural Causes.*

- XIX Benefits and Statutory Condition.

### PART IV.

#### *Old Age Pensions.*

- XX Amount of Pension and Statutory Condition.

## PART V.

*Miscellaneous.*

- XXI Regulations.
- XXII Provision against Double Benefits.
- XXIII Disqualification for Benefits.
- XXIV Posthumous Children.
- XXV Method and Limitation of Payment.
- XXVI Appeals.
- XXVII General.
- XXVIII Extension and Limitation of Benefits.
- XXIX Benefits not assignable.
- XXX Limitation of Pensions to Widows.
- XXXI Employers, Limitation of Liability.
- XXXII Assignment to Insurance Authority of Rights against Third Parties.
- XXXIII Repayment of Contributions in certain cases.
- XXXIV Recovery of Penalty for non-payment of Contributions.
- XXXV Notice of Claims.
- XXXVI, XXXVII & XXXVIII.—Offences, Legal Proceedings, etc.
- XXXIX Repeal of The Worker's Insurance Law, 1930.
- XL Modification of The Old Age and Blind Persons Pension Law, 1931.
- XLI Fines.
- XLII Power to pass Ordinances.
- XLIII Short Title and Commencement.

## SCHEDULES :

*First Schedule.* Rates of Contributions.

- Part I.           ,,           in respect of employed Compulsory Contributors.

- |           |   |   |
|-----------|---|---|
| Part II.  | „ | in respect of Compulsory Contributors during periods of unemployment or non-employment or whilst entitled to become Voluntary Contributors. |
| Part III. | „ | in respect of Voluntary Contributors.   |
| Part IV.  | „ | in respect of Workers aged 70 years and over.   |

*Second Schedule.* Accident Benefits.

- |           |   |
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| Part I.   | Where Total Disablement results from an Accident.             |
| Part II.  | Where Partial Disablement results from an Accident.           |
| Part III. | Benefits to Dependants other than Wife, Husband and Children. |

*Third Schedule.* Benefits in case of Death.

- |           |   |
|-----------|---|
| Part I.   | Death from Accident.                                      |
| Part II.  | Death from Natural Causes.                                |
| Part III. | Table of Lump Sums payable on the re-marriage of a Widow. |

*Fourth Schedule.* Scale of Old Age Pensions.

*Fifth Schedule.* Modification of The Old Age and Blind Persons Pension Law, 1931.

JAMES E. LE PAGE,

Greffier de la Reine.

Ce 25 Novembre, 1952.