

ORDER IN COUNCIL

XXII

1949

Ratifying a Projet de Loi entitled

"The Contributory Pensions Supplementary Law, 1949".

(Registered on the Records of the Island of Guernsey
on the 23rd day of July, 1949.)



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1949.

ORDER IN COUNCIL.



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY.

The 23rd day of July, 1949, before Sir Ambrose James Sherwill, Knight, C.B.E., M.C., Bailiff; present : Osmond Priaulx Gallienne, Esquire, Ernest de Garis, Esquire, O.B.E., Sir John Leale, Knight, James Frederick Carey, Pierre de Putron, Quertier le Pelley, Walter John Sarre, Esquires, Richard Henry Johns, Esquire, O.B.E., William Robert Freake Clark and Ernest Francis Lainé, Esquires, Jurats.

THE BAILIFF having this day placed before the Court an Order of His Majesty in Council dated the 30th day of June, 1949, ratifying a *Projet de Loi* entitled " The Contributory Pensions Supplementary Law, 1949 ",—the Court, after the reading of the said Order in Council and after having heard His Majesty's Comptroller thereon, ordered that the said Order in Council be registered on the records of the Island of Guernsey, of which Order in Council the tenor followeth :—

At the Court at Buckingham Palace

The 30th day of June, 1949

Present,

The King's Most Excellent Majesty.

LORD CHANCELLOR
LORD PRESIDENT
EARL OF LISTOWEL
LORD MORRISON
MR. SECRETARY WOODBURN
MR. RINFRET.

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 27th day of June, 1949, in the words following, viz. :—

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

‘ 1. That, in pursuance of their Resolution of the 22nd day of September, 1948, the States of Deliberation at a meeting held on the 15th day of December, 1948, approved a Bill or “ *Projet de Loi* ” entitled “ The Contributory Pensions Supplementary Law, 1949 ” and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto: 2. That the said Bill or “ *Projet de Loi* ” is in the words and figures set forth in the Schedule hereunto annexed, and most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or “ *Projet de Loi* ” of the States of Guernsey entitled “ The Contributory Pensions Supplementary Law, 1949,” and to order and direct that the same shall have force of Law in the Islands of Guernsey, Herm and Jethou.’

“ THE LORDS OF THE COMMITTEE, in obedience to Your Majesty’s said Order of Reference, have taken the said Petition and the said *Projet de Loi* into consideration, and do this day agree humbly to report, as their opinion, to Your Majesty, that it may be advisable for Your Majesty to comply with the prayer of the said Petition and to approve of and ratify the said *Projet de Loi*.”

HIS MAJESTY having taken the said Report into consideration is pleased, by and with the advice

of His Privy Council, to approve of and ratify the said Projet de Loi, and to order as it is hereby ordered, that the same shall have the force of Law within the Islands of Guernsey, Herm and Jethou.

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

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

E. C. E. Leadbitter.

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

PROJET DE LOI

ENTITLED

“The Contributory Pensions Supplementary Law, 1949”.

THE STATES, in pursuance of their Resolution of the 22nd day of September, 1948, have approved the following provisions which, subject to the Sanction of His Most Excellent Majesty in Council, shall have the force of Law in the Islands of Guernsey, Herm and Jethou.

1.—In Article III of the Contributory Pensions Law, 1935, (hereinafter referred to as the “principal Law”) subsection (b) of section 2 shall be deleted and the following subsection substituted therefor :—

“(b) All persons who, after the coming into force of this Law, cease to be workers, if, within three calendar months next succeeding the date on which they cease to be workers, they give notice in the manner prescribed by the Insurance Authority of their desire to become voluntary contributors under this Law, and they pay to the Administrator the full arrears of contribution as voluntary contributors for the period between the date on which they ceased to be workers and the date on which such notice is given, whercupon

such persons shall be deemed to have been continuously insured throughout that period."

2.—Notwithstanding any provisions to the contrary contained in or prescribed under the Contributory Pensions Laws, 1935 to 1947, if, in respect of any person who ceased on or after the 29th day of March, 1947, to be insured under the Contributory Pensions Laws, 1935 to 1947, solely by reason of the fact that he failed to satisfy the condition as to continuous insurance in respect of voluntary contributors prescribed in the principal Law before the coming into force of this Law, there be paid to the administrator within forty days of the coming into force of this Law a sum equal to the unpaid amount of contributions which would have been payable by him had he been such a voluntary contributor during the period (save as respects any period during which he again became a worker) beginning on the date on which he so ceased to be so insured (or, if he shall have so ceased on more than one occasion, upon the date of the first such occasion) and ending on the date of such payment or on the date of his attaining the age of 70, or on the date of his death, whichever is the earliest, such contributions shall be deemed to have been paid on the proper dates and in the proper manner, and such person shall be deemed to have been a voluntary contributor throughout such period, and benefits shall be payable in respect of any incident occurring during that period to such person, or in the case of his death during that period, to his dependants.

3.—The amendments specified in the second column of the Schedule to this Law, being amendments of the principal Law, shall be made in the provisions of that Law specified in the first column of that Schedule.

4.—In Part II of the First Schedule of the Benefits and Pensions (Contributory and Non-Contributory) Amendment Law, 1947, the words “or whilst entitled to become voluntary contributors”, contained in the sentence immediately preceding the Table in that Part of that Schedule, shall be deleted.

5.—This Law shall come into force on the day of its registration on the Records of the Island of Guernsey and shall be construed as one with the principal Law and with the Benefits and Pensions (Contributory and Non-Contributory) Amendment Law, 1947.

6.—The Contributory Pensions Laws, 1935 to 1947 and this Law may be cited together as “The Contributory Pensions Laws, 1935 to 1949.

SCHEDULE.

Article 3.

Article.	Amendment.
I	In the definition of a compulsory contributor, the whole of paragraph (c) shall be deleted.
V	<p>In subsection (a) of section 2 the words "who has not become entitled to be a voluntary contributor" shall be deleted.</p> <p>In subsection (d) of section 2 the words "or is entitled to become a voluntary contributor" shall be deleted.</p>
VI	<p>In section 2 the words "who has not become entitled to be a voluntary contributor" shall be deleted.</p> <p>In subsection (b) of section 4 the words "(if the worker be a compulsory contributor)" shall be deleted.</p>
XXV	In section 2, as amended by Article 10 of the Benefits and Pensions (Contributory and Non-Contributory) Amendment Law, 1947, immediately following the words "caused by the war of 1939 to 1945", there shall be added the words "and save sums which shall hereafter be paid by virtue of Article 2 of the Contributors' Pensions Supplementary Law, 1949."

JAMES E. LE PAGE,
H.M. Greffier.