

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

REQUÊTE

PENSION RULES AND REGULATIONS RELATING TO WOMEN WHO WERE MARRIED AS AT 31
DECEMBER 2003 AND HAVE SUBSEQUENTLY BEEN WIDOWED AND REMARRIED A PERSON
WITH NO GUERNSEY PENSION ENTITLEMENT

THE HUMBLE PETITION of the undersigned Members of the States of Deliberation SHEWETH
THAT:

1. It is accepted that the States' policy (implemented in 2004) of ensuring equality of entitlement to basic social insurance benefits, including state pension, remains valid and is correct and that policy is supported by your Petitioners. However, your Petitioners believe that the effect of the arrangements relating to entitlement to a state pension for women pensioners who were married at the time that the policy was implemented and have since been widowed and then remarried is, in some instances, unfair and an unnecessary cause of hardship.
2. At their meeting on 30th April 2003 the States took a number of decisions intended to ensure equality between men and women, as far as possible, in relation to social insurance benefit entitlement¹. Amongst those decisions were Resolutions that as from 1 January 2004 all women should be assessed to pay social insurance contributions at full percentage rates and that a married woman's pension, based on her husband's contribution record should cease. It was also accepted that there would need to be transitional arrangements.
3. One transitional arrangement was to permit a qualifying married woman (i.e. one who was married to a contributing husband as at 31 December 2003), in the event that her husband died before she was of pensionable age, to benefit from her deceased husband's contributions. This benefit was the right to elect, on or after reaching pensionable age, to substitute their deceased husband's pension average, calculated at the end of the marriage, for their own pension record either for the period of the marriage only, or for the whole of their pension average period.
4. That arrangement is not available where a qualifying married woman, whose husband has died on or after 1 January 2004, has remarried a person with no Guernsey pension entitlement. In those instances the woman concerned may not elect to substitute the entitlement of their deceased first husband even though they have no additional pension benefit whatsoever accruing from their re-marriage.

¹ See Billet d'État No. V of 2003 dated 28th March 2003..

5. In practice there are very few instances in which the circumstances described above arise. For example, your Petitioners are told that on average perhaps 1 case arises every 5 years and that the additional amount of pension benefit accruing in the context of total pensions payable from the social insurance fund is negligible.
6. In all the circumstances your Petitioners believe the application of the social insurance pension rules and regulations in the case described above to be particularly unfair. They believe that there should be an exception enabling a qualifying married woman, whose husband died on or after 1 January 2004 and who has remarried someone with no Guernsey pension entitlement, to make the election described in paragraph 3 above.

THESE PREMISES CONSIDERED, YOUR PETITIONERS humbly pray that the States may be pleased to resolve:

To direct the Committee *for* Employment & Social Security to adopt and implement a policy which will ensure that a woman -

- (a) who was as at 31 December 2003 married to a contributing man under the Social Insurance (Guernsey) Law, 1978, and
- (b) who has following the death of that man remarried a person who has no Guernsey pension entitlement,

may elect on or after reaching pensionable age to substitute their deceased husband's pension average, calculated at the end of the marriage, for their own pension record either for the period of the marriage only, or for the whole of their pension average period.

AND YOUR PETITIONERS WILL EVER PRAY
GUERNSEY

This ^{12th} day of June 2019

SIGNED BY:

Peter Ferbrache, Barry Paint, Andrea Dudley-Owen, Robert Prow,
Stephen Roberts, Joe Mooney, Jan Kuttelwascher

The original signed copy of this
Requete is held at the Greffe