

Social Security (Insurance)

1955-14

INSURABILITY AND SPECIAL CLASSES REGULATIONS

Subsidiary
1955.08.04-7

Regulations made under ss. 3, 5, 47, 48 and 50 of the Social Security (Insurance) Act.

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(1955.08.04-7)

3.10.1955

Amending enactments	Relevant current provisions	Commencement date
Regs. of 23.5.1956	reg.4	
19.5.1966	–	
17.8.1967	reg.7	
28.5.1970	–	
9.7.1970	reg.8	
LN. 1974/112	regs. 4(1), and 5(1) and Sch.	
1977/097	reg.3(1) and 7	
1980/138 [♦]	reg.7 and Sch.	
1985/141	Sch.	5.12.1985
1985/014	Sch.	6.1.1986
2004/137	Reg. 2, 3, 4(1), 5A and Sch.	7.6.2004

[♦] *Contains saving provisions.*

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ARRANGEMENT OF REGULATIONS.

Regulation

1. Title.
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4. Persons insured under social insurance law of other countries.
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SCHEDULE.

Employments or self-employed to be disregarded.

1. Title.

These Regulations may be cited as the Insurability and Special Classes Regulations.

2. Interpretation.

In these Regulations, unless the context otherwise requires,—

“arrears” has the same meaning as in Part IV of the Social Insurance (Contributions) Regulations;

“credited” means credited in accordance with Part III of the Social Insurance (Contributions) Regulations;

“educational establishment” means any university, college, school or other educational establishment recognised for the purposes of the Social Security (Insurance) Act;

“marriage “ includes any re-marriage, and the word “married”, wherever it occurs, shall be construed accordingly;

“student” means a person who is receiving full-time education at an educational establishment in accordance with the provisions of these regulations;

“vacation” means any period of vacation or school holidays recognised by the authority responsible for such an educational establishment.”

“voluntary contributor” has the meaning assigned to that expression by regulation 3 of the Voluntary Contributors Regulations.

Persons insured under United Kingdom legislation.

3. *Revoked.*

Persons insured under social insurance law of other countries.

4.(1) The provisions of the Act shall be modified in the manner hereinafter in this regulation appearing in respect of an insured person who is employed or self-employed both in Gibraltar and in some other country (other than the United Kingdom or any other Member State of the European Union) where the Director is satisfied that by reason of the foregoing a contribution is payable by or in respect of that insured person under the provisions of the social insurance law in force in that other country entitling him to benefits no less favourable than those provided under the Act.

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(2) Any such insured person as is referred to in sub-regulation (1) shall be excepted from liability to pay a contribution under the Act, and no person shall be liable to pay a contribution in respect of such a person as his employer, for any week in respect of which it is proved to the satisfaction of the Director that a contribution has been paid by or in respect of such insured person under the provisions of the social insurance law aforesaid.

(3) A contribution shall not be credited to any insured person in respect of any such week as is mentioned in sub-regulation (2).

(4) Nothing in this regulation shall be construed as preventing an insured person from paying a contribution either as a voluntary contributor or by way of arrears in respect of any such week as is mentioned in sub-regulation (2).

Employment to be disregarded.

5.(1) For the purposes of the Act, every person shall not in respect of any employment or self-employment specified in the first column of the Schedule, be treated as an employed person, or self-employed person, and any such employment or self-employment shall be disregarded, in so far as he is not a person specified in the corresponding paragraph of the second column of the Schedule.

(2) For the purposes of the Act, there shall be disregarded any employment or self-employment in which a person engages or continues to be engaged solely or mainly for the purpose of acquiring or preserving a right or a larger right to benefit.

Full-time education.

5A. A person shall be treated for the purposes of this regulation as receiving full-time education at a recognised educational establishment if he is receiving full-time education by attendance at any university, college, school or other recognised educational establishment:

Provided that, in determining whether a person's education shall be treated as full-time, any attendance at such an establishment after five o'clock in the afternoon shall be disregarded.

Members of Royal Gibraltar Regiment.

6.(1) Section 47 of the Act (which section relates to the insurance of serving members of the Gibraltar Regiment) shall have effect subject to the following provisions of this regulation.

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(2) Any person who is a serving member of the permanent establishment of the Gibraltar Regiment shall be an insured person in respect of such service if, but only if, he would have been in insurable employment within the meaning of section 3 of the Social Security (Employment Injuries Insurance) Act but for the operation of paragraph (1) of subsection (2) of the said section 3.

(3) Except to the extent mentioned in sub-regulation (2) section 47 of the Act shall not apply to extend the operation of the Act to serving members of the Gibraltar Regiment and, except as aforesaid, the employment of any person in the Royal Gibraltar Regiment shall be disregarded.

(4) Notwithstanding anything in the Act or regulations made thereunder, payment of any contribution in respect of any member of the Royal Gibraltar Regiment shall be made in such manner and at such times as the Director may direct.

**7 Revoked*

2.(2) Notwithstanding the revocation of regulation 7 of the principal Act by sub-regulation (1) of this regulation –

- (a) where any woman has at any time before the 1st day of January, 1985, elected under regulation 7 of the principal regulations not to be liable to pay contributions under the Act for any period during which she is married and during which her husband continues to pay contributions under the Act, that woman shall continue not to be liable to pay such contributions during such period;*
- (b) where any woman in receipt of widow's benefit under the Act has at any time before the 1st day of January, 1985, elected under regulation 7 of the principal regulations not to be liable to pay contributions under the Act for any period during which such benefit is payable, that woman shall continue not to be liable to pay such contributions during such period;*
- (c) any woman to whom paragraph (a) or paragraph (d) refers may at any time cancel her election by giving notice, in writing to that effect to the Director, in which event the election shall cease to have effect either at the beginning of the week next but one following the week in which the notice is given, or on such earlier date as the Director may in any case allow, and on the*

** r.7, Revoked by LN. 1980/138 as from 1.1.1985, however please refer to r.2.2 LN. 1980/138 [1980s138 on the website] reproduced above in italics.*

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election ceasing to have effect, that woman shall cease to be not liable to pay the contributions to which it relates;

- (d) *where any woman cancels her election under paragraph (c), she shall surrender to the Director, at the time of giving notice of cancellation, the certificate of election issued under regulation 7 of the principal regulations prior to its revocation by sub-regulation (1) of this regulation, and shall notify her employer forth with of the cancellation;*
- (e) *any woman to whom paragraph (a) or paragraph (b) refers, who has not cancelled her election under paragraph (c), shall on taking up any new employment produce forthwith to her new employer the certificate of election issued to her by the Director under regulation 7 of the principal regulations, prior to its revocation by sub-regulation (1) of this regulation, in respect of that election;*
- (f) *no contribution as an employed person or as a self-employed person shall be credited to any married woman or widow for any week in respect of which an election by her not to be liable to pay contributions is operative by virtue of this sub-regulation.*

8. Revoked.

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SCHEDULE.

EMPLOYMENTS OR SELF-EMPLOYMENTS TO BE DISREGARDED.

Regulation 5.

Employments or Self-Employments to be Disregarded (1)	Exceptions (2)
1. Employment of a casual nature. 2. Employment or self-employment (not being employment or self-employment specified in the next succeeding paragraph) of a person by any one employer or in a self-employed capacity on any day or days in any contribution week on which that person renders service in that employment or self-employment where such services are rendered for less than fifteen hours in that week. 3. Employment or self-employment of a person in cleaning or other domestic work by any one employer or in a self-employed capacity on any day or days in any contribution week on which that person renders services in that employment or self-employment where such services are rendered for less than fifteen hours in that week.	1. Any person in employment specified in paragraph 1 of the first column where that employment is either— <ul style="list-style-type: none">(a) for the purpose of the employer's trade or business; or(b) for the purpose of any game or recreation where the person employed is engaged or paid through a club. 2. None 3. None.

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4. Employment of a student during any period of vacation.	4. none.
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