Regulation made under s.82.

TRAINING (LEVY) REGULATIONS 2001

(LN. 2001/070)

7.6.2001

Amending enactments	Relevant current provisions	Commencement date
LN. 2002/016	r. 3	7.2.2002
2007/055	r. 4(1)	1.4.2007
2008/047	r. 4(1)	1.7.2008
Act. 2016-20	r. 6	13.10.2016

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TRAINING (LEVY) REGULATIONS 2001

Subsidiary
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TRAINING (LEVY) REGULATIONS 2001

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Citation.

1. These Regulations may be cited as the Training (Levy) Regulations 2001.

Interpretation.

2. In these Regulations unless the context otherwise requires–

"employee" means a person employed under a contract of employment and insured under the Social Security (Insurance) Act;

"employer" has the meaning given to it in regulation 2 of the Gibraltar Development Corporation (Employers Insolvency) Regulations, 1991; provided that the Crown shall be deemed to be an employer for the purposes of these Regulations;

"levy" means the levy provided for in regulation 3.

Imposition of levy.

3.(1) A levy is hereby imposed on every employer for the purpose of raising money towards meeting the expenses of the Director incurred in the course of carrying out the powers given to him by regulations made under section 82(1A).

(2) Notwithstanding subregulation (1), no levy shall be payable in respect of an employee for any week during the whole or any part of which–

(a) the employee is absent from work in exercise of her right to maternity leave under the Employment (Maternity and Health and Safety) Regulations, 1996;

(b) the employee is in receipt of a benefit under Part IV of the Social Security (Employment Injuries Insurance) Act.

Rate and payment of levy.

4.(1) The levy shall be paid to the Director at the relevant contribution rates in Schedule 1 to the Social Security (Insurance) Act as amended from time to time. A week for every employee employed by him.

(2) The levy shall be paid together with the contributions payable in accordance with the Social Security (Employment Injuries Insurance) Act by means of a single insurance stamp referred to in section 9 of that Act.

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(3) Notwithstanding subregulation (1) no levy shall be payable in respect of an employee for any week during the whole or any part of which she is absent from work in exercise of her right to maternity leave under the Employment (Maternity and Health and Safety) Regulations 1996.

(4) Where, as respects any insurable employment, no services have been rendered by an insured person during any week, and no remuneration is paid wholly or partly in respect of any day in that week other than a day on which he either–

(a) has been rendered incapable of work by reason of some specific disease or bodily or mental disablement and would but for the incapacity have been working; or

(b) does not work in a normal week,

then, as respects that employment, no levy shall be payable in respect of the insured person for that week.

(5) In this regulation "insured person" and "insurable employment" shall be construed in accordance with the provisions of the Social Security (Employment Injuries Insurance) Act, as amended from time to time.

Information from employers.

5.(1) The Director may require employers of any category to furnish such returns and information and to keep such records and to produce them for examination as are necessary for the purposes of ascertaining that a levy payable under these Regulations, has been paid.

(2) The provisions of regulation 5 of the Training Regulations 1999 shall apply to the returns and information specified in subregulation (1).

Appeals.

6.(1) Every employer assessed to the levy under these Regulations shall have a right of appeal against that assessment to an Employment Tribunal constituted under section 12 of the Employment Act[5].

(2) In hearing an appeal under subregulation (1) the Employment Tribunal shall follow the Employment Tribunal Rules as nearly as may be.

(3) If, on an appeal to the Employment Tribunal, the appellant satisfies that tribunal that it ought not to have been assessed to the levy or to have

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been assessed in a smaller amount, the tribunal shall rescind or as the case may be, reduce the assessment but in any other case shall confirm it.

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