

**THIRD SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 4,157 of 19th March, 2015

B. 10/15

BILL

FOR

AN ACT to amend the Social Security (Insurance) Act; and for connected purposes.

ENACTED by the Legislature of Gibraltar.

Title and commencement.

1. This Act may be cited as the Social Security (Insurance) (Amendment) Act 2015 and shall be deemed to have come into operation on 30 June 2014.

Amendment of the Social Security (Insurance) Act.

2.(1) The Social Security (Insurance) Act (“the principal Act”) is amended in accordance with this section.

(2) In section 2(4) of the principal Act delete paragraph (d).

(3) In section 11 of the principal Act, for subsection (1) substitute—

“(1) Subject to the provisions of this Act, a woman shall be entitled to a maternity grant if—

- (a) she has been confined; and
- (b) she, her husband, civil partner or the child’s father satisfies the relevant contribution conditions;

Provided that she shall not be entitled to a maternity grant twice by virtue of her own insurance and that of her husband, civil partner or the child’s father.”.

- (4) In section 27 of the principal Act—
- (a) in subsection (2)—
 - (i) after the words “widow or surviving civil partner” insert the words “or the child’s mother”; and
 - (ii) delete the words “or maternity allowance”;
 - (b) in subsection (4), after the words “surviving civil partner” insert the words “or the child’s mother”.
- (5) In section 41(2) of the principal Act, for the words “or death of a person” substitute—
- “, death of a person or the identity of the child’s father”.
- (6) In schedule 3 of the principal Act, for paragraph 1(2)(b) of Part I substitute—
- “(b) the expression “relevant time” means the date of the confinement, or, where the relevant person is the husband, civil partner or the child’s father, and that person was dead or over pensionable age on that date, the date of that person attaining pensionable age or dying under that age.”.

Consequential amendment and savings.

3.(1) The Social Insurance (Benefits) Regulations are amended in regulation 9 by inserting after the words “a claim for a maternity grant” the words “based on her insurance or that of her husband or civil partner”.

- (2) If between 30 June 2014 and the date of publication of this Act—
- (a) a woman received a maternity grant at a reduced rate due to not satisfying the relevant contribution conditions; and
 - (b) the child’s father satisfied the relevant contribution conditions,

that woman shall be entitled to claim an additional benefit (the “additional benefit”) on the basis of the contributions of the child’s father.

(3) The additional benefit must not amount to more than the difference between the reduced maternity grant received and the sum specified in paragraph 1 of Part VI of Schedule 2 of the principal Act.

(4) Notwithstanding the prescribed time set out in paragraph 1(b) of Schedule 2 of the Social Insurance (Claims and Payments) Regulations, if between 30 June 2014 and the date of publication of this Act—

- (a) a woman has received a maternity grant at a reduced rate due to not satisfying the relevant contribution conditions and she wishes to claim the additional benefit; or
- (b) a woman was confined and wishes to claim for a maternity grant on the basis of the contributions of the child's father,

the prescribed time for claiming the benefit shall be the period of 12 months beginning with the date of confinement.

EXPLANATORY MEMORANDUM

This Act amends the Social Security (Insurance) Act and the Social Insurance (Benefits) Regulations to allow for a maternity grant to be claimed on the basis of the social insurance record of the child's father.

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