

**THIRD SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 4,027 of 26th September, 2013

B. 21/13

BILL

FOR

AN ACT to amend various Acts on Social Security and related subsidiary legislation, the Medical (Group Practice Scheme) Act, the Limitation Act; and for connected purposes.

ENACTED by the Legislature of Gibraltar.

Title and commencement.

1. This Act may be cited as the Miscellaneous Amendments (Social Security, etc.) Act 2013 and comes into operation on the day of publication.

Amendment of the Social Security (Insurance) Act.

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

(2) Section 4(2) is amended—

(a) in paragraph (a)—

- (i) by deleting “of the classes set out in the first column of Part I of Schedule 1”;
- (ii) by substituting “Schedule 1” for “the second and third columns of that Part”; and

(b) in paragraph (b)—

- (i) by deleting the words “of the classes set out in the first column of Part II of Schedule 1”; and

- (ii) by substituting “Schedule 1” for “the second column of that Part”.

(3) Section 43(5) is amended by inserting “or such other person authorised by him in writing” after “Director”.

(4) Section 45 is amended—

(a) in subsection (2)—

- (i) by inserting “section 65 of the Magistrates’ Court Act or” after “notwithstanding”;
- (ii) by deleting “within three years from the time when the matter complained of arose”; and

(b) by inserting the following subsections after subsection (3)—

“(4) Proceedings for the recovery as civil debts of sums due to the Fund, other than by summary proceedings, may be instituted by the Director or any person authorised by him in writing.

(5) If the employer, being a body corporate, fails to pay to the Fund any sum which the employer has been ordered to pay, that sum, or such part thereof as remains unpaid, shall be a debt due to the Fund jointly and severally from any directors of the body corporate.”.

(5) Section 52 is amended—

- (a) in subsection (1) by deleting “Parts I and II of”; and
- (b) in subsection (2) by substituting “Schedule 1 and Part VI of Schedule 2” for “those Parts of the Schedules specified in subsection (1)”.

(6) The first Schedule is amended—

- (a) in the heading by substituting “**SCHEDULE 1**” for “**SCHEDULE**”; and

- (b) by inserting immediately after the heading “**Apportionment of Contributions.**” the following–

“All contributions shall be deemed to be collected as follows–

Social Security (Employment Injuries Insurance) Act	0.6%
Social Security (Insurance) Act	1.2%
Social Security (Open Long-Term Benefits Scheme) Act	28.2%
Medical (Group Practice Scheme) Act	70%

”.

Amendment of the Social Security (Employment Injuries Insurance) Act.

3.(1) The Social Security (Employment Injuries Insurance) Act is amended in accordance with this section.

(2) Section 5(1) is amended–

- (a) by deleting “of the classes set out in the first column of Schedule 1”; and
- (b) by substituting “Schedule 1” for “the second and third columns of such Schedule unless exempted from that liability as provided in Part II of that Schedule”.

(3) Section 6 is amended by deleting subsection (4).

(4) By inserting the following section after section 45–

“Civil proceedings to recover sums.

45A.(1) All sums due to the Fund shall be recoverable as debts due to the Crown, and without prejudice to any other remedy may be recovered summarily as a civil debt.

- (2) Notwithstanding section 65 of the Magistrates’ Court Act or any other law to the contrary, proceedings for the summary recovery as civil debts of sums due to the Fund may be brought at any time.

(3) Proceedings for the recovery as civil debts of sums due to the Fund may be instituted by the Director or any person authorised by him in writing.”.

(5) Section 48 is amended–

(a) in subsection (3) by inserting “or such other person authorised by him in writing” after “Director”; and

(b) in subsection (4) by–

(i) substituting “Act” for “section”; and

(ii) deleting “who knew, or could reasonably be expected to have known, of the failure to pay the contribution or contributions in question.”.

(6) Section 55 is amended in subsection (1) by deleting “Part I” after “Schedule 1”.

(7) The first Schedule is amended–

(a) in the heading by substituting “**SCHEDULE 1**” for “**SCHEDULE**”; and

(b) by inserting immediately after the heading “**Apportionment of Contributions.**” the following–

“All contributions shall be deemed to be collected as follows–

Social Security (Employment Injuries Insurance) Act	0.6%
Social Security (Insurance) Act	1.2%
Social Security (Open Long-Term Benefits Scheme) Act	28.2%
Medical (Group Practice Scheme) Act	70%

”.

Amendment of the Social Security (Open Long-Term Benefits Scheme) Act 1997.

4.(1) The Social Security (Open Long-Term Benefits Scheme) Act 1997 is amended in accordance with this section.

(2) Section 4 is amended–

(a) by substituting the following subsection for subsection (2)–

“(2) Every employed person and every employer of such person shall be liable to pay weekly contributions at the respective rates set out in Schedule 1.”; and

(b) by substituting the following subsection for subsection (3)–

“(3) Every self-employed person shall be liable to pay weekly contributions at the rates set out in Schedule 1.”.

(3) Section 39(5) is amended by inserting “or such other person authorised by him in writing” after “Director”.

(4) Section 41 is amended–

(a) in subsection (2) by–

(i) inserting “section 65 of the Magistrates’ Court Act or” after “notwithstanding”;

(ii) deleting “within three years from the time when the matter complained of arose”; and

(b) by inserting the following subsections after subsection (3)–

“(4) Proceedings for the recovery as civil debts of sums due to the Fund, other than by summary proceedings, may be instituted by the Director or any person authorised by him in writing.

(5) If the employer, being a body corporate, fails to pay to the Fund any sum which the employer has been ordered to pay, that sum, or such part thereof as remains unpaid, shall be a debt due to the Fund jointly and severally from any directors of the body corporate.”.

(5) Schedule 1 is amended by inserting immediately after the heading “**Apportionment of Contributions.**” the following—

“All contributions shall be deemed to be collected as follows—

Social Security (Employment Injuries Insurance) Act	0.6%
Social Security (Insurance) Act	1.2%
Social Security (Open Long-Term Benefits Scheme) Act	28.2%
Medical (Group Practice Scheme) Act	70%

”.

Amendment of the Medical (Group Practice Scheme) Act.

5.(1) The Medical (Group Practice Scheme) Act is amended in accordance with this section.

(2) Section 2 is amended by inserting the following definition after the definition of “dependent”—

““Director” has the meaning assigned to it by section 2(1) of the Social Security (Insurance) Act;”.

(3) By inserting the following section after section 9—

“Civil proceedings to recover sums.

9A.(1) All sums due under this Act shall be recoverable as debts due to the Crown, and without prejudice to any other remedy may be recovered by the Director summarily as a civil debt.

(2) Notwithstanding section 65 of the Magistrates’ Court Act or any other law to the contrary, proceedings for the summary recovery as civil debts of sums due under this Act may be brought at any time.

(3) Proceedings for the recovery as civil debts of sums due under this Act may be instituted by the Director or any person authorised by him in writing.

(4) If the employer, being a body corporate, fails to pay any sum which the employer has been ordered to pay under this Act, that sum, or such part thereof as remains unpaid, shall be a

debt due jointly and severally from any directors of the body corporate.”.

Amendment of the Limitation Act.

6. The Limitation Act is amended—

- (a) in section 2(1) by inserting the following definition before the definition of “trust for sale”—

“social insurance” means any contributions payable under the Social Security (Insurance) Act, the Social Security (Employment Injuries Insurance) Act, the Social Security (Open Long-Term Benefits Scheme) Act and the Medical (Group Practice Scheme) Act.”; and

- (b) in section 36 by inserting “or social insurance” after “tax”.

Amendment of the Social Insurance (Contributions) Regulations.

7. The Social Insurance (Contributions) Regulations are amended in regulation 7(7) by deleting “who knew, or could reasonably be expected to have known, of the failure to pay the contribution or contributions in question”.

Amendment of the Social Security (Open Long-Term Benefits) (Contributions) Regulations 1997.

8. The Social Security (Open Long-Term Benefits)(Contributions) Regulations 1997 are amended in regulation 6(7) by deleting “who knew, or could reasonably be expected to have known, of the failure to pay the contribution or contributions in question”.

EXPLANATORY MEMORANDUM

This Bill amends three of the Social Security Acts, the Medical (Group Practice Scheme) Act and related subsidiary legislation. It inserts a new table into Schedule 1 of the three Social Security Acts so as to set out what percentage of the social security contributions are deemed to be collected under each particular Act. It also strengthens the provisions on recovery of sums due under the Acts as civil debts and provides for the directors of

companies to be jointly and severally liable for any debts due under the Acts. This Bill also amends the Limitation Act so that the Act shall not apply to any proceedings by the Crown for the recovery of social insurance contributions.

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