

# SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 4800 GIBRALTAR Thursday 24th December 2020

---

---

LEGAL NOTICE NO. 535 OF 2020.

## EUROPEAN UNION (WITHDRAWAL) ACT 2019

### SOCIAL SECURITY (AMENDMENT) (EU EXIT) REGULATIONS 2020

In exercise of the powers conferred upon him by section 11(1) and 15(1) of the European Union (Withdrawal) Act 2019, the Minister has made the following Regulations—

#### **Title.**

1. These Regulations may be cited as the Social Security (Amendment) (EU Exit) Regulations 2020.

#### **Commencement.**

2.(1) Subject to subregulation (2), these Regulations come into operation on the day of publication.

(2) Regulations 4(2), 5(2) and 6(2) come into operation on IP completion day.

#### **Amendment of the Social Security (Insurance) Act.**

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

(2) In section 49—

(a) in subsection (1)—

(i) after “foreign country,” insert “or an international organisation,”;

(ii) after “old age or death,” insert “and any related matters to which the Social Security Coordination Regulations apply,”.

(b) after subsection (2) insert—

“(3) In this section—

“international organisation” means an organisation of which—

(a) two or more sovereign powers are members; or

(b) the governments of two or more sovereign powers are members;

“Social Security Coordination Regulations” means–

- (a) Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems, as it forms part of domestic law by virtue of section 6 of the European Union (Withdrawal) Act 2019;
- (b) Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation (EC) 883/2004, as it forms part of domestic law by virtue of section 6 of the European Union (Withdrawal) Act 2019;
- (c) Council Regulation (EEC) No 1408/71 of 14 June 1971 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community, as it forms part of domestic law by virtue of section 6 of the European Union (Withdrawal) Act 2019;
- (d) Council Regulation (EEC) No 574/72 of 21 March 1972 laying down the procedure for implementing Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community, as it forms part of domestic law by virtue of section 6 of the European Union (Withdrawal) Act 2019; and
- (e) Council Regulation (EC) No 859/2003 of 14 May 2003 extending the provisions of Regulation (EEC) No 1408/71 and Regulation (EEC) No 574/72 to nationals of third countries who are not already covered by those provisions solely on the ground of their nationality, as it forms part of domestic law by virtue of section 6 of the European Union (Withdrawal) Act 2019.”.

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

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

(2) In section 51–

- (a) in subsection (1), from the words “, notwithstanding the provisions of section 5” to the end substitute–

“claims for such benefits payable by reason of Gibraltar’s obligations under the social security provisions of the withdrawal agreement, the EEA EFTA separation agreement and the Swiss citizens’ rights agreement.”.

- (b) after subsection (4) insert–

“(5) In this section, “withdrawal agreement”, “EEA EFTA separation agreement” and “Swiss citizens’ rights agreement” have the same meaning as in section 3(1) of the European Union (Withdrawal Agreement) Act 2020.”.

(3) In section 54–

(a) in subsection (1)–

- (i) after “foreign country,” insert “or an international organisation,”;
- (ii) after “or similar injuries,” insert “and any related matters to which the Social Security Coordination Regulations apply,”;

(b) after subsection (2) insert–

“(3) In this section–

“international organisation” means an organisation of which–

- (a) two or more sovereign powers are members; or
- (b) the governments of two or more sovereign powers are members;

“Social Security Coordination Regulations” means–

- (a) Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems, as it forms part of domestic law by virtue of section 6 of the European Union (Withdrawal) Act 2019;
- (b) Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation (EC) 883/2004, as it forms part of domestic law by virtue of section 6 of the European Union (Withdrawal) Act 2019;
- (c) Council Regulation (EEC) No 1408/71 of 14 June 1971 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community, as it forms part of domestic law by virtue of section 6 of the European Union (Withdrawal) Act 2019;
- (d) Council Regulation (EEC) No 574/72 of 21 March 1972 laying down the procedure for implementing Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community, as it forms part of domestic law by virtue of section 6 of the European Union (Withdrawal) Act 2019; and

- (e) Council Regulation (EC) No 859/2003 of 14 May 2003 extending the provisions of Regulation (EEC) No 1408/71 and Regulation (EEC) No 574/72 to nationals of third countries who are not already covered by those provisions solely on the ground of their nationality, as it forms part of domestic law by virtue of section 6 of the European Union (Withdrawal) Act 2019.”.

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

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

(2) In section 10–

(a) for subsection (3)(a) substitute–

“(a) the payment of the benefits described in section 11 below, including claims for such benefits payable by reason of Gibraltar’s obligations under the social security provisions of the withdrawal agreement, the EEA EFTA separation agreement and the Swiss citizens’ rights agreement;”.

(b) after subsection (7) insert–

“(8) In this section, “withdrawal agreement”, “EEA EFTA separation agreement” and “Swiss citizens’ rights agreement” have the same meaning as in section 3(1) of the European Union (Withdrawal Agreement) Act 2020.”.

(3) In section 45–

(a) in subsection (1)–

(i) after “foreign country,” insert “or an international organisation,”;

(ii) after “or old age,” insert “and any related matters to which the Social Security Coordination Regulations apply,”;

(b) after subsection (3) insert–

“(4) In this section–

“international organisation” means an organisation of which–

(a) two or more sovereign powers are members; or

(b) the governments of two or more sovereign powers are members;

“Social Security Coordination Regulations” means–

- (a) Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems, as it forms part of domestic law by virtue of section 6 of the European Union (Withdrawal) Act 2019;
- (b) Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation (EC) 883/2004, as it forms part of domestic law by virtue of section 6 of the European Union (Withdrawal) Act 2019;
- (c) Council Regulation (EEC) No 1408/71 of 14 June 1971 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community, as it forms part of domestic law by virtue of section 6 of the European Union (Withdrawal) Act 2019;
- (d) Council Regulation (EEC) No 574/72 of 21 March 1972 laying down the procedure for implementing Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community, as it forms part of domestic law by virtue of section 6 of the European Union (Withdrawal) Act 2019; and
- (e) Council Regulation (EC) No 859/2003 of 14 May 2003 extending the provisions of Regulation (EEC) No 1408/71 and Regulation (EEC) No 574/72 to nationals of third countries who are not already covered by those provisions solely on the ground of their nationality, as it forms part of domestic law by virtue of section 6 of the European Union (Withdrawal) Act 2019.”.

**Amendment of the Social Security (Closed Long-Term Benefits and Scheme) Act 1996.**

6.(1) The Social Security (Closed Long-Term Benefits and Scheme) Act 1996 is amended in accordance with this regulation.

(2) In section 3–

(a) for subsection (3)(a) substitute–

“(a) the payment of the benefits described in section 5 below, including claims for such benefits payable by reason of Gibraltar’s obligations under the social security provisions of the withdrawal agreement, the EEA EFTA separation agreement and the Swiss citizens’ rights agreement;”.

(b) after subsection (7) insert–

“(8) In this section, “withdrawal agreement”, “EEA EFTA separation agreement” and “Swiss citizens’ rights agreement” have the same meaning as in section 3(1) of the European Union (Withdrawal Agreement) Act 2020.”.

(3) In section 37–

(a) in subsection (1)–

- (i) after “foreign country,” insert “or an international organisation,”;
- (ii) after “or old age,” insert “and any related matters to which the Social Security Coordination Regulations apply,”;

(b) after subsection (2) insert–

“(3) In this section–

“international organisation” means an organisation of which–

- (a) two or more sovereign powers are members; or
- (b) the governments of two or more sovereign powers are members;

“Social Security Coordination Regulations” means–

- (a) Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems, as it forms part of domestic law by virtue of section 6 of the European Union (Withdrawal) Act 2019;
- (b) Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation (EC) 883/2004, as it forms part of domestic law by virtue of section 6 of the European Union (Withdrawal) Act 2019;
- (c) Council Regulation (EEC) No 1408/71 of 14 June 1971 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community, as it forms part of domestic law by virtue of section 6 of the European Union (Withdrawal) Act 2019;
- (d) Council Regulation (EEC) No 574/72 of 21 March 1972 laying down the procedure for implementing Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community, as it forms part of domestic law by virtue of section 6 of the European Union (Withdrawal) Act 2019; and

- (e) Council Regulation (EC) No 859/2003 of 14 May 2003 extending the provisions of Regulation (EEC) No 1408/71 and Regulation (EEC) No 574/72 to nationals of third countries who are not already covered by those provisions solely on the ground of their nationality, as it forms part of domestic law by virtue of section 6 of the European Union (Withdrawal) Act 2019.”.

Dated: 24th December,2020.

P J BALBAN,  
Minister with responsibility for Social Security.

---

### **EXPLANATORY MEMORANDUM**

These Regulations amend social security legislation to make provision for the implementation of any reciprocal agreements that may be concluded with international organisations (such as the European Union).

These Regulations also make provision so that claims for benefits payable by reason of Gibraltar’s obligations under the social security provisions of the withdrawal agreement, the EEA EFTA separation agreement and the Swiss citizens’ rights agreement can be paid after the end of the transition period.