

**FIRST SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No, 2,382 of 29th OCTOBER, 1987.

I ASSENT,

PETER TERRY.

GOVERNOR.

29th October, 1987.



GIBRALTAR.

No, 26 of 1987.

AN ACT to amend the Social Security (Employment Injuries Insurance) Act.

ENACTED by the Legislature of Gibraltar.

Short title.

1. This Act may be cited as the Social Security (Employment Injuries Insurance) (Amendment) Act, 1987.

Amendment of section 3.

**Social Security (Employment Injuries Insurance) (Amendment) Act,
1987.**

2. Section 3 of the Social Security (Employment Injuries Insurance) Act, (hereinafter called "the principal Act") is amended by repealing the proviso to sub-section (3) and substituting therefor the following proviso-

Provided that such employment outside Gibraltar is employment in any capacity on board any aircraft registered in Gibraltar or of which the owner (or managing owner if there is more than one owner) or manager resides or has his principal place of business in Gibraltar.

New section.

3. The principal Act is amended by inserting after section 4A the following new section -

"Provisions with respect to mariners.

4B.(1) Notwithstanding the provisions of section 3, the provisions of this section shall have effect with respect to mariners.

(2) Where a mariner -

(a) is employed as such and -

(i) the employment is on board a Gibraltar registered ship; or

(ii) the employment is on board a ship and the contract in respect of the employment is entered into in Gibraltar with a view to its performance (in whole or in part) while the ship is on her voyage; and

(iii) in a case to which head (ii) applies, the person by whom the mariner's earnings are paid, or, in the case of employment as a master or member of the crew of a ship or vessel, either that person or the owner of the ship or vessel (or the managing owner if there is more than one owner) has a place of business in Gibraltar; or

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(b) is employed as a master or member of the crew on board any ship or vessel, not being a mariner to whom the last preceding paragraph applies, and the contract is not entered into in Gibraltar, the employer or the person paying the earnings has his principal place of business in Gibraltar, then,

notwithstanding the provisions of section 3(1), the employment of that mariner as aforesaid shall be treated as insurable employment.

(3) As respects any employment of a person as a mariner and liability for payment of, any contribution under this Act as an insured person by, or on behalf or in respect of, that mariner in respect of that employment -

(a) it shall be a condition of liability to pay a contribution under this Act that the mariner is domiciled or resident in Gibraltar; and

(b) it shall be a condition of liability to pay an employer's contribution under this Act that the employer is resident or has a place of business in Gibraltar.

(4) In this section-

"Gibraltar registered ship" means any ship or vessel whose port of registry is the port of Gibraltar;

"managing owner" means that owner of any ship or vessel who, where there is more than one such owner, is responsible for the control and management of that ship or vessel;

"mariner" means a person who is or has been in employment under a contract of service either as a master or member of the crew of any ship or vessel, or in any other capacity on board any ship or vessel where -

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(a) the employment in that other capacity is for the purposes of that ship or vessel or her crew or any passengers or cargo or mails carried thereby, and

(b) the contract is entered into in Gibraltar with a view to its performance (in whole or in part) while the ship or vessel is on her voyage,

but does not include a person in so far as his employment is as a serving member of the forces;

"owner" in relation to any ship or vessel, means the person to whom the ship or vessel belongs and who, subject to the right of control of the captain or master of the ship or vessel, is entitled to control of that ship or vessel, and references to the owner of a ship or vessel shall, in relation to a ship or vessel which has been demised, be construed as referring to the person who for the time being is entitled as charterer to possession and, subject as aforesaid, control of the ship or vessel by virtue of the demise or any sub-demise. "

Passed by the Gibraltar House of Assembly on the 21st day of October, 1987.

P. A. GARBARINO,
Clerk to the Assembly.