

**FIRST SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 2,462 of 24th November, 1988.



I ASSENT,

PETER TERRY,

GOVERNOR.

24th November, 1988.



GIBRALTAR

No. 23 of 1988.

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

ENACTED by the Legislature of Gibraltar.

Title and Commencement.

1.(1) This Act may be cited as the Social Security (Insurance) (Amendment) Act, 1988.

(2) This Act shall come into operation on such day as the Governor may be notice in the Gazette appoint and different days may be appointed to different purposes.

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Amendment of section 2.

2. Section 2(I) of the Social Security (Insurance) Act (hereinafter called "the principal Act") is amended by inserting in the appropriate alphabetical positions the following definitions-

"the Minister" means the Minister responsible for the administration of this Act;

"an actuary" means a Fellow of the Institute of Actuaries or of the Faculty of Actuaries of Great Britain;".

Amendment to section 29.

3.(1) Subsection (1) of section 29 of the principal Act is repealed and the following subsections are substituted therefor-

"(1) In the place of the Social Insurance Fund (hereinafter called the "old Fund") there are established-

(a) a Social Insurance (Pensions) Fund (hereinafter called the "Pension Fund") out of which there shall be paid all claims under this Act for-

(i) old age pensions;

(ii) widows' benefits;

(iii) guardians' allowances;

(iv) widowers' pensions, and

(b) a Social Insurance (Short Term Benefit) Fund (hereinafter called the "Short Term Benefits Fund") out of which there shall be paid all claims for-

(a) maternity and death grants under this Act;
and

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(b) unemployment and other benefits payable under the Social Security (Non-Contributory Benefits and Unemployment Insurance) Act.

(1A) In addition to the payments mentioned in subsection (1) there shall be paid out of either Fund the costs of the administration of their respective revenues and liabilities in such proportions as the Minister may by notice in the Gazette determine.

(1B) Notwithstanding the provisions of section 5 of the European Communities Act, claims for benefits payable by reason of Gibraltar's obligations under the regulations of the European Communities concerning the application of social security schemes to employed persons and their families moving within the Community, shall be paid as follows-

(a) if such claims are in the nature of pensions, benefits or allowances mentioned in subsection (1)(a) they shall be paid out of the Pension Fund;

(b) if such claims are in the nature of the grants or benefits mentioned in subsection (1)(b) they shall be paid out of the Short Term Benefits Fund.

(1C) The funds and other assets, if any, standing to the credit of the old Fund shall be apportioned between, and shall vest in, the Pension Fund and the Short Term Benefits Fund, in such proportions as the Governor, on the advice of an actuary, and subject to the approval by resolution of the House of Assembly, may by order in the Gazette determine.

(1D) The contributions and other revenues which, but for the provisions of subsection (1) would be payable to the old Fund, shall be payable to the Pension Fund and the Short Term Benefits Fund in such proportions as the Minister may by notice in the Gazette determine.

(1E) The provisions of this Act with respect to the management, audit and other matters of administration of the

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old Fund shall apply in a like manner to the Pension Fund and the Short Term Benefits Fund.

(1F) The references in this Act or in any other law to the Social Insurance Fund shall be taken as references to the Pension Fund or the Short Term Benefits Fund according to the nature of the business in each particular case."

(2) Subsection (5) of section 29 is repealed.

Replacement of section 52.

4. The principal Act is further amended by repealing section 52 thereof and substituting therefor the following new section-

"Review of contributions, benefits, etc.

52.(1) The Minister shall, at such time as shall seem to him appropriate, review the sums specified in the following section and Schedules to this Act-

Section 20;

Schedule 1, Parts I and II;

Schedule 2, Parts V and VI.

(2) The Minister may, by order amend the sum specified in section 20 and the sums payable under those Parts of the Schedules specified in subsection (1).

(3) No order increasing the weekly rate of contributions shall be made under this section unless it has been approved by resolution of the House of Assembly."

Amendment to Public Finance (Control and Audit) Act.

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5. The Public Finance (Control and Audit) Act is amended in section 12 by inserting after paragraph (e)(viii) the following new paragraph-

"(ix) The Social Insurance (Pensions) Fund and the Social Insurance (Short Term Benefits) Fund."

Passed by the Gibraltar House of Assembly on the 16th day of November, 1988.

C. M. COOK,
Clerk to the Assembly.