

**FIRST SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 3,132 of 21st October, 1999



I ASSENT,

RICHARD LUCE,

GOVERNOR.

21st. October, 1999



GIBRALTAR

No. 27 of 1999

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

ENACTED by the Legislature of Gibraltar.

Title and commencement.

1. This Act may be cited as the Social Security (Insurance) Act (Amendment) Act 1999 and shall be deemed to have come into effect on the 5th July 1999.

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Maternity benefits: amendments to the Social Security (Insurance) Act.

2.(1) The Social Security (Insurance) Act shall be amended in accordance with the provisions of this section.

(2) The long title shall be amended by substituting for the words “maternity grant” the words “maternity benefits”.

(3) Section 7 by inserting after subsection (3) the following subsection -

“(4) Notwithstanding subsection (1), no contribution shall be payable in respect of an employee for any week during the whole or any part of which she is absent from work in exercise of her right to maternity leave under the Employment (Maternity and Health and Safety) Regulations 1996.”.

(4) Section 10(1)(a) shall be amended by inserting after the words “maternity grant” the words “and maternity allowance”.

(5) For the heading “Maternity Grant” appearing prior to section 11, there shall be substituted the heading “Maternity Benefits”.

(6) After section 11 there shall be inserted the following section -

“Maternity allowance.

11A.(1) Subject to section 4 of the Social Security (Insurance) Act (Amendment) Act 1999, a woman shall be entitled to maternity allowance if -

- (a) she has, on or after the 5th July, 1999, paid contributions as an employed person under this Act for at least 26 weeks in the 52-week period ending in the 15th week before the expected week of confinement, and
- (b) she has exercised her right to maternity leave in accordance with the Employment (Maternity and Health and Safety) Regulations 1996,

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- (c) she claims maternity allowance within 6 months of exercising that right; and
- (d) she has, where relevant, complied with the duty to inform the Director under regulations 4, 6, 7, 8 and 14 of the Employment (Maternity and Health and Safety) Regulations 1996.

(2) Maternity allowance shall be paid for a maximum period of 14 weeks, at fortnightly intervals, or in such other manner as the Director may, in any particular circumstances, deem appropriate.

(3) Maternity allowance shall be paid at the weekly rate of injury benefit (excluding dependants allowance) to which the person entitled to maternity allowance would have been entitled to receive during her maternity leave period had she been a beneficiary in relation to such benefit.

(4) The employer shall be entitled to deduct from any maternity pay, payable to an employee under a contract of employment or terms of employment, the amount of any benefit to which the employee may be entitled under this section.

(5) In this section -

“injury benefit” means injury benefit payable to persons who have attained the age of 18 years under Part I of Schedule 2 to the Social Security (Employment Injuries Insurance) Act: and

“maternity leave period” shall be construed in accordance with the Employment (Maternity and Health and Safety) Regulations 1996.”.

(7) Section 12 shall be amended by inserting after the words “maternity grant” the words “and maternity allowance”.

(8) Section 21 shall be amended by inserting after the words “maternity grant” the words “and maternity allowance”.

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(9) Section 27(1) and (2) shall be amended by inserting after the words “maternity grant” wherever those words appear, the words “or maternity allowance”.

Other amendments to the Social Security (Insurance) Act.

3.(1) The Social Security (Insurance) Act shall be amended as follows -

- (a) section 2(1) shall be amended by substituting for the definition of “Director” the following definition -

““Director” means the person for the time being holding or carrying out the duties of the office of Director of Social Affairs or such other person as the Minister may appoint to administer the provisions of this Act;”;

- (b) section 41(1) shall be amended by deleting the words “by the Governor”;
- (c) the following provisions are amended by substituting for the word “Governor”, in all instances where that word appears, the word “Minister” -

section 2(1) in the definition of “regulations”;

section 3(3);

section 8(2);

section 9(1);

section 18(5);

section 30;

section 33(2)(3) and (6);

section 40(1);

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section 47(2);

section 48; and

section 49(1).

(2) The Social Insurance (Questions and Appeals) Regulations are amended in regulation 4 by the substitution of the word “Minister” for the word “Governor”.

Continuity of law.

4.(1) Section 11A(1)(d) of the Social Security (Insurance) Act shall not apply to persons who have exercised a right to maternity leave on or after the 5th July 1999, but prior to the coming into force of this Act.

(2) Without prejudice to the foregoing provisions of this section, a person who has exercised her right to maternity leave on or after the 5th July 1999, but prior to the coming into force of this Act, shall be entitled to maternity allowance as if section 10B(1) of the Social Security (Insurance) Act had not been enacted.

(3) In this section, “maternity leave” means maternity leave in accordance with the Employment (Maternity and Health and Safety) Regulations 1996.

Passed by the Gibraltar House of Assembly on the 15th day of October, 1999.

D. J. REYES,

Clerk to the Assembly.