

**SECOND SUPPLEMENT TO THE GIBRALTAR  
GAZETTE  
No. 4099 of 24 July, 2014**

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LEGAL NOTICE NO.139 OF 2014.

**INTERPRETATION AND GENERAL CLAUSES ACT  
SOCIAL SECURITY (INSURANCE) ACT (AMENDMENT)  
REGULATIONS 2014**

In exercise of the powers conferred upon it by section 23(g)(ii) of the Interpretation and General Clauses Act and in order to transpose into the law of Gibraltar, in part, Article 8 of Directive 2010/41/EU of the European Parliament and of the Council of 7 July 2010 on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity and repealing Council Directive 86/613/EEC, the Government has made the following Regulations—

**Title and commencement.**

1. These Regulations may be cited as the Social Security (Insurance) Act (Amendment) Regulations 2014 and shall come into operation on the day of publication.

**Amendments to the Social Security (Insurance) Act.**

2.(1) The Social Security (Insurance) Act (“the Act”) is amended in accordance with the provisions in this regulation.

(2) In section 2(1) of the Act insert the following definition after the definition “an actuary”-

““additional voluntary contribution” means a weekly voluntary contribution by a self-employed woman at a rate specified in Schedule 1 for the purpose of claiming maternity allowance under section 11B(1);”;

(3) After section 11A of the Act insert the following section-

**“Maternity allowance for self-employed women.**

- 11B.(1) A woman may apply for maternity allowance under this section if she has become pregnant and she-
- (a) has paid contributions as a self-employed person under this Act for at least 26 weeks in the 52-week period ending in the 15<sup>th</sup> week before the expected week of confinement;
  - (b) has paid additional voluntary contributions as set out in Schedule 1 for this purpose for at least 26 weeks in the 52-week period ending in the 15<sup>th</sup> week before the expected week of confinement;
  - (c) claims maternity allowance within 6 months of the delivery of the child; and
  - (d) is not entitled to a maternity allowance under section 11A for the same week in respect of the same pregnancy.
- (2) The maternity allowance under this section shall be paid –
- (a) for a maximum period of 18 weeks, at fortnightly intervals, or in such other manner as the Director may, in any particular circumstances, deem appropriate; and
  - (b) 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.
- (3) If a self-employed woman has opted for the additional voluntary contribution referred to in subsection (1)(b), she must maintain the payment of that contribution during her self-employed working life.
- (4) 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.

(5) For the avoidance of doubt, a self-employed person is not entitled to receive the maternity allowance under this section if that person undertakes any form of paid work in any period during which the maternity allowance is paid.”

(4) In Schedule 1 to the Act after the entry for “**Rate of Contribution for a Self-Employed Person - 20% of Gross Earnings.**” insert the following entry-

**“Rate of Additional voluntary Contribution for a Self-employed Woman.**

In addition to the rate of contribution for a self-employed person a fixed amount of £2.00 per week is optionally payable for the purpose of Maternity Allowance.”.

Dated 24th July, 2014.

J J BOSSANO,  
Minister with responsibility for social security,  
For the Government.

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#### **EXPLANATORY MEMORANDUM**

These Regulations amend the Social Security (Insurance) Act in order to transpose, in part, Article 8 of Directive 2010/41/EU of the European Parliament and of the Council of 7 July 2010 on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity and repealing Council Directive 86/613/EEC.



GIBRALTAR GAZETTE, No 4099, Thursday 24 July, 2014

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