

**FIRST SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 2,541 of 1st MARCH, 1990

I ASSENT,

DEREK REFFELL,

GOVERNOR.

1st March, 1990.



GIBRALTAR.

No. 9 of 1990.

**AN ACT to amend the Social Security (Non-contributory Benefits and
Unemployment Insurance) Act.**

ENACTED by the Legislature of Gibraltar.

Title

1. This Act may be cited as the Social Security (Noncontributory Benefits and Unemployment Insurance) (Amendment) Act, 1990.

Social Security (Non-contributory Benefits and Unemployment Insurance) (Amendment) Act, 1990. [9 of 1990:

Amendment to Social Security (Non-contributory Benefit and Unemployment Insurance) Ordinance.

2. The Social Security (Non-contributory Benefits and Unemployment Insurance) Act is amended by inserting the following new section—

"Provisions relating to persons who are not community nationals.

19. (1) This section shall apply only to insured persons who are not Community Nationals as defined in section 2 of the Immigration Control Act.

(2) Notwithstanding any other provisions in this Act, where—

(a) an insured person to whom this section applies becomes entitled to unemployment benefit; and

(b) he requests the Director in writing to apply the provisions of this section to him; and

(c) the Director is satisfied—

(i) that the person has ceased to be employed because of redundancy; and

(ii) that the person has no reasonable prospect of obtaining employment in Gibraltar for the remainder of the period of unemployment in which the person makes the application; and

(iii) that it is in the interests of the employment situation in Gibraltar,

the Director may, subject to such conditions (if any) as he may impose, pay to the person, in lieu of all unemployment benefit that would be payable under this Act to that person during that period of unemployment if he had remained unemployed and entitled to the benefit throughout the remainder of that period, a lump sum payment equal to that unemployment benefit.

(3) Without limitation of the conditions that the Director may impose under subsection (2), and without prejudice to the provisions of the Immigration

**Social Security (Non-contributory Benefits and Unemployment
Insurance) (Amendment) Act, 1990. [9 of 1990:**

Control Act, it shall in every case be a condition of payment under subsection (2)—

- (a) that if the person subsequently on any day or days during that period of unemployment obtains employment in Gibraltar, he shall refund to the Director so much of the lump sum payment as represents the amount of unemployment benefit that would have been payable to that person if he had been unemployed on that day or days; and
- (b) that if the person, being in Gibraltar during that period of unemployment becomes disqualified under subsection (2) of section 10 by reason of any matter specified in any of paragraphs (b), (c) and (d) of that subsection, he shall refund to the Director so much of the lump sum payment as represents the amount of unemployment benefit that would have been payable during the period of disqualification if he were not disqualified.

(4) Notwithstanding anything to the contrary in the Control of Employment Act, the Director may refuse to grant a permit under that Act for the employment of any person to whom this section applies.

(5) The payment of a lump sum payment under subsection (2) shall extinguish any right of the person to unemployment benefit in respect of the period for which the lump sum payment is made."

Passed by the Gibraltar House of Assembly on the 15th day of February, 1990.

C. M. COOM,

Clerk to the Assembly.