

**FIRST SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 3,213 of 8th March, 2001



I ASSENT,

DAVID DURIE,

GOVERNOR.

14th March, 2001.



GIBRALTAR

No. 4 of 2001

AN ACT to amend the Social Security (Employment Injuries Insurance) Act, the Social Security (Insurance) Act, the Social Security (Non-Contributory Benefits and Unemployment Insurance) Act, the Social Security (Open Long-Term Benefits Scheme) Act, and for matters connected thereto.

ENACTED by the Legislature of Gibraltar.

Citation.

1.(1) This Act may be cited as the Social Security (Miscellaneous Provisions) Act 2001.

(2) This Act shall commence on such date as the Minister with responsibility for social affairs may appoint by notice in the Gazette.

Amendment of the Social Security (Employment Injuries Insurance) Act.

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

(2) Section 2 shall be amended as follows -

(a) for the definition of “Director” there shall be substituted the following definition—

“ “Director” means such public officer as the Minister may designate to administer the provisions of this Act;”;

(b) for the definition of “Regulations” there shall be substituted the following definition—

“ Regulations” means regulations made by the Minister under this Act;”;

(c) the following definitions shall be inserted in the appropriate place—

“ “prescribed” means prescribed by the Minister by regulations;”

“Minister” means the Minister with responsibility for social affairs;”.

(3) Section 4 shall be amended as follows—

(a) subsection (2) shall be amended by substituting for paragraph (a) the following paragraph—

- “(a) shall, before entry into insurable employment, register himself in such manner as may be prescribed in such place as may be prescribed, and shall obtain from such person as may be prescribed such certificates as may be prescribed;”;
 - (b) subsection (2) shall be amended—
 - (i) in paragraph (b) by substituting for the words "his insurance card" the words “a prescribed certificate”;
 - (ii) by omitting paragraph (c) :
 - (c) subsection (3) shall be amended by substituting for the words “insurance card” the words “prescribed certificate”;
 - (d) subsection (5) shall be amended as follows -
 - (i) by substituting for the words “insurance card” the words “prescribed certificate”;
 - (ii) by substituting for all words appearing after the words “subject to such conditions” the words “as may be prescribed”.
- (4) For section 9 there shall be substituted the following section—

“Method of payment of contribution.

9. Subject to the provisions of this Act, regulations may provide for any matters incidental to the payment and collection of contributions under this Act, and in particular but without prejudice to the generality of the foregoing—

- (a) for assessing the amount of contributions liable to be paid by any person,
- (b) for payment of contributions by such means as the Minister shall deem appropriate, and for regulating the manner, times, and conditions in, at and under which such payments are to be made ; and

- (c) for the issue, replacement, custody, production and delivery up of prescribed certificates,

and any such regulations relating to the time of payment of contributions may require or authorise an employer, where an insured person's remuneration is paid in advance and in such other cases as may be prescribed, to pay contributions in advance and in connection therewith may make provision for the event of contributions so paid proving not to be payable.”.

- (5) Section 46 shall be amended—
 - (a) by repealing paragraphs (a), (b) and (c) of subsection (1);
 - (b) by repealing subsection (2).
- (6) The following sections shall be amended by substituting for the word “Governor” the word “Minister”—
 - (a) section 31(2) and (8);
 - (b) section 32;
 - (c) section 35(1), (2) and (4);
 - (d) section 38(1) and (2);
 - (e) section 39;
 - (f) section 43(1);
 - (g) section 50(1);
 - (h) section 52;
 - (i) section 54.
- (6A) Section 51(4) be amended by substituting for the word “Governor” the words “Financial and Development Secretary”.

(7) The following sections shall be amended by substituting for the words “a fine of £50” the words “a fine at half of level 1 on the standard scale”–

- (a) section 4(4);
- (b) section 6(3);
- (c) section 43(4);
- (d) section 50(2).

(8) The following sections shall be amended by substituting for the words “further fine of £10” the words “a further fine equivalent to one tenth of level 1 on the standard scale”–

- (a) section 4(4);
- (b) section 50(2).

(9) Section 7(2) shall be amended by substituting for the words “a fine of £20” the words “a fine equivalent to one quarter of level 1 on the standard scale”.

(10) Section 46(1) shall be amended by substituting for the words “a fine of £400” the words “a fine equivalent to twice level 2 on the standard scale”.

(11) Section 47 shall be amended by substituting for the words “a fine of £250” the words “a fine equivalent to level 2 on the standard scale”.

Amendment of the Social Security (Insurance) Act.

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

(2) Section 2 shall be amended as follows–

(a) for the definition of “Director” there shall be substituted the following definition–

“ “Director” means such public officer as the Minister may designate to administer the provisions of this Act;”;

- (b) for the definition of “Regulations” there shall be substituted the following definition–

“ Regulations” means regulations made by the Minister under this Act.”;

- (c) the following definitions shall be inserted in the appropriate place–

“prescribed” means prescribed by the Minister by regulations;”

“Minister” means the Minister with responsibility for social affairs;”.

- (d) for section 8 there shall be substituted the following section–

“Method of payment of contribution.

8. Subject to the provisions of this Act, regulations may provide for any matters incidental to the payment and collection of contributions under this Act, and in particular but without prejudice to the generality of the foregoing–

- (a) for assessing the amount of contributions liable to be paid by any person,
- (b) for payment of contributions by such means as the Minister shall deem appropriate, and for regulating the manner, times, and conditions in, at and under which such payments are to be made;
- (c) for the issue, replacement, custody, production and delivery up of prescribed certificates,
- (d) for treating, for the purpose of any right to benefit, contributions paid after the due dates as paid on those dates or on such later dates as may be prescribed, or as not having been paid and for treating, for the purpose aforesaid, contributions payable by an employer on behalf of an insured person, but not paid, as paid where the failure to pay is shown not to have been

with the consent or connivance of, or attributable to any negligence on the part of, the insured person ;

- (e) for treating contributions of the wrong class or at the wrong rate as paid on account of the contributions properly payable or on account of contributions under the Social Security (Employment Injuries Insurance) Act or under the Social Security (Open Long-Term Benefits Scheme) Act 1997, and for treating contributions under those Acts which were not payable as paid on account of contributions under this Act, notwithstanding anything in that Act;
- (f) for the return of contributions under this Act paid in error or in accordance with the law as it stood prior to the coming into force of the Social Security (Miscellaneous Provisions) Act 2001;
- (g) (without prejudice to any other remedy) for the recovery, on prosecutions brought under or by virtue of this Act, of contributions under this Act, under the Social Security (Employment Injuries Insurance) Act or under the Social Security (Open Long-Term Benefits Scheme) Act 1997; and

and any such regulations relating to the time of payment of contributions may require or authorise an employer, where an insured person's remuneration is paid in advance and in such other cases as may be prescribed, to pay contributions in advance and in connection therewith may make provision for the event of contributions so paid proving not to be payable.”.

- (3) Section 43 shall be amended as follows—
 - (a) in subsection (1), by omitting paragraphs (a) and (b);
 - (b) by deleting subsection (4).
- (4) Section 4(5) shall be amended by substituting for the words “a fine of £50” the words “a fine equivalent to half of level 1 on the standard scale”.

(5) section 7(2) shall be amended by substituting for the words “a fine of £25” the words “a fine equivalent to one quarter of level 1 on the standard scale”.

(6) Section 40(4)(b) shall be amended by substituting for the words “on summary conviction to a fine of £50 in the case of a first offence under this subsection and of £250 in the case of a second or subsequent such offence:” the words—

“on summary conviction to a fine equivalent to half of level 1 on the standard scale in the case of a first offence under this subsection and half of level 3 on the standard scale in the case of a second or subsequent such offence:”.

(7) Section 43 shall be amended as follows—

(a) in subsection (1), by substituting for the words “a fine of £400” the words “a fine of three quarters of level 3 on the standard scale”;

(b) in subsection (2), by substituting for the words “shall not exceed £50 for each offence or, where the offence consists of continuing any such contravention or failure after conviction thereof, £10 together with a further £10” the words—

“shall not exceed one half of level 1 on the standard scale for each offence or, where the offence consists of continuing any such contravention or failure after conviction thereof, one tenth of level 1 on the standard scale together with a further one tenth of level 1 on the standard scale”.

Amendment of the Social Security (Non-Contributory Benefits and Unemployment Insurance) Act.

4.(1) The Social Security (Non-Contributory Benefits and Unemployment Insurance) Act shall be amended in accordance with the provisions of this section.

(2) Section 2 shall be amended as follows—

- (a) for the definition of “Director” there shall be substituted the following definition–

“ “Director” means such public officer as the Minister may designate to administer the provisions of this Act;”;

- (b) for the definition of “Regulations” there shall be substituted the following definition–

“ Regulations” means regulations made by the Minister under this Act;”;

- (c) the following definitions shall be inserted in the appropriate place–

“ “prescribed” means prescribed by the Minister by regulations;”

“Minister” means the Minister with responsibility for social affairs;”.

- (3) The following sections shall be amended by substituting for the word “Governor” the word “Minister”–

(a) section 10(3);

(b) section 16.

- (4) Section 15 is amended by substituting for the words “a fine of £200” the words “a fine equivalent to level 2 on the standard scale”.

Amendment of the Social Security (Open Long-Term Benefits Scheme) Act 1997.

5.(1) The Social Security (Open Long-Term Benefits Scheme) Act 1997 shall be amended in accordance with the provisions of this section.

- (2) Section 2 shall be amended as follows–

- (a) for the definition of “Director” there shall be substituted the following definition–

“ “Director” means such public officer as the Minister may designate to administer the provisions of this Act;”;

- (b) for the definition of “Minister” there shall be substituted the following definition–

“Minister” means the Minister with responsibility for social affairs;”.

- (3) For section 8 there shall be substituted the following section–

“Method of payment of contribution.

8. Subject to the provisions of this Act, regulations may provide for any matters incidental to the payment and collection of contributions under this Act, and in particular but without prejudice to the generality of the foregoing–

- (a) for assessing the amount of contributions liable to be paid by any person;
- (b) for payment of contributions by such means as the Minister shall deem appropriate, and for regulating the manner, times, and conditions in, at and under which such payments are to be made;
- (c) for the issue, replacement, custody, production and delivery up of prescribed certificates;
- (d) for treating, for the purpose of any right to benefit, contributions paid after the due dates as paid on those dates or on such later dates as may be prescribed, or as not having been paid and for treating, for the purpose aforesaid, contributions payable by an employer on behalf of an insured person, but not paid, as paid where the failure to pay is shown not to have been with the consent or connivance of, or attributable to any negligence on the part of, the insured person;
- (e) for treating contributions of the wrong class or at the wrong rate as paid on account of the contributions properly payable or on account of contributions under the Social Security (Employment Injuries Insurance) Act or the Social Security

(Insurance) Act, and for treating contributions under that Act which were not payable as paid on account of contributions under this Act, notwithstanding anything in that Act;

- (f) for the return of contributions under this Act paid in error or in accordance with the law as it stood prior to the coming into force of the Social Security (Miscellaneous Provisions) Act 2001; and
- (g) (without prejudice to any other remedy) for the recovery, on prosecutions brought under or by virtue of this Act, of contributions under this Act, under the Social Security (Employment Injuries Insurance) Act or under the Social Security (Insurance) Act,

and any such regulations relating to the time of payment of contributions may require or authorise an employer, where an insured person's remuneration is paid in advance and in such othercases as may be prescribed, to pay contributions in advance and inconnection therewith may make provision for the event of contributions so paid proving not to be payable.”.

- (4) Section 39 shall be amended as follows–
 - (a) in subsection (1), by omitting paragraphs (a) and (b);
 - (b) by deleting subsection (4).

Passed by the Gibraltar House of Assembly on the 5th day of March, 2001.

D. J. REYES,
Clerk to the Assembly.