

# **1955-15 Social Security (Non-Contributory Benefits and Unemployment Insurance)**

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Subsidiary Legislation made under ss.8 and 10.

## **Unemployment Benefit Regulations**

**1955.08.04-2**

	<i>Commencement</i>	<b>3.10.1955</b>
Amending enactments	Relevant current provisions	Commencement date
Regs of 13.11.1958	–	
19.5.1966	rr. 2-3	
LN. 1976/105	rr. 3(3), 7(2)	
1977/140	r. 7(2)	
1982/060	r. 3(3A)	
1983/090	rr. 7(2), 8(1)-(2)	
Act. 2014-10	rr. 7, 8(1)(a)	28.3.2014

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**ARRANGEMENT OF REGULATIONS**

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**Title.**

1. These regulations may be cited as the Unemployment Benefit Regulations.

**Interpretation.**

2. In these regulations, unless the context otherwise requires,-

“contribution” means a contribution under the Social Security (Insurance) Act ;

“contribution year” has the same meaning as in regulation 3 of the Social Insurance (Contributions) Regulations;

“employed contributor's employment” has the same meaning as in section 2(1) of the Social Security (Insurance) Act ;

“insurable employment” means employment which is insurable under the Social Security (Insurance) Act.

**Prescribed conditions as to contributions.**

3.(1) For the purposes of section 8(1) (b) of the Act (which paragraph provides for the prescribing, for the purposes of entitlement to unemployment benefit, of conditions as to contributions) the conditions shall be as prescribed hereafter in this regulation,

- (2) In this regulation,—

“relevant time” means the first day for which unemployment benefit is claimed for any period of unemployment.

(3) A person shall be deemed to have satisfied the prescribed conditions as to contributions if either-

- (a) during the fifty-two weeks immediately preceding the relevant time not less than thirty contributions had been paid in respect of that person; or
- (b) the yearly average of contributions paid by or credited to that person (ascertained as at the relevant time) is not less than thirty:

Provided that in either case the last thirteen contributions paid in respect of that person prior to the relevant time were in respect of employment in employed contributor's employment.

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(3A) The proviso to sub-regulation (3) shall not apply to any person described in section 10 (2A) of the Act on his first application for unemployment benefit after he attains his compulsory retirement age in the regular employment referred to in relation to him in that section.

(4) For the purposes of this regulation,—

- (a) contributions as an employed person shall be credited to a person for the period between the beginning of the contribution year last preceding that in which he became an insured person under the Social Security (Insurance) Act and his entry into insurance under that Act ;
- (b) the period over which the yearly average is to be calculated shall be the period beginning with the beginning of the contribution year in which the person attained the age of twenty, or the 2nd day of October 1955 (whichever is the later), and ending with the end of the last complete contribution year before the relevant time;
- (c) the yearly average shall be calculated by dividing, by the number of years comprised in the period over which the average is to be calculated, the number of contributions paid or credited in that period.

**Special provisions relating to day substituted for Sunday.**

4. For the purposes of section 8(2)(c) of the Act (which paragraph relates to disregarding Sunday or some other prescribed day for the purpose of unemployment benefit), in the case of any person who objects on religious grounds to working on a specific day in each week other than Sunday and does not so object to working on Sunday, such day shall be substituted for Sunday for the purposes of that paragraph.

**Night Workers.**

5.(1) The following provisions shall apply in relation to night workers for the purposes of unemployment benefit :—

- (a) where a period of employment begun on a Saturday extends over midnight into Sunday, the person employed shall, in respect of such period, be treated as having been employed on Saturday only, which day shall not be treated as a day of unemployment ; and

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- (b) where a period of employment begun on a Sunday extends over midnight into Monday, the person employed shall, in respect of such period, be treated as having been employed on Monday only, which day shall not be treated as a day of unemployment ; and
- (c) where a period of employment begun on any day other than Saturday or Sunday extends over midnight into the following day, the person employed shall in respect of such period-
  - (i) be treated as having been employed on the first day only, if the employment before midnight is of longer duration than that after midnight, and, in that case, the first day shall not be treated as a day of unemployment ; or
  - (ii) be treated as having been employed on the second day only, if the employment after midnight is of longer duration than that before midnight, or if the employment before and after midnight is of equal duration, and, in either of those cases, the second day shall not be treated as a day of unemployment.

(2) In any case where the day to be disregarded in accordance with section 8(2)(c) of the Act is a day other than Sunday, references to Sunday in the last preceding paragraph shall be construed as referring to that other day, and references to Saturday and Monday in relation to Sunday shall be construed accordingly.

(3) Where a person is, by virtue of the provisions of sub- regulation (1), to be treated as having been employed on one day only of two days, and throughout that part of the other of those two days during which that person is not employed is available for employment in an employed contributor's employment, that person shall be deemed to be so available throughout that other of those two days.

**Days not to be treated as days of unemployment.**

6. For the purposes of unemployment benefit—

- (a) a day shall not be treated as a day of unemployment if it is a day in respect of which a person fails to prove, in such manner as the Director shall require, that he is unemployed and capable of work and available for employment in an employed contributor's employment ;
- (b) a day shall not be treated as a day of unemployment if it is a day in respect of which a person is disqualified for receiving unemployment benefit ;

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- (c) a day shall not be treated as a day of unemployment if on that day a person does no work, and—
- (i) is on holiday ; or
  - (ii) is a person who does not ordinarily work on every day in a week (exclusive of Sunday or the day substituted therefor by regulation 4) but who has, in the week in which the said day occurs, been employed to the full extent normal in his case.

**Increase of benefit for dependent relative.**

7.(1) For the purposes of section 11(2)(b) of the Act (which paragraph relates to increase of unemployment benefit for relatives other than the husband, wife or civil partner of the beneficiary), the relatives prescribed shall be the persons who bear any such relationship to the beneficiary as is specified in the Schedule, and shall not include any person who is a child.

(2) The following further conditions shall apply in relation to any such relative as is mentioned in the foregoing paragraph—

- (a) a beneficiary shall not be entitled to an increase of unemployment benefit in respect of any such relative for any period during which that relative—
  - (i) is undergoing imprisonment or detention in legal custody; or
  - (ii) (if a woman) is engaged in any gainful occupation or occupation from which her weekly earnings exceed the maximum weekly basic rate payable in column 2 of Part I(A) of Schedule 3 to the Act;
- (b) where any such relative is a man, the increase shall not be payable for any period other than a period during which he is incapable of self-support ;
- (c) the increase shall not be payable for any period during which any such relative is absent from Gibraltar or the Campo district.

**Increase of benefit for female person having care of child.**

8. For the purposes of section 11(2)(c) of the Act (which paragraph relates to increase of unemployment benefit for a female person, not being a child, who has the care of a child or

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children of the beneficiary's family), the following further conditions shall apply in relation to any such female person:—

(1) A beneficiary shall not be entitled to an increase of benefit in respect of any such female person unless—

- (a) she is residing with any such beneficiary and is wholly or mainly maintained by him or her; or
- (b) she is employed by the beneficiary in an employment from which her weekly earnings are not less than the weekly rate payable in column 3 of Part I(A) of Schedule 3 to the Act.

(2) A beneficiary shall not be entitled to an increase of benefit in respect of any such female person for any period during which that female person—

- (a) is undergoing imprisonment or detention in legal custody; or
- (b) is engaged in any gainful occupation or occupations (other than her employment by the beneficiary) from which her weekly earnings exceed the maximum weekly basic rate payable in column 2 of Part I(A) of Schedule 3 to the Act : or
- (c) is absent from Gibraltar or the Campo district.

(3) A beneficiary shall not be entitled to an increase of benefit in respect of any such female person unless the beneficiary is entitled to an increase of benefit in respect of a child of his family or a child treated as such for the purposes of section 12 of the Act.

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**SCHEDULE.**

Regulation 7.

**PRESCRIBED RELATIONSHIPS.**

Father  
Step-father  
Mother  
Step-mother  
Grandfather  
Grandmother  
Father-in-law  
Mother-in-law  
Grandchild  
Brother  
Sister  
Son  
Daughter