

Social Security (Insurance)

1955-14

SOCIAL INSURANCE (BENEFITS) REGULATIONS

This version is out of date

Subsidiary
1955.08.04-4

Regulations made under ss. 11, 14, 15, 17, 18, 19, 21, 23, 25 and 28.

SOCIAL INSURANCE (BENEFITS) REGULATIONS

(1955.08.04-4)

3.10.1955

Amending enactments	Relevant current provisions	Commencement date
regs.of 4.10.1960	r. 6	
21.11.1961	r. 6(4)	
19.5.1966	rr. 9, 26, Schs.2-6	
LN. 1971/008	–	
1973/060	Schs.2-6	
1973/075	r .31(<i>corrigendum</i>)	
1974/113	r. 31, Schs.2-6	
1975/140	Schs.2-6	
1976/010	Schs.2-6	
1976/106	rr. 11-15, 17-21, 27, 32-36, 40-44, Schs.2-6	
1977/096	rr. 4(2)- (3), 17-20, 29-31, Schs.2-6	
1977/142	Schs.3-4	
1978/109	Schs.2-5	
1979/101	–	
1980/114	Schs.3-4	
1980/130	Sch.3 (<i>corrigendum</i>)	
1981/116	r. 20(3), Schs.3-4	
1982/086	Schs.3-4	
1983/102	Schs.3-4	
1984/095	Schs.3-4	25.12.1984

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**RENUMBERING OF REGULATIONS OF THE
SOCIAL INSURANCE (BENEFITS)
REGULATIONS**

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1-3	1-3	<i>Unchanged</i>	3A-3C		<i>Omitted</i>
4-11	4-11	<i>Unchanged</i>	1A	12	
11B	13		11C	14	
11D	15		12	16	
13	17		13A	18	
13B	19		13C	20	
13D	21		14	22	
15	23		16	24	
17	25		18	26	
18A	27		19	28	
20	29		21	30	
22	31		23	32	
23A	33		23B	34	
23C	35		23D	36	
24	37		25	38	
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1. These Regulations may be cited as the Social Insurance (Benefits) Regulations.

PART I.—GENERAL.

Interpretation.

2. (1) In these regulations, unless the context otherwise requires,—

“determining authority” means the Director, Supreme Court or Board as the case may require;

“parent” includes a step-parent.

(2) For the purposes of the Act and of these regulations, a man and his wife shall not be deemed to be living otherwise than together unless they are permanently living in separation either by agreement or under an order of a court, or one of them has deserted the other and the separation which is incident to the desertion has not come to an end.

Computation of earnings or remuneration.

3.(1) For the purposes of section 2(7) of the Act (which subsection empowers the Director to prescribe the basis on which the amount of a person's earnings or remuneration for any period shall be calculated or estimated for the purposes of the Act) the following provisions shall apply—

- (a) the earnings or remuneration to be taken into account shall be limited to the net remuneration or profit derived by the person from any occupation (including any occupation in an employment which, in accordance with any provision of the Act or regulations made thereunder, is to be disregarded) and, in particular, in so far as the earnings or remuneration consist of salary or wages, no account shall be taken of—
 - (i) any sums the deduction of which from salary or wages is authorized by statute;
 - (ii) the reasonable expenses, if any, incurred by the person in connection with the employment;
- (b) where the earnings or remuneration of a person for any period are, by reason of the circumstances of the occupation in which

he is engaged, not immediately ascertainable, the earnings or remuneration for that period shall be calculated or estimated in such manner and on such basis as may be decided by the determining authority to be appropriate, having regard to all the circumstances of the case.

(2) For the purposes of section 20 of the Act (which section provides for an increase of old age pension in respect of the wife of a beneficiary) the weekly earnings of the wife shall, subject to the provisions of sub-regulation (1), be ascertained in the following manner-

- (a) if there are earnings by the wife in the period of seven days immediately preceding the day of the week prescribed for the payment of the pension. by reference to those earnings;
- (b) in any other case, in such manner as the determining authority may decide to be appropriate. having regard to all the circumstances of the case.

Provisions as to maintenance.

4.(1) For the purposes of any provision of the Act relating to the maintenance of a child, the following conditions shall apply-

- (a) a person shall be treated as maintaining a child-
 - (i) if that person is the only person who contributes to the cost of providing for the child, or if that person contributes to such cost an amount greater than any other one person contributes thereto;
 - (ii) if two or more persons of whom that person is one contribute to such cost an equal amount that is greater than any one other person contributes thereto, and the Director in his discretion decides that, as between them, that person is to be preferred,

and not otherwise;

- (b) for the purposes of this paragraph a man and his wife living together shall be treated as one person and amounts contributed by them respectively shall be aggregated accordingly
- (c) for the purposes of this paragraph-

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- (i) the expression “providing for” a child means making available for the child, food, clothing, lodging, education and all other things reasonably required for the child's benefit;
- (ii) the making available in kind of anything used for providing for a child shall be treated as a contribution to the cost of providing for the child of an amount equal to the value thereof;
- (iii) money paid or a thing made available in kind shall be treated as contributed by any person so far, and so far only, as it is paid or made available at that person's own expense.

(2) For the purposes of sections 14A and 16A of the Act which relate to the payment of a widower's pension and an old age pension respectively to a man by virtue of his wife's insurance, she shall not be deemed to be or have been wholly or mainly maintaining her husband unless she-

- (a) when over pensionable age contributes or contributed an amount not less than the amount of pension; and
- (b) when under the pensionable age contributes or contributed more than one half of the actual cost of his maintenance.

(3) For the purpose of section 20 of the Act which relates to the increase of an old age pension in respect of the spouse of a beneficiary, a beneficiary shall not be deemed to be or have been wholly or mainly maintaining his spouse unless the beneficiary:

- (a) when over pensionable age contributes or contributed towards the maintenance an amount not less than the amount of increase of benefit received in respect of the spouse; and
- (b) when under pensionable age contributed more than one half of the actual cost of the spouse's maintenance.

Calculation of yearly average.

5. For the purpose of section 10(3) of the Act (which subsection relates to the calculation of the yearly average of contributions) the yearly average of contributions paid by or credited to a person in relation to benefit of any description shall be calculated by dividing, by the number of years comprised in the period over which the average is to be calculated, the sum

total of the contributions as an insured person paid by or credited to that person in respect of that period, other than contributions which are not paid on their due dates and are not treated in accordance with regulations under the Act as so paid.

Absence from Gibraltar.

6.(1) The provisions of sections 11(2), 18(3) and 23(1)(a) of the Act, shall have effect subject to the following provisions of this regulation.

(2) A woman shall not be disentitled to a maternity grant by reason of the confinement occurring outside Gibraltar or the Campo district.

(3) A person shall not be disqualified from receiving a death grant by reason of the death occurring outside Gibraltar or the Campo district.

(4) A person shall not be disqualified from receiving death grant, maternity grant, widow's benefit, widower's pension, guardian's allowance or old age pension by reason of being absent from Gibraltar or the Campo district.

Imprisonment. etc.

7.(1) The provisions of section 23(1)(b) of the Act (which paragraph provides for disqualification for the receipt of benefit during periods of imprisonment and detention in legal custody) shall have effect subject to the exceptions contained in the following provisions of this regulation.

(2) A person shall not, by reason of undergoing a period of imprisonment or detention in legal custody, be disqualified-

(a) for receiving maternity grant, death grant, guardian's allowance or any dependant's benefit;

(b) for receiving widow's benefit, widower's pension or old age pension if, being charged with a criminal offence, either such charge against him is withdrawn, or he is discharged by the magistrate or is acquitted.

(3) The payment to any person of any benefit-

(a) which is excepted from the operation of paragraph (b) of section 23(1) of the Act by virtue of sub-regulation (2); or

- (b) which is payable otherwise than in respect of a period during which he is undergoing imprisonment or detention in legal custody,

shall be suspended while that person is undergoing imprisonment or detention in legal custody:

Provided that maternity grant, death grant, guardian's allowance, dependant's benefit and any other benefit to whom paragraph (b), of this sub-regulation applies may nevertheless be paid during any such period to any person appointed for the purpose by the Director to receive and deal with any sums payable on behalf of the beneficiary on account of that benefit, and the receipt of any person so appointed shall be a good discharge to the Director and the Fund for any sum so paid.

- (4) In this regulation the expression "dependant's benefit" means any increase of benefit in respect of a child or adult dependant.

Disqualifications to be disregarded.

8. Where any person would be entitled to benefit under the Act but for the operation of any provision of the Act disqualifying him for the receipt of that benefit, he shall be treated as if entitled to that benefit for the purpose of any rights or obligations under Part II of the Act (whether of himself or any other person) which depend on his being so entitled, other than the right to payment of that benefit.

PART II.—MATERNITY GRANT.

Maternity grant in expectation of confinement.

9. In a case where a woman makes a claim for a maternity grant and indicates therein that she desires that the provisions of section 11 of the Act shall apply to her with the substitution, for the condition that she has been confined, of the condition that it is to be expected that she will be confined,—

- (a) that section shall so apply to her in relation to that claim; and
- (b) in their application to such a case, the contribution conditions for a maternity grant as set out in paragraph I of Part I of Schedule 3 to the Act shall apply as if, for sub-paragraph (2) (b) of that paragraph there were substituted the following:—
 - (b) the expression “relevant time” means the contribution week in which it is to be expected that the claimant will be confined or,

where the relevant person is the husband and he was dead or over pensionable age on the date of the making of the claim, the date of his attaining pensionable age, or dying under that age.

Certificates of confinement or expected confinement.

10. Every woman by whom or on whose behalf a claim for maternity grant is made shall furnish evidence—

- (a) where the claim is made in respect of expectation of confinement, that it is to be expected that she will be confined; or
- (b) where the claim is made by virtue of the fact of confinement, that she has been confined,

and shall furnish such evidence by means of a certificate given in accordance with the rules for certification set out in Schedule 1, on the appropriate form as set out therein, or by such other means as the determining authority may accept as sufficient in the circumstances of any particular case.

Partial satisfaction of contribution conditions (I).

11.(1) Where a woman would be entitled to a maternity grant at the rate specified in Part II or Part IIA of Schedule 2 to the Act but for the fact that the relevant contribution conditions are not satisfied as respects the number of contributions paid or credited in respect of the relevant contribution year, she shall nevertheless be entitled to a grant in accordance with sub-regulation (2) if not less than thirteen contributions have been paid or credited in respect of the relevant contribution year.

(2) Maternity grant shall be payable at the reduced rate specified in column (2) of Part I of Schedule 2 to these regulations which corresponds with the number of contributions paid or credited in the relevant contribution year as shown in column (1) of that Part of that Schedule.

Partial satisfaction of contribution conditions (II).

12.(1) Where a woman would be entitled to a maternity grant at the rate specified in Part IV of Schedule 2 to the Act but for the fact that the relevant contribution conditions are not satisfied as respects the number of contributions paid since the 1st day of January, 1968, she shall nevertheless

be entitled to a grant in accordance with sub-regulation (2) if not less than thirteen contributions have been paid since the 1st day of January, 1968.

(2) Maternity grant shall be payable at the reduced rate specified in column (2) of Part II of Schedule 2 to these regulations which corresponds with the number of contributions paid since the 1st day of January, 1968, as shown in column (I) of that Schedule.

Partial satisfaction of contribution conditions (III).

13.(1) Where a woman would be entitled to a maternity grant at the rate specified in Part IV of Schedule 2 to the Act but for the fact that the relevant contribution conditions are not satisfied as respects the number of contributions paid or credited in respect of the relevant contribution year, she shall nevertheless be entitled to a grant in accordance with sub-regulation (2) if not less than thirteen contributions have been paid or credited in respect of the relevant contribution year.

(2) Maternity grant shall be payable at the reduced rate specified in column (2) of Part III of Schedule 2 to these regulations which corresponds with the number of contributions paid or credited in the relevant contribution year as shown in column (I) of that Part of that Schedule.

Partial satisfaction of contribution conditions (IV).

14.(1) Where a woman would be entitled to a maternity grant at the rate specified in Part IV of Schedule 2 to the Act but for the fact that the relevant contribution conditions are not satisfied both as respects the number of contributions paid or credited in respect of the relevant contribution year and as respects the number of contributions paid since the 1st day of January, 1968, she shall nevertheless be entitled to a grant in accordance with sub-regulation (2) if not less than thirteen contributions have been paid or credited in respect of the relevant contribution year and not less than thirteen contributions have been paid since the 1st day of January, 1968.

(2) Where the number of contributions paid or credited in the relevant contribution year corresponds with any of the numbers in column (1) of Part IV of Schedule 2 to these regulations and the number of contributions paid since the 1st day of January, 1968, corresponds with any of the numbers shown at the head of columns (2) to (4) of that Part of that Schedule, then maternity grant shall be payable at the reduced rate which is applicable both to the number of contributions shown in column (I) and the number of contributions shown at the head of whichever of columns (2) to (4) is appropriate.

Partial satisfaction of contribution conditions (V).

15.(1) Where a woman would be entitled to a maternity grant at the rate specified in Part VI of Schedule 2 to the Act but for the fact that the relevant contribution conditions are not satisfied as respects the number of contributions paid or credited in the relevant contribution year she shall nevertheless be entitled to a grant in accordance with sub-regulation (2) if not less than thirteen contributions have been paid or credited in respect of the relevant contribution year.

(2) Maternity grant shall be payable at the reduced rate specified in column (2) of Part V of Schedule 2 to these regulations which corresponds with the number of contributions paid or credited in the relevant contribution year as shown in column (1) of that Part of that Schedule.

PART III.—WIDOW'S BENEFIT AND WIDOWER'S PENSION.**Widows incapable of self support.**

16.(1) Where a widow in relation to whom neither the conditions for a widow's pension contained in section 13(1)(c) of the Act nor the alternative conditions contained in section 14(1) of the Act are satisfied. would, but for the provisions of this regulation, cease to be entitled to widow's benefit at a time when she is by reason of any infirmity incapable of self-support and is under pensionable age, she shall, for any subsequent period during which she is incapable of self-support by reason of that infirmity have the same right (if any) to a widow's pension as if the said conditions were satisfied.

(2) A widow who claims a widow's pension by virtue of this regulation shall from time to time as required by the Director furnish evidence by means of a certificate (in such form as the Director may approve) that by reason of an infirmity she is incapable of self-support. and shall at any time submit herself to such medical examination as the Director may require.

Partial satisfaction of contribution conditions (I).

17.(1) Where a person would be entitled to a widow's benefit or widower's pension at any of the rates specified in Part I of Schedule 2 to the Act but for the fact that the relevant contribution conditions are not satisfied as respects the yearly average of contributions paid or credited, that person shall nevertheless be entitled to such benefit in accordance with sub-regulation (2), if the yearly average of contributions paid or credited is not less than thirteen.

(2) Where the full weekly rate of widow's benefit or widower's pension (excluding any increases for children) is at one of the rates set out at the head of column (2) or (3) of Part I of Schedule 3 to these regulations, then the benefit shall be payable at the reduced rate specified in the appropriate column of that Part of that Schedule which corresponds with the yearly average of contributions paid or credited as shown in column (1) of that Part of that Schedule.

Partial satisfaction of contribution conditions (II).

18.(1) Where a person would be entitled to a widow's benefit or widower's pension at one of the rates specified in Part III of Schedule 2 to the Act but for the fact that the relevant contribution conditions are not satisfied as respects the number of contributions paid since the 1st day of January, 1968, that person shall nevertheless be entitled to such benefit in accordance with sub-regulation (2), if not less than twenty-six contributions have been paid since the 1st day of January, 1968.

(2) Where the full weekly rate of widow's benefit or widower's pension (excluding any increases for children) is at one of the rates set out at the head of column (2) or (3) of Part 11 of Schedule 3 to these regulations, then the benefit shall be payable at the reduced rate specified in the appropriate column of that Part of that Schedule which corresponds with the number of contributions paid since the 1st day of January, 1968, as shown in column (1) of that Part of that Schedule.

Partial satisfaction of contribution conditions (III).

19.(1) Where a person would be entitled to a widow's benefit or widow's pension at one of the rates specified in Part III of Schedule 2 to the Act but for the fact that the relevant contribution conditions are not satisfied as respects the yearly average of contributions paid or credited that person shall nevertheless be entitled to such benefit in accordance with sub-regulation (2), if the yearly average of contributions paid or credited is not less than thirteen.

(2) Where the full weekly rate of a widow's benefit or widower's pension (excluding any increases for children) is at one of the rates set out at the head of column (2) or (3) of Part III of Schedule 3 to these regulations, then the benefit shall be payable at the reduced rate specified in the appropriate column of that Part of that Schedule which corresponds with the yearly average of contributions paid or credited as shown in column (1) of that Part of that Schedule.

Partial satisfaction of contribution conditions (IV).

20.(1) Where a person would be entitled to a widow's benefit or widower's pension at one of the rates specified in Part III of Schedule 4 to the Act but for the fact that the relevant contribution conditions are not satisfied both as respects the yearly average of contributions paid or credited and as respects the number of contributions paid since the 1st day of January, 1968, that person shall nevertheless be entitled to such benefit in accordance with sub-regulation (2) if the yearly average of contributions paid or credited is not less than thirteen and not less than twenty-six contributions have been paid since the 1st day of January, 1968.

(2) Where the full weekly rate of a widow's benefit or widower's pension (excluding any increases for children) is at one of the rates set out at the head of columns (2) to (7) of Part IV of Schedule 3 to these regulations, and the yearly average of contributions paid or credited corresponds with any of the numbers shown in column (1) of that Part of that Schedule, and the number of contributions paid since the 1st day of January, 1968, corresponds with any of the numbers shown at the head of columns (2) to (7) of that Part of that Schedule, then the benefit shall be payable at the reduced rate which is applicable both to the number of contributions shown in column (1) and the number of contributions shown at the head of whichever of columns (2) to (7) is appropriate.

(3) For the purpose of section 16A(1)(iii) of the Act, sub-regulations (1) and (2) shall apply mutatis mutandis to men to whom that subsection applies.

Partial satisfaction of contribution conditions (V).

21.(1) Where a person would be entitled to a widow's benefit or widower's pension at one of the rates specified in Part V of Schedule 2 to the Act but for the fact that the relevant contribution conditions are not satisfied as respects the yearly average of contributions paid or credited, that person shall nevertheless be entitled to such benefit in accordance with sub-regulation (2) if the yearly average of contributions paid or credited is not less than thirteen.

(2) Where the full weekly rate of a widow's benefit or widower's pension (excluding any increases for children) is at one of the rates set out at the head of column (2) or (3) of Part V of Schedule 3 to these regulations, then the benefit shall be payable at the reduced rate specified in the appropriate column of that Part of that Schedule which corresponds with the yearly average of contributions paid or credited as shown in column (1) of that Part of that Schedule.

PART IV.—GUARDIAN'S ALLOWANCE.

Adopted children.

22. Subject to the provisions of regulation 28, where a child has been adopted within the meaning of the Adoption Act, there shall be substituted for the condition contained in section 15(1)(a) of the Act that the parents of the child are dead, that condition set out below which is appropriate to the circumstances of the case, namely,-

- (a) if the child was adopted by a person who was not married at the date of the adoption order, the condition that that person is dead and that, if that person married after the date of the order, the spouse whom that person married is also dead; or
- (b) if the child was adopted by two spouses jointly, or by one of two spouses with the consent of the other, the condition that both of those spouses are dead, and that, if either of them remarried, the person whom either of such spouses remarried is also dead;
- (c) if the child was adopted by one of two spouses without the consent of the other, the condition that the spouse who adopted the child is dead and that, if that spouse remarried, the person to whom that spouse was remarried is also dead.

Illegitimate children.

23.(1) Subject as aforesaid, where a child (other than a child to whom regulation 22 applies) is illegitimate, there shall be substituted for the condition that the parents are dead the condition or conditions set out below appropriate to the circumstances of the case, namely,-

- (a) if any person has been found by a court of competent jurisdiction to be the father of the child, or if there is no such finding but in the opinion of the determining authority the paternity of the child has been admitted or established, the condition that the father and the mother of the child are dead, and, where applicable, the further condition specified in sub-regulation (2); or
- (b) in any other case, the condition that the mother is dead, and, where applicable the further condition specified in sub-regulation (2).

(2) For the purposes of this regulation, the further condition shall be that, if the mother of such a child is married at the time of her death, and the child is a child of her husband's family at that time, the husband is also dead.

Children of divorced persons.

24.(1) Subject as aforesaid, where the marriage of a child's parents was terminated by divorce, there shall be substituted for the condition that the parents are dead the condition or conditions set out below appropriate to the circumstances of the case, namely,-

- (a) where, at the death of one of the parents, the child was not in the custody of, or being maintained by, the other parent and there was no order of a court imposing any liability for custody or maintenance of the child on the other parent, the condition that one parent is dead; and
- (b) if one or both of the parents has re-married and at the date of the death of either parent the child is included in the family of the person whom either parent has re-married, the condition that any such person is also dead.

(2) In the application of this regulation, the expression "parents" shall include persons who adopt children in the circumstances specified in regulation 22, and persons who marry any such persons.

Children whose parents cannot be traced.

25.(1) Subject as aforesaid, where at the date of the death of one of the parents of a child the other parent cannot be traced, there shall be substituted for the condition that the parents are dead the condition that one of the parents is dead.

(2) For the purposes of this regulation, the provisions of regulation 24(2) shall apply.

Contribution conditions.

26. In its application to the classes of persons specified in this Part paragraph 3 of Part I of Schedule 3 to the Act shall apply with the modification that the contribution conditions for the receipt of guardian's allowance may be satisfied by the person or one of the persons (as the case may be) to whom the appropriate substituted condition contained in the relevant regulation is applicable.

Partial satisfaction of contribution conditions.

27.(1) Where a person would be entitled to guardian's allowance at the rate specified in Part III of Schedule 2 to the Act but for the fact that the relevant contribution conditions are not satisfied as respects the number of contributions paid since the 1st day of January, 1968, that person shall nevertheless be entitled to such allowance in accordance with sub-regulation (2), if not less than thirteen contributions have been paid since the 1st day of January, 1968.

(2) Guardian's allowance shall be payable at the reduced rate specified in column (2) of Schedule 6 to these regulations which corresponds with the number of contributions paid since the 1st day of January, 1968, as shown in column (1) of that Schedule.

Parents not entitled to guardian's allowance.

28. Notwithstanding anything in these regulations, the parent of a child shall not be entitled to a guardian's allowance in respect of that child.

PART V.—OLD AGE PENSIONERS

Women who marry after attaining pensionable age.

29.(1) For the purpose of section 17(l)(iii) of the Act (which paragraph relates to the prescribing of further conditions for entitlement to an old age pension by virtue of the insurance of the husband in a case where a woman married the husband after attaining pensionable age) one of the following further conditions must be satisfied in the case of a woman to whom that paragraph is applicable, that is to say:-

- (a) (i) that she and her husband have been married for not less than one year; or
- (ii) that, if the husband dies before the expiration of one year from the date of the marriage, she has a family which includes a child who, or children one of whom, either was at the husband's death a child of his family or is a son or daughter of theirs; or
- (b) that, immediately before the date of the marriage, she was entitled to widow's benefit; or
- (c) that immediately before that date, she was entitled to an old age pension; or

- (d) that, immediately before that date, she was entitled otherwise than under the Act. to any pension or allowance payable out of public funds and ceased to be so entitled by reason only of her marriage or re-marriage.

(2) Notwithstanding anything contained in sub-regulation (1)(a)(i) the Director may, in his absolute discretion. waive the condition that the woman and her husband shall have been married for one year and may, in his further discretion, revoke such waiver if the husband dies within one year of the marriage but without prejudice to any pension paid before such revocation.

Choice of pension.

30. A person who. but for the provisions of section 16A(2) and section 17(3) of the Act (which subsections relate to disentitlement of a person to more than one old age pension for the same period) would be entitled for the same period to more than one such pension. may by notice in writing to the Director choose from time to time which pension he shall be entitled to for any week commencing after the date on which such notice is so given:

Provided that for any period in respect of which no such notice is given the person shall be treated as if he had chosen the pension which is payable at the higher or highest rate.

Priority between a man and his wife to increase of old age pension for child.

31. Where but for section 19(3)(a) of the Act (which paragraph restricts the entitlement of a man and his wife to increase of old age pensions in respect of children) a man and his wife would both be entitled for the same period. by virtue of either his or her insurance, to an increase of old age pension in respect of the same child or to increases in respect of more than four children, the following provisions shall apply:-

- (a) if and so long as the man and his wife are living together, the man shall, and his wife shall not, be entitled to the increase, or, as the case may be, to the additional increase;
- (b) if and so long as they are not living together, such one of them shall, and such other of them shall not, be entitled to the increase or additional increase as the Director may in his discretion from time to time determine.

Partial satisfaction of contribution conditions (I).

32.(1) Where a person would be entitled to old age pension at one of the rates specified in Part I of Schedule 2 to the Act but for the fact that the relevant contribution conditions are not satisfied as respects the yearly average of contributions paid or credited, that person shall nevertheless be entitled to such a pension in accordance with sub-regulation (2), if the yearly average of contributions paid or credited is not less than thirteen.

(2) Where the full weekly rate of old age pension (excluding any increases for children) is at one of the rates set out at the head of columns (2) to (4) of Part I of Schedule 4 to these regulations, then the pension shall be payable at the reduced rate specified in the appropriate column of that Part of that Schedule which corresponds with the yearly average of contributions paid or credited as shown in column (1) of that Part of that Schedule.

Partial satisfaction of contribution conditions (II).

33.(1) Where a person would be entitled to old age pension at one of the rates specified in Part III of Schedule 2 to the Act but for the fact that the relevant contribution conditions are not satisfied as respects the number of contributions paid since the 1st day of January, 1968, that person shall nevertheless be entitled to such a pension in accordance with sub-regulation (2), if not less than twenty-six contributions have been paid since the 1st day of January, 1968.

(2) Where the full weekly rate of old age pension (excluding any increases for children) is at one of the rates set out at the head of columns (2) to (4) of Part II of Schedule 4 to these regulations, then the pension shall be payable at the reduced rate specified in the appropriate column of that Part of that Schedule which corresponds with the number of contributions paid since the 1st day of January, 1968, as shown in column (1) of that Part of that Schedule.

Partial satisfaction of contribution conditions (III).

34.(1) Where a person would be entitled to old age pension at one of the rates specified in Part III of Schedule 2 to the Act but for the fact that the relevant contribution conditions are not satisfied as respects the yearly average of contributions paid or credited, that person shall nevertheless be entitled to such pension in accordance with sub-regulation (2), if the yearly average of contributions paid or credited is not less than thirteen.

(2) Where the full weekly rate of old age pension (excluding any increases for children) is at one of the rates set out at the head of columns (2) to (4) of Part III of Schedule 4 to these regulations, then the pension shall be payable

at the reduced rate specified in the appropriate column of that Part of that Schedule which corresponds with the yearly average of contributions paid or credited as shown in column (1) of that Part of that Schedule.

Partial satisfaction of contribution conditions (IV).

35.(1) Where a person would be entitled to old age pension at one of the rates specified in Part III of Schedule 2 to the Act but for the fact that the relevant contribution conditions are not satisfied both as respects the yearly average of contributions paid or credited and as respects the number of contributions paid since the 1st day of January, 1968, that person shall nevertheless be entitled to such a pension in accordance with sub-regulation (2), if the yearly average of contributions paid or credited is not less than thirteen and not less than twenty-six contributions have been paid since the 1st day of January, 1968.

(2) Where the full weekly rate of old age pension (excluding any increases for children) is at one of the rates set out at the head of columns (2) to (10) of Part IV of Schedule 4 to these regulations and the yearly average of contributions paid or credited corresponds with any of the numbers shown in column (1) of that Part of that Schedule, and the number of contributions paid since the 1st day of January, 1968, corresponds with any of the numbers shown at the head of columns (2) to (10) of that Part of that Schedule, then the pension shall be payable at the rate which is applicable both to the number of contributions shown in column (1) and the number of contributions shown at the head of whichever of columns (2) to (10) is appropriate.

Partial satisfaction of contribution conditions (V).

36.(1) Where a person would be entitled to old age pension at one of the rates specified in Part V of Schedule 2 to the Act but for the fact that the relevant contribution conditions are not satisfied as respects the yearly average of contributions paid or credited, that person shall nevertheless be entitled to such pension in accordance with sub-regulation (2), if the yearly average of contributions paid or credited is not less than thirteen.

(2) Where the full weekly rate of old age pension (excluding any increases for children) is as one of the rates set out at the head of columns (2) to (4) of Part V of Schedule 4 to these regulations, then the pension shall be payable at the reduced rates specified in the appropriate column of that Part of that Schedule which corresponds with the yearly average of contributions paid or credited as shown in column (1) of that Schedule.

PART VI.—DEATH GRANT.

Meaning of “deceased” and “relevant person.”

37. This Part—

“the deceased” has the same meaning as in section 18 of the Act;

“the relevant person” means the person by whom the contribution conditions for death grant are to be satisfied.

Deaths outside Gibraltar, etc.

38. Subject to the provisions of the Act and these regulations, a death grant shall be payable in respect of a death occurring outside Gibraltar or the Campo district.

Priority of two or more claimants satisfying the conditions for death grant.

39.(1) Subject to the provisions of the Act and these regulations, where two or more claimants satisfy the conditions for receipt of a death grant in respect of the same death, that claimant shall be entitled to the grant who has incurred the expense of the actual burial or cremation and who—

- (a) in the case of the death of the relevant person (being married) is the widow or widower of that person; or
- (b) in the case of the death of the relevant person (being unmarried) is a parent of that person; or
- (c) in the case of the death of the husband or wife of the relevant person, is the relevant person; or
- (d) in the case of the death of a child of the family of the relevant person, is the relevant person.

(2) Where in the case of two or more such claimants’ entitlement to death grant cannot be determined under sub-regulation (1), the Director shall decide which one of them shall be entitled to the grant.

(3) The Director may, in his discretion, suspend any proceedings on a claim for death grant, other than a claim by any such claimant as is specified in sub-regulation (1), for a period not exceeding one month from the date on which the claim was made, where he has reason to suspect that another

claim may be made in respect of the same death by a person having a prior right by virtue of this regulation.

Partial satisfaction of contribution conditions (I).

40.(1) Where a person would be entitled to a death grant of one of the amounts specified in Part II of Schedule 2 to the Act but for the fact that the relevant contribution conditions are not satisfied as respects the yearly average of contributions paid or credited, that person shall nevertheless be entitled to a grant in accordance with sub-regulation (2), if the yearly average of contributions paid or credited is not less than thirteen.

(2) Where the full amount of a death grant under the Act is one of the amounts set out at the head of columns (2) to (4) of Part I of Schedule 5 then the grant shall be payable at the reduced rate specified in the appropriate column of that Part of that Schedule which corresponds with the yearly average of contributions paid or credited as shown in column (I) of that Schedule.

Partial satisfaction of contribution conditions (II).

41.(1) Where a person would be entitled to a death grant of one of the amounts specified in Part IV of Schedule 2 to the Act but for the fact that the relevant contribution conditions are not satisfied as respects the number of contributions paid since the 1st day of January, 1968, that person shall nevertheless be entitled to a grant in accordance with sub-regulation (2), if not less than thirteen contributions have been paid since the 1st day of January, 1968.

(2) Where the full amount of the death grant under the Act is one of the amounts set out at the head of columns (2) to (4) of Part II of Schedule 5 to these regulations, then the grant shall be payable at the reduced rate specified in the appropriate column of that Part of that Schedule which corresponds with the number of contributions paid since the 1st day of January, 1968, as shown in column (1) of that Part of that Schedule.

Partial satisfaction of contribution conditions (III).

42. (1) Where a person would be entitled to a death grant of one of the amounts specified in Part IV of Schedule 2 to the Act but for the fact that the relevant contribution conditions are not satisfied as respects the yearly average of contributions paid or credited, that person shall nevertheless be entitled to a grant in accordance with sub-regulation (2), if the yearly average of contributions paid or credited is not less than thirteen.

(2) Where the full amount of the death grant under the Act is one of the amounts set out at the head of columns (2) to (4) of Part III of Schedule 5 then the grant shall be payable at the reduced rate specified in the appropriate column of that Part of that Schedule which corresponds with the yearly average of contributions paid or credited as shown in column (I) of that Part of that Schedule.

Partial satisfaction of contribution conditions (IV).

43.(1) Where a person would be entitled to a death grant of one of the amounts specified in Part IV of Schedule 2 to the Act but for the fact that the relevant contribution conditions are not satisfied both as respects the yearly average of contributions paid or credited and as respects the number of contributions paid since the 1st day of January, 1968, that person shall nevertheless be entitled to a grant in accordance with sub-regulation (2), if the yearly average of contributions paid or credited is not less than thirteen and not less than thirteen contributions have been paid since the 1st day of January, 1968.

(2) Where the full amount of the death grant is one of the amounts set out at the head of columns (2) to (7) of Part IV of Schedule 5 to these regulations, and the yearly average of contributions paid or credited corresponds with any of the numbers shown in column (I) of that Part of that Schedule, and the number of contributions paid since the 1st day of January, 1968, corresponds with any of the numbers shown at the head of columns (2) to (7) of that Part of the Schedule, then the grant shall be payable at the reduced rate which is applicable both to the number of contributions shown in column (I) and the number of contributions shown at the head of whichever of columns (2) to (7) is appropriate.

Partial satisfaction of contribution conditions (V).

44.(1) Where a person would be entitled to a death grant of one of the amounts specified in Part VI of Schedule 2 to the Act but for the fact that the relevant contribution conditions are not satisfied as respects the yearly average of contributions paid or credited, that person shall nevertheless be entitled to a grant in accordance with sub-regulation (2), if the yearly average of contributions paid or credited is not less than thirteen.

(2) Where the full amount of a death grant under the Act is one of the amounts set out at the head of columns (2) to (4) of Part V of Schedule 5 to these regulations, then the grant shall be payable at the reduced rate specified in the appropriate column of that Part of the Schedule which corresponds with the yearly average of contributions paid or credited as shown in column (1) of such Part.

Amount of cost of burial or cremation payable from the Consolidated Fund or an association.

45. The amount of the cost of the burial or cremation of any person by or under the direction of the Director of Medical and Health Services or by or under the direction of any such other association of persons to whom the provisions of section 18(5) of the Act are applicable, which may be paid under that subsection, shall be the sum which is payable from the Consolidated Fund or by the association for such burial or cremation, subject to the qualification that the amount shall not exceed three-fifths of the death grant which is payable in respect of the death of that person.

SCHEDULE 1.

Regulation 10.

RULES AND FORMS FOR THE PURPOSES OF MATERNITY GRANT.

A. RULES FOR CERTIFICATION.

1. Certificates of confinement or expected confinement shall be in writing in ink or other indelible substance signed by a registered medical practitioner or certified midwife attending the woman.
2. The certificate shall be on a form provided by the Director for the purpose. The wording of the certificate shall be that set out in the appropriate form below.
3. Every certificate of confinement or expected confinement shall contain the following particulars:—
 - (a) the woman's name;
 - (b) in the case of a certificate of confinement the date and place of the confinement, and the date of the examination on which the certificate was based;
 - (c) in the case of a certificate of expected confinement, the week in which it is to be expected that the woman will be confined and the date of the examination on which the certificate was based;
 - (d) the date on which the certificate is given;
 - (e) where the certificate is signed by a midwife, either her registered number or her address and the date of her qualification; and shall bear, opposite the word "Signature", the signature of the person giving the certificate written after there have been entered on the certificate the woman's name and the date, or (as the case may be) the expected date, of the confinement.

B. FORMS OF CERTIFICATES.

- I. Certificate of confinement (to be given by a registered medical practitioner or certified midwife).

I certify that I attended in connection with her confinement (a) which took place at (address) and that she was there delivered of a child (..... children (b)) on the day of 20.....

Signature.....

(If certified midwife, add registered number or address and date of qualification)

Date of signing.....20.....

(a) Confinement is so defined in the Social Security (Insurance) Act, that this certificate can only be given—

(i) where labour results in the issue of a living child; or

(ii) where labour results in the issue of a dead child and pregnancy has lasted for at least 28 weeks.

The certificate must not be given in any other circumstances.

(b) Insert number of children, if more than one.

II. Certificate of expected confinement (to be given by a registered medical practitioner or certified midwife).

I certify that I examined on (date) and that in my opinion she may be expected to be confined in the week(a) which will include the..... day of20..... (Here insert the expected day, of confinement).

Signature

(If certified midwife, add registered number or address and date of qualification)

Date of signing20

Any other remarks

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- (a) *The week referred to is a contribution week, i.e., one, which begins on a Monday.*

SCHEDULE 2.

REDUCED RATES OF MATERNITY GRANT.

PART I.

Regulation 11.

(1)	(2)
Number of contributions paid or credited in the relevant contribution year.	Reduced rates at which maternity grant is payable. £
35-39	5
30-34	4
25-29	3
19-24	2
13-18	1

PART II.

Regulation 12.

(1)	(2)
Number of contributions paid by the relevant person since 1st January, 1968.	Reduced rates at which maternity grant is payable. £
39-51	9
26-38	8
13-25	7

PART III.

Regulation 13,

(1)	(2)
Number of contributions paid or credited in the relevant contribution year.	Reduced rates at which maternity grant is payable. £

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35-39	9
30-34	7
25-29	5
19-24	3
13-18	2

PART IV.

Regulation 14.

(1)	(2)	(3)	(4)
Number of contributions paid or credited in the relevant contributions year.	Amount payable		
	on contributions which include 13-25 contributions paid since 1st January, 1968. £	on contributions which include 26-38 contributions paid since 1st January, 1968. £	on contributions which include 39-51 contributions paid since 1st January, 1968. £
35-39	6.00	7.00	8.00
30-34	4.75	5. 50	6. 25
25-29	3.50	4.00	4.50
19-24	2.25	2.50	2.75
13-18	1.25	1.50	1.75

PART V.

Number of contributions paid or credited in the relevant contribution year	Reduced rates at which maternity grant is payable £
35-39	34
30-34	26
25-29	19
19-24	12
13-18	8

SCHEDULE 3.

REDUCED RATES OF WIDOW'S BENEFIT. OR WIDOWER'S PENSION.

PART I.

Regulation 17

(1) Yearly average of contributions paid or credited	(2) Full weekly rate of benefit payable	
	£1.20	60p
Reduced weekly rate of benefit payable		
	£	£
43—44	1.10	0.55
40—42	1.00	0.50
37—39	0.90	0.45
34—36	0.80	0.40
30—33	0.70	0.35
26—29	0.60	0.30
22—25	0.50	0.25
18—21	0.40	0.20
13—17	0.30	0.15

PART II.

Regulation 18

(1) Number of contributions paid by the relevant person since 1st January, 1968	(2) Full weekly rate of	
	£2.00	£1.50
	£	£
78—103	1.80	1.27
52— 77	1.60	1.05
26—51	1.40	0.83

PART III.

Regulation 19

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(1) Yearly average of contributions paid or credited	(2)		(3)
	Full weekly rate of benefit payable		
	£2.00		£1.50
Reduced weekly rate of benefit payable			
	£		£
43—44	1.85		1.37
40—42	1.65		1.25
37—39	1.50		1.13
34—36	1.35		1.00
30—33	1.15		0.87
26—29	1.00		0.75
22—25	0.80		0.60
18—21	0.65		0.50
13—17	0.50		0.37

PART IV.

Regulation 20

(1) Yearly average of contributions paid or credited	(2) (3) (4) (5) (6) (7)					
	Amount payable					
	(2)	(3)	(4)	(5)	(6)	(7)
	on contributions which include 26-51 contribution paid since 1st January, 1968.	on contributions which include 52-77 contributions paid since 1st January, 1968.	on contributions which include 78-103 contributions paid since 1st January, 1968.			
	Full weekly rate of benefit payable.					
	£2.00	£1.50	£2.00	£1.50	£2.00	£1.50
43-44	£ 1.9	£ 0.76	£ 1.47	£ 0.97	£ 1.66	£ 1.19
40-42	1.46	.69	.33	0.87	1.59	1.06
37-39	1.05	0.1	1.20		1.35	0.94
34-36	0.94	0.65	1.17	0.77	.21	0.85
30-33	0.81	0.47	0.93	0.70	1.04	0.73
26-29	0.	0.31	0.80	.68	0.90	0.64
22-25	0.57	0.24	0.65	0.43	0.73	0.51
18-21	0.41	.7	0.53	0.35	0.59	0.43
13-17	0.35	0.20	0.40	0.25	0.45	0.30

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PART V

Regulation 13D

(1) Yearly average of contributions paid or credited	(2) Full weekly rate of benefit payable £48.20 Reduced weekly rate of benefit payable	(3) £40.60
43 – 44	£43.10	£34.40
40 – 42	£40.50	£32.70
37 – 39	£38.10	£30.70
34 – 36	£35.70	£28.70
30 – 33	£33.10	£26.60
26 – 29	£30.70	£24.50
22 – 25	£27.80	£22.40
18 – 21	£25.00	£20.30
13 – 17	£22.40	£18.10

SCHEDULE 4.

REDUCED RATES OF OLD AGE PENSION.

PART I.

Regulation 32

(1)	(2)	(3)	(4)
Yearly average of contributions paid or credited	Full weekly rate of benefit payable		
	£1.00	60p	40p
	Reduced weekly rate of benefit payable		
	£	£	£
48—49	0.95	0.57	0.37
46—47	0.93	0.55	0.37
43—45	0.87	0.53	0.35
40—42	0.83	0.50	0.33
37—39	0.75	0.45	0.30
34—36	0.67	0.40	0.27
30—33	0.60	0.35	0.25
26—29	0.50	0.30	0.20
22—25	0.43	0.25	0.17
18—21	0.35	0.20	0.15
13—17	0.25	0.15	0.10

PART II.

Regulation 33

(1)	(2)	(3)	(4)
Number of contributions paid by the relevant person since 1st January, 1968	Full weekly rate of benefit payable		
	£2.40	£1.50	90p
	£	£	£
78—103	2.05	1.27	0.77
52—77	1.70	1.05	0.65
26—51	1.35	0.83	0.53

PART III.

Regulation 34

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(1)	(2)	(3)	(4)
Yearly average of contributions paid or credited	Full weekly rate of benefit payable		
	£.40	£1.50	90p
	Reduced weekly rate of benefit payable		
	£	£	£
48—49	2.27	1.43	0.85
46—47	2.20	1.37	0.83
43—45	2.10	1.30	0.80
40—42	1.97	1.23	0.75
37—39	1.77	1.10	0.67
34—36	1.55	0.97	0.57
30—33	1.40	0.87	0.53
26—29	1.20	0.75	0.45
22—25	0.95	0.60	0.35
18—21	0.77	0.50	0.27
13—17	0.57	0.40	0.17

PART IV.

Regulation 35

(1)	(2)		(3)		(4)		(5)		(6)		(7)		(8)		(9)		(10)	
	£		£		£		£		£		£		£		£		£	
	*26-51	*52-77	*52-77	*78-103	*78-103	*26-51	*26-51	*52-77	*52-77	*78-103	*78-103	*26-51	*26-51	*52-77	*52-77	*78-103	*78-103	*78-103
Yearly average of contributions paid or credited	£2.40		£1.50		90p		Full weekly rate of benefit payable											
48-49	1.27	1.60	1.60	1.93	1.93	0.79	1.00	1.00	1.21	1.21	0.49	0.49	0.60	0.60	0.78	0.78	0.78	0.78
46-47	1.24	1.55	1.55	1.86	1.86	0.75	0.95	0.95	1.15	1.15	0.49	0.49	0.60	0.60	0.78	0.78	0.78	0.78
43-45	1.11	1.47	1.47	1.77	1.77	0.71	0.90	0.90	1.09	1.09	0.46	0.46	0.57	0.57	0.71	0.71	0.71	0.71
40-45	1.00	1.40	1.40	1.69	1.69	0.67	0.85	0.85	1.03	1.03	0.44	0.44	0.55	0.55	0.69	0.69	0.69	0.69
37-39	1.89	0.25	0.25	1.50	1.50	0.61	0.77	0.77	0.94	0.94	0.39	0.39	0.47	0.47	0.66	0.66	0.66	0.66
34-36	0.80	1.10	1.10	1.31	1.31	0.54	0.67	0.67	0.81	0.81	0.35	0.35	0.43	0.43	0.56	0.56	0.56	0.56
30-36	0.67	0.00	0.00	1.20	1.20	0.47	0.60	0.60	0.73	0.73	0.33	0.33	0.40	0.40	0.47	0.47	0.47	0.47
26-29	0.55	0.85	0.85	1.03	1.03	0.41	0.53	0.53	0.64	0.64	0.26	0.26	0.33	0.33	0.39	0.39	0.39	0.39
22-25	0.45	0.67	0.67	0.83	0.83	0.34	0.43	0.43	0.51	0.51	0.21	0.21	0.25	0.25	0.29	0.29	0.29	0.29
18-21	0.45	0.55	0.55	0.65	0.65	0.27	0.35	0.35	0.43	0.43	0.17	0.17	0.20	0.20	0.23	0.23	0.23	0.23
13-17	0.33	0.40	0.40	0.47	0.47	0.21	0.27	0.27	0.34	0.34	0.11	0.11	0.13	0.13	0.14	0.14	0.14	0.14

* on contributions which include these numbers of contributions paid since 1st January, 1968.

PART V.

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Regulation 23D

(1) Yearly average of contributions paid or credited	(2)	(3)	(4)
		Full weekly rate of benefit payable	
	£60.90	£40.60	£20.30
		Reduced weekly rate of benefit payable	
48 - 49	£57.80	£38.40	£19.40
46 - 47	£54.80	£36.40	£18.40
43 - 45	£51.80	£34.30	£17.50
40 -- 42	£49.10	£32.70	£16.40
37 - 39	£46.10	£30.70	£15.40
34 - 36	£43.20	£28.70	£14.50
30 - 33	£40.00	£26.60	£13.40
26 - 29	£37.00	£24.50	£12.50
22 - 25	£33.70	£22.40	£11.40
18 - 21	£30.70	£20.30	£10.40
13 - 17	£27.50	£18.10	£9.40

SCHEDULE 5.

REDUCED RATES OF DEATH GRANT.

PART I.

Regulation 40.

(1)	(2)	(3)	(4)
Yearly average of Contributions paid or Credited.	Full rate of grant payable		
	£ 15	£10	£7.50
	£	£	£
30-44	11.25	7.50	5.00
13-29	7.50	5.00	3.75

PART II.

Regulation 41.

(1)	(2)	(3)	(4)
Number of contributions paid by the relevant person since 1st January, 1968	Full rate of grant payable		
	£20.00	£15.00	£10.00
	£	£	£
30-44	18.33	13.33	9.17
13-29	16.67	11.67	8.33

PART III.

Regulation 42.

(1)	(2)	(3)	(4)
Yearly average of contributions paid or credited	Full rate of grant payable		
	£20.00	£15.00	£10.00
	£	£	£
30-44	15.00	11.25	7.50

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13-29	10.00	7.50	5.00
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PART IV.

Regulation 43.

(1)	(2)	(3)	(4)	(5)	(6)	(7)
Yearly average of contributions paid or credited	on contributions which include 13-29 contributions paid since 1st January, 1968			on contributions which include 30-44 contributions paid since 1st January, 1968		
	Full rate of grant payable					
30-40	£20.00	£15.00	£10.00	£20.00	£15.00	£10.00
13-29	12.50	8.75	5.83	13.75	10.00	6.67
13-29	8.33	5.83	4.17	9.17	6.67	4.58

PART V

(1)	(2)	(3)	(4)
Yearly average of contributions paid or credited	Full rate of grant payable		
	£72.00	£54.00	£36.00
	£	£	£
30-44	54.00	40.50	27.00
13-29	36.00	27.00	18.00

SCHEDULE 6.

REDUCED RATES OF GUARDIAN'S ALLOWANCE.

(1)	(2)
Number of contributions paid by the relevant person since 1 st January, 1968	Amount Payable £
13-25	00.37