

**FIRST SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 2,969 of 27th March, 1997

**SOCIAL SECURITY (CLOSED LONG-TERM BENEFITS AND
SCHEME) (AMENDMENT) ACT 1997**

ARRANGEMENT OF SECTIONS

1. Title and commencement.
2. Amendments with effect from the 1st day of October, 1996.
3. Amendments to the Closed Scheme Act.
4. Amendments to the Social Security (Closed Long-Term Benefits) Regulations 1996.
5. Amendments to the Social Security (Closed Long-Term Benefits) (Claims and Payments) Regulations 1996.
6. Amendments to the Social Security (Closed Long-Term Benefits) (Overlapping Benefits) Regulations 1996.
7. Amendments to the Social Security (Closed Long-Term Benefits) (Questions and Appeals) Regulations 1996.

SCHEDULE 1 - Amendments to the Social Security (Closed Long-Term Benefits) Regulations 1996.

SCHEDULE 2 - Amendments to the Social Security (Closed Long-Term Benefits) (Claims and Payments) Regulations 1996.

AN ACT to amend the Social Security (Closed Long-Term Benefits and Scheme) Act 1996.

ENACTED by the Legislature of Gibraltar.

Title and commencement.

1. This Act may be cited as the Social Security (Closed Long-Term Benefits and Scheme) (Amendment) Act 1997 and shall come into effect on such day as the Governor may, by notice in the Gazette, appoint.

Amendments with effect from the 1st day of October, 1996.

2.(1) The Social Security (Closed Long-Term Benefits and Scheme) Act 1996 (No.6 of 1996) (hereinafter referred to as the “Closed Scheme Act”) and the regulations amended by this Act shall apply as if the amendments made by this Act had been made before the Closed Scheme Act and those regulations had come into effect.

Amendments to the Closed Scheme Act.

3.(1) The Closed Scheme Act is amended as described in this section.

(2) In section 2(1) (interpretation)-

(a) at the end of the definition of “the 1955 Act”, there is inserted “as amended from time to time”; and

(b) the definition of “contribution” is replaced with the following-

““contribution” means a contribution paid or payable or credited (as the case may be) under the 1955 Act (but references to contributions paid or credited under that Act do not include contributions paid or credited in respect of any period after the 31st day of December, 1993).”.

(3) In section 3(1) (Closed Long-Term Benefits Fund)-

(a) the words “Closed Long-Term Benefit Fund” are replaced with “Closed Long-Term Benefits Fund”; and

(b) after the word “paid”, there is inserted “or credited”.

(4) In section 5 (description and rate of benefit and contribution conditions)-

(a) in subsection (3), the words from the beginning up to and including the words “has not” are replaced with the following-

“(3) If neither the person entitled to benefit nor (if different) the person on whose contribution record title to the benefit is established has”; and

(b) in subsection (5), paragraph (b)(ii) is replaced with the following-

“(ii) ending with the end of the last complete contribution year before the date as at which the average is to be ascertained”.

(5) Section 6 (transitional provisions - existing beneficiaries) is replaced with the following-

“Transitional provisions - existing beneficiaries.

6.(1) Subject to subsections (2) and (3) below, where a person was entitled to a-

- (a) benefit in paragraph (b), (c), (d) or (f) of section 10(1) of the 1955 Act on the 31st day of December, 1993; or
- (b) payment under the Transitional Interim Payment Fund Regulations 1993 (Legal Notice No.170 of 1993) on the 30th day of September, 1996; or
- (c) payment under the Pre-Occupational Pensions Payments Fund Regulations 1993 (Legal Notice No. 172 of 1993) on the 30th day of September, 1996,

he shall be entitled to a corresponding benefit under this Act.

(2) Where a benefit is payable under this Act by virtue of paragraph (a) or (b) of subsection (1) above, the benefit shall be paid at the same rate at which it was payable on the date mentioned in the relevant paragraph.

(3) Where a benefit is payable under this Act by virtue of subsection (1)(c) above, the benefit shall be calculated in accordance with the provisions of section 7A.

(4) Where a benefit is payable under this Act by virtue of subsection (1) above, all the provisions of this Act shall thereafter apply to that benefit.”.

(6) In section 7 (transitional provisions - extension of time for claiming), after subsection (3) there is inserted the following-

“(4) Notwithstanding subsection (1), a person shall not be entitled to claim a payment or benefit under the Pre-Occupational Pensions Payments Fund Regulations 1993, except to the extent that the payment to which the person is entitled under those regulations is attributable to contributions paid or credited under the 1955 Act in respect of periods up to and including the 31st day of December, 1993.

(5) To the extent that any person is entitled to claim a benefit or payment under this Act by virtue of subsection (1), that person shall cease to be entitled to any benefit or payment under the 1955 Act, Transitional Interim Payment Fund Regulations 1993 or the Pre-Occupational Pensions Payments Fund Regulations 1993.”.

(7) After section 7, a new section 7A is inserted as follows-

“Transitional Provisions - persons insured under both this Act and the Social Security (Open Long - Term Benefits Scheme) Act 1997.

7A(1) Subject to subsection (2) below, if a person is insured under both this Act and the Social Security (Open Long - Term Benefits Scheme) Act 1997 (hereafter in this section referred to as “the Open Scheme Act”)-

- (a) contributions paid by or credited to that person under the Open Scheme Act (including, for the purposes of this section, the levy under the Gibraltar Development Corporation (Pre-Occupational Pensions) Levy Regulations 1993 (Legal Notice No. 188 of 1993) will be treated as paid or credited (as the case may be) under the 1955 Act; and
- (b) the yearly average of contributions paid by or credited to that person will be calculated accordingly.

(2) For the purposes of calculating the amount of any benefit payable under this Act-

- (a) a theoretical benefit will be calculated as described in subsection (3) below; and
- (b) the benefit payable under this Act will be equal to the relevant proportion (as defined in subsection (4) below) of that theoretical benefit.

(3) For the purpose of subsection 2(a) above, the theoretical benefit will be calculated by reference to the weekly rate of the relevant description of benefit set out in whichever of Parts I, II and III of Schedule 1 is appropriate (and subsection (1) will apply for the purpose of calculating this theoretical benefit).

(4) For the purpose of subsection (2)(b) above, the "relevant proportion" is the proportion that, disregarding subsection (1) above, the number of contributions paid by or credited to the insured person under the 1955 Act bears to the total of-

- (a) the number of contributions paid by or credited to the insured person under the 1955 Act; plus
- (b) the number of contributions paid by or credited to the insured person under the Open Scheme Act (including, for the purposes of this section, the levy under the Gibraltar Development Corporation (Pre - Occupational Pensions) Levy Regulations 1993 (Legal Notice No. 188 of 1993))."

(8) In section 13(1) (special provisions as to men), paragraph (c) is replaced with the following-

"(c) whom he has married after attaining that age, if the following conditions are satisfied, that is to say-".

(9) In section 14(1) (special provisions as to women), paragraph (c) is replaced with the following-

“(c) whom she has married after attaining that age, if the following conditions are satisfied, that is to say-”.

(10) In section 15 (increase of benefit for children)-

(a) in subsection (1), the reference to subsection “(5)” is replaced with a reference to subsection “(6)”;

(b) in subsection (4), at the end of paragraph (a), there is inserted “or, between them, to increase in respect of more than four children”; and

(c) subsection (5) is replaced with the following-

“(5) Except in the case of widowed mother’s allowance, a benefit shall not be increased under this section in respect of more than four children.”.

(11) In section 18 (claims and notices)-

(a) in subsections (1) and (2), the reference to “subsections (3) and (4) below” is replaced with a reference to “subsection (4) below”; and

(b) subsection (3) is omitted.

(12) In section 27 (fees), the reference to section “25” is replaced with a reference to section “26”.

(13) In section 32 (interim payments, arrears and repayments), the last two lines of subsection (2) are aligned so as to form part of paragraph (d) of that subsection.

(14) Section 38 (amendment of rates of benefit) is omitted.

(15) In Part I of Schedule 1 (rate or amount of benefit), the figure of “6.90” set out in the fourth column opposite “(c) Widow’s pension” is omitted.

Amendments to the Social Security (Closed Long-Term Benefits) Regulations 1996.

4.(1) The Social Security (Closed Long-Term Benefits) Regulations 1996 (Legal Notice No.95 of 1996) are amended as described in this section.

(2) In regulation 12 (partial satisfaction of contribution conditions (IV)), paragraph (3) is omitted.

(3) In regulation 20(1) (women who marry after attaining pensionable age), the reference to "section 14(1)(c)(iii) of the Act" is replaced with a reference to "paragraph (iii) of section 14(1) of the Act".

(4) In Schedule 1 to the regulations, the tables in Parts II, III, IV and VI are replaced with the corresponding tables in Part I of Schedule 1 to this Act

(5) In Schedule 2 to the regulations, the tables in Parts II and VI are replaced with the corresponding tables in Part II of Schedule 1 to this Act, and the note at the end of Part IV of Schedule 2 to the regulations is replaced with the following-

" Amount payable on contributions which include these numbers of contributions paid since the 1st day of January, 1968".*

Amendments to the Social Security (Closed Long-Term Benefits) (Claims and Payments) Regulations 1996.

5.(1) The Social Security (Closed Long-Term Benefits) (Claims and Payments) Regulations 1996 (Legal Notice No.96 of 1996) are amended as described in this section.

(2) In regulation 2 (Interpretation)-

- (a) in the definition of "pension", after "widow's benefit, there is inserted ", widower's pension"; and
- (b) the definition of "pension order" is replaced with the following-

"pension order" means an order for the payment of a sum by way of a pension."

(3) Regulation 6 (interchange with claims for other benefits) is amended by inserting the following after sub-regulation (2)-

“(3) Where it appears that a person who has made a claim to—

- (a) a benefit under the Social Security (Employment Injuries Insurance) Act specified in the first column of the Schedule may be entitled to the benefit under the Act specified opposite thereto in the second column of the Schedule; or
- (b) a benefit under the Act specified in the second column may be entitled to the benefit under the Social Security (Employment Injuries Insurance) Act specified opposite thereto in the first column,

any such claim may be treated as a claim in the alternative to that other benefit.”.

(4) Regulation 9 (payment of pensions) is amended by inserting the following after paragraph (1)-

“(1A) If a beneficiary is entitled to any benefit under the Social Security (Open Long-Term Benefits Scheme) Act 1997, the pension payable to that beneficiary under the Act shall be payable monthly in arrears.”.

(5) In regulation 11, (suspension of payment) the reference to “section 32 of the Act” is replaced with a reference to “section 30 of the Act”.

(6) In regulation 12, (deduction of benefit required to be repaid) the words “and such deduction may be at such rate as the Director may determine” are aligned with the opening words of the regulation, so as to apply clearly to both the deduction mentioned in sub-paragraph (a) and the deduction mentioned in sub-paragraph (b).

(7) In regulation 15 (payments on death)-

- (a) in paragraph (2), the reference to “paragraph (3)” is replaced with a reference to paragraph (5); and
- (b) at the end of paragraph (3), the “; and” is replaced with a full stop.

(8) At the end of the regulations, the table set out in Schedule 2 to this Act is inserted as the Schedule to the regulations.

Amendments to the Social Security (Closed Long-Term Benefits) (Overlapping Benefits) Regulations 1996.

6.(1) The Social Security (Closed Long-Term Benefits) (Overlapping Benefits) Regulations 1996 (Legal Notice No.97 of 1996) are amended as described in this regulation.

(2) In regulation 10 (provisions for adjusting benefits, etc. for part of a week)-

(a) in paragraph (1), the words “of every benefit by reference to which it is so required to be adjusted” are replaced with “of every benefit (whether under the Act or otherwise) by reference to which it is so required to be adjusted”; and

(b) in paragraph (2), sub-paragraph (a) is replaced with the following-

“(a) the expression “benefit” includes any pension or allowance;”.

Amendments to the Social Security (Closed Long-Term Benefits) (Questions and Appeals) Regulations 1996.

7.(1) The Social Security (Closed Long-Term Benefits) (Questions and Appeals) Regulations 1996 (Legal Notice No.98 of 1996) are amended as described in this regulation.

(2) In regulation 6(5) (hearing of cases by the Board),the reference to “paragraph 4” is replaced with a reference to “regulation 4”.

SCHEDULE 1

AMENDMENTS TO THE SOCIAL SECURITY (CLOSED LONG-TERM BENEFITS) REGULATIONS 1996

PART I

Regulation 4.

AMENDMENTS TO SCHEDULE 1 TO THE REGULATIONS

“PART II

Regulation 10

(1)	(2)	(3)
Number of contributions paid by the relevant person since 1st January, 1968	Full weekly rate of benefit payable	
	£2.00	£1.50
	Reduced weekly rate of benefit payable	
	£	£
78-103	1.80	1.27
52-77	1.60	1.05
26-51	1.40	0.83

PART III

Regulation 11

(1)	(2)	(3)
Yearly average of contributions paid or credited	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 12

(1)	(2)	(3)	(4)	(5)	(6)	(7)
Yearly average of contributions paid or credited	Full weekly rate of benefit payable					
	£2.00	£1.50	£2.00	£1.50	£2.00	£1.50
	Amount payable					
	on contributions which include 26-51 contributions 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			
	£	£	£	£	£	£
43-44	1.29	0.76	1.47	0.97	1.66	1.19
40-42	1.16	0.69	1.33	0.87	1.59	1.06
37-39	1.05	0.61	1.20	0.77	1.35	0.94
34-36	0.94	0.55	1.17	0.70	1.21	0.85
30-33	0.81	0.47	0.93	0.60	1.04	0.73
26-29	0.70	0.41	0.80	0.53	0.90	0.64
22-25	0.57	0.34	0.65	0.43	0.73	0.51
18-21	0.41	0.27	0.53	0.35	0.59	0.43
13-17	0.35	0.20	0.40	0.25	0.45	0.30

PART VI

Regulation 13

(1)	(2)	(3)
Yearly average of contributions paid or credited	Full weekly rate of benefit payable	
	£56.70	£47.80
	Reduced weekly rate of benefit payable	
	£	£
44	49.90	42.10
43	48.80	41.10
42	47.60	40.20
41	46.50	39.20
40	45.40	38.20
39	44.20	37.30
38	43.10	36.30
37	42.00	35.40
36	40.80	34.40

35	39.70	33.50
34	38.60	32.50
33	37.40	31.50
32	36.30	30.60
31	35.20	29.60
30	34.00	28.70
29	32.90	27.70
28	31.80	26.80
27	30.60	25.80
26	29.50	24.90
25	28.40	23.90
24	27.20	22.90
23	26.10	22.00
22	24.90	21.00
21	23.80	20.10
20	22.70	19.10
19	21.50	18.20
18	20.40	17.20
17	19.30	16.30
16	18.10	15.30
15	17.00	14.30
14	15.90	13.40
13	14.70	12.40".

PART II

Regulation 4

AMENDMENTS TO SCHEDULE 2 TO THE REGULATIONS

“PART II

Regulation 24

(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	£0.90
	Reduced weekly rate of benefit payable		
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 VI

Regulation 27

(1)	(2)	(3)	(4)
Yearly average of contributions paid or credited	Full weekly rate of benefit payable		
	£71.70	£47.80	£23.90
	Reduced weekly rate of benefit payable		
	£	£	£
49	70.20	46.80	23.40
48	68.80	45.90	22.90
47	67.40	44.90	22.50
46	66.00	44.00	22.00
45	64.50	43.00	21.50
44	63.10	42.10	21.00
43	61.70	41.10	20.60
42	60.30	40.20	20.10
41	58.80	39.20	19.60
40	57.30	38.20	19.10
39	55.90	37.30	18.60
38	54.50	36.30	18.20
37	53.10	35.40	17.70
36	51.60	34.40	17.20
35	50.20	33.50	16.70
34	48.80	32.50	16.30
33	47.30	31.50	15.80
32	45.90	30.60	15.30
31	44.40	29.60	14.80
30	43.00	28.70	14.30
29	41.60	27.70	13.90
28	40.20	26.80	13.40
27	38.70	25.80	12.90
26	37.30	24.90	12.40
25	35.90	23.90	12.00
24	34.40	22.90	11.50
23	33.00	22.00	11.00
22	31.50	21.00	10.50
21	30.10	20.10	10.00

20	29.10	19.10	10.00
19	27.30	18.20	9.10
18	25.80	17.20	8.60
17	24.40	16.30	8.10
16	22.90	15.30	7.60
15	21.50	14.30	7.20
14	20.10	13.40	6.70
13	18.60	12.40	6.20"

SCHEDULE 2

**AMENDMENTS TO THE SOCIAL SECURITY (CLOSED LONG -
TERM BENEFITS) (CLAIMS AND PAYMENTS) REGULATIONS
1996**

“SCHEDULE

Regulation 5(8)

**BENEFITS UNDER THE SOCIAL SECURITY (EMPLOYMENT
INJURIES INSURANCE) ACT AND THE SOCIAL SECURITY
(OPEN LONG-TERM BENEFITS SCHEME) ACT 1997, FOR
WHICH CLAIMS MAY BE TREATED AS INTERCHANGEABLE**

Benefit under the Social Security (Employment Injuries) Insurance	Benefit under the Social Security (Open Long-Term Benefits Scheme) Act 1997
Industrial death benefit for a widow in respect of her late husband.	Widow's benefit.
Industrial death benefit in respect of a child.	Guardian's allowance".

EXPLANATORY MEMORANDUM

The object of the Bill is to amend the Social Security (Closed Long-Term Benefits and Scheme) Act, 1996 in order to clarify the act where necessary. The principal act established a scheme for the purpose of providing pecuniary benefits by way of Old Age Pensions, Widow's Benefits, Guardian's Allowances and Widower's Pensions in respect of contributions paid by or credited to insured persons up to and including the 31st day of December, 1993 and for connected purposes. The Bill also includes transitional provisions for persons insured under both the Social Security (Closed Long-Term Benefits and Scheme) Act, 1996 and the Social Security (Open Long-Term Benefits Scheme) Act, 1997.