

1997-16 Social Security (Open Long-Term Benefits Scheme)

Subsidiary Legislation made under ss.3, 5, 43 and 44.

Social Security (Open Long-Term Benefits) (Insurability and Special Classes) Regulations 1997

LN.1997/114

		<i>Commencement</i>	1.4.1997
Amending enactments	Relevant current provisions		Commencement date
LN. 2004/138	rr. 2, 4A, Sch.		7.6.2004
Act. 2011-29	r. 6(2)		1.7.2009
LN. 2020/257	r. 4A		16.7.2020

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SCHEDULE

Employments and self-employments to be disregarded.

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Title and commencement.

1. These regulations may be cited as the Social Security (Open Long-Term Benefits) (Insurability and Special Classes) Regulations 1997 and shall be deemed to have come into effect on the 1st day of April, 1997.

Interpretation.

2. In these regulations, unless the context otherwise requires

“arrears” has the same meaning as in Part IV of the Social Security (Open Long-Term Benefits) (Contributions) Regulations 1997;

“credited” means credited in accordance with Part III of the Social Security (Open Long-Term Benefits) (Contributions) Regulations 1997;

“educational establishment” means any university, college, school or other educational establishment recognised for the purposes of the Social Security (Insurance) Act;

“marriage” includes any re-marriage, and the word “married” wherever it occurs, shall be construed accordingly;

“student” means a person who is receiving full-time education at an educational establishment in accordance with the provisions of these regulations;

“vacation” means any period of vacation or school holidays recognised by the authority responsible for such an educational establishment;

“voluntary contributor” has the meaning assigned to that expression by regulation 3 of the Social Security (Open Long-Term Benefits) (Voluntary Contributors) Regulations 1997.

Persons insured under social insurance law of other countries.

3.(1) The provisions of the Act shall be modified in the manner hereinafter in this regulation appearing in respect of an insured person who is employed or self-employed both in Gibraltar and in some other country (other than the United Kingdom or any other member State of the European Communities) where the Director is satisfied that by reason of the foregoing a contribution is payable by or in respect of that insured person under the provisions of the social insurance law in force in that other country entitling him to benefits no less favourable than those provided under the Act.

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(2) Any such insured person as is referred to in paragraph (1) above shall be excepted from liability to pay a contribution under the Act, and no person shall be liable to pay a contribution in respect of such a person as his employer, for any week in respect of which it is proved to the satisfaction of the Director that a contribution has been paid by or in respect of such insured person under the provisions of the social insurance law of the other country.

(3) A contribution shall not be credited to any insured person in respect of any such week as is mentioned in paragraph (2) above.

(4) Nothing in this regulation shall be construed as preventing an insured person from paying a contribution either as a voluntary contributor or by way of arrears in respect of any such week as is mentioned in paragraph (2) above.

Employments and self-employments to be disregarded.

4.(1) For the purposes of the Act, a person shall not be treated as an employed person, or self-employed person, in respect of any employment or self-employment specified in the first column of the Schedule, and any such employment or self-employment shall be disregarded, in so far as he is not a person specified in the corresponding paragraph of the second column of the Schedule.

(2) For the purposes of the Act, there shall be disregarded any employment or self-employment in which a person engages or continues to be engaged solely or mainly for the purpose of acquiring or preserving a right or a larger right to benefit.

Full-time education.

4A. A person shall be treated for the purposes of this regulation as receiving full-time education at a recognised educational establishment if he is registered as a full-time student at that educational establishment and is receiving full-time education by attendance at any university, college, school or other recognised educational establishment.

Members of Gibraltar Regiment.

5.(1) Section 43 of the Act (members of the Gibraltar Regiment) shall have effect subject to the following provisions of this regulation.

(2) Any person who is a serving member of the permanent establishment of the Gibraltar Regiment shall be an insured person in respect of such service if, but only if, he would have

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been in insurable employment within the meaning of section 3 of the Social Security (Employment Injuries Insurance) Act but for the operation of section 3(2)(i) of that Act.

(3) Except to the extent mentioned in paragraph (2) above, section 43 of the Act shall not apply to extend the operation of the Act to serving members of the Gibraltar Regiment and, except as aforesaid, the employment of any person in the Gibraltar Regiment shall be disregarded.

(4) Notwithstanding anything in the Act or regulations made thereunder, payment of any contribution in respect of any member of the Gibraltar Regiment shall be made in such manner and at such times as the Director may direct.

Married women and widows.

6.(1) Where, at any time before the 1st day of January, 1985, a woman has elected under regulation 7 of the Insurability and Special Classes Regulations not to be liable to pay contributions under the 1955 Act for any period during which she is married and her husband continues to pay contributions under the 1955 Act, that woman shall not be liable to pay contributions under the Act for any period during which she is married and her husband continues to pay contributions under the Act.

(2) Where, at any time before the 1st day of January, 1985, a woman in receipt of survivor's benefit under the Act or the 1955 Act has elected under regulation 7 of the Insurability and Special Classes Regulations not to be liable to pay contributions under the 1955 Act for any period during which such benefit is payable, that woman shall not be liable to pay contributions under the Act for that period

(3) Any woman to whom paragraph (1) or (2) applies may cancel her election at any time by giving notice to the Director to that effect, and such cancellation shall be operative from the beginning of the week next but one following the week in which the notice was given or from such earlier date as the Director may allow (and the woman will then become liable to pay contributions under the Act).

(4) If a woman cancels her election under paragraph (3) above, she shall surrender to the Director, at the time of giving notice of cancellation, the certificate of election issued under regulation 7 of the Insurability and Special Classes Regulations and shall forthwith notify her employer of the cancellation.

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(5) Any woman to whom paragraph (1) or (2) applies who has not cancelled her election shall, on taking up any new employment, produce forthwith to her new employer the certificate of election mentioned in paragraph (4) above.

(6) No contribution as an employed person or as a self-employed person shall be credited to any married woman or widow for any week in respect of which an election not to pay contributions is operative.

(7) Nothing in this regulation shall relieve an employer of any liability imposed on him by the Act in relation to employer's contributions.

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SCHEDULE

Regulation 4.

EMPLOYMENTS AND SELF-EMPLOYMENTS TO BE DISREGARDED.

Employments and self-employments to be disregarded	Exceptions
(1)	(2)
1. Employment of a casual nature.	1. Any person in employment specified in paragraph 1 of the first column where that employment is either— (a) for the purpose of the employer’s trade or business; or (b) for the purpose of any game or recreation where the person employed is engaged or paid through a club.
2. Employment or self-employment (not being employment or self-employment specified in paragraph 3 of this table) of a person by any one employer or in a self-employed capacity on any day or days in any contribution week on which that person renders service in that employment or self-employment where such services are rendered for less than fifteen hours in that week.	2. None
3. Employment or self-employment of a person in cleaning or other domestic work by any one employer or in a self-employed capacity on any day or days in any contribution week on which that person renders services in that employment or self-employment where such services are rendered for less than fifteen hours in that week.	3. None.
4. Employment of a student during any period of vacation.	4. None.