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STATUTORY INSTRUMENTS

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**2024 No. 149**

**The Social Security (Gibraltar) Order 2024**

**Modification of legislation**

2.—(1) The legislation to which this paragraph applies is modified to the extent required to give effect to the provisions contained in the Agreement so far as such legislation relates to England and Wales and Scotland.

(2) Subject to paragraph (3), paragraph (1) applies to—

- (a) the Social Security Administration Act 1992(1);
- (b) the Social Security Contributions and Benefits Act 1992(2);
- (c) the Jobseekers Act 1995(3);
- (d) Chapter 2 of Part 1 of the Social Security Act 1998(4);
- (e) Part 2 of the Social Security Contributions (Transfer of Functions, etc.) Act 1999(5);
- (f) the State Pension Credit Act 2002(6);
- (g) Part 1 of the Welfare Reform Act 2007(7);
- (h) Parts 1 and 4 of the Welfare Reform Act 2012(8);
- (i) Parts 1 and 5 of the Pensions Act 2014(9);
- (j) the following as they form part of domestic law by virtue of section 3 of the European Union (Withdrawal) Act 2018(10)—
  - (i) Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems;
  - (ii) Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation (EC) No 883/2004; and
- (k) regulations within the scope of section 179(5) of the Social Security Administration Act 1992(11).

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(1) No modifications are made in respect of payments out of the social fund, Christmas bonus, statutory sick pay, or statutory maternity pay because section 179(4)(b)(ii) to (v) of the Social Security Administration Act 1992 excludes these benefits from the scope of the power to modify.

(2) 1992 c. 4.

(3) 1995 c. 18.

(4) 1998 c. 14.

(5) 1999 c. 2.

(6) 2002 c. 16.

(7) 2007 c. 5.

(8) 2012 c. 5.

(9) 2014 c. 19.

(10) 2018 c. 16. Section 3 was amended by section 25(2) of the European Union (Withdrawal Agreement) Act 2020 (c. 1). Regulations (EC) No 883/2004 and 987/2009 as they form part of domestic law under section 3 of the European Union (Withdrawal) Act 2018 were revoked (with savings) by S.I. 2020/1508 with effect from IP completion day.

(11) Section 179(5) has been amended by paragraph 70(4) of Schedule 2 to the Jobseekers Act 1995; paragraph 21(4) of Schedule 2 to the State Pension Credit Act 2002; paragraph 1 of Schedule 6 to the Tax Credits Act 2002 (c. 21); paragraph 10(29)(c) of Schedule 3 to the Welfare Reform Act 2007; paragraph 27(4) of Schedule 2 to the Welfare Reform Act 2012; paragraph 25(4)(a) and (b) of Schedule 12, and paragraph 33(4)(a) and (b) of Schedule 16 to the Pensions Act 2014; and by regulation 3 of S.I. 2011/2425.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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(3) Paragraph (1) does not modify any legislation so far as it would be within the legislative competence of the Scottish Parliament to make such modification.

(4) Paragraph (1) also applies to Part 3 of the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999<sup>(12)</sup> so far as such provision relates to Northern Ireland.

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<sup>(12)</sup> S.I. 1999/671.