
STATUTORY INSTRUMENTS

2024 No. 149

The Social Security (Gibraltar) Order 2024

Citation, commencement, extent and interpretation

- 1.—(1) This Order may be cited as the Social Security (Gibraltar) Order 2024.
- (2) Article 1 of this Order comes into force on the day after the day this Order is made.
- (3) Articles 2 and 3 come into force on the first day of the month after such time as each party to the Agreement has notified the other that domestic procedures for entry into force have been completed, in accordance with Article 61 of the Agreement⁽¹⁾ (entry into force).
- (4) This Order extends to England and Wales and Scotland.
- (5) In this Order “the Agreement” means the agreement in the Schedule to this Order as set out in the Exchange of Letters between His Majesty’s Government of the United Kingdom of Great Britain and Northern Ireland and His Majesty’s Government of Gibraltar dated 25th January 2024 and 26th January 2024, respectively.

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⁽²⁾;
 - (b) the Social Security Contributions and Benefits Act 1992⁽³⁾;
 - (c) the Jobseekers Act 1995⁽⁴⁾;
 - (d) Chapter 2 of Part 1 of the Social Security Act 1998⁽⁵⁾;
 - (e) Part 2 of the Social Security Contributions (Transfer of Functions, etc.) Act 1999⁽⁶⁾;
 - (f) the State Pension Credit Act 2002⁽⁷⁾;
 - (g) Part 1 of the Welfare Reform Act 2007⁽⁸⁾;
 - (h) Parts 1 and 4 of the Welfare Reform Act 2012⁽⁹⁾;

(1) Upon the parties having notified each other that their respective domestic procedures for entry into force have been completed, in accordance with Article 61 of the Agreement, a notice will be published in The Gazette by the Department for Work and Pensions.

(2) 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.

(3) 1992 c. 4.

(4) 1995 c. 18.

(5) 1998 c. 14.

(6) 1999 c. 2.

(7) 2002 c. 16.

(8) 2007 c. 5.

(9) 2012 c. 5.

- (i) Parts 1 and 5 of the Pensions Act 2014(10);
 - (j) the following as they form part of domestic law by virtue of section 3 of the European Union (Withdrawal) Act 2018(11)—
 - (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(12).
- (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(13) so far as such provision relates to Northern Ireland.

Variation of Order

3. The Family Allowances, National Insurance and Industrial Injuries (Gibraltar) Order 1974(14) is varied in accordance with Article 65 of the Agreement (relationship with the 1974 Exchange of Letters), so far as the Order relates to England and Wales and Scotland.

Richard Tilbrook
Clerk of the Privy Council

(10) 2014 c. 19.

(11) 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.

(12) 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.

(13) S.I. 1999/671.

(14) S.I. 1974/555.