ANGUILLA

REVISED REGULATIONS OF ANGUILLA

under

SOCIAL SECURITY ACT
R.S.A. c. S45

Showing the Law as at 31 December 2022

This Edition was prepared under the authority of the Revised Statutes and Regulations Act, R.S.A. c. R55 by the Attorney General as Law Revision Commissioner.

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Revised Regulations of Anguilla: S45-1

SOCIAL SECURITY ACT (R.S.A. c. S45)

BENEFITS REGULATIONS

Note: These Regulations are enabled under sections 26, 27, 28, 33, 40 and 44 of the Social Security Act, R.S.A. c. S45.

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PART 1

PRELIMINARY

Interpretation

1. In these Regulations—

"Act" means the Social Security Act;

"appeal tribunal" means an appeal tribunal established under the Decisions and Appeals Regulations;

"average monthly insurable earnings" means the average annual insurable earnings divided by 12;

(R.A. 28/2018, s. 2)

"claimant" means a person claiming benefit and includes a person claiming on behalf of another person;

"confinement" means—

(a) labour after 28 weeks of pregnancy resulting in the birth of a child, whether alive or dead, or

(b) labour of less than 28 weeks resulting in the birth of a child alive;

(R.A. 2/2007, s. 1)

"continuous period of incapacity for work" means any 2 or more periods of incapacity for work not separated by more than 8 weeks;

"contribution" means the total of an employer's and an employed person's contributions;

"contribution week" and "contribution year" have the same meanings as assigned in the Contributions Regulations;

"credited contributions" has the meaning ascribed to it by section 51;

"determining authority" means, as the case may require, the Board, the Director, an appeals tribunal or the High Court;

"disabled" means a person incapable of work as the result of a specific disease or bodily or mental disablement, being such a disease or disablement, as is likely to remain permanent, and "disability" shall be construed accordingly;

(R.A. 1/2010, s. 2)

"grant" means maternity, disability, age or survivor's benefit paid in a single payment;

(R.A. 1/2010, s. 3)

"insurable earnings" means the wages of an insured person as determined in accordance with section 3 of the Contributions Regulations;

"medical examination" includes bacteriological and radiological tests and similar investigations and references to being medically examined shall be construed accordingly;

"medical practitioner" includes a person practising medicine outside Anguilla who, not being a registered practitioner is qualified to practice medicine and is not prohibited from so doing under the law of the place where he practises;

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"week of insurable employment" means any contribution week in which a person is engaged in employment which is insurable by virtue of the provisions of section 17 of the Act.

PART 2

CLAIMS

Claims to be made in writing

2. (1) A claim for benefit shall be made in writing to the Director on the form approved by the Board for the purpose of claiming that benefit, or in such other manner as the Director may accept as sufficient in the circumstances of any particular case or class of cases.

(2) Forms for claiming shall be supplied without charge by the Board.

Information to be given

3. (1) A claimant shall furnish such certificates, documents, information and evidence for the purpose of determining the claim as prescribed by these Regulations, and the Director may require any claimant to attend such place as he may specify and there submit himself to medical or other examination by 1 or more medical practitioners or other persons appointed by the Board for that purpose.

(2) A claimant shall furnish the following information concerning himself and any person making a claim on behalf of another person shall also furnish such information about the person for whom the benefit is claimed—

(a) his name, acceptable evidence of the date of birth, usual place of residence, nature of employment or former employment and, in the case of a person who is not the claimant, his relationship to the claimant; and

(b) in the case of a claim in respect of a wife or husband, or a widow or widower, a certificate of marriage, together with a declaration confirming the information given.

(3) The Director may accept in support of claims and in the absence of any certificate or document mentioned in this section—

(a) as proof of kinship or marriage, evidence of other persons or other documentary evidence; and

(b) as proof of age, extracts from baptismal records or school records or such other evidence as he considers satisfactory.

Date of claims

4. For the purpose of any claim to benefit, the day of receipt of the claim at the office of the Director shall be deemed to be the date of the claim.

Amendment of claims

5. A claimant who has made a claim in accordance with these Regulations may amend the claim at any time before a decision has been given thereon, by notice in writing delivered or sent to the Director, and any claim so amended shall be treated as if it had been duly made in the first instance.

Interchange of claims

6. Where it appears that a claimant for 1 benefit is in fact entitled to some other benefit, the claim may be treated by the Director as a claim for that other benefit.

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Time for claiming

7. (1) The time for claiming benefit shall be—

(a) in the case of sickness benefit not later than 6 months from the day on which the incapacity for work commenced;

(R.A. 37/2001, s. 1, R.A. 2/2007, s. 2 and R.A. 20/2010, s. 1)

(b) in the case of maternity benefit—

(i) if the benefit is claimed before confinement, not earlier than 14 weeks beginning with the contribution week before the contribution week in which it is expected that the claimant will be confined, and

(ii) in any other case, within 6 months of the date of confinement;

(R.A. 20/2010, s. 1 and Act 14/2018, s. 185(2)(a))

(c) in the case of disability, age or survivor's benefit, within 1 year from the date on which, apart from satisfying the condition of making a claim, the claimant becomes entitled thereto; and

(R.A. 1/2010, s. 3 and R.A. 20/2010, s. 1)

(d) in the case of funeral grant, within 1 year from the date of death.

(R.A. 20/2010, s. 1)

(2) Subject to subsections (3) and (4), a person failing to make a claim for benefit within the prescribed time shall be disqualified from receiving—

(a) sickness benefit in respect of any day more than 6 months before the date on which the claim was made, subject to section 12;

(R.A. 37/2001, s. 1 and R.A. 20/2010, s. 1)

(b) maternity grant;

(c) maternity allowance in respect of any day more than 6 months before the beginning of the contribution week in which the claim is made;

(R.A. 20/2010, s. 1)

(d) paternity benefit up to 16 weeks after confinement;

(Act 14/2018, s. 185(2)(b))

(e) disability, age or survivor's benefit in respect of any period more than 1 year before the date on which the claim is made; and

(R.A. 1/2010, s. 3 and R.A. 20/2010, s. 1)

(f) funeral grant.

(3) If the claimant proves, to the satisfaction of the Director, that there was good cause for the delay in making the claim to benefit, the Director may treat the claim as having been made in time, subject to subsection (4).

(4) Notwithstanding subsection (3), no sum shall be paid—

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(a) by way of sickness, maternity, paternity, disability, age or survivor's benefit in respect of any period more than 2 years before the date on which the claim therefor is duly made;

(R.A. 1/2010, s. 3; R.A. 20/2010, s. 1 and Act 14/2018, s. 185(2)(b))

(b) by way of disability, age, or survivor's benefit in respect of any period more than 5 years before the date on which the claim therefore is duly made; or

(R.A. 20/2010, s. 1)

(c) by way of funeral grant if the claim is not duly made within 5 years after the date of the death of the person in respect of whom the grant is payable.

(R.A. 20/2010, s. 1)

PART 3

BENEFITS

Division 1

Sickness Benefit

Entitlement

8. (1) Subject to these Regulations, sickness benefit shall be awarded to an insured person who is incapable of work as a result of—

(a) some specific disease or bodily or mental disablement; or

(b) being granted mandatory health leave.

(2) For the avoidance of doubt, a person shall be treated as incapable of work under subsection (1) if he is under observation by reason of being a carrier, or is or has been in contact with an infectious disease.

(3) In this section, "mandatory health leave" means leave granted to an employee as a result of a public health order mandating an employee or a dependant of an employee to enter into government quarantine, self-quarantine, self-isolation or isolation in a government facility.

(R.A. 34/2020, s. 2)

No entitlement after age 65

9. Payment of sickness benefit shall cease when a person attains the age of 65 years.

Support of claim

10. A claim for sickness benefit shall be supported by a certificate of a medical practitioner in accordance with Schedule 1 or by such other evidence as the Director may require for the purpose of establishing the insured person's incapacity for work.

(R.A. 2/2007, s. 3)

Conditions to be satisfied

11. (1) Sickness benefit shall be payable to a person who—

(a) has been in insurable employment for a total of 26 weeks; and

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(b) has been in insurable employment for a total of 8 weeks during the period of 13 contribution weeks preceding the contribution week in which the first day of incapacity in any one continuous period of incapacity for work occurred.

(2) Where an insured person submits 2 or more successive claims for sickness benefit in respect of a continuous period of incapacity for work and the first of such claims has been disallowed, the sickness benefit payable in respect of the second and subsequent claims shall be calculated on the basis of the contributions immediately preceding the date of the second.

(R.A. 2/2007, s. 4)

Commencement

12. (1) Sickness benefit shall be payable as from the fourth day of incapacity for work, except if the incapacity lasts 14 days or more in any continuous period of incapacity for work, but the second period of illness cannot be added to the first to determine the 3 days waiting period.

(2) Notwithstanding subsection (1), sickness benefit shall not be payable to a woman for incapacity of work occurring within the 6 weeks immediately preceding the expected day of confinement, but nothing in the foregoing shall be construed to affect the entitlement of the insured person to maternity allowance.

(R.A. 2/2007, s. 5)

Duration

13. Subject to the provisions of these Regulations, sickness benefit shall be payable for each day, excluding Sundays, as long as the incapacity continues, subject to a maximum period of 26 weeks in any one continuous period of incapacity for work, but, if the incapacity for work continues beyond 26 weeks, a continuation of benefit payments for an additional period not exceeding 26 weeks may be approved by the Board on the recommendation of a medical practitioner approved by the Board.

Rate of benefit

14. (1) The weekly rate of sickness benefit in any one continuous period of incapacity for work shall be 60% of the average weekly insurable earnings of the insured person during the 13 contribution weeks immediately preceding the contribution week in which incapacity for work occurred.

(2) The daily rate of sickness benefit shall be the weekly rate divided by 6.

Division 2

Maternity Benefit and Paternity Benefit

Entitlement

15. (1) Maternity benefit shall consist of—

(a) maternity allowance, which shall be payable to a woman in respect of her pregnancy on the basis of her insured employment; and

(b) maternity grant, which shall be payable to a woman on the basis of her insured employment or on the basis of her husband's insured employment.

(R.A. 37/2001, s. 2)

(2) Paternity benefit shall consist of a paternity allowance which shall be payable to the father of the baby or the husband of the baby's mother on the basis of his insured employment.

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(Act 14/2018, s. 185(2)(e))

Support of claim

16. A claim for maternity benefit or paternity benefit shall be supported by evidence that the Director requires for establishing the pregnancy or confinement or for proving paternity and—

(a) the claim for maternity benefit shall include the certificate of a medical practitioner or a midwife in accordance with Schedule 1; or

(b) the claim for paternity benefit shall include the information under paragraph (a) and the birth certificate of the child.

(Act 14/2018, s. 185(2)(f))

Conditions to be satisfied

17. (1) Maternity allowance shall be payable to a woman who—

(a) has been in insurable employment for a total of 26 weeks; and

(b) has been in insurable employment for a total of 20 weeks in the 39 contribution weeks immediately preceding the contribution week which is 6 weeks before the expected or actual date of confinement or the week from which the allowance is claimed, whichever is the later.

(R.A. 2/2007, s. 7)

(2) Maternity grant shall be payable to a woman if either she or her husband has been in insurable employment for a total of 26 weeks.

(3) Paternity allowance shall be payable to the father of the baby or the husband of the baby's mother who has been in insurable employment for a total of 26 weeks.

(Act 14/2018, s. 185(2)(g))

Certificate of confinement

18. A woman who has been awarded maternity allowance shall obtain a certificate of her confinement in accordance with Schedule 1 and send it to the Director within 3 weeks of her confinement, or within the same period, furnish the Director with such other evidence of her confinement as he may require.

(R.A. 2/2007, s. 8)

Duration of maternity and paternity allowance

19. (1) Subject to these Regulations, maternity allowance shall be payable for a period starting from a date not earlier than 6 weeks before the expected date of confinement and continuing until either the expiration of 14 weeks from the date the allowance was first paid, or 6 weeks from the date on which the confinement occurs, whichever is the later.

(2) Paternity allowance shall be payable for any period of 2 consecutive weeks beginning with the date of confinement and ending not later than 16 weeks from the birth of the child.

(Act 14/2018, s. 185(2)(h))

Amount of grant and rate of allowance

20. (1) The amount of a maternity grant is $1,350.

(R.A. 28/2018, s. 3)

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(2) The weekly rate of maternity allowance is 60% of the average weekly insurable earnings of the insured person in the 39 contribution weeks specified in section 17(1) and the daily rate shall be the weekly rate divided by 6.

(3) A woman who has given birth to two or more children in the course of confinement is, if the other conditions for the payment of a maternity grant are satisfied in respect of that confinement, entitled to a maternity grant for each child.

(R.A. 28/2018, s. 4)

(4) The weekly rate of paternity allowance is 60% of the average weekly insurable earnings of the insured person in the 26 weeks immediately preceding confinement and the daily rate shall be the weekly rate divided by 6.

(Act 14/2018, s. 185(2)(i))

Division 3

Disability Benefit

Entitlement

21. Subject to these Regulations, disability benefit shall be awarded to an insured person who in the opinion of the Director is likely to remain incapable of work.

(R.A. 1/2010, s. 3 and R.A. 28/2018, s. 5)

Support of claim

22. A claim for disability benefit shall be supported by a certificate of a medical practitioner in accordance with Schedule 1 or by such other evidence as the Director may require for the purpose of establishing the insured person's permanent incapacity for work.

(R.A. 2/2007, s. 9 and R.A. 1/2010, s. 3)

Conditions to be satisfied

23. Disability pension shall be awarded to a person who—

(a) has not attained the age of 65 years; and

(b) has paid contributions in respect of 150 weeks of insurable employment.

(R.A. 1/2010, s. 3)

Disability grant

24. Subject to the provisions of these Regulations, an insured person who does not qualify for disability pension and who—

(a) in the opinion of the Board, is likely to remain permanently incapable of work;

(b) has not attained the age of 65 years; and

(c) has paid contributions in respect of 50 weeks of insurable employment;

shall be entitled to a disability grant.

(R.A. 1/2010, s. 3)

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Duration

25. (1) Subject to these Regulations, disability pension shall be payable for so long as the person remains incapable of work, but shall cease at age 65 when it shall be converted to an age pension of the same amount.

(2) Subject to these Regulations, the payment of a disability benefit pursuant to subsection (1) may be subject to periodic reviews as determined by the Director.

(3) A disability is deemed to become permanent after a period of 5 years.

(4) A disability pension shall be suspended where there is evidence that the pensioner has become employed, the disability has ceased, or the insured person refuses to submit to medical examination when requested to do so.

(R.A. 1/2010, s. 3 and R.A. 28/2018, s. 6)

Rate of disability pension

26. (1) The annual rate of disability pension shall be 30% of the average annual insurable earnings of the person to which shall be added 1% of his average annual insurable earnings for each complete 50 weeks of insurable employment in respect of which contributions have been paid by him in excess of the first 500 such weeks, but in no case shall disability pension exceed 60% of the insured person's average annual insurable earnings nor be less than $165 per week.

(R.A. 1/2010, s. 3 and R.A. 1/2010, s. 5)

(2) For the purpose of this section, average annual insurable earnings shall be calculated on the highest insurable earnings during any 3 years of the 15 or lesser number of contribution years immediately preceding the year in which disability occurs.

(R.A. 1/2010, s. 3)

(3) The weekly rate of disability benefit shall be the annual rate thereof divided by 52 and rounded to the nearest multiple of 10¢.

(R.A. 1/2010, s. 3)

Amount of disability grant

27. (1) The amount of disability grant shall be a lump sum equal to 6 times the average insurable weekly earnings of the insured person for each 50 complete contribution weeks of insurable employment.

(R.A. 1/2010, s. 3)

(2) For the purposes of this section, average weekly insurable earnings shall be calculated on the highest insurable earnings in any contribution year preceding the date of incapacity divided by 50.

Division 4

Age Benefit

Age pension: entitlement and conditions to be satisfied

28. (1) Age pension shall be awarded to an insured person who has attained the age of 65 years and who has paid contributions of not less than 500 weeks of insurable employment and such benefit shall continue to be paid until the insured person's death.

(R.A. 2/2007, s. 10)

(2) Notwithstanding subsection (1), age pension shall be awarded to an insured person who attains the age of 65 years before 1st January 2012 and who has paid contributions of less than 500 weeks of insurable employment if such weeks are not less than the minimum number of weekly paid contributions set out in respect

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of the year specified in Schedule 2 in which the insured person attains that age and such pension shall continue to be paid until the insured person's death.

(R.A. 2/2007, s. 10)

Rate of age pension

29. (1) The annual rate of age pension referred to in section 28(1) shall be 30% of the annual insurable earnings of the insured person to which shall be added 1% for each completed 50 weeks of insurable employment in respect of which contributions have been paid by him in excess of the first 500 such weeks, but in no case shall the age pension be less than the minimum amount prescribed by the Board.

(2) The annual rate of age pension referred to in section 28(2) shall be fixed by the scale set out in respect of the year specified in Schedule 2 in which the insured person attains the age of 65 years, but in no case shall the age pension be less than the minimum amount prescribed by the Board.

(3) The weekly rate of age pension shall be the annual rate divided by 50.

(4) For the purpose of this section, average annual insurable earnings shall be calculated on—

(a) in the case of an insured person attaining the age of 65 years, the highest insurable earnings during any 3 years of the 15 or lesser number of contribution years immediately preceding the contribution year in which the insured person attained such age; and

(b) in the case of an insured person ceasing to be compulsorily liable to pay contribution from insurable employment before the 15 contribution years period referred to in paragraph (a), the highest insurable earnings during any 3 years of the 15 or lesser number of contribution years immediately preceding such cessation.

(R.A. 2/2007, s. 11)

Age grant: entitlement and conditions to be satisfied

30. (1) Subject to these Regulations, age grant shall be payable to an insured person who does not satisfy the conditions set out in section 28 but who—

(a) has attained the age of 65 years; and

(b) has paid contributions in respect of not less than 150 weeks of insurable employment.

(R.A. 2/2007, s. 12)

(2) Notwithstanding subsection (1), age grant shall be payable to an insured person who does not satisfy the conditions set out in section 28 but who attains the age of 65 years and who has paid contributions of less than 150 weeks of insurable employment if such weeks are not less than the minimum number of weekly paid contributions set out in respect of the year specified in Schedule 5 in which the insured person attains that age.

(R.A. 20/2010, s. 2)

(3) The amount of age grant shall be a lump sum equal to 6 times the average weekly insurable earnings of the insured person for each 50 complete contribution weeks of insurable employment in respect of which contributions have been paid.

(4) For the purposes of this section, average weekly insurable earnings shall be calculated on the highest insurable earnings in any contribution year preceding the contribution year in which the person attained the age of 65 years.

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Age pension for those over 55 years on 1st January, 1982

31. (1) An insured person who is over the age of 55 years on 1st January, 1982 shall be eligible for an age pension if he has—

(a) attained the age of 65 years; and

(b) paid contributions in respect of 150 weeks of insurable employment.

(2) The annual rate of age pension payable to a person to whom this section refers shall be the sum of—

(a) 3.5% of the average annual insurable earnings for each complete 50 weeks of insurable employment in respect of which contributions have been paid, up to 150 such weeks;

(b) 3.25% of the average insurable earnings for each complete 50 weeks of insurable employment in respect of which contributions have been paid in excess of 150 such weeks and up to 300 such weeks; and

(c) 3% of the average annual insurable earnings for each complete 50 weeks of insurable employment in respect of which contributions have been paid in excess of 300 such weeks.

(3) In no case shall an age pension awarded under this section be less than $165 per week.
(R.A. 1/2010, s. 6)

(4) For the purposes of this section, average annual insurable earnings shall be calculated in accordance with section 29(4) and the weekly rate of age pension shall be calculated in accordance with section 29(3).
(R.A. 2/2007, s. 13)

Division 5

Funeral Grant

Entitlement

32. (1) Subject to these Regulations, funeral grant shall be awarded on the death of a person who was—

(a) an insured person;

(b) the spouse of an insured person; or

(c) a child under the age of 15 years or a person under the age of 21 years, where that person is in full-time continuing education at the date of death and one of the parents of the child or person under the age of 21 years was an insured;
(R.A. 28/2018, s. 7)

if the contribution condition in section 33 is satisfied, but only 1 funeral grant shall be paid by virtue of this section in respect of any 1 death.

(2) A funeral grant shall be paid to any person who has met, or to any person who gives to the Director an undertaking in writing to meet, the whole or part of the funeral expenses of the deceased.

(3) Any payment of funeral grant to a person by virtue of subsection (2) shall be subject to the condition that, if that person fails to carry out the undertaking, he shall repay to the Fund any funeral grant paid to him.

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(4) Where—

(a) the death of a person in respect of whom a funeral grant is payable occurred at sea and the deceased person was buried at sea; or

(b) the person who has met or is liable to meet the cost of the funeral of the deceased person cannot be found;

the benefit shall be paid to such person or persons as the Director may in his discretion decide, or may, exceptionally, if the Director so decides, be withheld.

Condition to be satisfied

33. Funeral grant shall be paid in respect of an insured person who had paid contributions in respect of not less than 26 weeks of insurable employment.

Support of claim

34. A claim for funeral grant shall be supported by a death certificate or by such other evidence as the Director may require for the purpose of establishing the death of the insured person or his or her spouse or child and by such other evidence as the Director may require to establish that the claimant is entitled thereto.

Amount

35. The amount of funeral grant shall be as set out in Schedule 3.

(R.A. 1/2010, s. 7)

Division 6

Survivor's Benefit

Entitlement

36. (1) Survivor's benefit shall consist of—

(a) survivor's pension or grant payable to the widow or widower of a deceased insured person;

(b) survivor's dependants pension or grant payable in respect of the dependent children of the deceased insured person in accordance with the provisions of subsection (2);

(c) orphan's pension or grant payable where there are no surviving parents or step-parents, in accordance with the provisions of subsection (3); and

(d) parent's pension or grant payable to a parent of the deceased where at the death of the deceased insured person such parent was being wholly or mainly maintained by him.

(2) Where there is an unmarried child, including an adopted child, step-child or illegitimate child or child under the age of 21 continuing in full-time education, who at the date of death of the insured person was living with or was wholly or mainly maintained by the deceased person, survivor's dependants pension shall be payable in respect of such child or children to the widow or widower, or such other person as the Director shall decide.

(R.A. 1/2010, s. 8)

(3) Where there is no surviving parent or step-parent, survivor's benefit shall be payable as an orphan's pension or orphan's grant, as the case may be, to such person or persons as the Director may decide if the condition as to maintenance in subsection (2) is satisfied.

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(4) A person who is—

(a) a widow or widower who is over 40 years of age shall be awarded a survivor's pension for life, or a survivor's grant;

(b) a widow or widower who is under 40 years of age and incapable of self-support by reason of disability, shall be awarded a survivor's pension for so long as the disability continues, or a survivor's grant, and, if disability ceases and the widow or widower is then over 40 years of age, any survivor's pension then in payment shall, subject to these Regulations, be payable for life;

(R.A. 1/2010, s. 3)

(c) a widow or widower who is under 40 years of age and has a child or children eligible for survivor's dependants pension under the provisions of subsection (2) shall be awarded a survivor's pension, or a survivor's grant but, if he or she is awarded survivor's pension, it shall be payable until the youngest eligible child attains the age of 15 years, or if continuing in full-time education, 18 years, and if, when the youngest child ceases to be eligible under these Regulations, the widow or widower is then over 40 years of age, the pension shall be payable for life;

(d) a widow who is pregnant and under the age of 40 years shall be awarded a survivor's pension or survivor's grant; but, if the award is of a survivor's pension, it shall be payable for 1 year unless as a result of the pregnancy a live child or children are born, in which case the pension shall continue as if paragraph (c) were satisfied; or

(e) a widow or widower who is under the age of 40 years, had no children eligible under the provisions of paragraph (c) or was not incapable of self-support by reason of disability, shall, subject to these Regulations, be awarded a survivor's pension for 1 year, or a survivor's grant.

(R.A. 1/2010, s. 3)

(5) A survivor's pension payable to a widow or widower shall cease upon remarriage of the widow or widower or upon cohabitation.

(6) A survivor's benefit payable under subsection (2) or (3) shall be payable so long as the child or children continue to reside with or be wholly maintained by the widow or widower, or such other person as the Director shall decide, and such child or children continue to be under the age of 15 years, or if continuing in full-time education, under the age of 18 years, but, if the widow or widower themselves cease to be eligible for survivor's pension under the provisions of these Regulations, then the survivor's pension in payment in respect of a child or children shall also cease except where the child is, or children are, wholly maintained by the widow or widower and the qualifying criteria set out in this subsection are met.

(R.A. 2/2007, s. 14)

(7) A survivor's benefit payable to a parent under paragraph (1)(d) shall be payable for life or until the remarriage of the surviving parent and shall only be payable after the other contingencies of survivor's benefit specified in paragraphs (1)(a), (b) and (c), if applicable, have been paid.

Conditions to be satisfied

37. (1) Subject to these Regulations, survivor's benefit as a pension shall be payable—

(a) if the deceased person was, at the date of his or her death, in receipt of age or disability pension; or

(R.A. 1/2010, s. 3)

(b) had paid contributions in respect of 150 weeks of insurable employment.

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(2) If the deceased person does not satisfy the condition in paragraph (1)(b), but had paid contributions in respect of 50 weeks of insurable employment, survivor's benefit shall be payable as a grant.

Rate of benefit

38. (1) The rate of survivor's pension payable to a widow or widower under the provisions of section 36(1)(a) shall be two-thirds of the amount of the age or disability pension in payment to the deceased insured person at the date of his death.

(R.A. 1/2010, s. 3)

(2) If the deceased insured person was not in receipt of a disability pension in accordance with subsection (1), the survivor's pension payable to the widow or widower shall be two-thirds of the age pension earned up to the date of death.

(R.A. 1/2010, s. 3)

(3) The rate of survivor's dependants pension payable in respect of a child shall be 1/3 of the amount of the age or disability pension payable to the deceased insured person at the date of his death and the rate of an orphan's pension shall be 2/3 of the amount payable to the deceased insured person at the date of his death.

(R.A. 28/2018, s. 8(a))

(4) The rate of survivor's pension payable to a parent under the provisions of section 36(1)(d) shall be one-third of the rate of survivor's pension specified in subsection (1) or (2), but such amount shall be reduced if a benefit is payable under the provisions of section 36(1)(a), (b) or (c) in accordance with subsection (10).

(5) For the purposes of this section, the disability pension earned up to the date of death shall be the rate of disability pension calculated in accordance with section 26, save that in subsection (2) of that section "the year in which disability occurs" is substituted by the words "the year in which death occurs".

(R.A. 1/2010, s. 3)

(6) The amount of survivor's grant payable to a widow or widower shall be two-thirds of the age grant calculated in accordance with sections 30(3) and (4), save that for the words "attained the age of 65 years" in subsection (3) of that section shall be substituted the word "died".

(7) The amount of survivor's grant payable in respect of a child shall be one-third of the survivor's grant calculated under subsection (6) and, if the child is an orphan, the amount shall be two-thirds of that amount.

(8) The amount of survivor's grant payable in respect of a parent shall be one-third of the survivor's grant calculated under subsection (6).

(9) A survivor's pension payable by virtue of this section shall be not less than—

(a) $125 a week, in the case of a widow or widower;

(b) $45 a week, in the case of each child or surviving parent; and

(c) $90 a week, in the case of each orphan.
(R.A. 1/2010, s. 9 and R.A. 28/2018, s. 8(b))

(10) Notwithstanding the other provisions of these Regulations, the total amount of pensions to be awarded to all survivors shall not be greater than the total pension that would have been awarded to the deceased insured person.

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PART 4

PAYMENT OF BENEFIT

Time and manner of payment of benefit

39. Any benefit may be paid by means of cash, cheque or payable order or pension order or as the Board may direct, either generally or in respect of any benefit, or of any beneficiary, and periodical payments shall be made at such intervals as the Board may direct, either generally or in respect of any class of such payments or of any beneficiary.

Information to be given when obtaining payment

40. A beneficiary and any person to whom benefit is paid on behalf of a beneficiary, shall furnish at such times as the Director may require such certificates and other documents, and such information or facts relating to the receipt of disbursement thereof, as may be specified (either as a condition on which any sum shall be paid or otherwise) by the Director.

Extinguishment of right to sums payable by way of benefit not within prescribed time

41. (1) The right to any sum payable by way of benefit shall be extinguished where payment thereof is not obtained within the period of 6 months from the date on which that sum is receivable in accordance with this section.

(2) In calculating the period of 6 months for the purposes of subsection (1), no account shall be taken of—

(a) any period during which the Board has under consideration any representation that a payable order or cheque in respect of the sum has not been received or had been lost, mislaid or stolen;

(b) any period during which the beneficiary is for the time being unable to act by reason of any mental incapacity, subject to the qualifications that the total period disregarded on account of such inability to act shall not exceed 1 year; or

(c) any period during which the determination of any question as to such extinguishment is pending.

(3) For the purpose of this section, a sum payable by way of benefit shall, subject to subsection (4), be receivable—

(a) in the case of a sum contained in a payable order or cheque—

(i) if the order is sent through the post, on the date on which it is authenticated for payment, and

(ii) in any other case, on the date of issue of the order; and

(b) in any other case, the date on which the sum became payable.

(4) In determining when a sum is receivable under subsection (3), the following provisions shall apply—

(a) if a beneficiary proves that through no fault of his own he did not receive the payable order or cheque or such other form of payment as may be used until a date later than the appropriate receivable date determined in accordance with subsection (3), the sum shall be receivable—

(i) on the later date, or

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(ii) on the date which is 6 months after the appropriate receivable date, whichever is earlier;

(b) if a beneficiary proves that through no fault of his own he has not received the payable order or cheque or such other form of payment as may be sued, the sum shall be receivable—

(i) on the date determined in accordance with subsection (3) on the basis of the issue of any further payable order or cheque in respect of that sum, or

(ii) on the date which is 6 months after the receivable date determined in accordance with subsection (3) on the same basis,

whichever is earlier.

(5) Any sum payable by way of benefit to a beneficiary who is for the time being unable to act shall be receivable in accordance with this section, notwithstanding his inability to give a receipt therefor.

(6) A person who would be entitled to benefit but for the operation of this section shall be treated as if he was entitled thereto for the purpose of any rights or obligations under the Act or any regulations made thereunder (whether of himself or any other person) which depend on his being so entitled, other than the right to payment of that benefit.

Beneficiaries to notify changes of circumstances

42. (1) A beneficiary shall inform the Director of any change in his circumstances affecting his continued right to receive benefit or the rate at which the benefit is payable, within 1 week of the occurrence of the change.

(2) The Board may require any beneficiary to furnish from time to time documentary evidence that he is alive and that the conditions governing the grant of benefit continue to be satisfied.

Persons unable to act

43. (1) Where a claimant or beneficiary is unable for the time being to act or is a child, the Board may appoint some other person to exercise on behalf of such claimant or beneficiary any right or power which such claimant or beneficiary may be entitled to exercise under the Act or any regulations made thereunder.

(2) The following provisions shall apply to every appointment made by the Board under this section of a person to act on behalf of a claimant or beneficiary—

(a) the Board may at any time revoke the appointment;

(b) the person appointed may resign on giving the Board 1 month's notice of his intention to do so;

(c) the appointment shall terminate on the day on which the Board receives notice that a committee of the estate of the beneficiary or claimant has been appointed;

(d) the Board shall not appoint a person under the age of 18 years to act under this section.

(3) A person appointed under this section to act for a claimant or beneficiary may exercise on behalf of such claimant or beneficiary any right or power which such claimant or beneficiary may be entitled to exercise by or under the Act or regulations made thereunder and may receive and deal with any sum payable by way of benefit on behalf of such claimant or beneficiary.

(4) Anything required to be done under or by the Act or regulations made thereunder to a claimant or beneficiary may be done as respects a claimant or beneficiary who is unable to act or is a child to the person appointed under this section to act.

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(5) The receipt of a person appointed under this section to act for a claimant or beneficiary shall be a good discharge to the Board and the Fund for any sums paid to such person on behalf of the claimant or beneficiary.

Payment on death

44. (1) On the death of a claimant or beneficiary, the Board may appoint such person as it thinks fit to proceed with or to make a claim for benefit in the name of such claimant or beneficiary.

(2) Subject to subsection (7), any sum payable by way of benefit which is payable under an award on a claim proceeded with or made under subsection (1) may be paid or distributed to or amongst persons claiming as personal representatives, legatees, next-of-kin or creditors of the deceased, and the provisions of section 42 shall apply to any such payment or distribution.

(3) The receipt by any such person who has attained the age of 18 years shall be a good discharge to the Board and the Fund for any sum paid in accordance with this section.

(4) Where the Board is satisfied that any such sum or part thereof is needed for the benefit of any person under the age of 18 years, the Board may obtain a good discharge thereof by paying the sum or part thereof to a person over that age (who need not be a person specified in this section) who satisfies the Board that he will apply the sum so paid for the benefit of the person under the age of 18 years.

(5) Subject to subsection (7), any sum payable by way of benefit in respect of a deceased person, payment of which he had not obtained at the date of his death, may, unless the right thereto was already extinguished at that date, be paid, or disbursed amongst such persons as are mentioned in subsection (2), and the provisions of section 41 and of subsection (7) shall apply to any payment or distribution, but, for the purpose of section 41(1), the period of 6 months shall be calculated from the date on which it was receivable by the deceased, and for these purposes the reference in section 41(3)(b) to the date on which the sum became payable shall be construed as a reference to the date of application to the Board made in accordance with subsection (6).

(6) Subsections (2) and (5) shall not apply in any case unless written application for the payment of any such sum is made to the Board within 6 months from the date of the deceased's death, or within such longer period as the Board may allow in any particular case.

(7) The Board may dispense with strict proof of the title of any person claiming in accordance with this section.

PART 5

MISCELLANEOUS

Entitlement to more than 1 benefit

45. (1) Subject to subsections (3), (4) and (5), where a person is entitled to 2 or more benefits under the Act at the same time, only 1 benefit is payable to such person.

(R.A. 28/2018, s. 9(a))

(2) The benefit payable under subsection (1) shall be that benefit which is payable at the higher rate but if this benefit ceases to be payable then nothing shall prevent the award or reinstatement of another benefit to which such person is entitled under the Act.

(3) A sickness benefit, maternity benefit or paternity benefit may be duplicated in full with a survivor's benefit.

(Act 14/2018, s. 185(2)(j) and R.A. 28/2018, s. 9(b))

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(4) Any benefit may be duplicated in full with funeral grant.

(5) Where a person is eligible for both an age or disability pension and a survivor's pension he shall be paid the benefit payable at the higher rate, and 60% of the benefit payable at the lower rate, but the total of both shall not exceed 90% of his average monthly insurable earnings.

(R.A. 28/2018, s. 9(c))

Beneficiaries abroad

46. (1) Except as hereinafter provided, a beneficiary shall be disqualified from receiving any benefit for any period during which that person is absent from Anguilla.

(2) A beneficiary shall not be disqualified from receiving sickness or maternity benefit by reason of being temporarily absent from Anguilla for the specific purpose of being treated for any illness which commenced before he left Anguilla for such period as the Director may allow, having regard to the particular circumstances of the case.

(3) A beneficiary shall not be disqualified from receiving age or survivor's benefit by reason of being absent from Anguilla, but such a person shall furnish to the Director evidence of his continuing entitlement to the benefit at such intervals as the Director may require.

(4) A beneficiary shall not be disqualified from receiving disability benefit by reason of being absent from Anguilla for such period as the Director may allow, having regard to the particular circumstances of the case.

(R.A. 1/2010, s. 3)

Payment to beneficiaries abroad

47. Any benefit which is paid to a beneficiary by virtue of section 46 shall be paid in Anguilla to such representative acting for and on behalf of the absent beneficiary as may be approved by the Director.

Deferment of claims and forfeiture

48. (1) If any person who is claiming or who has been awarded any benefit fails to furnish any information required of him, or to attend when required to do so for medical or other examination, by virtue of these Regulations or the Decisions and Appeals Regulations, consideration of that claim or of any question arising in relation thereto may be deferred until the information has been furnished or the report of the examination has been received, and the determining authority may direct that any benefit payable in consequence of its award or decision shall be forfeited for the period of such failure.

(2) If, in respect of any incapacity, or expected or actual confinement, a person awarded sickness, maternity or disability benefit—

(a) behaves without good reason in a manner calculated to retard his or her recovery;

(b) is absent from Anguilla without leaving word where he or she may be found;

(c) undertakes work for which remuneration is or would ordinarily be payable;

(d) fails to comply with a notice given by the Director which requires attendance for and submission to medical or other examination;

(e) fails without good cause to answer any enquiries made by an officer of the Board designed to ascertain the person's continuing entitlement to benefit; or

(f) fails to comply with the requirements of section 40;

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he shall be liable to forfeit that benefit for such period not exceeding 6 weeks as the Director may determine.

(R.A. 1/2010, s. 3)

Persons undergoing imprisonment or detention

49. (1) Subject to subsection (2), a person shall be disqualified from receiving any benefit for any period during which that person is undergoing imprisonment or detention in legal custody.

(2) Where the Board is satisfied that an insured person undergoing imprisonment or detention has dependants who, immediately before such imprisonment or detention, were wholly or mainly maintained by him, it may authorise the payment to or on behalf of those dependants of an amount not exceeding one-half of the benefit which would otherwise be payable to the insured person during such a period as the Board may allow, having regard to the particular circumstances of the case.

Offences

50. Any person who contravenes or fails to comply with any of these Regulations is guilty of an offence and is liable on summary conviction to a fine of $2,000 and in the case of a continuing offence to a fine of $500 for each day on which the offence is continued.

Credited contributions

51. (1) Contributions are deemed to have been paid in respect of an insured person for every contribution week for the whole of which the insured person—

(a) received or would, but for the provisions of section 12, have received sickness benefit; or

(b) received maternity benefit and paternity benefit.

(Act 14/2018, s. 185(2)(k))

(2) Contributions deemed to have been made under subsection (1) (in these Regulations referred to as "credited contributions") shall be taken into account in determining eligibility for payment of sickness, maternity, paternity, disability and age benefit and shall be treated as having been made at the level of earnings on which the relevant sickness, maternity or paternity benefit was calculated.

(R.A. 1/2010, s. 3 and Act 14/2018, s. 185(2)(l))

Increase in weekly rate of pension

52. The weekly rate of pensions awarded in accordance with sections 26, 29 and 38 shall be increased by the percentage set out in Schedule 4 of these Regulations.

(R.A. 1/2010, s. 10)

Citation

53. These Regulations may be cited as the Benefits Regulations, Revised Regulations of Anguilla, S45-1.

Savings

54. The continuity of the operation of the law relating to the entitlement of age pension and age grant by insured persons in receipt of such pension or grant before 1st January, 2007 shall not be affected by the coming into operation of the Benefits (Amendment) Regulations, R.A. 2/2007 for sections 28, 29, 30 and 31.

(R.A. 2/2007, s. 19)

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SCHEDULE 1

(R.A. 2/2007, s. 16)

(Sections 10, 16, 18 and 22)

CERTIFICATES

Definition of "medical practitioners"

1. In this Schedule, "medical practitioner" means a medical practitioner who is nominated by the Board for the purpose of carrying out the requirements of these Regulations as regards medical certification.

Restriction on issue of certificate

2. A person nominated as a medical practitioner under section 1 shall not be entitled to issue a medical certificate in respect of himself, his wife or husband, as the case may be.

Board to supply books of certificates

3. Books of medical certificates shall be supplied by the Board to each medical practitioner nominated in accordance with this Schedule free of charge but the Director may accept such other form of certificate as he thinks fit.

One certificate per examination

4. When a medical certificate has been issued in respect of an insured person following his examination by a medical practitioner, no further medical certificate may be issued on the basis of that examination.

Duplicate certificates

5. Notwithstanding section 4, where a medical certificate is lost, defaced, or mislaid a new certificate may be issued by the medical practitioner but it must be clearly marked "Duplicate".

Sickness or disability certificates

6. Every certificate of sickness or disability shall be written in ink or other indelible substance, shall bear the signature of the certifying medical practitioner and shall contain the following particulars—

(a) the insured person's name and address;

(b) the date on which the medical examination took place;

(c) a concise statement of the nature of the disease or disablement which, in the medical practitioner's opinion, renders the insured person incapable of work;

(d) the date on which the certificate is given.

(R.A. 1/2010, s. 3)

Incapacitating disease, etc., to be specified

7. The statement of the incapacitating disease or disablement shall specify the cause of incapacity as precisely as the practitioner's knowledge of the insured person's condition at the time of the examination permits, but, if in the practitioner's opinion a disclosure to the insured person of the precise cause would be prejudicial to his well-being, the certificate may contain a less precise statement.

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Period covered by certificate to be specified

8. (1) In any case in which, in the opinion of the medical practitioner, the insured person will become fit to resume work on a day not later than 7 days after the date of the medical examination, the certificate shall specify such day.

(2) In any other case, the certificate shall cover a specified number of days or weeks from and including the date of the medical examination on which the certificate is based, which shall not exceed 14 days, but, when the incapacity has been caused by a serious accident or a surgical operation, the certificate may cover a period which shall not exceed 8 weeks.

Certificate of confinement, etc.

9. Every certificate of confinement or expected confinement shall be written in ink or other indelible substance and shall be signed by a medical practitioner or a midwife.

Contents of certificate of confinement, etc.

10. Every certificate of confinement or expected confinement shall contain the following particulars—

(a) the woman's name and address;

(b) 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 is based;

(c) the date on which the certificate is given.

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SCHEDULE 2

(Sections 28(2) and 29(2))

AGE PENSION IN CASES OF LESS THAN 500 WEEKS OF PAID CONTRIBUTIONS

Number of weekly contributions paid	Pensions as a percentage of annual insurable earnings
For insured persons who attain age 65 in the year 2009 and before—	
250 – 299 weeks	15%
300 – 349 weeks	18%
350 – 399 weeks	21%
400 – 449 weeks	24%
450 – 499 weeks	27%
For insured persons who attain age 65 in the year 2010—	
350 – 399 weeks	21%
400 – 449 weeks	24%
450 – 499 weeks	27%
For insured persons who attain age 65 in the year 2011—	
350 – 399 weeks	21%
400 – 449 weeks	24%
450 – 499 weeks	27%
For insured persons who attain age 65 in the year 2012—	
400 – 449 weeks	24%
450 – 499 weeks	27%
For insured persons who attain age 65 in the year 2013 up to 31st December 2018—	
450 – 499 weeks	27%

(R.A. 20/2010, s. 3 and R.A. 28/2018, s. 10)

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SCHEDULE 3

(Section 35)

FUNERAL GRANT AMOUNT

Age of Deceased	Amount
Not exceeding 2 years	$1,000
Exceeding 2 years	$6,000

(R.A. 28/2018, s. 11)

SCHEDULE 4

(Section 52)

INCREASE IN WEEKLY RATE OF PENSIONS

Category of pension payments		Pensions awarded	Increase by
Age pension		Payments commenced in the year 2015 or before	$20
Disability pension		Payments commenced in the year 2015 or before	$20
Survivors Pension	Spouse	Payments commenced in the year 2015 or before	$15
	Surviving children/Surviving parent		$5
	Orphan		$10

(R.A. 28/2018, s. 12)

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SCHEDULE 5

(Section 30(2))

AGE GRANT IN CASES OF LESS THAN 150 WEEKS

The year in which individual persons attain 65 years	**Number of weekly contributions paid**
For insured persons who attain age 65 in the year 2008 and before	50 WEEKS
For insured persons who attain age 65 in the year 2009	100 WEEKS
For insured persons who attain age 65 in the year 2010 and beyond	150 WEEKS

(R.A. 20/2010, s. 4)

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