Revised Regulations of Anguilla: S45-5

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

MODIFICATIONS OF INSURANCE AND VOLUNTARY CONTRIBUTIONS REGULATIONS

Note: These Regulations are enabled under sections 17, 23, 25 and 44 of the Social Security Act, R.S.A. c. S45.

TABLE OF CONTENTS

SECTION

1. Definitions
2. Persons insured under the Act
3. Non-insurable employment
4. Persons to be treated as employers
5. Employee who is absent, etc., treated as continuing in employment
6. Voluntary insurance
7. Amount of voluntary contributions of persons with no current income
8. Amount of voluntary contributions of persons with current income
9. Payment of voluntary contributions
10. Refund of voluntary contributions paid late
11. Notification by Director
12. Citation

SCHEDULE 1: Employment not Regarded as being Insurable under section 17 of the Act
SCHEDULE 2: Persons to be Treated as Employers

Definitions

1. In these Regulations—

"Anguillian" means a person who is regarded as an Anguillian under section 80(2) of the Constitution of Anguilla;

(U.K. S.I. 2019 No. 852, s. 13(c))

"compulsorily insurable" means insurable in accordance with the provisions of section 17 of the Act;

"current income" means any pecuniary remuneration derived from employment or self-employment, including any trade, business, office or vocation.

Persons insured under the Act

2. (1) The following classes of persons shall be treated as insured persons under section 17 of the Act—

(a) persons employed by a local or public authority constituted in Anguilla;

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

(b) persons who are ordinarily employed in Anguilla but who are temporarily employed outside Anguilla by an employer who is resident in Anguilla, and whose wages are paid in or remitted from Anguilla.

(2) Where a person referred to in paragraph (1)(b) ceases to receive wages in or from Anguilla, he shall cease to be treated as an insured person under section 17 of the Act even though his employer still has a place of business in Anguilla. Such a person may become a voluntary contributor if he satisfies the conditions prescribed in section 6(1).

Non-insurable employment

3. The employments specified in Schedule 1 shall be treated as being employments which are not insurable under section 17 of the Act.

Persons to be treated as employers

4. In relation to any employment specified in Column 1 of Schedule 2, the person mentioned in Column 2 of that Schedule shall be treated for the purpose of the Act as the employer.

Employee who is absent, etc., treated as continuing in employment

5. An insured person who is absent from employment due to incapacity for work or annual leave shall be regarded as continuing in that employment and contributions under the Act shall be payable in respect of any wages paid by the person's employer to him during such periods except in the circumstances in which the employer would be exempted from payment of contributions by virtue of section 5(1)(c) of the Contributions Regulations.

Voluntary insurance

6. (1) Any person who—

(a) is 15 years or over and under the age of 65 years;

(b) ceases to be compulsorily insurable; and

(c) has paid at least 50 contributions;

shall be entitled to become a voluntary contributor.

(2) Paragraph (1)(c) shall not apply in the case of a person who elects to become a voluntary contributor under the provisions of section 2(2).

(3) An application to become a voluntary contributor shall be made to the Director on the prescribed form within 13 weeks after the end of the contribution year in which the person ceases to be compulsorily insurable.

(4) Voluntary contributions shall count only for the purposes of age, invalidity and survivor's benefit and funeral grant.

Amount of voluntary contributions of persons with no current income

7. (1) In the case of a person who elects to become a voluntary contributor and who has no current income, the Director, on the advice of the actuary, shall determine in respect of the first contribution year (or part thereof) for which the person elects to pay voluntary contributions the weekly amount of contribution to be paid by the contributor by reference to the person's annual earnings in the last complete contribution year immediately preceding the contribution year in which the person ceases to be compulsorily insurable or, if the

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

person had no earnings in this period, by such other method as the Director, on the advice of the actuary, may decide.

(2) The amount of voluntary contributions determined in accordance with subsection (1) shall be revised in respect of each subsequent contribution year by the Director, on the advice of the actuary, having regard generally to average increases in wages in Anguilla during each such subsequent year.

Amount of voluntary contributions of persons with current income

8. In the case of voluntary contributors who have current income, the weekly amount of the voluntary contribution due to be paid shall be determined by the Director, on the advice of the actuary, by reference to the amount of such income, on production by the person of satisfactory evidence of the amount of the income.

Payment of voluntary contributions

9. The Director shall notify the voluntary contributor of the weekly amount of contribution payable by him in respect of each contribution year and such contributions shall be paid to the Board within 3 months from the end of the contribution year to which the contributions relate or such longer period as the Director, having regard to the circumstances of any particular case, may allow.

Refund of voluntary contributions paid late

10. The amount of any voluntary contribution paid outside the time limit prescribed in sections 9 and 11 may be refunded by the Director to the contributor.

Notification by Director

11. The Director shall notify the insured person of the number and amount of the special voluntary contributions which he is eligible to pay and such contributions shall be paid to the Board within 3 years of the 1st January, 1982, or such longer period as the Board, having regard to the circumstances of any particular case, may allow.

Citation

12. These Regulations may be cited as the Modifications of Insurance and Voluntary Contributions Regulations, Revised Regulations of Anguilla, S45-5.

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

SCHEDULE 1

(Section 3)

EMPLOYMENT NOT REGARDED AS BEING INSURABLE UNDER SECTION 17 OF THE ACT

1. Employment of a person who is not an Anguillian and who is accorded diplomatic status.

2. Employment of any person who is not an Anguillian by an international organisation recognised by the Government of Anguilla.

3. Any employment of a casual nature which in the opinion of the Director should be exempted from the provisions of section 17 of the Act.

(U.K. S.I. 2019 No. 852, s. 13(c))

———————

SCHEDULE 2

(Section 4)

PERSONS TO BE TREATED AS EMPLOYERS

COLUMN 1	Column 2
Employment	**Person to be treated as Employer**
employment by a club where the employment is for the purposes of any game or recreation and where the person so employed is paid for the employment by the club	the club
employment in connection with ships or other sea-going vessels as a person engaged in fishing on board any vessel or boat in consideration of the payment of a fixed sum or a share in the earnings or otherwise	the owner or manager
employment in plying for hire with any vehicle or vessel the use of which is obtained under contract of bailment (other than a hire-purchase agreement) in consideration of the payment of a fixed sum or a share in the earnings or otherwise	the person from whom the vehicle is obtained under contract of bailment

———————

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai