Revised Regulations of Anguilla: S45-7

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

NON-CONTRIBUTORY OLD AGE PENSION REGULATIONS

Note: These Regulations are enabled under section 25 of the Social Security Act, R.S.A. c. S45.

Interpretation

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))

"Board" means the Social Security Board established under section 3(1) of the Act;

"Director" means the chief administrative officer appointed under section 6(1) of the Act.

Eligibility

2. Subject to the Act and these Regulations, an Anguillian who—

(a) has attained the age of 68 years;

(b) satisfies the conditions of residence on attaining that age; and

(c) proves to the satisfaction of the Director that he is unable to help himself and has no means of support;

shall be entitled to a non-contributory old age pension.
(U.K. S.I. 2019 No. 852, s. 13(c))

Conditions of residence

3. The conditions of residence are that the person concerned must have—

(a) resided in Anguilla for an aggregate period of 20 years since attaining the age of 40 years; or

(b) resided in Anguilla for an aggregate period of 30 years since attaining the age of 16 years.

Computation of period of residence

4. For the purpose of computing residence in Anguilla under section 3, any periods of absence from Anguilla of less than 3 months in any calendar year shall be counted as periods of residence in Anguilla.

Disqualification

5. (1) A person who—

(a) had been gainfully occupied in employment; and

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(b) had failed or refused to be insured;

under section 17 of the Act, shall be disqualified from receiving a non-contributory old age pension.

(2) A person who applies for a non-contributory old age pension shall be required to submit to the Director, in a form approved by him, an affidavit for the purpose of establishing that that person either was or was not gainfully occupied in employment.

Pension from other source

6. A person who otherwise qualifies to receive a non-contributory old age pension under these Regulations but who also receives from any source any other pension or similar payment—

(a) which is equal to or exceeds the weekly rate of non-contributory old age pension, shall be disqualified from receiving or continuing to receive the non-contributory old age pension; or

(b) which is less than the weekly rate of non-contributory old age pension, shall be paid a non-contributory old age pension equivalent to the difference between the full weekly rate of non-contributory old age pension and the weekly rate of the other pension or payment:

Provided that a person shall be disqualified from receiving or continuing to receive any non-contributory old age pension if the weekly amount payable under this section is less than $5.

Entitlement

7. A person who satisfies the conditions specified in these Regulations for the receipt of a non-contributory old age pension is entitled to receive such a pension under these Regulations as long as that person—

(a) continues to satisfy those conditions; and

(b) is not disqualified under these Regulations for the benefits of a non-contributory old age pension.

Application

8. (1) An application for a non-contributory old age pension shall be made in writing in the manner determined by the Director.

(2) An applicant for a non-contributory old age pension shall answer every question, produce every document and give all information in his power, which may be required of him by the Director.

Determination of eligibility

9. The Director shall without delay determine the eligibility of each applicant for a non-contributory old age pension and in doing so—

(a) shall satisfy himself by every reasonable means as to the accuracy of the statements contained in the application; and

(b) may obtain other information that he considers necessary in determining the merits of each application.

Notification of applicant

10. (1) The Director shall notify each applicant for a non-contributory old age pension as to his eligibility for such a pension.

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(2) In each case in which an application has been refused the Director shall notify the applicant of the grounds for the refusal and of his right of appeal to the Appeal Tribunal in accordance with the Decisions and Appeals Regulations.

Rate of pension

11. The rate of non-contributory old age pension shall be $105 per week.

(R.A. 27/2007, s. 1, R.A. 13/2008, s. 1 and R.A. 2/2010, s. 1)

Absence abroad

12. (1) Subject to this section, where a person who has qualified for the receipt of a non-contributory old age pension is absent from Anguilla for any period exceeding 6 months in any one continuous period of 12 months, that person is disqualified from receiving the pension for the period in excess of 6 months.

(2) For the purposes of subsection (1), periods of absence from Anguilla separated by periods of less than 3 months continuous residence in Anguilla shall be treated as one continuous period of absence from Anguilla.

(3) Notwithstanding subsections (1) and (2), a person referred to in those subsections is entitled to be paid a non-contributory old age pension for any period that the person resides in Anguilla.

(4) Notwithstanding subsection (1), the Board may approve the payment of non-contributory old age pension for a period in excess of 6 months to a person referred to in that subsection if in the opinion of the Board, the circumstances of the case so justify.

(5) A person who is absent from Anguilla for a continuous period exceeding 12 months shall not be eligible to receive a non-contributory old age pension during any further period of residence overseas unless that person has resided in Anguilla for a period of at least 3 months after his return to Anguilla.

(6) A person who is in receipt of non-contributory old age pension under these Regulations and is desirous of leaving Anguilla for a period of 6 or more months shall so inform the Director before leaving Anguilla.

Payment on intestacy

13. (1) Where a person in receipt of a non-contributory old age pension dies intestate, the Director may pay any undrawn pension to—

(a) the widow or widower;

(b) if there be no widow or widower, then to the next-of-kin of that person; or

(c) if the next-of-kin is a minor, then to his legally appointed guardian;

and the receipt of the widow, widower or next-of-kin, as the case may be, is a sufficient discharge for the payment of the non-contributory old age pension.

(2) Notwithstanding anything to the contrary contained in this section, on the death of a person who is in receipt of a non-contributory old age pension, no payment under subsection (1) may be made unless—

(a) 21 days have elapsed since the death of that person; and

(b) the deceased became entitled to the non-contributory old age pension within 3 months immediately preceding his death.

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(3) To establish the fact of intestacy it is sufficient to satisfy the Director that a search was made at the High Court Registry and that no will or testamentary document purporting to be the last will and testament of the deceased pensioner was recorded there.

Citation

14. These Regulations may be cited as the Non-contributory Old Age Pension Regulations, Revised Regulations of Anguilla, S45-7.

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