Revised Regulations of Anguilla: S45-6

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

REGISTRATION OF EMPLOYERS AND EMPLOYEES REGULATIONS

Note: These Regulations are enabled under sections 22 and 44 of the Social Security Act, R.S.A. c. S45.[1]

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Interpretation

1. In these Regulations—

"Act" means the Social Security Act;

"employee" means a person who is insurable by virtue of section 17(2)(a) of the Act;

"employer" means a person who, or a body corporate which, employs any person who is insurable by virtue of section 17(2)(a) of the Act;

"termination of employment" includes the employed person leaving his work or the dismissal of the person by his employer, in either case, whether in accordance with the contract of service or not.

Registration of employers

2. (1) The Director shall issue to each employer a form called the Employers Registration Form for the registration of such employer and the employer to whom the form is issued shall after filling in the particulars called for therein, affix his signature thereto and return such form within 14 days to the Director.

[1] This Note has been corrected to reflect the renumbering of the Act by Act 2/2002.

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(2) An employer who has not received the Employers Registration Form shall make a request to the Director for such a form and it shall be the duty of the Director to make such a form available to such employer.

(3) On receipt of the Employers Registration Form, the employer shall comply with the provisions of subsection (1) and return it to the Director within the time specified therein.

Registration of employees

3. Every employee or person intending to take up employment shall register on an appropriate form, called the Employees Registration Form, to be supplied by the Director which shall be completed and signed by the employee and returned to the Director before taking up employment.

Issue of registration cards

4. (1) On receipt of the Employees Registration Form, the Director shall issue a registration card to each employee in the service of an employer.

(2) Every employer shall ensure that each employee is in possession of a valid registration card before employing such employee.

Issue of contribution cards

5. (1) The Director shall issue to each employer in respect of each employee notified to the Director as being under his employment a contribution card.

(2) A contribution card shall have a currency of 1 calendar year or such shorter period as the Director may direct.

(3) All contribution cards and instructions relating thereto shall be issued without charge and when in use by the employers shall remain the property of the Board, who may at any time demand the return of any card for inspection.

Custody by employer of contribution cards

6. (1) An employer, on obtaining a contribution card, shall become responsible for its custody for so long as such employee continues in his employment or until it is delivered to the Director or retained by an inspector in accordance with these or any other regulations.

(2) While a contribution card is in the custody of an employer, he shall produce it for inspection at any reasonable time when required to do so by an inspector, and the inspector may, if he thinks fit, retain the contribution card.

(3) Where any contribution card is retained in accordance with these Regulations, the Director may issue a replacement contribution card to the employer.

(4) Where a contribution card is lost, destroyed or defaced while in the possession of an employer—

(a) the employer shall forthwith report the loss, destruction or defacement to the Director;

(b) a new card may be issued free of charge by the Director in place thereof; and

(c) the employer shall pay all contributions payable by him in respect of the employment of the employee during the period of currency of the card that has been lost, destroyed or defaced save such of those contributions as the Director may specify as being already paid.

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Inspection of contribution card by employee

7. (1) On a request made by an employee, it shall be the duty of an employer to give such employee an opportunity to inspect his contribution card at any reasonable time during working hours, but, except in exceptional circumstances no employee shall be entitled to inspect his contribution card more than once a month.

(2) Every employer shall, within 14 days of the expiry of the currency of a contribution card, sign the declaration thereon.

Return of contribution card

8. (1) On the termination of employment of an employee or where contributions otherwise cease to be payable, the employer shall forthwith return the contribution card to the Director stating the reason for the cessation of payment of contributions.

(2) Every contribution card in the custody of an employer shall be returned to the Director within 4 weeks of the expiry of the period of currency or such longer period as the Director may allow.

(3) On the death of an employee, the employer shall forthwith return the contribution card to the Director stating the reason therefor.

Obligations of employees

9. (1) An employee who has received a registration card in accordance with section 4 shall be responsible for its safe custody. Where any such card of an employee is lost, destroyed or defaced, such employee shall apply to the Director for issue of a replacement card and for this purpose shall furnish to the Director such information as may be necessary. The Director may make a charge of $5 for the issue of a replacement registration card.

(2) Every employee to whom a registration card has been issued shall at the commencement of employment with a new employer, or on request by an inspector, produce his card to such employer or inspector, as the case may be.

Notices, etc., may be sent by post

10. Any notice, application, card or other document which is authorised or required to be given, presented, issued or delivered under these Regulations shall be deemed to be given, presented, issued or delivered if sent by post.

Penalties for breach of Regulations

11. Any person who contravenes or fails to comply with these Regulations is guilty of an offence and is liable on summary conviction to a fine of $1,000 and in the case of a continuing offence to a fine of $250 for each day on which the offence is continued.

Citation

12. These Regulations may be cited as the Registration of Employers and Employees Regulations, Revised Regulations of Anguilla, S45-6.

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