

ANTIGUA AND BARBUDA

STATUTORY INSTRUMENTS

2001, No. 6

Social Security (Self-Employed Persons) (Amendment) Regulations, made by the Minister under sections 19, 26, 47, and 51 of the Social Security Act, Cap. 408.

1. These Regulations may be cited as the Social Security (Self-Employed Persons) (Amendment) Regulations 2001. Short title.
2. The Social Security (Self-Employed Persons) Regulations, in these Regulations referred to as the principal Regulations, is amended in Regulation 2 by the revocation of the definition of "deduction card". Amendment of Social Security (Self-Employed) Persons Regulations.
3. Regulation 4 of the principal Regulations is revoked and the following substituted— Regulation 4—Insurance of self-employed persons.

4 (1) Subject to these Regulations, every self-employed person who on 2nd April 2001 is —

- (a) six teen years of age or over and under sixty years of age;
- (b) ordinarily resident in Antigua and Barbuda;
- (c) gainfully occupied in employment in Antigua and Barbuda and is not an employed person;
- (d) eligible for any benefit from the scheme.

shall be insured under the Act.

(2) Payment of contributions by self-employed persons shall commence on the date the applicant is registered as an insured person under the Act.

(3) Notwithstanding subregulation (2), the Board may, at the request of an applicant, allow payment of contributions to commence on a date not earlier than three calendar months prior to the date of registration.

- Regulation 5-Scheduled categories of self-employed persons.
4. In Regulation 5 of the principal Regulations, delete the word "may" and substitute the word "shall".
- Regulation 6-Registration of self-employed persons.
5. Regulation 6 of the principal Regulations is revoked and the following substituted —
- “All persons who are self-employed on or after the appointed day are required to be registered at the Head Office of the Board on the appropriate form prescribed by the Director”.
- Regulation 7 -Issue of registration card.
6. Regulation 7(1) of the principle Regulations is revoked and the following substituted —
- “(i) If upon receipt of an application for registration under the Act, the Director is satisfied that the applicant is qualified to be insured, he shall cause to be issued to him a Social Security Registration Card which bears the full name, the date of birth and the registration number of the person to whom it is issued”.
- Regulation 8-Issue of deduction card.
7. Regulation 8 of the principal Regulations is revoked.
- Regulation 10-Declaration of earnings determination of rates of contribution.
8. Regulation 10 of the principal Regulations, is amended as follows—
- (a) by the deletion of subregulation (1) and the substitution of the following —
- “ (1) the rate of contribution shall be eighth percentum (8%) of the insurable earnings, as declared by the self-employed person in accordance with Schedule II; or at such rates as the Minister may, by regulation made under section 21 of the Social Security Act determine;”
- (b) by the deletion of subregulation (3) and the substitution of the following —
- (3) Notwithstanding the prescribed earning band in Schedule II, the Board may upon sufficient evidence, cause a self-employed person to pay contributions at a higher or lower level than is prescribed in Schedule II.

9. Regulation 11 of the principal regulations is revoked and the following substituted — Regulation 11 revoked.

“Rate of contribution. 11. The rate of contribution that a self-employed person shall pay under Regulation 9 of S. R. O No. 13 of 1974 shall be, in the case of a Self-employed person, six per centum (6%) of his declared earnings”.

10. Regulation 12 of the principal regulations is revoked and the following substituted — Regulation 12 is revoked and replaced.

“12. Any determination by the Director under Regulation 10(2) shall be communicated to the insured person in writing and such insured person shall pay contributions in accordance with such determination.”

11. Regulation 14 of the principal regulations is revoked and the following substituted — Regulation 14-exemption from liability because of small income.

“(1) A self-employed person shall be exempted from paying contributions if such person's income is less than Four Hundred and fifty Eastern Caribbean dollars (EC\$450.00) per month.

(2) Any person who wishes to claim exemption under sub-regulation (1) may apply to the director, and shall submit such evidence as the Director may require for the purpose of determining whether he qualifies for exemption or not.

(3) Where an exemption is granted under this regulation, the Director shall issue to the applicant a certificate of exemption in a form prescribed by him.

(4) The Director shall attach to any exemption certificate issued under this Regulation such conditions as he considers necessary, for determining whether the exemption shall cease or continue.”

Regulation 18-
Modification for
sickness benefit.

12. Regulation 18 of the principal regulations is revoked and the following substituted —

“(1) For the purposes of sickness benefit for self-employed persons regulation 7 (1) of the Social Security (Benefits) (Sickness) Regulations S.R.O. 42 of 1973 shall apply as modified below —

“(a) sickness benefit shall be payable only if the insured person had paid not less than thirty-nine weekly contributions or the monthly equivalent in the fifty-two weeks immediately preceding the commencement of the incapacity.”

(2) For the purposes of maternity benefit for self-employed persons regulations (6) (a) and (9) of the Social Security (Benefits) (Maternity) Regulations S.R.O. 43 of 1973, shall apply as modified below —

“6(a) A woman shall be entitled to a maternity grant if she has been confined and she or her husband has paid thirty-nine weekly contributions or the monthly equivalent in the fifty-two weeks immediately preceding the confinement.”

“9. Maternity allowance shall be granted only if the woman has paid contributions for not less than fifty-two weeks in the fifty-two weeks immediately preceding the contribution week in which occurs the day which is six weeks before the expected date of confinement”.

Surcharge 23 A inserted.

12. The principal Regulations are amended by the insertion after regulation 23 thereof the following new regulation —

“Surcharge 23A Any self-employed person who fails to pay any contributions due and payable under regulation 8 within the prescribed time shall, in addition to the Contribution due and owing, pay to the Director a surcharge of ten per centum of the amount of contributions owing to the Board”.

13. Regulation 24 of the principal Regulations is amended by renumbering regulation 24 as regulation 24(1) and by inserting after regulation 24(1) the following — Offence and penalty.

(2) Any self-employed person who fails to comply with these regulations commits an offence and is liable on summary conviction to a fine of three hundred dollars and where the offence is a continuing one shall pay in addition to the fine three hundred dollars for each day that the offence continues.

14. (1) The Schedule to the Social Security (Self-Employed Persons) Regulations is amended as follows — Schedule II

- (a) by renumbering the Schedule thereto as Schedule I; and
- (b) by inserting after Schedule I the following new Schedule —

SCHEDULE II
EARNINGS BAND

CLASS	OCCUPATION	EARNINGS GROUP
1	Accountants, Medical Doctors, Lawyers, Architects, Dentists, Undertakers, Morticians Consultants, Engineers, Wholesalers, Technicians, Electricians, Plumbers, Carpenters, Joiners, Masons, Ministers of Religion, Heavy Duty Equipment Owners, Persons offering skilled labour	\$2001-\$4500
2	Fishermen, taxi and bus drivers, Street and beach vendors, Janitors, Shoemakers, Beauticians, Shopkeepers, Barbers, Restaurateurs, Food Vendors, Store keepers, Farmers, Steal benders, Bakers Truckers, Retailers, Landscapers, Auto Mechanics, Food caterers, Teachers, Persons offering unskilled labour, Seamstresses/Tailors.	\$450-\$2000

Made this 28th day of March, 2001.

Lester B. Bird,
*Minister responsible
for Social Security.*

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