

SAINT VINCENT AND THE GRENADINES

STATUTORY RULES AND ORDERS

NO.22 OF 1986

(Gazetted 30th December 1986).

IN EXERCISE of the powers conferred by section 25 (a) of the National Insurance Act, 1986

(No.33 of 1986) the Minister makes the following Regulations: -

NATIONAL INSURANCE (REGISTRATION) REGULATIONS 1986

2. Citation. These Regulations may be cited as the National Insurance (Registration) Regulations 1986.
3. Interpretation. For the purpose of these Regulations, unless the content otherwise requires:-

"Act" means the National Insurance Act, 1986;

"Appointed day" means the day appointed pursuant to subsection (2) of Section 1 of the Act for the purposes of Part II and Section 25 (a) of the Act;

"deduction card" has the meaning assigned to it in Section 2 of the Act;

"employer" means a person, natural or legal, who employs a person insurable employment; and

"termination of employment" means the day on which the employment comes to an end, whether such termination is in accordance with the terms of the contract or not, and whether or not the employment is to be resumed at a later date.

All other words and expressions defined in the Act shall have the same meaning in these Regulations

- 3 Notices etc. Any notice, application, card or other document which is authorised or required to be given, presented, issued or delivered under these Regulations may be sent by post.
4. Application for Registration under the Act.

- (1) Every employer shall, within fourteen days after being requested so to do by the Director, present to the Director on the appropriate form an application for Registration as an employer under the Act.
- (2) Failing the receipt of such a request every employer shall present to the Director an application for registration as an employer not later than fourteen days after the appointed day.
- (3) After the appointed day, every person who becomes an employer shall within seven days of his employing his first employee present to the Director on the appropriate form an application for registration as an employer under the Act.
- (4) On registering an employer under the Act the Director shall request that employer to present to him a completed application for registration in respect of each of his employees on an appropriate form to be supplied by the Director.
- (5) The form for registration of an employee as an employed person shall be signed and completed so far as possible by the person to whom that form relates.
- (6) After the appointed day, if an employer employs a person who has not been previously registered under the Act, the employer shall forthwith present to the Director an application on the appropriate form for registration in respect of such person.
- (7) The failure of an employee to produce to his employer within fourteen days after the commencement of his employment with that employer a National Insurance registration card issued in accordance with Regulation 5 (1) of these Regulations shall, for the purpose of paragraph (6) of this Regulation, be prima facie evidence that the employee has not been previously registered under the Act.
- (8) Employers and employees already registered under the National Provident Fund Act (No.1 of 1970), need not apply again for registration. Employers and employees so registered shall be treated as Registered under the National Insurance Act, 1986 and will continue to use the same registration number which they had under the National Provident Fund Act, 1970 (No.1 of 1970).

5 Issuing of registration and deduction cards.

(1) If upon receipt of an application for registration of an individual under the Act the Director is satisfied that the person concerned is required to be insured, he shall cause to be issued to the employer concerned a National Insurance registration card for that person and the employer shall deliver that registration card, or cause it to be delivered to the employed person or if that person is no longer in his employment, the employer shall return the registration card to the Director.

(2) The registration card issued under paragraph (1) shall bear unamended the full name and registration number of the insured person. If the entries on the registration card are amended in any way the card shall be invalid and shall be returned to the Director forthwith.

(3) When a registration card is issued to an employer the Director shall cause a deduction card to be issued to the employer.

(4) The Director shall also issue a deduction card in respect of every National Provident Fund member who has been an insured person under Section 18 (1) of the Act and such card shall be issued through the last known employer of such employee, who shall return the deduction card to the Director if the employee is no longer in his employment.

(5) When a person who is already in possession of a registration card in respect of whom a deduction card has already been issued to a previous employer becomes employed in another establishment or by another person, the employer shall forthwith obtain a new deduction card in respect of that employed person by making an application to the Director for such card.

(6) A deduction card shall be current for a period of a contribution year or for such shorter period as the Director may direct.

(7) Deduction cards shall be issued without charge and when issued shall remain the property of the Board.

6 **Custody of deduction cards.** (1) An employer on receiving the deduction card of an employed person shall be responsible for the custody of that deduction card so long as the person concerned continues to be employed by that employer or until the deduction card is returned or delivered to the Director or retained by an Inspector in accordance with these or any other Regulations. During that period the employer shall produce the deduction card for inspection at any reasonable time when required to do so by an

inspector and if so required shall deliver the deduction card to the inspector who may, if he thinks fit, retain the card. The Inspector shall give a receipt for any deduction card retained by him.

(2) The Director shall, where appropriate, issue a deduction card to replace any deduction card retained by him.

(3) If a deduction card, while in the custody of an employer is lost or destroyed, or because of defacement or change of name or otherwise ceases to represent the identity of the employed person to whom it relates, the employer shall forthwith apply to the Director for the issue to him of a replacement card and for this purpose the employer shall furnish the Director with such information and supporting evidence as the Director may require. In the absence of such acceptable supporting evidence, the Director may reconstruct the card on a basis not exceeding the maximum contributions payable.

(4) Every employer having the custody of the deduction card of an employed person in accordance with this Regulation shall permit that person to have access to such card for the purpose of complying with paragraph (2) of Regulation 8. In addition, and without prejudice to this right, if an employed person wishes to inspect his deduction card while it is in the custody of his employer, the employer shall give him a reasonable opportunity of so doing either within or immediately after working hours.

(5) No employed person shall be entitled by virtue of paragraph (4) to inspect his deduction card more than once in any one month or except at such time as may be appointed by his employer for the purpose.

7 **Disposal of deduction cards.**

(1) If the employment of an employed person is terminated during the currency of the deduction card held by his employer, the employer shall deliver the card to the Director accordingly, within seven days after the end of such employment.

Provided that where such employment is terminated by the employed person without notice or intimation to his employer, the said period of seven days shall be extended to fourteen days.

(2) On the death of an employed person, the employer or any other person having possession or thereafter obtaining possession of the deduction card of the deceased person shall forthwith deliver it to the Director.

(3) Within fourteen days or such longer period as the Director may in any special case allow after the date on which any deduction card in the custody of an employer ceases to be current that employer shall deliver such card to the Director.

(4) The Director may, in his discretion, exchange a current deduction card at any time, and in a manner other than that prescribed in these Regulations.

8. Obligations of employed persons. (1) Every employed person shall furnish to his employer on request such personal particulars as the employer may require for the purpose of these regulations. The employed person shall be responsible for the correctness of the particulars so furnished and shall, where required, sign the appropriate form in the place provided for the purpose.

(2) Every employed person shall within four weeks before the date on which his deduction card ceases to be current sign the card and insert his then present address in the respective place provided for these purposes on the card.

(3) An employed person to whom a registration card is delivered in accordance with regulation 5 of these Regulations is responsible for its safe custody, and if any such card is lost or destroyed or because of defacement or change of name or otherwise ceases to represent his identity, the person concerned shall apply to the Director for issue to him of a replacement registration card; and for this purpose the applicant shall furnish the Director with such information as he may require.

(4) Every employed person to whom a registration card has been delivered shall on commencing employment with a new employer, and on such other occasions as his employer or an Inspector may request, produce the registration card to the employer or Inspector, as the case may be.

9. Penalties. If any person contravenes or fails to comply with any of these Regulations he shall be liable on summary conviction to a fine not exceeding two hundred dollars (\$200.00) for each such offence, or where the offence consists of continuing any such contravention or failure after conviction thereof to a fine of two hundred dollars (\$200.00) together with a further one hundred dollars (\$100.00) for each day on which it is so continued.

Made this 10th day of December 1986.

JAMES F. MITCHELL
Minister responsible for National Insurance.

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