

SAINT VINCENT AND THE GRENADINES

STATUTORY RULES AND ORDERS

1995N0. 15

(Gazetted 2nd May 1995)

IN EXERCISE of the powers conferred by section 25 of the
National Insurance Act, the Minister makes the following
Regulations: -

NATIONAL INSURANCE (CONTRIBUTIONS) (AMENDMENT)
REGULATIONS 1995.

1. Citation and construction: These Regulations may be cited as the National Insurance (Contributions) (Amendment) Regulations, 1995 and shall be read and construed as one with the National Insurance (Contributions) Regulations, hereinafter referred to as the principal Regulations and shall come into operation on 1st day of May, 1995.

2. Amendment of Schedule to principal Regulation: Parts I and II of the Schedule to the principal Regulations are amended by deleting the figures "\$385" and "\$1,670" where they appear and substituting respectively in each case the figures "\$600" and "\$2600".

Dated the 28th day of April, 1995.

P.R. CAMPBELL
Acting Minister of Finance

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SAINT VINCENT AND The GRENADINES

STATUTORY RULES AND ORDERS

1986 No. 21

(Gazetted 30th December 1986).

IN EXERCISE of the powers conferred by sections 20 and 25 of the National Insurance Act, 1986 (No.33 of 1986) the Minister makes the following Regulations:

NATIONAL INSURANCE (CONTRIBUTIONS) REGULATIONS, 1986

1. **Citation and Commencement.** These regulations may be cited as the National Insurance (Contributions) Regulations 1986, and shall come into force on the 5th day of January 1987.

PART I - PRELIMINARY

2. Interpretation. In these Regulations unless the context otherwise requires-"Act" means the National Insurance Act, 1986; "appointed day" means the day appointed pursuant to Section 1 of the Act as the appointed day for the purposes of Section 20 of the Act;

"Board" means the National Insurance Board established under Section 4 of the Act;
"contribution document" means a document issued under the Registration Regulations;

"contribution week" has the meaning assigned to it in Section 2 of the Act;

"contribution year" has the meaning assigned to it in Section 2 of the Act;

"date due " means, in relation to any contribution, the date on which that contribution was due to be paid in accordance with Regulation 12 or the date on which that contribution, if it had been payable, would have been due to be paid;

"Registration Regulations" means the National Insurance (Registration) Regulations, 1986;and

"termination of employment" means the (day on which the employment actually 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.

3. Notices etc. may be sent by post. 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.

PART II- PAYMENT OF CONTRIBUTIONS ([Click here for Amendment 2004](#))

4. (1) Rates of contributions. For each weekly or monthly period beginning on or after the appointed day for which an employed person is paid wages, his employer shall pay for such weekly or monthly period a total contribution, into the Fund, of the employed person's and the employer's contributions in accordance with the Schedule hereto in relation to the wages paid to the employed person during or immediately after the end of that period.
 - (a) If the wages of an employed person are not fixed on a time basis, the total amount of the wages paid to him in or immediately after the relevant period for which contributions are to be paid shall be taken into account.

- (b) If the wages of an employed person are paid on a time basis other than weekly or monthly they may be converted to such basis by simple proportion, or in such other way as the Director may determine.
- (4) The wages of an employed person for the purpose of paragraph (I) shall include the salary received by or on behalf of that employed person, including -
 - (a) overtime payment
 - (b) payments for night or shift work.
- (5) Any existing salary paid in respect of any Specific employment shall be deemed to be the salary and any allowances granted to the employed person in lieu of salary in respect of any specific employment shall be deemed to be part of the salary in respect of that employment.
- (6) In the case of overtime payment and payments for night or shift work mentioned in paragraph (4) the amounts so received in respect of any of them shall, if they are not paid together with the wages for the period for which they were due, be included in the wages for the period in or immediately after which they are paid.
- 5. (1) Liability for contributions on attaining ages 16 and 60. A contribution under the Act shall be paid,
 - (a) in the case of an employed person attaining the age of 16 years, for the week in which that person reaches that age; and
 - (b) in the case of an employed person attaining the age of 60 years subject to paragraph (2) for the week in which the employed person reaches that age.
 - (a) A contribution shall not be paid in respect of or on behalf of an employed person if that person attains the age of 60 years on the Monday of the week in question.
- 6. (1) Exemption from payment of contributions. An employer shall be exempt from liability to pay contributions for any contribution week:
 - (a) in which no work is done by the employed person and that person receive: no wage: in respect of the period;
 - (b) in which the employed person is engaged in full time unpaid apprenticeship; or
 - (c) for the whole of which the employed person receives sickness or maternity benefit

- (2) Nothing in paragraph (1) shall be deemed to affect the liability of an employed person and his employer to pay contribution: for any contribution week in which that person is on vacation or other leave if contributions are normally payable in respect of the employment of such a person.
7. (1) Deduction of contributions from wages. Every employer on making any payment of wages to any employed person shall deduct the contribution payable on behalf of that person in accordance with these Regulations.
- (2) An employer shall not be entitled to recover any contributions paid by him or to be paid by him on behalf of an employed person otherwise than by deduction in accordance with these Regulations.
8. (1) Time of Deduction of contributions. An employer liable to pay any contribution on behalf of an employed person shall, except as hereinafter provided, deduct that contribution before paying to that person the wages in respect of the period for which such contribution is payable.
- (2) Where wages are paid in advance for any period an employer shall deduct contributions in advance for that period before the payment of the wages.
- (3) On the occasion of any payment of wages to an employed person, the employer may, on making the payment in question, deduct from the wages the amount of the contributions based thereon which that person is liable to pay under these Regulations.
- (4) Where two or more payments of wages fall to be aggregated the employer may deduct the amount of contributions based thereon, which are payable by the employed person either wholly from one payment or partly from one and partly from the other or any one or more of the others.
- (5) If by reason of any error made in good faith an employer on making any payment of wages to an employed person fails to deduct there from the full amount of contributions which he may deduct, he may, after prior notification to that person recover the amount so under deducted by deduction from any subsequent payment of wages to that employed person during the same year.
- (6) The amount that may be deducted under paragraph (5) from any payment, or from any payment which falls to be aggregated, shall be in addition to, but shall not exceed, the amount deductible there from under other provisions of these Regulations
- (7) For the purpose of Regulations 12 and 13 any additional amount which may be deducted by virtue of paragraph (5) shall be treated as an amount deductible under these Regulations only in so far as the amount of the corresponding under-deduction has been so treated.
9. (1) Manner of recording contribution. Every employer shall record either on a contribution document or in such other form as may be authorised by the Director

the following particulars, regarding every payment of wages which he makes to an employed person, namely,

- (a) the date of commencement of the contribution week,
- (b) the wages, determined in accordance with Regulation 4 (4),
- (c) the contribution which may be deducted from the wages,
- (d) the contribution which is payable by the employer in respect of the wages, and
- (e) the total of sub-paragraph (c) and (d).

(2) Where two or more payments fall to be aggregated the employer, instead of recording the amount of each contribution which may be deducted from the wages included in each payment, may record the total amount of the contributions which may be deducted from these payments.

(3) The employer may obtain authority from the Director to record the total only of sub-paragraphs (c) and (d) of paragraph (1).

10. No contribution document held by employer. If an employer makes any payment of wages to an employed person in respect of whom he does not hold a contribution document, and that payment is a payment of wages in respect of which contributions are payable, he may deduct the amount of the contributions based thereon which are payable by that person and shall keep records which he shall prepare for the purpose as if the payment was one to which Regulation 9 applied and shall do likewise on making any subsequent payment of wages to the employed person.

11 **Tax paid for benefit of employee deemed to be part of wages.**

Where an employer makes a payment to or for the benefit of an employed person in respect of that person's income tax, the amount of wages which the employer pays to that person shall be deemed, for the purpose of these Regulations, to be such a sum as will include the amount of the payment made by the employer in respect of that person's income tax.

12 (1) Payment of contributions by employer. At the end of the month in which wages are paid, or within one month thereafter, the employer shall pay, by means acceptable to the Board, the contributions payable by the employer under these Regulations in respect of the wages paid by him to each employed person for each contribution week in that month.

(2) In addition to any other requirements, an employer shall, where the employment of an employed person is terminated, pay all contributions due from the employer but still outstanding in respect of that employed person at the end of the month in which deduction was made, or within one month thereafter.

(3) The Board may, if it thinks fit and subject to terms and conditions as it may impose, approve any arrangements whereby contributions are paid at times and in a manner other than those prescribed by these Regulations, and any such arrangements may include provision for the payment of such fees as may be determined by the Board to represent the estimated additional expense in administration cost to the Board.

(4) As a condition of authorising the payment of any contribution on a date later than that upon which the contribution would, apart from any authorisation under paragraph (3), be due to be paid, the Board may require the making of such deposits of money by way of security as the Board may approve.

(5) Paragraphs (3) and (4) shall, subject to the terms and conditions of any such arrangements, apply to any person affected by such arrangements, and any contravention of, or failure to comply with, any requirement of any such arrangements shall be deemed to be a contravention of, or failure to comply with, these Regulations.

(6) If an employer, by reason of an error made in good faith, has paid into the Fund on account of contributions under this Regulation an amount which he was not liable to pay any amount which he is liable to pay subsequently in respect of other payments of wages made by him during the same year shall be reduced by the amount so overpaid.

Provided that if there was a corresponding over deduction from any payment of wages to any employed person, this paragraph shall apply in so far as the employer has accounted to that person therefore.

(7) All payments of contributions to the Fund shall be accompanied by the appropriate forms duly completed, or by such other form as the Board may in any particular case or class of cases permit.

(8) The Director shall cause a receipt for the amount remitted to be issued to the employer who shall affix it in the appropriate place upon his duplicate copy of the remittance statement. No receipt other than the authorised receipt issued at the Board's office shall be given for any payment on account of contribution to the Fund. Any receipt so made and endorsed shall be accepted as sufficient for all purposes.

13. (1) Employer failing to pay contributions. If within the time prescribed by Regulation 12-

(a) an employer has not paid any contribution which he is liable to pay into the Fund for that month and the Director is unaware of the amount, if any, which the employer is liable to pay; or

(b) the employer has tendered in payment an amount which the Director has reasonable cause to believe is less than the employer is liable to pay in respect of any month,

the Director may give notice to the employer requiring him to render, within the time specified in the notice (being not less than five days), a written return showing the name

of every employed person to whom he made any payment of wages in the period from the preceding first day of January, or such other date as the Director may specify, to the previous month, together with the following particulars regarding such employed person-

- (i) every payment of wages made during that period;
- (ii) the total amount of contributions which the employer was entitled to deduct during the period and which the employer is liable to pay for that month;
- (iii) the total amount of contributions which was payable by the employer in addition to the amount deductible under subparagraph (ii); and
- (iv) such other details and information as will enable the Director to ascertain the correctness or otherwise of the amounts.

(2) The Director shall ascertain and certify the amount of contributions which the employer is liable to pay in respect of the month in question.

(3) The production of the return made by an employer under paragraph (1) and of the certificate of the Director under paragraph (2) shall be good and sufficient evidence that the amount shown in the said certificate is the amount of contributions which the employer is liable to pay into the Fund in respect of the month in question, and any document purporting to be such a certificate shall be deemed to be such a certificate until the contrary is proved.

(4) If within the time prescribed by Regulation 12, an employer has not paid any contribution which he is liable to pay in any particular month, he shall be liable to pay into the Fund a surcharge equivalent of 10% of the amount of the contributions which he was liable to pay for that month and thereafter compound interest at the rate of 1% per month or part thereof on the amount unpaid. -

(5) The Board may, if it is satisfied that the circumstances of the case so warrant, exempt an employer from the payment of the surcharge under paragraph (4).

14. Nil returns. An employer, being a person registered as such under the Registration Regulations, who does not pay into the Fund any contributions on the date due because that employer did not employ any employed persons during the period relevant to that date shall instead send to the Director a statement to that effect.

PART III - COONTRIBUTIONS PAID IN ERROR OR LATE

15. Disposal of contributions paid erroneously. Where contributions are paid at the wrong rate, the Board may treat them as paid on account of the contributions properly payable.

16. Treatment of contributions paid late or not paid without consent connivance or negligence of employed person. Where a contribution payable by an employer on behalf of an employed person is paid after the due date or is not paid, and the delay or failure in making payment thereof is shown to the satisfaction of the Board not to have been with the consent or connivance of, or attributable to any negligence on the part of the employed person, the contribution shall, for the purpose of any right to benefit, be treated as having been paid on the due date.

PART IV-REFUNDS

17. (1) Refund of contributions paid in error or in excess. Subject to the provisions of Regulation 15 and of this Regulation, contributions paid by an employed person or by his employer under the erroneous belief that the contributions were payable by or on behalf of that person shall be refunded by the Board to the person or to his employer, as the case may require, if the application to that effect is made in writing to the Board within the appropriate time specified in paragraph (4) of this Regulation.

(2) In calculating the amount of any payment to be made under this Regulation to an employed person or to an employer, there shall be deducted-

(a) in the case of employer's contributions and contributions as an employed person, the amount of any contributions paid under erroneous belief as aforesaid which, under the provisions of Regulation 15, have been treated as paid on account of other contributions, and

(b) in the case of contributions as an insured person, the amount, if any, paid to that person and to any other person on the basis of the erroneous belief by way of benefit which would not have been paid had the contributions, in respect of which an application for their return is duly made, not been paid in the first instance.

(3) Contributions erroneously paid by an employer on behalf of any employed person and not recovered by the employer from that person may be repaid to the employer instead of to that person, but if so recovered may be repaid to that person, or, with his consent in writing, to his employer.

(4) An application for the return of any contributions paid under erroneous belief as aforesaid shall be made in such a form and in such a manner as the Board may from time to time determine, and any such application shall be made-

(a) if the contribution was paid at the due date, within two years from the date on which that contribution was paid; or

(b) if the contribution was paid at a later date than the due date within two years from the due date or within twelve months from the date of actual payment of the contribution, whichever period ends later.

(5) In its application to contributions payable under Part II of these Regulations, this Regulation shall have effect subject to the following provisions, namely,

- (a) the time which the application shall be made by a person desiring to apply for the return of any such contribution paid under erroneous belief as aforesaid, shall be two years from the due date or such longer time as the Board may allow if it is satisfied that that person had good cause for not applying within these two years;
- (b) the provisions of this paragraph shall apply to any part of a contribution as they apply to that contribution.

(6) Where an employed person has two or more contributions deducted from his wages for the same contribution period and the sum total of these contributions exceeds the maximum payable pursuant to the Schedule, that person is entitled, on application to the Board, to have the excess of those contributions refunded

(7) An application made pursuant to paragraph (6) shall not be entertained by the Board unless it is made within 12 months from the end of the contribution year for which the contributions were paid

18. (1) Refund of contributions to certain elderly entrants. Where an employed person attains the age of 60 years on a date not later than twenty-six contribution weeks after he becomes an insured person, then for each contribution paid on his behalf, he shall be entitled to a refund of the contribution actually paid by him in respect of any contribution week within that 26 weeks period.

(2) Where an employed person attains the age of 60 years on a date not later than forty-nine contribution weeks after he becomes an insured person, then for each contribution paid on his behalf, he shall be entitled to a refund of that element of the contribution paid by him, which represents invalidity, age and survivor's benefit.

(3) An application for a refund under this Regulation shall be made in writing addressed to the office of the Board and shall be made,

- (a) in respect of an application under paragraph (1), within three months from the date on which the employed person attained age 60; and
- (b) in respect of an application under paragraph (2), within two years from the date on which the employed person attained the age of 60 or such longer period as the Board may allow, if it is satisfied that the person had good cause for not submitting an application within the specified time.

PART V-MISCELLANEOUS

19. Records. An employer shall maintain a record, in addition to a contribution document, showing in respect of each person employed by him-

- (a) the date on which such employment commenced and the date of the termination of employment, and

- (b) the date and amount of each payment of wages.
20. Board to keep record of payment. The Board shall keep proper record of all payments made by employer and employee-
21. (1) Inspection of employer's records. An employer, when called upon at any reasonable time by an Inspector designated under section 12 of the Act or other authorized officer of the Board to supply any information, shall supply such information with respect to persons who are or have been employed by that employer as may be requested, and shall produce all wages sheets, contribution documents, and records whatsoever of the wages of such persons in respect of the weeks, months or years specified by the Director or such Inspector or other authorised officer of the Board in relation to the deduction of contributions deductible from such wages or to the payment of the employer's contributions in respect of such wages.
- (2) The Director, by reference to the information obtained from inspection of the documents and records produced under paragraph (1), may on the occasion of each inspection prepare a certificate setting out-
- (a) the amount of contributions for which the employer is liable to pay for the said weeks, months or years in accordance with the documents so produced; and
- (b) any amount of contributions which has not been paid into the Fund.
- (3) The production of a certificate such as is mentioned in paragraph (2) shall be sufficient evidence in any court that the employer is liable to pay into the Fund in respect of weeks, months or years mentioned in the certificate the amount shown therein pursuant to paragraph (2) (b) and any document purporting to be such a certificate shall be deemed to be such a certificate until the contrary is proved.
22. Death of an employer. If an employer dies, anything which he would have been liable to do under these Regulations shall be done by his personal representative; in the event of the death of an employer who paid wages on behalf of another person, the said things shall be done by the person on whose behalf he had paid those wages.
23. (1) Succession to a business. This Regulation applies where there has been a change in the employer from whom an employed person receives wages in respect of his employment in any trade, business, concern or undertaking or in connection with any property, or from whom that person receives any annuity other than a pension.
- (2) Where this Regulation applies, in relation to any matter arising after a change of employer, the employer after the change shall be liable to do anything, which the employer before the change would have been liable to do under these Regulations if the change had not taken place.
- (3) The employer after the change shall not be liable for the payment of any contributions which were deductible from wages paid to an employed person before the change, unless such contributions were also deductible from wages paid to the employed persons after the change took place, or of any corresponding employer's contribution

24. (1) **Insured person works under the control of someone not his immediate employer.**

Where an insured person works under the general control and management of a person who is not his immediate employer, that person (referred to hereinafter in this Regulation as "The Principal Employer") shall be deemed to be the employer for the purposes of the Act and the immediate employer shall furnish the Principal Employer with such particulars of the insured person's wages as may be necessary to enable the Principal Employer to comply with the provisions of the Act.

(2) Where an insured person's wages are actually paid to him by his immediate employer-

(a) the immediate employer shall notify the Principal Employer of the wages to be paid and the immediate employer shall be notified by the Principal Employer of the amount of contributions to be deducted when such wages are paid to the insured person and the immediate employer shall deduct the amount so notified to him; and

(b) the Principal Employer shall make a corresponding deduction on making to the immediate employer the payment out of which the said wages will be paid.

25. **Penalties.** If any person fails to comply with any of the provisions of these Regulations, or with any direction or requirement of the Board given or made by virtue of these Regulations, and that failure does not constitute an offence under the Act for which a penalty is therein provided, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding five hundred dollars.

Made this 10th day of December 1986;

JAMES F. MITCHELL,
Minister with responsible for National
Insurance.

SCHEDULE - RATES OF CONTRIBUTIONS

(REGULATION 4)

PART I

EMPLOYED PERSON'S CONTRIBUTION ([Click here for 2007 amendments to rates](#))

| <i>Description of employed person</i> | <i>Rates of contribution</i> |
|---|--|
| Employees under the age of 16 years | Nil |
| Employees between the ages of 16 and 60 years | 2½ per centum of wages paid up to a maximum of \$385 a week or \$1,670 a month |
| Employees who have attained the age of 60 years | Nil |

PART II

EMPLOYER'S CONTRIBUTION

| <i>Description of employed person</i> | <i>Rate of contribution</i> |
|---|---|
| Employees under the age of 16 years | Nil |
| Employees between the ages of 16 and 60 years | 3 per centum of wages paid up to a maximum of \$385 a week or \$1,670 a month |
| Employees who have attained the age of 60 years | Nil |

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