
LAWS OF SAINT VINCENT AND THE GRENADINES
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**NATIONAL INSURANCE (CLASSIFICATION)
REGULATIONS**

SRO 7 of 1997

Amended by
SRO 11 of 2004

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NATIONAL INSURANCE (CLASSIFICATION) REGULATIONS

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation.
2. Interpretation.
3. Additional insurable employments.
4. Exclusion of certain employment.
5. Person to be treated as employer.
6. Employment treated as continuing.
7. Special provisions regarding certain persons.

FIRST SCHEDULE

SECOND SCHEDULE

THIRD SCHEDULE

FOURTH SCHEDULE

NATIONAL INSURANCE (CLASSIFICATION) REGULATIONS

In exercise of the powers conferred by section 18(6) of the National Insurance Act (Chapter 296), the Minister makes the following Regulations.

[SRO 7 of 1997 amended by SRO 11 of 2004.]

[Date of commencement: *4th March, 1997.*]

1. Citation

These Regulations may be cited as the National Insurance (Classification) Regulations, 1997.

2. Interpretation

In these Regulations, unless the context otherwise requires—

“**Appointed Day**” means the day as appointed under section 1(2) for the purposes of section 18 of the Act;

“**hospital**” means any institution for the reception and treatment of persons suffering from illness or mental defectiveness, and maternity home, and any institution for the reception and treatment of persons during convalescence or person requiring medical rehabilitation, and includes clinics, dispensaries and outpatients departments maintained in connection with any such institution or home.

3. Additional insurable employments

(1) Pursuant to section 18(6) the employments listed in the First Schedule shall be regarded as insurable employment in addition to the employment listed in the Second Schedule to the Act.

(2) The category of persons set out in the Second Schedule shall be treated for the purposes of the Act as self employed persons in so far as the persons concerned are gainfully occupied in such employment.

4. Exclusion of certain employment

Any employment specified in the Third Schedule shall not be treated for the purposes of the Act as employment held by an employee or by a self-employed person.

5. Person to be treated as employer

In relation to employment specified in the Fourth Schedule the person therein specified shall, for the purposes of the Act, be treated as the employer.

6. Employment treated as continuing

Where as insured person is a self-employed person and is ordinarily so employed, that employment shall be regarded as continuing during the period of such employment notwithstanding that in any particular week he does not work as a self-employed person.

7. Special provisions regarding certain persons

(1) Where under the provisions of the Act or any regulations made thereunder relating to references and appeals to the High Court, the High Court decides any question as to the class in which an insured person is to be included, and that decision is inconsistent with some previous determination of a question by the Board, then if the Board—

- (a) is satisfied by reason of that determination that contributions of a prior class have been paid by or in respect of any person; or
- (b) reasonably believes that that determination was applicable to any such previous determination,

the Board may, in the interest of the person concerned or his beneficiary, direct that person be included in the class of insured persons as determined by the Court during any contribution week for which contributions were paid where that week was before the date on which the decision of the High Court was given, and, that person shall be deemed to have been included in that class for such weeks.

(2) In any case where the Board, on new facts being brought to its notice, has revised a determination of a question previously given, the provisions of this regulation shall apply, *mutatis mutandis*, as they apply where the High Court has given a decision inconsistent with a determination previously given by the Board.

(3) In this regulation, the expression “**contributions of a prior class**” means—

- (a) in relation to a person who is neither an employee or as a self-employed person, the contributions of the employee and the employer; and

- (b) in relation to a self-employed person, the contributions as an employee and employer.

FIRST SCHEDULE

[Regulation 3(1). First Schedule amended by SRO 11 of 2004.]

Employments in respect of which, subject to the provisions of regulation 3(1), persons are treated as employees:

- (1) Employment of a medical or dental practitioner—
 - (a) involving whole-time service in any hospital; or
 - (b) in which he is wholly or mainly engaged and is remunerated by salary.
- (2) Employment of a citizen of Saint Vincent and the Grenadines, in any employment where—
 - (a) in his official capacity he is accorded diplomatic or equivalent status; or
 - (b) he is in the service as a member of the armed forces of any country other than Saint Vincent and the Grenadines; or
 - (c) he, not being a domestic worker, is a member of an international government organisation which is recognised by the Government of Saint Vincent and the Grenadines.
- (3) Employment in Saint Vincent and the Grenadines under any council established by any Act dealing with Local Government.
- (4) Employment in Saint Vincent and the Grenadines is plying for hire with any vehicle or vessel the use of which is obtained under a contract of bailment (other than a hire purchase agreement) in consideration of payment of a fixed sum or share in the earnings or otherwise.
- (5) Employment (other than employment already specified in paragraph 2 of the Second Schedule to the Act - which relates to employment in connection with ships or vessels) as a person engaged in fishing on board any fishing vessel or fishing boat in consideration of the payment of a fixed sum or a share in the earnings or otherwise.
- (6) Employment of a casual nature—
 - (a) for the purpose of the employer's trade or business; or
 - (b) as a pilot on board a ship or vessel; or
 - (c) for the purpose of any game or recreation where the person employed is engaged or paid through a club.
- (7) Employment of persons—
 - (a) in the capacity of Speaker of the House of Assembly; and
 - (b) as Members of the House of Assembly.

SECOND SCHEDULE

[Regulation 3(2). Second Schedule amended by SRO 11 of 2004.]

Employment in respect of which, subject to the provisions of regulation 3(2) persons are treated as self-employed persons—

- (1) The Governor-General.

(2) Employment of a person ordinarily resident in Saint Vincent and the Grenadines in any employment by virtue of which he would, but for the provisions of this paragraph, be an employee, if—

- (a) his employer is not ordinarily resident in Saint Vincent and the Grenadines; and
- (b) his employer has no place of business in Saint Vincent and the Grenadines.

(3) Employment as an agent paid by commission or fees or a share in the profits, or partly in one and partly in another of such ways where the person so employed is mainly dependent for his livelihood on his earnings from some occupation other than employment as such an agent, or where he is ordinarily employed as such an agent, by more than one employer, and his employment under no one of such employers is that on which he is mainly dependent for his livelihood.

(4) Employment under a contract of service by the insured person's spouse.

(5) Employment of any person ordinarily resident in Saint Vincent and the Grenadines as a master or member of the crew of any ship or vessel being neither a ship nor a vessel specified in paragraph 2 of the Second Schedule to the Act.

(6) Employment of a married person, whether or not under a contract of service by, or as a partner of, or in similar association with his or her spouse as the case may be where that employment is in a trade or business and the spouse is ordinarily engaged therein for not less than 16 hours in a contribution week.

THIRD SCHEDULE

[Regulation 4.]

Employment which is treated as not being employment either as an employee or as self-employed person—

(1) Employment of a casual nature in which the person concerned is engaged only to an inconsiderable extent and the wages in any week from the employer amount to less than fifteen dollars.

(2) Employment without pecuniary remuneration by the employee's father, mother, grand-father, grand-mother, step-father, step-mother, son, daughter, grand-son, grand-daughter, step-son, step-daughter, brother, sister, half-brother or half-sister.

(3) Employment of any person who is not a citizen of Saint Vincent and the Grenadines who in his official capacity is accorded diplomatic or equivalent status.

(4) Employment or service of any person who is not a citizen of Saint Vincent and the Grenadines as a member of the armed forces of any country other than Saint Vincent and the Grenadines.

(5) Employment otherwise than as a domestic worker of any person who is not a citizen of Saint Vincent and the Grenadines by an international Government organisation which is recognised by the Government of Saint Vincent and the Grenadines.

(6) Employment (other than employment specified in paragraph 6 of the Second Schedule) of a married woman whether or not under a contract of service, by or as partner of, or in similar association with, her husband.

FOURTH SCHEDULE

[Regulation 5.]

Employment in respect of which persons are treated as employers—

(1) A Club shall be treated as the employer where the employment is for the purpose of any game or recreation where the persons so employed are engaged or paid for that employment through the Club.

(2) The owner, or the managing owner or manager (if there is more than one) of a fishing vessel in any employment which is insurable employment by virtue of regulation 3 of these Regulations as it relates to the First Schedule to these Regulations.

(3) The persons from whom the use of a vehicle or vessel is obtained under any contract of bailment, other than a hire purchase agreement, where the employment is employment as specified in paragraph 4 of the First Schedule to these Regulations.

