
LAWS OF SAINT VINCENT AND THE GRENADINES
REVISED EDITION

NATIONAL INSURANCE ACT

CHAPTER 296

**Act No.
33 of 1986**

Amended by
Act No. 20 of 1987
Act No. 12 of 2001
Act No. 9 of 2004
Act No. 18 of 2007
Act No. 38 of 2007

Printed and published with the authority of the
Government of Saint Vincent and the Grenadines



CHAPTER 296
NATIONAL INSURANCE ACT
ARRANGEMENT OF SECTIONS

Preliminary

SECTION

1. Short title and commencement.
2. Interpretation.

PART I

Administration and Finance

3. National Insurance Fund.
4. National Insurance Board.
5. Committees of the Board.
6. Remuneration of the Board and its committees.
7. Director.
8. Delegation by the Director.
9. Deputy Director.
10. Staff.
11. Terms and conditions of employment.
12. Inspectors.
13. National Insurance Investment Committee.
14. Investment of monies.
15. Temporary insufficiency of assets.
16. Accounts and audit.
17. Review of operation of Act.

PART II

Insured Persons and Contributions

18. Persons to be insured.
19. Voluntary insurance.
20. Source of funds.
21. Contribution by employed persons and employers.
22. Exemption from liability for and crediting of contributions.
23. Employment by more than one employer.
24. Persons to be treated as employers.
25. General provisions as to payment and collection of contributions, etc.

PART III

Benefits

26. Description of benefits.

SECTION

27. Employment injury benefit.
28. Regulations regarding rates of benefits.
29. Time and manner of making claims.
30. Time and manner of paying benefits, disqualifications, etc.
31. Appointment and remuneration of medical officers.
32. Repayment of benefit improperly received.
33. Benefit to be inalienable.

PART IV

Adjudication and Legal Proceedings

34. Determination of claims and questions.
35. Interim payments, arrears and repayments.
36. Remuneration of persons and tribunals appointed under section 34.
37. Offences and penalties.
38. General provisions as to prosecutions.
39. Recovery of contributions on prosecution.
40. Civil proceedings.
- 40A. Recovery of outstanding contributions from person holding money for another.
- 40B. Registration of debt and creation of charge or lien.
41. Proceedings for benefits lost by employer's default.

PART V

Miscellaneous

42. Crown servants.
43. Persons employed aboard ships, etc.
44. Reciprocal agreements with other countries.
45. Exemption from stamp duty.
46. Power to remove difficulties.
47. Regulations.
48. Resolution of House of Assembly.
49. Operation of private insurance plans.
50. Contributions allowable deductions.
51. Review of operation of Act.

PART VI

Repeal and Transitional

52. Assets, etc., of National Provident Fund.
53. Preservation of rights.
54. Workmen's compensation.

FIRST SCHEDULE

Constitution and Proceedings of National Insurance Board

National Insurance Act

SECOND SCHEDULE

Insurable Employments

THIRD SCHEDULE

CHAPTER 296

NATIONAL INSURANCE ACT

An Act to establish a National Insurance Services, and for purposes connected therewith.

[Act No. 33 of 1986 amended by Act No. 20 of 1987, Act No. 12 of 2001, Act No. 9 of 2004, Act No. 18 of 2007, Act No. 38 of 2007.]

[Date of commencement: Sections 1–17, 25, 46–48 and

First Schedule: *17th December*, 1986.

SRO 19 of 1986.

Sections 18–24, 34–45, 49–53, 55,

Second Schedule and Part II of the Third Schedule: *5th January*, 1987.

SRO 20 of 1986.]*

*Preliminary***1. Short title and commencement**

(1) This Act may be cited as the National Insurance Act.

(2) This Act shall come into force on such day as the Governor-General may, by proclamation, appoint and different days may be appointed for different provisions or different purposes of this Act and for the same provision for the same purpose in relation to different cases or classes of case.

(3) Any reference in any provision of this Act to the appointed day shall be construed as a reference to the day appointed under subsection (2) for the coming into force of that provision.

2. Interpretation

(1) In this Act, unless the context otherwise requires—

“**appointed day**” means the day appointed under section 1(2);

“**beneficiary**” means a person entitled to benefit;

“**benefit**” means any benefit under this Act;

“**Board**” means the National Insurance Board established under section 4;

* *Note.*—For convenience, it is pointed out that sections 26 – 33, 54 and the Third Schedule had not been brought into force by the 1st January, 2009.

“claimant” means a person who has claimed benefit;

“contribution” means a contribution under this Act;

“contribution period” means the prescribed period in respect of which the contribution is payable;

“contribution week” means a period of seven days commencing from midnight between Sunday and Monday;

“contribution year” means—

- (a) the period of fifty-two or fifty-three weeks beginning with the first Monday in any calendar year and ending on the Sunday immediately before the first Monday of the succeeding calendar year;
- (b) in relation to the year 1987, the period beginning with the first Monday occurring on or after the appointed day and ending on the Sunday immediately before the first Monday in 1988;

“deduction card” means the card issued by the Board for the purposes of recording thereon the amount of the wages of an employee, the total amount of contribution deducted therefrom and the total contribution to be paid in respect of that employee;

“employee or employed person” means a person who is insured by virtue of section 18(1);

“employer” means a person, natural or legal, who employs a person in insurable employment;

“incapable of work” means incapable of work by reason of a specific disease or bodily or mental disablement, or deemed in accordance with regulations to be so incapable;

“insurable employment” means, subject to section 18(3), any employment specified in the Second Schedule;

“insured” means insured under this Act;

“Investment Committee” means the National Insurance Fund Investment Committee of the Board established by section 13(1);

“Minister” means the Minister for the subject of national insurance;

“unpaid apprentice” means an apprentice who, under his contract of apprenticeship, receives no pecuniary remuneration;

“wages” includes salary or any other pecuniary remuneration as may be prescribed.

(2) For the purposes of this Act, a person is over or under any age therein mentioned according to whether he has or has not attained that age and a person is between two ages therein mentioned if he has attained the first mentioned age but has not attained the second age.

PART I

*Administration and Finance***3. National Insurance Fund**

(1) There is hereby established a fund to be called the National Fund, hereinafter called the Fund, into which shall be paid—

- (a) all contributions;
- (b) all rent, interest on investment or other income derived from the assets of the Fund;
- (c) all sums recovered under the Act or any regulation made hereunder as fines, fees, penalties or costs;
- (d) all sums properly accruing to the Fund under this Act or any regulations made hereunder including the repayment of benefits; and
- (e) such other sums as may be provided by the House of Assembly for the purposes of this Act or as may be received and accepted by the Board on behalf of the Fund.

(2) There shall be paid or met out of the Fund—

- (a) all benefits;
- (b) refunds of contributions;
- (c) all expenses properly incurred in the administration of this Act or regulations made hereunder; and
- (d) any sums as the Board may, with the approval of the Minister, write off as losses.

4. National Insurance Board

(1) There is hereby established a Board, to be called the National Insurance Board, in which the Fund shall be vested and which shall, subject to the provisions of this Act, be responsible for administering the Fund. The provisions of the First Schedule shall apply as respects the constitution of the Board and its proceedings.

(2) The Board shall be a body corporate with perpetual succession and a common seal and shall, in its corporate name, be capable of suing and being sued and, subject to the provisions of this Act, of purchasing or otherwise acquiring, holding, charging and alienating real or personal property and of doing or performing such acts as bodies corporate may by law do or perform.

(3) The Board shall have its head office in Kingstown and service on the Board of any notice, order or other documents shall be executed by delivering the same or by sending the same by post, addressed to the Director at the head office.

(4) The seal of the Board shall be kept in the custody of the Director and shall not be affixed to any instrument except by the authority of a resolution of the Board, and the sealing of any instrument shall be authenticated by the signature of the Director and of such other person as the Board may appoint for the purpose.

(5) The Board shall consider and advise upon all matters which may from time to time be referred to it by the Minister, and shall furnish to the Minister such information as he may require about the operation of the Act.

(6) The Board shall render reports on its activities in the last preceding contribution year to the Minister, and the Minister shall, as soon as possible after receiving any such report, lay a copy thereof before the House of Assembly.

(7) The report to be rendered under subsection (6) shall be rendered not later than the thirtieth day of June in the year next after the contribution year.

5. Committees of the Board

(1) Subject to the provisions of this Act, the Board may appoint such committees of the Board as it may think fit.

(2) A committee under subsection (1) shall include not less than two members of the Board, and may include persons who are not members of the Board.

(3) Subject to the provisions of this Act, the constitution and functions of a committee of the Board shall be determined by the Board.

6. Remuneration of the Board and its committees

There shall be paid out of the Fund—

- (a) to the Chairman, Deputy Chairman and each member of the Board in respect of his office, such remuneration and allowances as Cabinet may determine; and
- (b) to any person co-opted to a meeting of the Board, and to any person, not being a member of the Board, who serves on a committee of the Board, such remuneration and allowances as the Minister may determine upon a recommendation by the Board.

7. Director

(1) Cabinet shall appoint a fit and proper person to be the chief administrative officer of the Board (in this Act referred to as the “Director”) on such terms and conditions as it may think fit.

(2) The Director shall, subject to the provisions of this Act and any direction by the Minister, be responsible for the direction of the staff of the Board and for the management of the Fund and in particular for—

- (a) the collection of contributions under this Act;
- (b) the payment of benefits under this Act, and of the expenditure necessary for the administration of the Fund;
- (c) the investment, where not inconsistent with this or any other Act, or any specific direction by the Minister, of surplus monies in the Fund; and
- (d) accounting for all monies collected, paid or invested under this Act.

8. Delegation by the Director

(1) The Director may, in relation to any matter or class of matters, by writing under his hand, delegate to an officer or employee of the Board any of his functions under the Act, except this power of delegation, so that the delegated function may be performed by such officer or employee with respect to the matter or class of matters specified in the instrument of delegation.

(2) Every delegation under this section shall be revocable at will, but any delegation shall not prevent the performing of any function by the Director.

9. Deputy Director

(1) Cabinet shall appoint a fit and proper person to be the Deputy Director, on such terms and conditions as it may think fit.

(2) On the occurrence of a vacancy in the office of Director, whether caused by death, resignation or otherwise, and in the case of illness, absence or temporary incapacity of the Director from whatever cause arising, and so long as such vacancy, illness, absence or incapacity continues, the deputy Director, subject to the approval of the Minister, shall have and may exercise all the powers, duties and functions of the Director.

(3) The fact that the Deputy Director exercises any power, duty or function as aforesaid shall be sufficient evidence of his authority to do so.

10. Staff

(1) The Director may, acting upon the advice of the Board, appoint persons to be officers or employees of the Board.

(2) No salary in excess of twelve thousand dollars per annum shall be assigned to any post without the prior approval of Cabinet.

(3) No appointment shall be made to any post to which salary in excess of twelve thousand dollars per annum is assigned without the prior approval of Cabinet.

(4) No provision shall be made for the payment of any gratuity or like benefit to any officer or servant of the Board without prior approval of Cabinet.

11. Terms and conditions of employment

The terms and conditions of employment of officers and employees of the Board, other than those of the Director and the Deputy Director, shall be prescribed by the Board.

12. Inspectors

(1) The Board may designate such officers or employees in its service as it thinks fit to be inspectors for the purpose of this Act.

(2) Every inspector shall be furnished with a certificate or identity card of his appointment, and on applying for admission to any premises or place for the purposes of this Act shall produce the certificate or identity card.

(3) The premises or place liable to inspection under this section include any premises or place where an inspector has reasonable cause to believe that persons are employed.

(4) An inspector shall, for the purposes of this Act, have power to enter at all reasonable times any premises or place liable to inspection under this Act and there make any examination or inquiry necessary for the purposes of this Act, and to require the production of any documents relating to contributions or liability to contribute to the Fund, for inspection by him on the said premises or place, and to copy such documents or make extracts therefrom.

(5) The occupier, or the servant or agent of the occupier, of any premises or place liable to inspection, and any other person or the servant or agent of that person who employs or had been employing any person shall, as the inspector may reasonably require—

- (a) furnish to him all information;
- (b) produce for his inspection all documents.

(6) Any person who, without reasonable cause, obstructs, impedes, hinders, molests or refuses admission to an inspector in the exercise of any of his powers under this section, or refuses or neglects to furnish any information or produce any document when required to do so under this section, is guilty of an offence and liable to a fine of five thousand dollars and to imprisonment for six months.

[Subsection (6) amended by Act No. 12 of 2001.]

13. National Insurance Investment Committee

(1) There is hereby established a committee, to be called the National Insurance Investment Committee.

(2) The Investment Committee shall consist of—

- (a) the Chairman of the Board, who shall be the Chairman of the Committee;
- (b) the Director;
- (c) three persons nominated by the Minister, with the approval of Cabinet, from among the members of the Board.

(3) The Investment Committee shall meet as often as necessary, and may regulate the procedure of its meetings, and shall be able to act notwithstanding any vacancy among its members. Three members of the Committee, including the Chairman, shall form a quorum.

(4) The Investment Committee shall in addition meet, at such time and place as the chairman or the Minister may request, to give consideration and advice on such cases relating to the operation of this Act as the Minister may require.

(5) In the absence of the Director, the Deputy Director, subject to the approval of the Minister, shall attend any meeting and in such case the Deputy Director shall be deemed to be a member of the Committee for the purpose of that meeting.

(6) The Investment Committee shall consider and make recommendations to the Board on the investment of monies in the Fund which are surplus to current needs, and the Director shall give the Investment Committee any information necessary for the proper discharging of its function.

14. Investment of monies

(1) Monies in the Fund may, subject to the approval of Cabinet, be lawfully expended by the Board in the purchase of any land or building deemed by the Board to be necessary for the proper administration of this Act.

(2) The investment of monies in the Fund not otherwise required shall be made by the Director in accordance with any directions of the Board.

15. Temporary insufficiency of assets

(1) Any temporary insufficiency in the assets of the Fund to meet the liabilities of the Fund shall be advanced out of the Consolidated Fund.

(2) Subject to the provisions of this Act, any sums advanced under subsection (1) shall be repaid to the Consolidated Fund as soon as may be practicable.

16. Accounts and audit

(1) The Board shall cause to be kept proper books of account and other books and records in relation thereto, in which shall be recorded all financial transactions of the Fund.

(2) The accounts of the Fund shall be prepared in such form as may be prescribed in the Financial and Accounting Regulations and these regulations shall provide for the form and conduct of the accounts of the Fund and in particular, for—

- (a) the establishment and maintenance of different branches of such accounts; and
- (b) the establishment and maintenance within the Fund of different reserves for different purposes,

and the Director of Audit shall examine every such account.

[Subsection (2) amended by Act No. 38 of 2007.]

(3) The Board shall—

- (a) submit to the Minister every account certified by the appointed auditor in accordance with subsection (2), within one month of the date of such certificate; and
- (b) submit annually to the Minister a statement of the securities in which monies forming part of the Fund are for the time being invested.

(4) The Minister shall, as soon as possible after receiving any account in accordance with subsection (3), lay a copy thereof before the House of Assembly.

17. Review of operation of Act

(1) Subject to subsection (2), the Board shall, with the assistance of an actuary approved by the Minister, review the operation of this Act, during the period ending with the 31st December, 1989, and thereafter during the period ending with the 31st December in every third year, and, on each such review, shall make a report to the Minister on the financial condition of the Fund and the adequacy or otherwise of contributions to support benefits, having regard to its other duties under the Act.

(2) The Minister may at any time direct that the period to be covered by any review and the report under this section shall be reduced and that the making of that and subsequent reviews shall be accelerated accordingly.

(3) The Minister shall, as soon as possible after receiving any report in accordance with this section, lay a copy thereof before the House of Assembly.

PART II

Insured Persons and Contributions

18. Persons to be insured

(1) Subject to the provisions of this Act, every person who—

- (a) on the 4th January, 1986, is under sixty and is a member of the Saint Vincent and the Grenadines National Provident Fund set up under the National Provident Fund Act, 1970; or
- (b) on or after the 5th January, 1986, being over the age of sixteen and under the age of sixty, is gainfully occupied in an insurable employment set out in the Second Schedule,

shall be insured under this Act in respect of the several contingencies in relation to which benefits are provided under section 26(1) and there shall be payable to or in respect of any such person, in the prescribed circumstances, any benefit payable by virtue of the said subsection.

(2) Notwithstanding subsection (1), any person or class of persons to whom this subsection applies shall be exempt from the requirement to be insured under this Act in respect of the contingency in relation to which sickness benefit is provided under section 26(1)(a) and there shall not be payable to or in respect of any such person or class of persons any benefit payable by virtue of the said paragraph.

(3) The persons or class of persons to whom subsection (2) applies are—

- (a) officers on the permanent and pensionable establishment of the public service;
- (b) certificated teachers;
- (c) members of the Royal Saint Vincent and the Grenadines Police Force of the rank of assistant superintendent and above;
- (d) officers and employees of statutory bodies whose conditions of service provide for the granting of sick leave on full salary for a period exceeding three months during any period of twelve months ending on the final day of the sick leave granted.

(4) Where the employment of a person to whom subsection (2) applies is for any reason terminated and that person becomes employed otherwise than as is mentioned in subsection (2), he shall be deemed to have been insured in respect of the contingency in relation to which sickness benefit is payable under section 26(1)(a) during his employment as a person mentioned in subsection (3) notwithstanding any written law to the contrary, and the insurable earnings of such person during such employment shall be taken into account in computing his average insurable earnings for the purposes of sickness benefit.

(5) Regulations may provide for the insurance under this Act of self-employed persons, of unpaid apprentices, of persons under sixteen and of persons of sixty and upwards in respect of any of the several contingencies in relation to which benefits are provided; and any such regulations may prescribe such modifications of the provisions of this Act, or make such other provisions, as are necessary for the purpose of giving effect to this subsection.

(6) Regulations may provide for modifying the application of subsection (1) in relation to cases in which it appears to the Minister desirable to do so because of the nature of a person's employment or otherwise, and such regulations may in particular provide—

- (a) for treating as not being insurable employment, or disregarding—
 - (i) employment which is of a casual or subsidiary nature, or in which the person concerned is engaged only to an inconsiderable extent,
 - (ii) employment in the service of, or in service of a person employed by, such international organisations, or countries other than Saint Vincent and the Grenadines as may be prescribed;
- (b) for treating as being insurable employment such employment outside Saint Vincent and the Grenadines in continuation of insurable employment in Saint Vincent and the Grenadines as may be prescribed; and
- (c) for treating the employment of a person as continuing during periods of holiday, or incapacity for work, or in such other circumstances as may be prescribed.

(7) Subject to the provisions of this Act, all persons employed in insurable employment shall be insured in manner provided by this Act against personal injury caused on or after the appointed day by accident arising out of and in the course of such employment, and there shall be payable in the prescribed circumstances to or in respect of any such person the appropriate description of benefit prescribed by section 27(1).

(8) For the purposes of subsection (7), every employment specified by this Act or regulations made hereunder as insurable employment is insurable employment.

19. Voluntary insurance

(1) Any insured person who is not liable to pay contributions is entitled, on making application to the Director within such time and in such manner as may be prescribed, to receive a certificate of voluntary insurance if he satisfies the prescribed conditions.

(2) An insured person holding a certificate of voluntary insurance may pay, within such time and in such manner as may be prescribed, the contributions at the prescribed rate for any contribution period for which he is not liable to pay a contribution as an insured person, and regulations may prescribe the circumstances in which such a person may cease to be entitled to contribute in default of payment of contributions within the prescribed time.

20. Source of funds

(1) For the purposes of this Act, insured persons under this Act and employers shall, subject to the provisions of this Act, pay contributions.

(2) Regulations shall provide for fixing, from time to time, the rates of contribution to be paid by such different categories of insured persons and employers as may be prescribed.

21. Contribution by employed persons and employers

(1) Except where regulations otherwise provide, an employer liable to pay a contribution in respect of a person employed by him shall in the first instance be liable to pay also on behalf of and to the exclusion of such person any contribution payable by such person for the same contribution period, and for the purposes of this Act contributions so paid by an employer shall be deemed to be contributions paid by such person.

(2) Notwithstanding any contract to the contrary, an employer is not entitled to deduct from the wages of a person employed by him, or otherwise recover from such person, the contribution of the employer in respect of such person.

(3) An employer is entitled, subject to and in accordance with regulations, to recover from the pecuniary remuneration of a person employed by him the amount of any contribution paid or to be paid by him on behalf of such person and, notwithstanding anything in any written law, such regulations may authorise such recovery to be made by deduction from the wages of such person.

22. Exemption from liability for and crediting of contributions

Regulations may provide—

- (a) for exempting insured persons and their employers from liability to pay contributions for such periods as may be prescribed; and
- (b) for crediting contributions to insured persons in respect of such periods (whether before or after the appointed day) and for such purposes, as may be prescribed.

23. Employment by more than one employer

Where an employed person is employed successively or concurrently in a contribution week, or part of a contribution week, by more than one employer, each employer is liable to pay to the Fund contributions with respect to the wages paid by him to that person.

24. Persons to be treated as employers

In relation to a person who—

- (a) is employed by more than one employer in any contribution period;
- (b) works under the general control or management of some person other than his immediate employer,

and in relation to any other cases for which it appears to the Minister that special provision is needed, regulations may provide that, for the purposes of this Act, the prescribed person shall be treated as the employer; and such regulations may further provide for adjusting the rights between themselves or of persons prescribed as the employer, the immediate employer and the person concerned.

25. General provisions as to payment and collection of contributions, etc.

Regulations may provide—

- (a) for the registration of employed persons and employers;
- (b) for the payment and collection of contributions;
- (c) for the maintenance by employers of records of the payment of contributions;
- (d) for treating, for the purpose of any right to benefit, contributions paid after the due dates as paid on such dates, or on such later dates as may be prescribed, or as not having been paid;
- (e) for treating, as paid for the purpose of any right to benefit, contributions payable by an employer on behalf of an insured person but not paid, where the failure to pay 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 such a person;
- (f) for treating contributions appropriate to the wrong category of person, or at the wrong rate, as paid on account of the contributions properly payable;
- (g) for the return of contributions paid in error or in excess; and
- (h) for any other matter incidental to the payment and collection of contributions under this Act.

PART III*Benefits***26. Description of benefits**

Benefits payable under this Act shall be of the following kinds, namely—

- (a) sickness benefit, that is to say, periodical payments to an insured person who is rendered incapable of work;
- (b) maternity benefit, that is to say a payment or periodical payments to an insured woman or the wife of an insured man, in the case of her confinement;
- (c) invalidity benefit, that is to say a payment or periodical payments to an insured person who is rendered permanently incapable of work;
- (d) survivor's benefit, that is to say, a payment or periodical payments made in respect of an insured person who dies;
- (e) funeral grant, that is to say, a payment on the death of an insured person;
- (f) age benefit, that is to say, a payment or periodical payments to an insured person who has reached sixty.

27. Employment injury benefit

(1) Subject to the provisions of this Act, employment injury benefit shall be paid to or in respect of persons insured pursuant to section 18(8) in accordance with regulations made under this section providing for employment injury benefit which shall consist of—

- (a) injury benefit, that is to say, in addition to the payment or reimbursement of the cost of relevant medical care and attention as may be prescribed in

regulations, periodical payments to an insured person who suffers personal injury by an accident arising out of and in the course of insurable employment or develops any prescribed disease being a disease due to the nature of such employment;

- (b) disablement benefit, that is to say, in addition to the payment or reimbursement of the cost of relevant medical care and attention as may be prescribed in regulations, periodical payments or a lump sum grant to an insured person who, as a result of such injury or disease as aforesaid, sustains loss of faculty;
- (c) constant attendance allowance, that is to say, an additional allowance payable to persons in receipt of disablement pension based on one hundred per cent disablement, at a rate of fifty per cent of the pension for such period as the authorities may determine;
- (d) death benefit, that is to say, a payment or periodical payments in respect of an insured person who dies as a result of such injury or disease as aforesaid;
- (e) funeral grant, that is to say, a grant in respect of an insured person who dies as a result of such injury or disease as aforesaid:

Provided that, subject to the provisions of sections 43 and 44, employment injury benefit shall not be payable in respect of accident which happens outside Saint Vincent and the Grenadines except that the accident happened during the course of executing his employer's business, or a disease which is due to the nature of an employment in which the injured person has been engaged only outside Saint Vincent and the Grenadines.

(2) From and after the day when regulations made under subsection (1) come into operation, an insured person who suffers any such personal injury or develops any such disease as entitled him to employment injury benefit, shall not, in relation to such injury or disease, be regarded as a workman for the purpose of the Workmen's Compensation Act.

[Chapter 218(O).]

(3) For the purpose of this Act, an accident arising in the course of an employment of any employee has, in the absence of evidence to the contrary, arisen out of that employment.

(4) An accident shall be deemed to arise out of or in the course of the employment of an employee notwithstanding that he is at the time of the accident acting in contravention of any statutory or other regulations applicable to his employment or of any orders given by or on behalf of his employer, or that he is acting without instructions from his employer. If—

- (a) the accident would have arisen had the act not been done in contravention as aforesaid or without instructions from his employer, as the case may be; and
- (b) the act is done for the purpose of and or in connection with the employer's trade or business.

(5) An accident happening while an employee is, with the expressed or implied permission of his employer, travelling as a passenger by any vehicle to or from his place of work shall, notwithstanding that he is under no obligation to his employer to travel by that vehicle, arise out of and in the course of his employment, if—

- (a) the accident would have arisen had he been under such an obligation; and
- (b) at the time of the accident, the vehicle—
 - (i) is being operated by or on behalf of his employer or some other person by whom it is provided in pursuance of arrangements made with his employer, and
 - (ii) is not being operated in the ordinary course of public transport service.

(6) An accident happening to an employee in or about any premises at which he is for the time being employed for the purpose of his employer's trade or business shall be deemed to arise out of and in the course of his employment if it happens while he is taking steps on an actual or supposed emergency at those premises to rescue, succour to protect persons who are, or are thought to be or possibly to be, injured or imperilled, or to avert or minimise damage to property.

(7) In subsection (5) reference to a vehicle includes reference to a ship, vessel or aircraft.

28. Regulations regarding rates of benefits

(1) Regulations may provide for—

- (a) the rates or amounts of benefits and the variation of such rates or amounts in different or special circumstances;
- (b) the conditions subject to which, and the periods for which, benefits may be granted;
- (c) the date from which benefits are provided.

(2) Regulations made under subsection (1) may include provision that where it is a condition of the title to benefit that a person is a widow or widower of an insured person, the Director may, where he is satisfied that in all the circumstances she or he ought to be so treated, treat a single woman or widow who was living with a single man or widower at the time of his death as if she were in law his widow, or a single man or widower who was living with a single woman or widow at the time of her death as if he were in law her widower.

(3) Where the question of marriage or re-marriage, or the date of marriage or re-marriage, arises in regard to title to benefit the Director shall, in the absence of the subsistence of lawful marriage, decide whether or not the persons concerned should be treated as if they were married or had re-married as the case may be, and if so from what date; and in determining the question the Director shall have regard to the provisions of subsection (2).

(4) The determination of the Director under subsection (2) or subsection (3) shall, unless the context otherwise requires, have the effect of extending, as regards title to benefit, the meaning of the word “**marriage**” to include the association of a woman and a

man as aforesaid and the words “wife”, “husband”, “widow”, “widower” and “spouse” shall be construed accordingly.

29. Time and manner of making claims

(1) It is a condition of the right of a person to benefit—

- (a) that within the prescribed time, he makes a claim therefor to the Director on the form provided by the Director for the purpose or in such other manner as the Director may accept in the circumstances of the case; and
- (b) that he produced such certificates, documents, information and evidence for the purpose of determining the right to benefit as the Director may require, and for that purpose attends at such office or place as the Director may appoint.

(2) Regulations may require employers to maintain such records, to make such reports and to furnish such information as may be prescribed for the purpose of establishing the title of a person to any benefit.

30. Time and manner of paying benefits, disqualifications, etc.

Regulations may provide—

- (a) for disqualifying a person for the receipt of any benefit if he fails to make a claim therefor within the prescribed time:
Provided that any such regulation shall provide for extending the time within which the claim is to be made in the case where good cause is shown for the delay;
- (b) for the prevention of the receipt of two benefits, and the adjustment of benefits in special circumstances;
- (c) as to time and manner of payment, and the information to be furnished by any person when applying for payment;
- (d) for adjusting the commencement and termination of benefit, or changes in the rate of benefit, so that, except in the case of sickness benefit, payments shall not be made in respect of any period shorter than a contribution week or at different rates for different parts of a contribution week;
- (e) for extinguishing the right to payment of any sum by way of benefit if payment is not obtained within a prescribed period;
- (f) for disqualifying a person for receiving sickness benefit, or such other benefit, as may be prescribed for such period as may be prescribed if that person—
 - (i) has become incapable of work through his own misconduct,
 - (ii) fails, without good cause, to attend for or submit to such medical examination or treatment as may be required in accordance with the regulations, or
 - (iii) does any work as an employed or self-employed person;

- (g) for suspending payment of benefit to or in respect of any person during any period when he—
- (i) is absent from Saint Vincent and the Grenadines, or
 - (ii) is undergoing imprisonment or detention in legal custody,
- and for specifying the circumstances and manner in which payment of the whole or any part of the benefit may, instead of being suspended, be made during any such period to any prescribed person nominated by the beneficiary, or for the maintenance of any prescribed person who the Director is satisfied is a dependent of the beneficiary;
- (h) for enabling a person to be appointed to exercise on behalf of any other person who may be or become unable for the time being to act, any right or power which that other person may be entitled to exercise under this Act, and for authorising a person so appointed to receive and deal with any sum payable by way of benefit to that other person;
- (i) in connection with the death of any person, for enabling a claim for benefit to be made or proceeded with in his name, for authorising payment to or among persons claiming as his personal representatives, legatees, next-of-kin, creditors or otherwise, and for dispensing with strict proof of title of persons so claiming; and
- (j) for such other matters as may be necessary for the proper administration of benefits, including the obligations of claimants, beneficiaries, and employers.

31. Appointment and remuneration of medical officers

(1) Regulations may provide for the appointment of medical officers or medical referees or other professional persons and for the establishment of medical boards for the purposes of this Act, and for obtaining other professional services.

(2) There shall be paid out of the Fund to a medical officer or medical referee or professional person appointed under such regulations, and to a member of a medical board so established, such salary or other remuneration as the Board, with the prior approval of the Minister, may determine and such expenses incurred in connection with the work of such medical officer, medical referee or member or professional person as may be so determined.

32. Repayment of benefit improperly received

(1) If it is found that any person by reason of the non-disclosure or misrepresentation by him of a material fact, whether such non-disclosure or misrepresentation was or was not fraudulent, has received any sum by way of benefit while he was not entitled to that benefit, he shall be liable to repay the sum so received by him.

(2) Where any person is liable to repay any sum received by him by way of benefit, that sum may be recovered, without prejudice to any other remedy, by means of deductions from any payment of benefit to which he thereafter becomes entitled.

33. Benefit to be inalienable

Every assignment of or charge on benefit and every agreement to assign or charge benefit shall be void, and on the bankruptcy of a beneficiary the benefit shall not pass to any trustee or other person acting on behalf of creditors.

PART IV*Adjudication and Legal Proceedings***34. Determination of claims and questions**

(1) Regulations may provide for the determination, by the Board, by the Director or by a person appointed or tribunal constituted in accordance with the regulations, of any questions arising under or in connection with this Act including any claim to benefit, and, subject to the provisions of the regulations, the decision in accordance therewith of any such question shall be final.

(2) Without prejudice to the generality of subsection (1), regulations made thereunder may, in relation to the determination of questions in accordance with the regulations, include provision—

- (a) as to the procedure to be followed, the form of any document, the evidence to be required, and the circumstances in which any official record or certificate is to be sufficient or conclusive evidence;
- (b) as to the time to be allowed for making any claim or appeal, for raising any question with a view to the review of any decision, or for producing any evidence;
- (c) for summoning persons to attend and give evidence or produce documents and for authorising the administration of oaths to witnesses;
- (d) as to the representative of one person at the hearing of a case by another person, whether having professional qualifications or not;
- (e) and, except in so far as it may be applied by such regulations, the Arbitration Act shall not apply to any proceedings under this section.

[Chapter 17.]

(3) Regulations under subsection (1) may provide for—

- (a) the reference to the High Court for decision of any question of law arising in connection with the determination of any question under the regulations;
- (b) appeals to the High Court from the decision of the Board, or of a person or tribunal, on any such question of law.

(4) Provision shall be made by the rules of court for regulating references and appeals to the High Court under this subsection, and for limiting the time within which appeals may be brought thereunder.

(5) Notwithstanding anything in any written law, the decision of the High Court on a reference or appeal under subsection (3) shall be final, and the court may make such order as it deems fit.

35. Interim payments, arrears and repayments

(1) Regulations shall provide as respects matters arising—

- (a) pending the determination under this Act, whether in the first instance or on appeal or review, of any claim for benefit or of any question affecting the right of any person to benefit or to the receipt thereof; or
- (b) out of the revision or appeal or review of any decision of any such claim or question.

(2) Without prejudice to the generality of subsection (1), regulations hereunder shall include provision—

- (a) for the suspension of benefit where it appears to the Director that there is, or may be, a question whether the conditions for the receipt thereof are or were fulfilled, or whether the award ought to be revised;
- (b) as to the date from which any decision on review is to have effect;
- (c) for treating any benefit paid to any person which it is subsequently decided was not payable as properly paid, or as paid on account of any other benefit which it is decided was payable to him, or for the repayment of any such benefit;
- (d) for treating benefit paid to a person in respect of a child as properly payable for any period, notwithstanding that by reason of a subsequent decision another person is entitled to benefit in respect of that child for that period; and for reducing or withholding accordingly any arrears payable for that period by virtue of that subsequent decision.

36. Remuneration of persons and tribunals appointed under section 34

There shall be paid out of the Fund—

- (a) to a person appointed; or
- (b) to a member of a tribunal constituted under regulations made under section 34(1),

such salary or other remuneration and such expenses incurred in connection with the work of such person or member as the Board, with the approval of the Minister, may determine.

37. Offences and penalties

(1) Any person who fails to pay at or within the time prescribed for the purpose any contribution which he is liable to pay under this act, is guilty of an offence and is liable to a fine of four thousand dollars.

[Subsection (1) amended by Act No. 12 of 2001.]

(2) Any employer who deducts, or attempts to deduct, or otherwise recovers, or attempts to recover, the whole or any part of the contributions of the employed in respect of any person from the wages or other remuneration of such person, is guilty of an offence and liable to a fine of ten thousand dollars.

[Subsection (2) amended by Act No. 12 of 2001.]

(3) Any person who for the purpose of obtaining any benefit or other payment under this act, whether for himself or some other person, or for any other purpose connected with the Act—

- (a) knowingly makes any false statement or false representation; or
- (b) produces or furnishes, causes or knowingly allows to be produced or furnished, any document or information which he knows to be false in a material particular,

is guilty of an offence and liable to a fine of ten thousand dollars and to imprisonment for nine months.

[Subsection (3) amended by Act No. 12 of 2001.]

(4) Where any benefit has been derived by an employer from failure to comply with subsections (1), (2) and (3), the Court shall order a refund of any sum or benefit so derived to be paid into the fund.

[Subsection (4) inserted by Act No. 12 of 2001.]

38. General provisions as to prosecutions

(1) Proceedings for an offence under this Act shall not be instituted except by or with the consent of the Board or by any officer of the Board authorised in that behalf by special or general directions of the Board.

(2) Any such officer, although not a legal practitioner, may prosecute or conduct before a court of summary jurisdiction any such proceedings aforesaid.

(3) Notwithstanding any provision in any written law fixing the period within which summary proceedings may be commenced, proceedings for an offence under this Act may be commenced at any time within the period of six months from the date on which evidence sufficient in the opinion of the Board to justify a prosecution for the offence comes to its knowledge or within the period of three years after the commission of the offence whichever period last expires, and for the purpose of this subsection a certificate purporting to be signed on behalf of the Board as to the date on which such evidence came to its knowledge shall be conclusive evidence thereof.

(4) In any proceedings for an offence under this Act, the wife or husband of the accused shall be competent to give evidence against the accused:

Provided that the wife or husband shall not be compellable to give evidence or, in giving evidence, to disclose any communication made to her or him during marriage with the accused.

(5) Where an offence under this Act is committed by a body of persons which is—

- (a) a body corporate, society or other body of persons, every person who at the time of the commission of the offence was a director, manager, secretary or other officer of the body corporate or society or other body of persons commits the offence;
- (b) a partnership or firm, every partner of the partnership or firm commits the offence,

and shall be liable to be proceeded against and punished accordingly.

(6) No person referred to in subsection (5) shall be found guilty of an offence under that subsection where he proves that—

- (a) the act constituting the offence took place without his knowledge or consent; or
- (b) he exercised all due diligence to prevent the commission of the offence.

39. Recovery of contributions on prosecution

(1) Where a person is convicted of an offence under section 37(1) he is liable to pay to the Fund a sum equal to the amount which he failed to pay; and if notice was served with the summons or warrant and evidence was given of the failure on the part of the person who is convicted to pay other contributions during the two years preceding the date of the commission of the offence of which he is convicted, upon proof of such failure the person convicted is liable to pay to the Fund a sum equal to the total of all the contributions which he is so proved to have failed to pay.

(2) Notice mentioned in subsection (1) is a notice given by the prosecution of its intention to give evidence at the trial of the failure on the part of the person concerned.

(3) Where any person is charged with any offence as is mentioned in subsection (1) and a probation order is made in respect of such offence, the foregoing provisions of this section shall apply as if the making of the order were a conviction.

(4) Any sum ordered to be paid to the Fund under this section shall be recoverable as a penalty.

(5) Any sum paid by an employer under this section shall be treated as a payment in satisfaction of the unpaid contributions, and any part of such sum which represents an employee's contribution shall not be recoverable by the employer from the insured person.

(6) If an employer being a body corporate, society or other body of persons fails to pay to the Fund any sum which the employer has been ordered to pay under this section, such sum or part thereof as remains unpaid shall be a debt due to the Fund jointly and severally from any directors, managers, secretaries or officers of the body corporate, society or body of persons who knew, or could reasonably be expected to have known, of the failure to pay the contribution in question.

(7) Nothing in this section shall be construed as preventing the Board from recovering any sums due to the Fund by means of civil proceedings.

40. Civil proceedings

(1) All sums due to the Fund under this Act shall be recoverable as debts due to the Board and, without prejudice to any other remedy, may be recovered as a civil debt and contributions that become due and payable as a civil debt may be recovered in the magistrate's court without limit to the amount.

[Subsection (1) amended by Act No. 12 of 2001.]

(2) A sum due by way of contributions shall, from such date as may be prescribed, bear interest at the rate of ten per cent per annum or such other rate as may be prescribed.

(3) Proceedings for the summary recovery of sums due to the Fund may, notwithstanding anything in any written law to the contrary, be brought at any time within three years from the time when the matter complained of arose.

(4) Proceedings for the summary recovery as civil debts of sums due to the Fund may be instituted by an officer of the Board authorised in that behalf by special or general directions of the Board, and any such officer may, although not a legal practitioner, conduct such proceedings.

40A. Recovery of outstanding contributions from person holding money for another

(1) For the purposes of recovery of any outstanding contributions due and payable by any person, the Board may, by notice in writing declare any person—

- (a) from whom any money is due or may become due to the first mentioned person;
- (b) who holds or may subsequently hold money for or on account of the first mentioned person; or
- (c) who holds money on account for some other person for payment to the first mentioned person; or
- (d) who has the authority from some other person to pay money to the first mentioned person,

to be the agent of that person and to pay the fund within fifteen days of the date of service of the notice or if on such date no money is due or held to which this subsection applies, within fifteen days of the date on which the money becomes due or is held in any of the circumstances referred to in this subsection, the amount specified in the notice or if, the money due or held is less than the amount specified, the whole amount of the money due or held.

(2) The payment of any money to the fund by any person under subsection (1) shall to the extent of such payment constitute a discharge of the original liability of that person to the person from whom contributions were due and payable to the fund.

[Subsection (2) amended by Act No. 18 of 2007.]

(3) Where any person who is declared to be agent by virtue of subsection (1) fails to make any payment within the time specified in a notice under subsection (1), the provisions of this Act shall apply as if such contributions were due and payable by the person declared to be an agent on the date by which he was required to make such payment to the fund.

[Section 40A inserted by Act No. 12 of 2001.]

40B. Registration of debt and creation of charge or lien

(1) Where a person liable to pay contribution neglects or refuses to pay such contribution after service of written notice has been effected on the person, the amount including any interest, additional amount, or assessable penalty together with any costs which may have accrued shall, after a period of ninety days has elapsed after service of the notice, be registered in the Registry as a charge or lien in a form as may be prescribed by the Board and such registration shall create a charge or lien in favour of the Board upon all property whether real or personal, belonging to such person.

(2) Unless another date is specifically fixed by the law, the charge or lien imposed by section 40B(1) shall arise at the time the charge or lien is registered in the Registry and shall continue until the liability for the unpaid contributions or a judgement against the defaulter arising out of such liability is satisfied or becomes unenforceable by reason of lapse of time.

(3) The Registrar shall keep a register of charge and lien for the purposes of this Act.

(4) The Register of charge and lien may be maintained in or upon any medium, or combination of media, capable of having information recorded thereon.

(5) The Registrar shall enter in the register of charge and lien the name of the owner whose property, whether real or personal, is intended to be affected and such other information contained in the form prescribed by the Board under section 40B(1).

(6) Where, with respect to a charge or lien registered under this Act—

- (a) the debt for which the charge or lien was given has been paid or satisfied in whole or in part; or
- (b) the property, against which the charge or lien has been registered, or any part thereof has been released from such charge or lien,

the Board shall lodge with the Registrar in such form as may be determined by the Board a memorandum of the payment or satisfaction or a memorandum of the fact that the property or any part thereof has been released from the charge or lien and the Registrar shall enter particulars of that memorandum in the register.

(7) For the purposes of this section—

“**Registrar**” means the Registrar of the High Court;

“**Registry**” means the Registry of the High Court.

[Section 40B inserted by Act No. 12 of 2001 and amended by Act No. 18 of 2007.]

41. Proceedings for benefits lost by employer’s default

(1) Where an employer has failed or neglected to pay any contribution which he is liable to pay in respect of or on behalf of any insured person, and by reason of such failure or neglect such person or any other person becomes disentitled to any benefit, or entitled to a benefit on a lower scale, the Director may, on being satisfied that the contribution should have been paid by the employer, pay to the person or the other person benefit at the rate to which he would have been entitled if the failure or neglect had not occurred and the Board shall be entitled to recover from the employer as a civil debt a sum equal to the amount of benefit so paid or the contributions not paid whichever be the greater.

(2) Proceedings may be taken under this section notwithstanding that proceedings have been taken under any other provision of this Act in respect of the same failure or neglect.

(3) Proceedings under this section may, notwithstanding any written law to the contrary, be brought at any time within one year after the date on which the person concerned would, but for the employer’s failure or neglect, have been entitled to receive the benefit in question.

PART V

*Miscellaneous***42. Crown servants**

This Act shall apply to persons employed by or under the Crown in like manner as if the Crown were a private person, with such modifications as may be made therein by regulations for the purpose of adapting the provisions of this Act to the case of such persons.

43. Persons employed aboard ships, etc.

(1) Without prejudice to the generality of any other power to make regulations, the Minister may make regulations modifying, in such manner as he thinks proper, the provisions of this Act in relation to persons who are or have been employed on board any ship, vessel or aircraft.

(2) Regulations made under subsection (1) may in particular provide—

- (a) for the insurance under this Act of persons who are, or have been, employed on or after the appointed day on board ships, vessels or aircraft notwithstanding that they do not fulfil the conditions of section 19;
- (b) for excepting from insurance under this Act, or from liability to pay contributions, any persons employed as aforesaid who neither are domiciled nor have a place of residence in Saint Vincent and the Grenadines;
- (c) for the taking of evidence for the purpose of any claim for benefit in any place outside Saint Vincent and the Grenadines;
- (d) for enabling persons on board ships, vessels or aircraft to authorise the payment of the whole or any part of any benefit to which they are or become entitled to such of their dependants as may be prescribed;
- (e) for withholding any benefit which may be payable to a mariner for any period while the owner of his ship or vessel is under a statutory obligation to pay him wages.

44. Reciprocal agreements with other countries

For the purpose of giving effect to any agreement with the government of any other part of the Commonwealth or the government of any other country, being an agreement which provides for reciprocity in matters of national insurance, the Minister may, by order, modify or adapt the provisions of this Act in their application to cases affected by the agreement.

45. Exemption from stamp duty

(1) Stamp duty shall not be chargeable upon any draft or order or receipt given in respect of any benefit or upon any receipt given in respect of any other payment out of the Fund under section 3(2) or upon any receipt given by an officer or employee of the Board for, or in respect of, any sum payable to the Fund.

(2) Nothing in subsection (1) shall exempt any person from liability to pay stamp duty on any power of attorney; or on any documents other than those mentioned in subsection (1), which is otherwise liable to duty under the Stamp Act.

[Chapter 440.]

46. Power to remove difficulties

(1) If any difficulty arises in giving effect to the provisions of this Act, the Minister may, by order in the *Gazette*, make such provisions as appear to him to be necessary or expedient for removing the difficulty.

(2) Any order made under this section shall have effect notwithstanding anything inconsistent therewith in any regulations made under this Act.

47. Regulations

(1) Except in so far as this Act otherwise provides, any power to make regulations or an order conferred by this Act is vested in the Minister.

(2) Except in so far as this Act otherwise provides, any power to make regulations conferred by this Act may be exercised—

- (a) either in relation to all cases to which the power extends, or in relation to all such cases subject to specified exceptions, or in relation to any specified cases or class of case; and
- (b) so as to make, as respects the cases in relation to which it is exercised—
 - (i) the full provision to which the power extends or any less provision,
 - (ii) the same provision for all cases in relation to which the power is exercised, or different provision as respects the same case for different purposes of this Act,
 - (iii) any such provision either unconditionally or subject to any specified condition.

(3) Without prejudice to the power to make regulations conferred by any other provisions of this Act, the Minister may make regulations generally for giving effect to the provisions of this Act.

(4) Without prejudice to any specific provisions in this Act, any regulations or order made under this Act may contain such incidental or supplementary provisions as appear to the Minister to be expedient for the purposes of the regulations or order.

(5) Regulations made under this Act may provide a penalty of two hundred and fifty dollars for each offence being a contravention of, or failure to comply with, any regulation or, where the offence consists of continuing any such contravention or failure after conviction, a penalty of two hundred and fifty dollars together with a further one hundred dollars for each day on which it is continued.

48. Resolution of House of Assembly

All orders made under section 46 and all regulations made under this Act shall be laid before the House of Assembly as soon as may be after they are made and if the House of Assembly resolves that the order or the regulations, as the case may be, be annulled they

shall thereupon cease to have effect but without prejudice to anything previously done thereunder or to the making of new regulations.

49. Operation of private insurance plans

Nothing in this Act shall be deemed to prevent an employer from operating any private insurance plans providing for any person who is, or has been, employed by him, benefits of any kind.

[Section 49 repealed and replaced by Act No. 9 of 2004.]

50. Contributions allowable deductions

Notwithstanding anything contained in the Income Tax Act, contributions made to the Fund by employers and employees shall be regarded as allowable deductions under Part V of that Act.

[Chapter 435.]

51. Review of operation of Act

(1) In any case where—

- (a) any warrant of distress is executed against the property of an employer and property is seized or sold in pursuance of the execution; or
- (b) on the application of a secured creditor the property of an employer is sold, the proceeds of the sale of the property shall not be distributed to any person entitled thereto until the court ordering the sale has made provision for the payment of any amount due in respect of contributions payable by the employer.

(2) For the purpose of this section, the expression “**employer**” includes any company in liquidation under the provisions of the Companies Act.

[Chapter 143.]

PART VI

Repeal and Transitional

52. Assets, etc., of National Provident Fund

The assets of the National Provident Fund on the 5th January, 1987, including amounts due to that Fund, actionable claims and movable and immovable property shall be transferred to and become part of the National Insurance Fund.

53. Preservation of rights

Regulations shall provide for the preservation of the rights of existing members of the National Provident Fund so that benefits accrued under the National Provident Fund Act shall become payable in accordance with the provisions of that Act notwithstanding that it is repealed.

54. Workmen’s compensation

(1) Subject to subsection (2), workmen’s compensation shall not be payable in respect of any employment on or after the appointed day, and accordingly the written laws set out in the Third Schedule are repealed as from that day to the extent mentioned in the second column of that Schedule.

(2) The Workmen's Compensation Act and the Contributory Negligence Act shall continue to apply to cases to which they would have applied if this Act had not been passed, being cases where a right to compensation arises or had arisen in respect of employment before the appointed day.

[Chapter 123, Chapter 218(O).]

FIRST SCHEDULE

[Section 4.]

Constitution and Proceedings of National Insurance Board

1. The National Insurance Board shall consist of nine members appointed by Cabinet as follows—

- (a) two members who shall represent Government;
- (b) two members who shall represent employers;
- (c) two members who shall represent employed persons;
- (d) two members who shall be persons experienced in matters relating to business administration, finance, accountancy or banking;
- (e) the Director or, in his absence, the Deputy Director.

2. The members representing employers shall be appointed after consultation with such associations of employers or such persons or bodies, as appear to the Minister likely to produce representation for employers generally throughout Saint Vincent and the Grenadines.

3. The members representing employed persons shall be appointed after consultation with such trade unions or association of trade unions, as appear to the Minister to be representative of employees generally throughout Saint Vincent and the Grenadines.

4. (1) Save as provided in subparagraph (2), Cabinet shall appoint two members of the Board to be respectively Chairman and Deputy Chairman of the Board.

(2) The Director or the Deputy Director, as the case may be, shall not be eligible for appointment as Chairman or Deputy Chairman of the Board.

5. The members of the Board, with the exception of the Director or the Deputy Director, as the case may be, shall, subject to the provisions of paragraphs 6, 7 and 8, hold office for a period not exceeding three years as Cabinet may direct.

6. Cabinet may, by instrument in writing, appoint, after consultation with the appropriate body, a suitable person as a member to act temporarily in the place of a member in the absence or inability to act of that member.

7. (a) A member of the Board, other than the Chairman or Deputy Chairman, may at any time resign his office by notice in writing addressed to the Secretary to Cabinet and transmitted through the chairman, and from the date of the receipt by the Secretary of such notice such member shall cease to be a member of the Board.

(b) The Chairman or Deputy Chairman may at any time resign office by giving notice in writing addressed to the Secretary to Cabinet and such resignation shall take effect as from the date of the receipt of such notice by the Secretary.

8. Cabinet may by notice in writing, at any time, if it is of the opinion that a member is unfit to continue in office or is incapable of performing his duties, or if it thinks it expedient to do so revoke the appointment of that member.
9. A member who ceases to be a member, or ceases to be Chairman or Deputy Chairman, shall be eligible for reappointment.
10. The appointment, removal, death or resignation of the Chairman, Deputy Chairman or any other member shall be notified in the *Gazette*.
11. The quorum for any meeting of the Board shall be five including the Chairman or Deputy Chairman, one of whom shall preside at all meetings; the Director or Deputy Director shall be present at all meetings and the Board may act notwithstanding any vacancy in its membership.
12. The decision of the Board shall be by a majority of votes, and in the event of an equality of votes the Chairman presiding at the meeting shall have a casting vote.
13. Minutes of each meeting shall be kept in proper form by such officer of the Board as the Board may appoint for the purpose, and shall be confirmed by the Board at its next meeting and signed by the Chairman or deputy chairman as the case may be.
14. The Board may invite any one or more persons to attend any particular meeting of the Board for the purpose of advising or assisting the Board, but no such invited person shall have any right to vote.
15. If any member of the Board or other person present at a meeting of the Board is directly or indirectly interested in any contract or proposed contract or other matter which is an item on the agenda for that meeting, he shall, at the meeting and as soon as is practicable after the commencement of the meeting, disclose the fact of his interest and shall not take part in the discussion, consideration or voting on such contract or other matter.
16. Subject to the provisions of this Act, the Board shall have power to regulate its own proceedings.

SECOND SCHEDULE

[Section 18.]

Insurable Employments

1. Employment in Saint Vincent and the Grenadines under any contract of service or apprenticeship, written or oral, and whether expressed or implied.
2. Employment as aforesaid outside Saint Vincent and the Grenadines of a person domiciled in or having a place of residence in Saint Vincent and the Grenadines—
 - (a) as master or member of the crew of any ship registered in Saint Vincent and the Grenadines or any other British ship or vessel of which the owner or, if there is more than one owner, the managing owner or manager resides, or has his principal place of business, in Saint Vincent and the Grenadines or in any other capacity on board any such ship or vessel; or

National Insurance Act

- (b) as pilot, commander, navigator or member of the crew of any aircraft registered in Saint Vincent and the Grenadines or in any other capacity on board any such aircraft:

Provided that, in either case, the employment in that other capacity is for the purposes of the ship, vessel or aircraft, or the crew, or of any passenger or cargo or mails carried thereby.

 THIRD SCHEDULE

[Section 54.]

<i>Enactment</i>	<i>Extent of repeal</i>
Contributory Negligence Act, Chapter 123	The definitions of “ employer ” and “ employee ” in section 2. Section 4.
Workmen’s Compensation Act, Chapter 218(O)	The whole Act.



CHAPTER 296
NATIONAL INSURANCE ACT
SUBSIDIARY LEGISLATION

List of Subsidiary Legislation

	<i>Page</i>
1. National Insurance (Contribution) Regulations	35
2. National Insurance (Registration) Regulations	49
3.. National Insurance (Benefits) Regulations	55
4. National Insurance (Determination of Questions) Regulations	85
5. National Insurance (Financial and Accounting) Regulations	99
6. National Insurance (Employment Injury Benefits) Regulations	123
7. National Insurance (Classification) Regulations	145
8. National Insurance (Reciprocal Arrangements) (Canada) Order	153
9. National Insurance (Persons Abroad and Voluntary Contributors) Regulations	169
10. National Insurance (Reciprocal Arrangements) (CARICOM) Order	175

