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SUBSIDIARY LEGISLATION

48/1988.
[3/1989].

**SOCIAL SECURITY (SELF-EMPLOYED PERSONS)
REGULATIONS**

made under section 19(2)

Commencement.
[48/1988].

[1st January 1989]

Short title.

1. These Regulations may be cited as the –
**SOCIAL SECURITY (SELF-EMPLOYED PERSONS)
REGULATIONS.**

Interpretation.

2. In these Regulations –

“appointed day” means the day appointed by the Minister by Order as the appointed day for the purposes of different collection areas;

“calendar quarter” means a period of three months as determined by the Minister by Order in respect of each collection area;

“collection area” means such location as the Minister shall by Order prescribe from time to time for the purposes of registering and collecting contributions from self-employed persons;

Sub. Leg.
Ch. 31:01.

“Collection Regulations” means the Social Security (Collection of Contributions) Regulations;

Sub. Leg.
Ch. 31:01.

“Contributions Regulations” means the Social Security (Contributions) Regulations;

“contribution year” has the meaning assigned to it in the Collection Regulations;

“insurance contribution” means a contribution paid in accordance with the provisions of the Act and these Regulations by a self-employed person;

“insurable earnings” means the amount of earnings of a self-employed person mutually agreed upon between the Board and the insured person based on his declared earnings to the Board; but in no case shall such insurable earnings exceed \$6,000 of his earnings per quarter, \$2,000 of his earnings per month, \$461 of his earnings per week or \$24,000 of his earnings per annum;

“insured person” means a person insured under the Act and these Regulations.

3. Save in so far as they are expressly varied or excluded by, or inconsistent with these Regulations, Regulations made under the Act apply *mutatis mutandis* to insured persons who are self-employed as they apply to insured persons who are employees of registered employers, and references therein to “the appointed day” shall in relation to self-employed persons, be construed as references to the appointed day for the purposes of these Regulations.

Application to self-employed persons of the Regulations under the Act.

4. (1) Subject to these Regulations every self-employed person who –

Insurance for self-employed persons.

(a) is aged fourteen and over but not sixty years;

(b) is ordinarily resident in Dominica; and

(c) is occupied in a trade or business in Dominica,

shall make application to the Board in the Form set out in the First Schedule, not later than fourteen days after the appointed day for his collection area, for registration as an insured person under the Act in respect of the several contingencies in relation to which funeral grant, age benefit, invalidity benefit, survivors' benefit and medical benefit are provided.

First Schedule.

(2) Upon being satisfied that the application for registration of a self-employed person is in order, the Board shall issue a registration card and contribution card to the self-employed person who shall upon receiving such cards become responsible for their safe-keeping.

(3) Every person who intends to commence a trade or business shall prior to the commencement of the trade or business inform the Board of his intention to do so and complete and submit to the Board the form set out in the First Schedule.

5. Subject to these Regulations, any person ordinarily resident and employed in Dominica who –

Insurance of persons temporarily employed outside of Dominica.

(a) is aged fourteen and over but not sixty years, and

(b) is temporarily absent from Dominica by reason of his having been recruited in Dominica for participation in an employment programme sponsored or funded by –

(i) the Government of Dominica, or

- (ii) any trade or business registered either in whole or in part in Dominica,

shall during such temporary absence be insured under the Act in respect of the several contingencies in relation to which benefits are provided under these Regulations as if he were a self-employed person.

Payment of contributions by self-employed persons.
[3/1989].

6. Every self-employed person shall –

- (a) within a calendar quarter and fourteen days following the appointed day for his collection area, pay his first contribution payable by him for the quarter immediately following the appointed day; and
- (b) within fourteen days after the end of each calendar quarter thereafter pay all contributions payable by him for the relevant quarter.

Termination of self-employment.

7. (1) Notwithstanding regulation 6, where a self-employed person ceases to be self-employed, he shall pay all contributions payable in respect of his self-employment within fourteen days of the cessation of such employment.

(2) Where a self-employed person ceases to be self-employed, on paying his final contribution he must state the reason for the cessation of his self-employment and forthwith return his contribution card to the Board.

(3) Where a self-employed person dies, his survivor entitled to benefit or his personal representative shall so inform the Board and return the registration card and contribution card of the deceased to the Board.

Rates of contribution.
Second Schedule.

8. (1) The rate of contribution shall be the amount set out in the Second Schedule.

(2) The rate of contribution payable by a self-employed person insured under the Act and these Regulations shall be based on his insurable earnings as a self-employed person during the period of one year immediately preceding the contribution year in which the contribution is due.

Penalty for late payment.

9. If a self-employed person fails to pay moneys due under regulation 6 within the time prescribed, the moneys due shall be subject to a surcharge of ten per cent and interest at the rate of ten per cent per

annum on the total sum due; and any payment received shall first be applied to any surcharge and interest due on the date of payment.

10. If a self-employed person insured under regulation 4 accepts insurable employment at a subsequent date with an employer registered under the Act, he shall immediately cease to be a self-employed person; and any contributions payable on his behalf thereafter shall be at the rates specified in the appropriate Schedule of the Collection Regulations.

Relinquishment of self-employment status.

11. Notwithstanding regulation 8(2), where a self-employed person has been engaged in self-employment for less than the period of one year referred to in that regulation, the self-employed person shall furnish to the Board such information and evidence relating to his income as the Board may require for the purpose of determining his rate of contribution; and subject to regulation 12, the Board may determine the rate of contribution which the self-employed person shall pay by reference to such information and evidence, his record of contributions paid, and such other information or evidence as it may, in the circumstances of the case, think fit.

Determination by the Board.

12. Any determination of the Board under regulation 11 shall be communicated to the insured person in writing and shall have effect from a date to be specified by the Board.

Effective date of determination by the Board under regulation 11.

13. Regulation 5(6) of the Contributions Regulations shall have effect as if the reference therein to Part I of the Collection Regulations were a reference to these Regulations.

Application of regulation 5(6) of the Contributions Regulations.

14. A self-employed person may be exempted from the liability to pay contributions under these Regulations –

Exemption from liability for contributions.

- (a) when he is not in receipt of or deemed not to be in receipt of an income exceeding six hundred dollars a year;
- (b) when he is in receipt of an income from a trade or business that in the opinion of the Board is not covered for social security purposes;
- (c) on income received in the years preceding the year during which he attained the age of fourteen;
- (d) on income received in the year of death;

- (e) on income received in the year following the year during which he attained the age of sixty and for previous years in which he has been in receipt of old age pension or invalidity pension under the Act;
- (f) on income received during any period when he is under arrest or imprisoned.

Certificate of exemption.

15. (1) A person who wants to be exempted under regulation 14 must make application to the Board for that purpose and, if the exemption is granted, the Board shall cause a certificate of exemption to be issued to him.

(2) Any application and certificate of exemption under this regulation must be in such form as may for the time being be approved by the Board.

(3) Any person making application under subregulation (1) must furnish to the Board such information and evidence relating to his income as the Board may require; and a person in respect of whom a certificate of exemption has been issued shall furnish such information and evidence as the Board may require from time to time.

Duration of certificate of exemption.

16. (1) Subject to subregulations (2) and (3), a certificate of exemption shall be in force for such period as may be specified in the certificate, being a period starting not earlier than the beginning of the contribution year preceding the contribution year in which application for exemption is made.

(2) Where any condition attached to the giving or continuing in force of the certificate ceases to be, or is not fulfilled while the certificate is in force, the certificate shall cease to be in force as from the date of the cessation or non-fulfilment, and the holder shall forthwith notify the Board to that effect.

(3) A person to whom a certificate of exemption is issued and who is not yet fifty years of age may give notice to the Board at any time while it is in force that he wants the certificate to be cancelled, and, if the notice is given, the certificate shall cease to be in force from such date as the Board may determine.

Holder to produce certificate when requested to do so by inspector.

17. The holder of a certificate of exemption when called upon to do so by an inspector of the Board shall produce the certificate for his inspection.

18. When a certificate of exemption is in force in relation to a person, nothing in these Regulations shall preclude the person from receiving a benefit provided for under these Regulations by virtue of contributions paid by or credited to him in respect of any period before the day on which the certificate began to be in force.

Saving of right to benefit arising before certificate of exemption.

19. Where a person who applies for a certificate of exemption is in receipt of an income exceeding six hundred dollars a year by reason only of the inclusion therein of any payment or sum referred to in the Third Schedule he shall be declared for the purposes of regulation 14 not to be in receipt of an income exceeding six hundred dollars a year.

Income of applicant for certificate declared to be not exceeding six hundred dollars a year in certain cases.
Third Schedule.

20. Any self-employed person who is insured under the Act and these Regulations who attains the age of sixty years on or before the 14th January 1990 is exempted from liability to pay contributions under these Regulations.

Transitional provisions for person sixty years or over on or before 14th January 1990.

21. Notwithstanding anything to the contrary in any law in force it is hereby declared that the transitional provisions of regulation 33 of the Social Security (Benefit) Regulations do not apply to self-employed persons.

Exclusion of transitional provisions under Social Security (Benefit) Regulations.
Sub. Leg.
Ch. 31:01.

22. The Minister may by Order –

Orders.

- (a) prescribe the location of each collection area for the purposes of these Regulations;
- (b) appoint the day designated as the appointed day for the purposes of the different collection areas;
- (c) determine the relevant calendar quarters for the purposes of each collection area;
- (d) prescribe or make such provision as may appear to him to be necessary or expedient for the proper implementation of these Regulations.

23. Any person who –

Offences.

- (a) fails to pay at or within the time prescribed for the purpose any contribution for which he is liable under these Regulations;

- (b) for the purpose of obtaining any benefit or other payment under these Regulations whether for himself or some other person, or for any purpose connected with these Regulations –

(i) knowingly makes any false statement or false representation; or

(ii) produces or furnishes, causes or knowingly allows to be produced any document or information which he knows to be false in a material particular;
- (c) wilfully loses, defaces or destroys any registration or contribution card; or
- (d) fails to comply with the provisions of any of these Regulations,
- is liable on summary conviction to a fine of five hundred dollars and in default of payment thereof to imprisonment for six months.

Regulation 4.

FIRST SCHEDULE

SOCIAL SECURITY

SELF-EMPLOYED APPLICATION/ASSESSMENT FORM

In accordance with regulation 4 of the Social Security (Self-Employed Persons) Regulations 1 hereby apply for registration as a self-employed person and submit hereunder the following relevant particulars:

1. NAME OR OWNER

SurnameOther Names
2. DATE OF COMMENCEMENT OF
TRADE OR BUSINESS

DayMonthYear
3. DECLARED EARNINGS FOR YEAR
ENDED 31st DECEMBER 19 \$
4. DETAILS OF EARNINGS

.....

5. ECONOMIC ACTIVITY.....

6. BUSINESS DETAILS

.....
*Signature of Applicant***ASSESSMENT** (To be completed with an authorised Social Security Officer)7. ANNUAL INSURABLE EARNINGS for
the year ending 31st December 19 ... \$.....8. ASSESSED ANNUAL CONTRIBUTION RATE
(7% of annual insurable earnings) \$.....9. ASSESSED QUARTERLY CONTRIBUTION
RATE \$..........
Witness
Date
Signature of Insured Person.....
Witness
Date
*Signature of Social Security Official***APPLICATION AND ASSESSMENT APPROVED**.....
Signature of Authorised Social Security Official

Date

SOCIAL SECURITY NO.....

ACCOUNT NO.

.....
Signature of Official

Date

Regulation 8.

SECOND SCHEDULE

The rate of contribution for self-employed person under regulation 8 is 7% of that person's insurable earnings.

Regulation 19.

THIRD SCHEDULE

1. Any payment by way of any benefit under the Act.
 2. Any payment by way of any workers compensation under any legislation or employer/employee agreement.
 3. Any sum received under any Public Assistance Scheme.
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SUBSIDIARY LEGISLATION

**SOCIAL SECURITY (SELF-EMPLOYED PERSONS
COLLECTION AREAS, APPOINTED DAYS AND
CALENDAR QUARTERS) ORDER**

4/1989.

*made under regulation 22 of Social Security (Self-Employed
Persons) Regulations***1. This Order may be cited as the –**

Short title.

**SOCIAL SECURITY (SELF-EMPLOYED PERSONS
COLLECTION AREAS, APPOINTED DAYS AND
CALENDAR QUARTERS) ORDER.****2. In this Order the Social Security (Self-Employed Persons)
Regulations is referred to as “the Regulations”.**Interpretation.
S.R.O. No. 48 of
1988.**3. For the purposes of the Regulations the location of collection
areas, their appointed days and relevant calendar quarters are as set out
in the Schedule hereto.**Collection areas,
appointed days and
calendar quarters.**SCHEDULE**

Section 3.

COLLECTION AREA	LOCATION	APPOINTED DAY	CALENDAR QUARTERS
No. 1	Parishes of St. George, St. Luke and St. Mark	1 February, 1989	Qr. 1 Feb/Mar/Apr Qr. 2 May/June/July Qr. 3 Aug/Sept/Oct Qr. 4 Nov/Dec/Jan.
No. 2	Parish of St. Andrew	1 March, 1989	Qr. 1 Mar/Apr/May Qr. 2 June/July/Aug Qr. 3 Sept/Oct/Nov Qr. 4 Dec/Jan/Feb.

[Subsidiary]

*Social Security (Self-Employed Persons Collection Areas, Appointed Days
and Calendar Quarters) Order*

COLLECTION AREA	LOCATION	APPOINTED DAY	CALENDAR QUARTERS
No. 3	Parish of St. Patrick	3 April, 1989	Qr. 1 April/May/June Qr. 2 July/Aug/Sept Qr. 3 Oct/Nov/Dec Qr. 4 Jan/Feb/Mar
No. 4	Parish of St. John and St. Peter	2 May, 1989	Qr. 1 May/June/July Qr. 2 Aug/Sept/Oct Qr. 3 Nov/Dec/Jan Qr. 4 Feb/March/Apr
No. 5	Parishes of St. Paul and St. Joseph	1 June, 1989	Qr. 1 June/July/Aug Qr. 2 Sept/Oct/Nov Qr. 3 Dec/Jan/Feb Qr. 4 March/Apr/May
No. 6	Parish of St David	3 July, 1989	Qr. 1 July/Aug/Sept Qr. 2 Oct/Nov/Dec Qr. 3 Jan/Feb/March Qr. 4 Apr/May/June