

**M O N T S E R R A T**

**NO. 44 OF 2009**

**SOCIAL SECURITY (PERSONS ABROAD AND  
VOLUNTARY CONTRIBUTIONS) REGULATIONS 2009**

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REGULATIONS

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**MONTserrat**

**STATUTORY RULES AND ORDERS**

**NO. 44 OF 2009**

**THE SOCIAL SECURITY (PERSONS ABROAD AND VOLUNTARY CONTRIBUTIONS) REGULATIONS 2009 MADE BY THE GOVERNOR IN COUNCIL UNDER SECTION 19 AND 48 OF THE SOCIAL SECURITY ACT (CAP. 18.09).**

**Short title and commencement**

1. These Regulations may be cited as the Social Security (Persons Abroad and Voluntary Contributions) Regulations 2009 and shall come into force on the 1st September, 2009.

**Interpretation**

2. In these Regulations—

“**appointed day**” means the day appointed by the Governor in Council pursuant to section 51 of the Act as the appointed day for the purpose of section 18 of the Act;

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

“**contribution year**” has the meaning ascribed in the Contribution Regulations;

**Continuation of employment outside Montserrat to be treated as insurable employment.**

3. (1) Where a person in insurable employment pursuant to section 18 of the Act ceases to be so employed in Montserrat but is employed (whether by the same or different employer) outside Montserrat in continuation of such employment, that employment outside Montserrat shall, subject to the provisions of these Regulations, be treated as insurable employment pursuant to section 18 of the Act for the period for which contributions are payable under subregulation (2)(a):

Provided that the employer has a place of business in Montserrat and the person concerned is ordinarily resident in Montserrat.

(2) Where under subregulation (1) employment outside Montserrat is treated as insurable employment pursuant to section 18 of the Act the following provisions shall apply with respect to the payment of contributions:

- (a) contributions shall be payable at the appropriate rates specified in the Schedule to the Contribution Regulations; provided that the contributions are payable in respect of such employment—
  - (i) during the period of twelve months from the commencement thereof; or
  - (ii) until the employment abroad ceases; or
  - (iii) until either of the conditions set out in the proviso to subregulation (1) ceases to be satisfied whichever event occurs first.
- (b) after the completion of the period for which contributions are payable under paragraph (a) the insured person shall, for any week thereafter during the whole of which he is outside Montserrat be entitled to contribute as a voluntary contributor.

**Voluntary contributions in respect of insured persons outside Montserrat who are gainfully occupied**

4. Where an insured person is throughout any contribution week outside Montserrat and is not in that week gainfully occupied in employment, being employment under a contract or service with an employer in Montserrat, he shall not be liable to pay any contributions as an insured person for that week. However, he shall be entitled at his option to contribute as a voluntary contributor if he satisfies the conditions relating to voluntary insurance under these Regulations.

**Voluntary contributions - insured person outside Montserrat who is self employed**

5. Where an insured person is throughout any contribution week outside Montserrat and he is in employment as a self-employed person he shall not be liable to pay any contributions for that week. However, he shall be entitled at his option to contribute as a voluntary contributor if he satisfies the conditions relating to voluntary insurance under these Regulations.

**Treatment of certain persons ordinarily resident in Montserrat**

6. A person employed as a member of the diplomatic or consular service of Montserrat or as a domestic worker employed by a member of such service shall, if such a person is ordinarily resident in Montserrat, be treated as an insured person and Regulations under the Act shall apply in respect of such person accordingly.

**Insurance - certain persons outside Montserrat at appointed day**

7. Where a person is employed in employment outside Montserrat immediately prior to the appointed day which would have been treated as an insurable employment pursuant to section 18 of the Act by virtue of the provisions of regulation 3 had the employment outside Montserrat commenced on or after the appointed day, that employment outside Montserrat shall be treated as insurable employment pursuant to section 18 of the Act and the provisions of regulation 3 shall apply; but where any such person commenced the said employment outside Montserrat on a date more than twelve months prior to the appointed day, the provisions of this regulation shall not apply to him.

**Voluntary contributor**

8. (1) A person who –

- (a) is aged sixteen and over, but not pensionable age; and
- (b) is ordinarily resident in Montserrat; and
- (c) ceases to be liable for contributions in respect of employment; and
- (d) has paid or has had paid in respect of him at least two hundred and fifty contributions; including any credits under regulations 48 of the Benefit Regulations,

shall be entitled to become a voluntary contributor, but the condition of having paid or having had paid in respect of him at least two hundred and fifty contributions shall not apply to persons who, pursuant to regulation 3(2)(b) and regulation 7 elect to be insured as voluntary contributors.

(2) A certificate of voluntary insurance shall be given, subject to the provisions of these Regulations, to a person who makes application to the Board for such a certificate on a form approved by the Board before the end of the thirteenth contribution week after ceasing at any time to be in insurable employment pursuant to section 19 of the Act.

(3) A certificate under subregulation (2), if issued, shall entitle the person (hereinafter called a voluntary contributor) to pay voluntary contributions valid for age, invalidity and survivors' benefits and funeral grant only, for any week not earlier than thirteen contribution weeks prior to the date of application, in respect of any contribution week for which no contribution is otherwise payable by him or on his behalf for that week.

(4) The contributions which a voluntary contributor shall pay under subregulation (2) shall be determined by the Board by reference to the average annual insurable earnings during the two years

immediately preceding the date of last cessation of employment pursuant to section 18 of the Act or such other period as the Board may, in the particular circumstances of the case, think fit.

(5) The Board shall notify the voluntary contributor of the contribution due and such contributions shall be paid by remittance to the Board by the end of the contribution year in which they are due.

(6) Notwithstanding sub-regulation (5) this provision, the Board may at its discretion and if satisfied that there are extenuating circumstances allow payment within six weeks of the end of the said contribution year.

(7) A person holding a certificate of voluntary insurance shall cease to be entitled to pay voluntary contributions until he has requalified by the payment, or the payment in respect of him, of a further two hundred and fifty contributions if he fails to pay voluntary contributions for each contribution week for which a contribution is not otherwise payable within the period indicated in subregulation (5).

Made by the Governor in Council this 30th day of July, 2009.

J. Jeffers  
Clerk of Councils

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Clerk of Councils