

ANTIGUA AND BARBUDA



SOCIAL PROTECTION BILL 2019.

NO. 2019

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NO. OF 2019

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ANTIGUA AND BARBUDA
SOCIAL PROTECTION BILL
NO. OF 2019

AN ACT to provide for the prevention, reduction and elimination of economic, discriminatory and social vulnerabilities as it relates to poverty and deprivation in Antigua and Barbuda; to establish a Social Protection Board, a National Social Protection Commission and a Social Protection Appeals Tribunal; to repeal the Poor Relief Act, Cap.332 and for related matters.

ENACTED by the Parliament of Antigua and Barbuda, as follows:

PRELIMINARY

1. Short title commencement

(1) This Act may be cited as the National Social Protection Act, 2019.

(2) Subject to subsection (3), this Act shall come into force on a date to be fixed by the Minister by Order published in the *Gazette*.

(3) The Minister may fix different dates for the coming into force of different Parts or sections of this Act.

2. Interpretation

(1) In this Act-

“Appeals Tribunal” means the Complaints and Appeals Tribunal established under section 70;

“assistance” includes any support, grant or allowance given or payable under this Act;

“authorized officer” means a public officer designated as an authorized officer by the Minister in writing and includes a social protection officer in the Department;

“Board” means the Social Protection Board established under section 5;

“Commission” means the Social Protection Commission established under section 36;

“Chief Social Protection Officer” means a public officer within the Department appointed as such by the Public Service Commission;

“child” means a person who is or below the age of 18 years;

“civil society organization” means a non-governmental organization or institution that manifests the interests and will of citizens;

“Council” means the Barbuda Council established under the Antigua and Barbuda Council Order 1981;

“Court” means the Magistrate’s Court or High Court;

“Department” means the department responsible for social protection within the Ministry responsible for social protection;

“Director” means the Director of the Department appointed as such by the Governor General upon instruction of the Public Service Commission;

“document” includes an electronic record;

“elderly” means a person who is 65 years or older;

“emergency” includes a sudden change in a person’s socio-economic status as a consequence of disaster, or sudden loss of income or support requiring immediate intervention;

“exit strategy” includes programs and initiatives designed to train, retrain, rehabilitate, educate an eligible recipient to support self-employment, self-reliance and other income generating opportunities;

“Financial Empowerment Centre” means the program operated through the Department that provides training and counselling geared toward financial independence for beneficiaries;

“Fund” means the Social Protection Fund created under section 25;

“mentally or physically challenged” includes a person who suffers from a disability that causes impairment of function below maximal level either mentally or physically;

“Member State” means a State listed in Schedule 6;

“Minister” means the Minister responsible for social protection;

“overpayment” includes assistance received for which the recipient was not qualified or where the assistance received is above the amount for which the recipient qualifies;

“person” includes a body corporate or an unincorporated body;

“prescribed” means prescribed in the Regulations;

“principal nursing officer” means a public officer within the Ministry of Health appointed as such by the [Public Service Commission on the advice of the Governor General];

“poverty line” means a monetary measure, based on systematic data, of the minimum consumption of goods and services that would allow a person or household to meet its basic needs as prescribed by the Ministry from time to time, by Order [published in the *Gazette*];

“recipient” means a qualified person to whom assistance is granted under this Act;

“Registry” means the Central Beneficiaries System established under section 67;

“Regulations” means Regulations made under section 96;

“Senior Social Protection Administrator” means a public officer within the Department appointed as such by the Public Service Commissioner;

“shut-in or immobile person” includes a person who is unable to or who has extreme difficulty in moving or walking due to a mental or physical disability;

“social protection” includes public and private policies and programmes aimed at preventing, reducing and eliminating economic, discriminatory and social vulnerabilities to poverty and deprivation;

“Social Protection Administrator” means a public officer within the Department appointed as such by the [Public Service Commission];

“specific eligibility criteria” means the criteria list in Schedule 3;

“underemployed” not having sufficient income from employment to live above the poverty line;

“vulnerable person” or “vulnerable group” means a person or group of persons whose total income falls below the poverty line;

3. Purpose

The purpose of this Act is to promote and advance the social and economic well-being of vulnerable persons by –

- (a) establishing a legal framework for the development, implementation and maintenance of social protection programmes that are accessible, efficient, sustainable and responsible;
- (b) promoting poverty reduction; and
- (c) employing exit strategies to beneficiaries who are able to be retrained and are employable to create an enabling environment for independence.

4. Binds the Crown

This Act binds the Crown.

PART I

SOCIAL PROTECTION BOARD

5. Establishment of the Board

There is established a Social Protection Board consisting of five members appointed by the Minister.

6. Constitution of the Board

(1) The Board consists of -

- (a) the Accountant General or nominee;
- (b) the Attorney General or nominee;
- (c) a member nominated from [a recognized] civil society [organization] ;
- (d) a member from Barbuda from [a recognized] civil society [organization];
- (e) a member nominated by the Minister.

(2) Where a member is not nominated under subsection (1), the Minister may nominate a person as a member of the Board.

(3) The Minister shall designate a member of the Board to be the Chairperson of the Board and another to be the Deputy Chairperson;

(4) Subject to section 14, a member holds office for a period of three years from the date of his or her appointment, and is eligible for reappointment for not more than two consecutive terms.

7. Secretary to the Board

(1) The Social Protection Administrator is ex-officio, non-voting, Secretary to the Board and in his or her absence, the Chairperson may delegate any other member to act as Secretary.

(2) The Secretary to the Board shall perform such duties as are normally assigned to and consistent with the post of a Corporate Secretary, in particular, the Secretary shall —

- (a) make preparations for and attend meetings of the Board;
- (b) prepare and keep official minutes of meetings of the Board; and
- (c) assist the Board in all respects and in such manner as the Board may from time to time require in the discharge of its functions.

8. Acting members

(1) Where the Chairperson, or any other member of the Board is absent or unable to act, the Minister may appoint any person to act temporarily in the place of the Chairperson or such member³³.

(2) Where the Minister appoints a person temporarily under subsection (1), the appointment must comply with the requirements in section 6 as to the constitution of the Board.

9. Disqualification

A person is disqualified from being a member of the Board if that person –

- (a) is declared by a court to be a bankrupt;
- (b) is declared by a court or certified by a registered medical practitioner to be mentally challenged;

- (c) has been convicted of a criminal offence except where the offence is a minor traffic offence or has been spent under the Criminal Records (Rehabilitation of Offenders) Act, No 19 of 2013; or
- (d) is a member of Parliament.

10. Functions and duties of Board

- (1) Subject to subsection (2), the Board shall—
 - (a) consider applications for approval from the Department;
 - (b) review reports of the Department;
 - (c) hear, deliberate and resolve inquiries from applicants and recipients;
 - (d) provide reasons for decisions made in respect of an application;
 - (e) administer the affairs of the Fund; and
 - (f) carry out such other functions incidental to the proper discharge of the functions under paragraphs (a) to (e).
- (2) Subject to this Act, the Board may for the purpose of exercising or discharging any functions under this Act, do all such things as may be necessary to ensure the proper exercise or discharge of its functions.

11. Powers of the Board

- (1) For the purposes of the discharge of the functions under section 10, the Board has power to request any information, document or thing, with respect to an inquiry from –
 - (a) the Director;
 - (b) the Department;
 - (c) an applicant; or
 - (d) any other person who, in the opinion of the Board, may be able to assist.

12. Resignations

- (1) Any member of the Board, other than the Chairperson, may at any time resign his or her office by notice in writing addressed to the Minister and transmitted through the Chairperson, and from the date of the receipt by the Minister of such notice, such member ceases to be a member of the Board.
- (2) The Chairperson may at any time resign his or her office by notice in writing addressed to the Minister and such resignation takes effect as from the date of the receipt by the Minister of such notice.

13. Leave of absence

The Minister may, on the application of a member in writing grant leave of absence to the member for a period not exceeding three months.

14. Revocation of appointment

(1) The Minister may at any time revoke the appointment of any member of the Board if that member —

- (a) becomes disqualified in accordance with section 9;
- (b) is incapable for any reason of performing his or her function as a member;
- (c) fails to disclose his or her interest in accordance with section 21; or
- (d) is absent from three consecutive meetings without being excused by the Chairperson.

15. Publication of names of members

The names of all members of the Board as first constituted and every change in the membership of the Board must be published in the *Gazette*.

16. Meetings of the Board

(1) The Board shall meet at least twice in each month and at any other period as may be necessary or expedient for the discharge of its functions.

(2) The Chairperson may at any time call a special meeting of the Board -

- (a) where a written request for that purpose is addressed to him or her by any three members of the Board;
- (b) where a direction to that effect is addressed to him or her by the Minister; or
- (c) at his or her own discretion.

(3) Meetings of the Board shall be held at the place, day, and time the Chairperson determines and due notice of the place, day and time must be given to each member in writing at least forty-eight hours before the time the meeting is to be held.

(4) The Chairperson may convene a meeting of the Board by video, teleconference or other electronic means with the concurrence of a [majority] of the voting members.

(5) A member is deemed to be present at a meeting of the Board where the member participates by teleconference or other electronic means and all members participating in the meeting are able to communicate with each other.

(6) The Chairperson or in his or her absence, the Deputy Chairperson, shall preside at meetings of the Board.

(7) The quorum for meetings of the Board is a majority of the voting members, and if a quorum is present, the Board is not disqualified for the transaction of business or the validity of any proceedings of the Board by reason of a vacancy among its members or any defect in the appointment of a member.

(8) A decision of the Board shall be adopted by a majority of the votes of members present and voting, and in the event of an equality of votes, the Chairperson or Deputy Chairperson presiding at the meeting shall have a casting vote.

(9) Whenever, in the judgment of the Chairperson, there arises a situation where any action contemplated by the Board requiring the approval of the Board should not be postponed until the next meeting of the Board and cannot await the calling of a special meeting of the Board under subsection (2) –

- (a) the Chairperson shall –
 - (i) request the members to vote without meeting;
 - (ii) present to each member, by rapid means of communication, a motion embodying the proposed action;
- (b) each Member shall as soon as possible, notify the Chairperson of his or her decision or recommendation on the proposed action;
- (c) at the expiration of the period prescribed for voting, the Chairperson shall cause the results to be recorded, and shall notify all members of the results and of the status of the decision or recommendation;
- (d) the decision or recommendation in writing signed by all the members entitled to receive notice of a meeting of the Board, shall be valid and effectual as if it had been passed by a meeting of the Board duly convened and held and may consist of several documents in the like form each signed by one or more members;
- (e) a decision made under paragraph (d) must be ratified by, and recorded in the minutes of the next or subsequent meeting of the Board.

(10) Notwithstanding subsection (9)(c) and (d), if any member so requests, the matter on which a decision is required shall be referred for consideration by the Board at its next meeting.

(11) The Board may co-opt any one or more persons to attend any particular meeting of the Board for the purpose of assisting or advising the Board, but no such co-opted person shall have any right to vote.

(12) Minutes of each meeting and transactions of the Board shall be recorded by the Secretary and shall be confirmed by the Board at its next meeting and signed by the Chairperson or Deputy Chairperson, as the case may be.

(13) Subject to the provisions of this Act, the Board may regulate its own procedure for meetings.

17. Seal of the Board

(1) The Board must have an official seal which is kept in the custody of the Secretary.

(2) The affixing of the official seal of the Board must be witnessed and signed by the Chairperson, or in his or her absence, the Deputy Chairperson.

(3) All documents which are executed by the Board and all decisions of the Board shall be signed by the Chairperson, or in his or her absence the Deputy Chairperson, to act on behalf of the Chairperson.

18. Signification of other documents

All documents other than those required by law to be made under seal and all decisions of the Board may be signified under the hand of the Chairperson or in the absence of the Chairperson, shall be signified by any other member authorised to act for that purpose.

19. Fixed address

(1) The Board shall at all times have a fixed address.

(2) The address for service of a notice, order or other document, on the Board shall be published in the *Gazette*.

20. Protection of members

A member of the Board is not personally liable for any act or default of the Board done or omitted to be done in good faith in the course of the operations of the Board.

21. Disclosure of interest

A member of the Board who is in any way interested in an undertaking or matter which is under consideration by the Board shall disclose to the Board the fact and nature of his or her interest and shall not take part in and shall be absent from any deliberation or any decision of the Board relating to such matter and such a disclosure must immediately be recorded in the records of the Board.

22. Remuneration of members

There shall be paid to the members of the Board, such remuneration and allowances, if any, whether by way of stipend, honorarium or fees, as Cabinet determines.

23. Expenses of Board

The expenses of the Board, including the remuneration of the members are to be paid out of the Fund.

24. Independence

Subject to this Act, the Board is not subject to the direction or control of any person in the exercise of its powers and subject to this section, may regulate its own procedure.

PART II

SOCIAL PROTECTION FUND

25. Establishment of the Social Protection Fund

(1) There shall be established a Fund to be called the Social Protection Fund into which shall be paid—

- (a) all contributions;
- (b) all interest, dividends or other income derived from the assets of the Fund;
- (c) all sums properly accruing to the Fund under this Act, including the repayment of assistance;
- (d) such other sums as may be provided by Parliament for the purposes of this Act or as may be received and accepted by the Board on behalf of the Fund;
- (e) all assets and all other funds held in trust for the Fund;
- (f) any sums transferable to the Fund.

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

- (a) all assistance;
- (b) all rents, expenses and allowances properly incurred in the administration of this Act;
- (c) all liabilities incurred by the Fund;
- (d) any expenditure considered by the Minister to be necessary for the training or advancement of the recipients, officers or employees;
- (e) any sums expended for carrying out any surveys or research for the purpose of gathering any data which the Minister considers necessary for the performance of the functions of the Fund under this Act;
- (f) any fees, subscriptions or sums for membership, affiliation or contribution to or in any local, regional or international body concerned with social protection;
- (g) all other monies which the Minister may consider to be reasonable and necessary for the proper and efficient performance of the functions of the Fund;
- (h) any other payments authorised under this Act.

26. Body Corporate

(1) The Fund shall be a body corporate in which all funds for the management of the social protection programmes are vested and to which section 22 of the Interpretation Act, Cap. 224 applies.

(2) The Fund is administered by the Board.

27. Objectives of the Fund

The objectives of the Fund include –

- (a) establishing an efficient, complimentary and demand-driven mechanism for delivering basic services and infrastructure to a vulnerable person, utilising non-governmental organisations, community organisations and local government organisations;
- (b) financing small-scale projects in the following areas, namely, basic infrastructure and small-scale productive activities;
- (c) providing assistance for the improvement of living conditions, promotion of community participation and enhancement of social protection infrastructure related to health, education, financial and other social assistance;
- (d) providing assistance or skill training opportunities to vulnerable persons to alleviate socio-economic hardship or otherwise.

28. Powers and functions of the Fund

(1) The Fund shall, apart from the powers consistent with the objects for which it is constituted under section 25, have the following powers—

- (a) to acquire by purchase, exchange, devise or otherwise all kinds of property moveable or immoveable including messuages, lands, tenements, hereditaments of any tenure and also moneys, securities for money, goods or chattels and may exercise full powers of ownership over such property;
- (b) to grant a lease of any property vested in the Fund upon such terms and conditions as the [Minister/Board] may think fit;

(2) the powers to sell, lease, exchange or otherwise dispose of any immoveable property or interests vested in the Fund shall not be exercised without the prior approval of Cabinet;

(3) The Board shall, on behalf of the Fund, subject to the availability of resources, approve projects and programmes and provide, either wholly or partially, financial and technical assistance to community and other focus groups with development goals, and local government organisations, for the execution of such projects or programmes which will serve to provide services or assistance to a vulnerable person or group.

(4) In approving a project or programme under subsection (1), the Board shall have regard to all relevant matters, including the following—

- (a) the financial aspects of the proposed project or programme;
- (b) whether the proposed project or programmes can be commenced expeditiously;
- (c) the time required for the completion of the proposed project or programme;
- (d) whether the proposed project or programme has the capacity to achieve technical, environmental, institutional and economic viability according to established project approval criteria;
- (e) whether the proposed project or programme or applicant is in a geographic or sectoral priority area identified for poverty alleviation or impacts a vulnerable group;
- (f) the operating costs in relation to the proposed project or programme.

- (5) The Board shall have the power to approve—
- (a) the procedures and criteria for project and programme selection, and the projects and programmes submitted for its consideration in accordance therewith;
 - (b) the policies regarding the management of projects, programmes and activities, and financial regulations and its tendering, procurement and disbursement procedures;
 - (c) the budget; and
 - (d) the rules prescribing the procedures including the quorum for, the meetings of the Fund, and the manner in which it will transact its business.

29. Revenues of the Fund

The revenues of the Fund shall consist of the following—

- (a) loans or grants from international financial or funding agencies;
- (b) revenues allocated from the Consolidated Fund;
- (c) any other money lawfully contributed, donated or bequeathed to the Fund or received by the Fund from any other source.

30. Expenses of the Fund

The expenses of the Fund, including the remuneration of members and staff thereof, shall be paid out of the funds and resources of the Fund.

31. Borrowing powers and guarantee of borrowing

(1) Subject to the provisions of subsection (2), the Fund may borrow money required by it for meeting any of its obligations or discharging any of its functions under this Act.

(2) Borrowing may be effected only with the prior approval of the Minister and the Minister responsible for finance, including in relation to the amount, the sources of borrowing and any other terms and conditions of such borrowing.

(3) The Fund may not pledge its assets as security for any loan without the prior written approval of the Minister responsible for finance.

(4) On the advice of Cabinet, the Minister responsible for finance may guarantee any approved borrowing by the Council.

(5) A borrowing guaranteed under this section shall in default of payment by the Fund be charged on the Consolidated Fund.

32. Submission of budget estimates

(1) The Board shall, in such form and by such dates as may be prescribed by the Permanent Secretary, Ministry of Finance, prepare and submit to the Minister, estimates of income receivable and the expenditure to be incurred during each financial year (including any supplementary estimates), and the Minister shall present the said estimates to the House of Assembly and the Senate with such amendments, if any, as he or she may consider necessary.

(2) Except with the approval of the Minister, no further sum shall be expended in any financial year other than that provided in the estimates relating to such financial year.

33. Accounts and audit

(1) The Board shall keep accounts and other records in relation to the business of the Fund and shall prepare annually a statement of accounts in a form satisfactory to the Minister, being a form which shall conform to the best commercial and accounting standards.

(2) The accounts of the Fund shall be audited annually by an auditor appointed in each year by the Board with the approval of the Minister.

34. Annual report

(1) Within 4 months after the end of each financial year, the Board shall cause to be made and shall submit to the Minister—

- (a) a statement of its accounts audited in accordance with section 33(2); and
- (b) a report dealing generally with the proceedings and policies of the Fund during that financial year.

(2) The Minister shall cause a copy of the report under section 34(1) together with the annual statement of accounts and the auditor's report to be tabled in the House of Assembly and the Senate.

35. Exemption from income tax, property tax and stamp duty

(1) The Fund shall be exempt from the payment of income tax and property tax.

(2) All instruments executed by or on behalf of the Fund is exempt from stamp duty.

PART III

SOCIAL PROTECTION COMMISSION

36. Establishment of the Commission

There is established a body to be known as the National Social Protection Commission.

37. Functions and powers of Commission

- (1) The Commission's functions include the following -
 - (a) to advise and report to the Minister and the Permanent Secretary on the formulation of national policy on matters relating to social protection;
 - (b) to forge and build linkages between social sectors to develop common tools and platforms to plan, implement and monitor social protection programmes in an integrated fashion working in collaboration with stakeholder ministries;
 - (c) to work in collaboration with stake holder ministries, private sector and civil society to facilitate development of legislative frameworks for social protection programmes;
 - (d) to advocate for the social protection investments and support national human and economic development by building sustainable national systems, policy and legislative reform to effectively address the multiple vulnerabilities faced by children and their families;
 - (e) to create and strengthen an enabling environment for social protection services and systems to reduce poverty and inequity and to increase economic participation and social inclusion specifically as it relates to vulnerable groups;
 - (f) to assist in developing social protection programmes that are affordable and sustainably financed through evidence-based decisions, including technical assessments such as budget and fiscal space analyses;
 - (g) promote the development and strengthening of an integrated, equitable and sustainable social protection system to help reduce poverty and vulnerability as well as deliver child and gender sensitive programs;
 - (h) to provide leadership and collaboration on the implementation of the various social protection and national poverty reduction programmes;
 - (i) to liaise with international and regional developmental partners to secure financial and educational support to undertake social research through the formulation of grant proposals with the Department;

- (j) to work closely with the Department and the statistical office in conducting timely and appropriate social research to include the administering of core questionnaires and surveys and other short term social impact assessments to inform policy decisions;
- (k) to establish monitoring processes for the purpose of efficiency and to enable evaluation of all social protection programmes;
- (l) In collaboration with the Department to identify targeted training opportunities for staff development and for capacity building and skills development;
- (m) to facilitate the development and monitoring of exit strategies by creating the frameworks for sustainable training, education, counselling and employment by creating linkages with the relevant institutions and entities;
- (n) to monitor and ensure compliance with any prescribed standards set for social protection programmes.
- (o) to ensure the protection of the interest of recipients in relation to the provision of the social protection;
- (p) to undertake in conjunction with other institutions and entities where practicable, training, manpower planning, seminars and conferences in areas of national and regional importance in social protection;
- (q) to conduct research relating to social protection as may be necessary;
- (r) to report to, advise and make recommendations to the Minister quarterly or as deemed necessary by the Commission or Minister, on the economic, financial, legal, technical, environmental and social aspects of social protection in Antigua and Barbuda; and
- (s) to perform such other functions specified in this Act, any other Regulatory Acts or the Regulations.

(2) In addition to any other powers specified in this Act, the Commission shall have the power to do all things necessary or convenient to be done for or in connection with the performance of its functions.

(3) The Commission, in addition to its functions, may provide guidelines published in the *Gazette* on the concept of social protection.

38. Minister may give directions

The Minister may give directions in writing to the Commission of a general policy nature and the Commission shall comply with such directions.

39. Composition of Commission

(1) The Commission shall comprise 7 commissioners who shall be appointed by the Minister on such terms and conditions as the Minister may specify.

(2) The commissioners shall be persons of integrity, collectively having recognized experience and expertise in social policy development, social protection, education finance and accounting, business administration, labour relations the environment or public health.

(3) The Commission consists of:

- (a) a member from Barbuda;
- (b) a member nominated by the Ministry with responsibility for health;
- (c) a member nominated by the Ministry with responsibility for finance;
- (d) a member nominated by the Ministry with responsibility for education;
- (e) a member nominated by the Ministry with responsibility for labour;
- (f) a member nominated by the Minister.

(4) The Director is ex-officio, the Chairperson of the Commission.

(5) The Commissioners shall choose one of their members to act as Deputy Chairperson.

(6) Where under section 48 a vacancy exists in the membership of the Commission, the Minister shall in accordance with this section appoint a person to fill the vacancy.

(7) The Minister shall by notice published in the *Gazette* give notice of the names of the commissioners as the Commission is first constituted and every change in the constitution of the Commission.

(8) A person appointed as a commissioner shall act in the public interest to carry out the purposes of this Act and not based on his or her personal or business interest.

40. Disqualification from being a commissioner

(1) A person shall be disqualified from being a commissioner and is not eligible to be appointed as a commissioner, or having been appointed, is not eligible to continue as a commissioner if that person -

- (a) is a director, officer, employee, agent of a person providing a social protection service or supplying goods to a service licensee under a contract;
- (b) has filed for bankruptcy in a court or is declared by a court to be a bankrupt;
- (c) is declared by a court to be mentally incapacitated by reason of unsoundness of mind;
- (d) has been convicted of a criminal offence except where the offence -
 - (i) is a minor traffic offence; or
 - (ii) is spent in accordance with Criminal Records (Rehabilitation of Offenders) Act, Cap. 3.13; or
- (e) is a member of Parliament.

(2) A decision of the Commission taken at a meeting is not invalidated merely because a disqualified person sits at the meeting as long as there was the quorum required pursuant to section 44.

(3) Where a disqualified person sits at a meeting of the Commission, the Commission may review and amend its decision within 2 months of that decision being made.

41. Terms of appointment

(1) Subject to subsections (2) and (3), the appointment of a commissioner shall be for a period 3 years unless the commissioner resigns under section 46 or the commissioner's appointment is revoked under section 47.

(2) A commissioner appointed under subsection (1) is eligible for re-appointment for not more than [one] consecutive term.

(3) The appointment of the commissioners shall be staggered.

42. Appointment of Secretary and other employees

The Commission shall appoint on such terms and conditions as may be approved from time to time by the Minister, a Secretary and such other employees as the Minister considers necessary for the performance of the powers and functions of the Commission.

43. Advisory committees

(1) The Commission may, for the purpose of carrying out its functions pursuant to this Act, establish advisory committees to give advice to the Commission on specialised matters relating to the Commission's functions as the Commission may determine.

(2) The recommendations made by an advisory committee established under subsection (1) are not binding on the Commission but may be considered by the Commission in making decisions for the purposes of the discharge of its functions.

44. Meetings

(1) The Commission shall meet at such times as may be necessary or expedient for the transaction of business of the Commission.

(2) The meetings of the Commission shall be held at such places as the Chairperson shall determine.

(3) The Chairperson may at any time call a special meeting of the Commission and shall cause a special meeting to be held within 7 days of a written request for that purpose addressed to the Chairperson by any 3 commissioners.

(4) The Chairperson and any other commissioner shall be deemed to be present at a meeting of the Commission if the Chairperson or the other commissioner participates by telephone, video

link or satellite, and all commissioners participating in the meeting are able to hear and to speak to each other.

(5) At a meeting of the Commission -

(a) the Chairperson shall preside; or

(b) if the Chairperson is not present, the Deputy Chairperson present shall preside.

(6) A meeting of the Commission is duly constituted for all purposes if at the meeting there is a quorum of not less than 5 commissioners participating in the meeting.

(7) Decisions of the Commission shall be taken by a simple majority of votes of commissioners present and voting at the meeting.

(8) The Chairperson shall have an original vote and in cases of equal division the Chairperson shall have the casting vote.

(9) The Commission may co-opt any person to attend any particular meeting of the Commission at which it is proposed to deal with a particular matter, for the purpose of assisting or advising the Commission, but a co-opted person shall not have the right to vote.

(10) Minutes of each meeting of the Commission shall be recorded and kept by the Secretary to the Commission appointed under section 42.

45. Protection from liability

(1) The Commission shall not be liable for the acts of a service licensee.

(2) No action or other proceeding shall lie against the Commission, a commissioner, or an officer or employee of the Commission in respect of an act done or omitted to be done in good faith in the exercise or purported exercise of his or her functions under this Act except in cases of personal injury.

(3) The Commission shall indemnify a commissioner or an officer or employee of the Commission for the legal cost of defending an action in respect of an act done or omitted to be done in good faith in the exercise or purported exercise of his or her functions under this Act.

46. Resignation

A commissioner, other than the Chairperson, may resign his or her office by notice in writing addressed to the Minister through the Chairperson.

47. Revocation

(1) The Minister shall at any time, in writing, revoke the appointment of a commissioner if, upon evidence, the Minister is satisfied that the commissioner -

- (a) is disqualified from being a commissioner under section 40;
- (b) is unable to perform the functions of his or her office;
- (c) is guilty of misconduct;
- (d) has been disqualified or suspended on grounds of misconduct, by a competent authority, from practising a profession;
- (e) has failed to attend 3 consecutive meetings of the Commission or 5 meetings of the Commission in the aggregate during any 12 month period of his or her term of appointment, without presenting a medical certificate or without being excused by the Minister in writing, in the case of the Chairperson or by the Chairperson in writing in the case of any other commissioner

(2) The Minister may revoke the appointment of a commissioner on grounds of national security.

48. Vacancy

(1) The office of a commissioner is vacated -

- (a) upon the death of the commissioner;
- (b) if the commissioner becomes disqualified under section 40;
- (c) if the commissioner resigns under section 46;
- (d) if Minister revokes the appointment of the commissioner under section 47;
- (e) upon the expiry of a commissioner's term of appointment.

(2) A decision of the Commission taken at a meeting is not invalidated merely because there is a vacancy in membership as long as there was the quorum required by section 44.

49. Remuneration

A commissioner shall be paid by the Commission from the Fund such remuneration allowances, if any, whether by way of stipend, honorarium or fees, as may be determined by Cabinet.

PART IV

ASSISTANCE

50. Assistance

Assistance under this Act comprise of the assistance as set out in Schedule 3.

51. Eligibility for assistance

Eligibility for assistance under section 50 is conditional on the fulfilment of the specific eligibility criteria as set out in Schedule 3;

52. Conditions applicable to assistance

(1) It shall be a condition of any assistance granted, that the recipient shall immediately notify the Board in writing of any change in the recipient's circumstances that would make the recipient ineligible to receive assistance.

(2) Notwithstanding subsection (1), where a recipient of assistance under this Act intends to leave and remain outside Antigua and Barbuda for a period of more than 3 months, the recipient shall give the Board one month's notice in advance of the intended departure date.

(3) Where the recipient fails to give the Board notice under subsection (2), the Board may suspend assistance to the recipient.

53. Emergency application

(1) Where an emergency application is made, interim assistance may be granted to an applicant where it appears to the Director to be expedient to do so.

(2) Where the Board is in receipt of an emergency application that has been granted interim assistance under subsection (1), the Board may determine that application pursuant to section 54 and where it is satisfied that a grant of assistance should be made, grant such additional assistance.

PART V

APPLICATION AND ADMINISTRATION

54. Specific eligibility criteria

(1) A person who wishes to apply for social protection assistance must satisfy the specific eligibility criteria as set out in Schedule 3.

(2) The specific eligibility criteria are set by the Director and approved by Minister after consultation with the National Social Protection Commission.

55. Application for social protection assistance

(1) A person who satisfies the specific eligibility criteria under Schedule 3 shall submit an application form to the Department in the form as set out in Schedule 1 to apply for [assistance] under this Act.

(2) An applicant shall submit his or her application with the relevant supporting documents and information as prescribed in Schedule 2.

(3) An application to the Board under this section may be made orally and shall also be made in writing by the person receiving the application where the applicant is unable to fill the application form.

(4) An applicant shall confirm an application made under this section with his or her signature or other identifying mark, on the prescribed form.

(5) An applicant shall be required to comply with such conditions and to give such undertakings and assurances as prescribed under this Act.

56. Receipt of application by the Department

(1) Upon receipt of the application, the Director shall –

(a) assess the application; and

(b) submit a copy of the application to the Department for further processing.

57. Verification checks and assessments

(1) The Department may, prior to the grant of assistance or where it is directed by the Board to so do, conduct verification checks to evaluate the extent to which the assistance is required in meeting the needs of the recipient.

(2) An approved applicant shall be subject to periodic assessments by the Department.

58. Investigation by the Department

Where upon examination of an application, the Director is of the view that an investigation is necessary to ascertain the eligibility of an applicant the Department shall undertake the necessary investigation.

59. Report to the Board

(1) Upon conclusion of an investigation, the Department shall prepare a full report of the investigation together with its findings and recommendations and submit a copy, with the application, to the Board.

(2) The Director shall review all reports prepared under subsection (1).

60. Rules by Director

The Director may make Rules governing the procedures to be followed by officers of the Department in receiving, recording, or investigating complaints, and may require that all complaints be notified to such person as the Director may specify.

61. Receipt of report by the Board

(1) Upon receipt of a report under section 58, the Board may –

- (a) approve the application;
- (b) reject the application; or
- (c) institute a hearing into an inquiry made under section 62.

62. Hearing instituted by the Board

(1) The Board shall institute a hearing by serving a notice of the hearing to the applicant.

(2) The notice of hearing must –

- (a) specify the purpose of the hearing;
- (b) specify the place and time of the hearing; and
- (c) be in such form as may be specified by regulations made by the Board.

(3) The applicant and if required, the authorized officer shall attend the hearing.

(4) the Board may attend a hearing at a place convenient to an applicant where the applicant is mentally or physically disabled or he or she is otherwise unable to be present for a hearing due to other hardship.

63. Non-attendance of parties

(1) Where the complainant does not attend the hearing, having had due notice of the time and place of the hearing, the Board may dismiss the application, unless having received a reasonable excuse for the non-attendance of the applicant, the Board thinks it fit to adjourn the matter.

(2) Where a person who –

- (a) refuses or neglects without reasonable cause, to attend a hearing in compliance with the requirements of a notice issued under section 62; or
- (b) departs from a hearing without the authority of the person holding the hearing,

the Board may proceed with the hearing and render a decision in his or her absence in accordance with the provisions of this Act.

64. Decision of the Board

(1) If the Board is satisfied that the applicant meets the specific eligibility criteria as set out in Schedule 3 and is entitled to receive assistance under the Act, the Board shall issue an Order within 7 days after the hearing, except in the case of emergency, directing the Department to do one or more of the following —

- (a) to ensure the approved assistance is available for the applicant;
 - (b) to execute any directions contained in the Order;
 - (c) to advise the applicant of the Board’s decision including the value, duration, conditions and procedures in relation to the assistance;
 - (d) to provide monthly, quarterly or annual investigation and reviews of the applicant as recommended by the Board;
 - (e) to reimburse any approved costs incurred by the applicant in completing the application process;
- to perform any other matters as it relates to the application, as directed.

(2) Where the Board finds an application to be false or frivolous it shall, issue an Order

- (a) dismissing the application;
- (b) for the applicant to pay to the Department such prescribed costs, as may be specified in the order.

(3) Every Order made by the Board under this part shall be signed by its Chairperson who conducted the proceeding provided that where any of the members differ on any point, they shall state the point on which they differ and the opinion of the majority shall be the order of the Board.

65. Revocation of assistance

(1) The Board may revoke any assistance granted under this Act -

- (a) if the Board is satisfied that the recipient has breached any of the conditions of the assistance specified under section 52;
- (b) if any circumstances arise such that, if that person were not a recipient, would cause him or her to be disqualified from applying for assistance under section 55;
- (c) if the recipient has ceased to fulfil the specific eligibility criteria under Schedule 3; or
- (d) if the recipient has provided false, misleading or inaccurate information in relation to his or her application for assistance.

(2) The Board shall revoke assistance upon the death of the recipient or a dependent.

66. Completion of hearing

On completion of a hearing, the Department shall prepare and send to the applicant and the Registry, a notice of the decision of the Board setting out the Board's findings and recommendations with respect to the application.

67. Registry

(1) The Director shall maintain a Central Beneficiaries Registry to show details of a person who —

- (a) has applied for assistance;
- (b) is a recipient; or
- (c) has been a recipient,

under this Act.

(2) The registry under subsection (1) shall contain information to include —

- (a) the name of recipient;
- (b) the contact information for recipient;
- (c) the date of birth of recipient;
- (d) the gender of recipient;
- (e) the ethnicity of recipient;
- (f) the name, age and number of dependents where applicable;
- (g) the type of assistance;
- (h) the assistance commencement date;
- (i) the assistance termination date;
- (j) the name of the person to whom each payment is made;
- (k) the conditions, under which the assistance was granted;
- (l) the total amount of monthly payments made to each recipient; and
- (m) any other information as prescribed by Minister.

(3) The Secretary shall cause an Order made by the Board to be received by the Registry within 7 days after the Order made.

68. Options after issue of Order

- (1) Within 7 days of the issue of the order, a person may—
 - (a) accept the offer set out in the Order in accordance with section 64; or
 - (b) request an appeal in accordance with section 79.

69. Review of decision

- (1) The Board may review any decision made in relation to assistance granted in the following circumstances—
 - (a) where new facts are brought to the Board’s notice; or
 - (b) if the Board is satisfied that the decision was given in ignorance of, or was based on a misapprehension as to some material fact.
- (2) The Board having reviewed any decision in relation to assistance, may revoke or vary the order for assistance.

PART VI

COMPLAINTS AND APPEALS TRIBUNAL

70. Establishment of Appeals Tribunal

There is established an Appeals Tribunal to be known as the Complaints and Appeals Tribunal.

71. Constitution of Appeals Tribunal

- (1) The Appeals Tribunal comprise of three persons and appointed by Cabinet;
- (2) The Appeals Tribunal consist of –
 - (a) a judge, magistrate or retired judge, who shall be the Chairperson;
 - (b) a retired principal nursing officer or public health experts nominated by the Nursing Association;
 - (c) a person who has knowledge or experience in the field of social work or psychology.

72. Tenure

A member of the Appeals Tribunal holds office for a period not exceeding three years but is eligible for reappointment.

73. Resignation

(1) Any member of the Appeals Tribunal other than the Chairperson, may at any time resign from office by instrument in writing addressed to Cabinet and transmitted through the Chairperson, and such resignation takes effect as from the date of receipt of that instrument by Cabinet.

(2) The Chairperson may at any time resign from his or her office, by instrument in writing addressed to Cabinet, and such resignation takes effect as from the date of receipt of that instrument by Cabinet.

74. Revocation of appointment

(1) Cabinet may at any time revoke the appointment of any member of the Appeals Tribunal, including the Chairperson, if the member or Chairperson-

- (a) neglects his or her duty as a member or engages in misconduct or malfeasance; or
- (b) is absent from three consecutive meetings without excuse from the Chairperson.

(2) Where Cabinet revokes the appointment of a member of the Appeals Tribunal or the Chairperson, Cabinet shall state the reasons for the revocation.

75. Temporary members

(1) Where the Chairperson or any member of the Appeals Tribunal –

- (a) is unable to perform the functions of the office of Chairperson or member of the Appeals Tribunal;
- (b) is absent;
- (c) dies;
- (d) resigns or the appointment is revoked,

Cabinet may appoint another person to act temporarily in place of the Chairperson or that member.

(2) A person appointed pursuant to subsection (1) shall be appointed in a manner that complies with the requirements in section 71 for the constitution of the Appeals Tribunal and holds office -

- (a) in the case of the absence or inability of the Chairperson or member to perform his or her functions, only for the portion of the term of the absence or inability;
- (b) in the case of the death, resignation or revocation of appointment of the Chairperson or member, for the unexpired portion of the term of the former member.

76. Publication in the *Gazette*

The appointment of any member of the Appeals Tribunal and the termination of office of any person as a member whether by death, resignation, removal, effluxion of time or otherwise, shall be published in the *Gazette*.

77. Secretary of Appeals Tribunal

(1) The Appeals Tribunal shall appoint a recording secretary to the Appeals Tribunal who has no voting rights.

(2) The Secretary shall keep a written record of all proceedings of the Appeals Tribunal, which shall be confirmed by the Chairperson.

78. Remuneration and allowances

There shall be paid to members of the Appeals Tribunal such remuneration and allowances, if any, whether by stipend, honorarium or fees, as Cabinet determines.

79. Hearings, deliberations and decisions

(1) A person who is dissatisfied by a decision of the Board may appeal to the Appeals Tribunal within 7 days of receipt of the decision of the Board.

(2) The Appeals Tribunal shall convene at such time, at such place and on such days as may be necessary or expedient for the discharge of its functions.

(3) Where an appeal is lodged, the Appeals Tribunal shall convene a hearing within a period of 14 days from the date of receipt of the appeal or any other date as deemed necessary by the Appeals Tribunal.

(4) At least 7 days before the date fixed for the hearing of an appeal, the Secretary to the Appeals Tribunal shall by notice in writing advise the appellant, the respondent and the Appeals Tribunal of the date, the time and the place at which the appeal has been set down for hearing.

(5) A notice under subsection (5) shall be given to the Appeals Tribunal and to the appellant and the respondent either personally to his or her given address for service or by sending the notice by registered mail.

(6) At every hearing of the Appeals Tribunal the Appellant and Respondent shall be entitled to appear in person or by a representative.

(7) The hearing of an appeal by the Appeals Tribunal shall be in private.

(8) The decision of the Appeals Tribunal shall be by a majority of votes of those members present and voting and, in addition to an original vote, the Chairperson has a second or casting vote in any case in which the voting is equal.

(9) The decision of the Appeals Tribunal shall be conveyed to the Board and the appellant in writing.

(10) An appeal to the Appeal Tribunal may be made from a decision of the Board on a point of law, but not on any matter of fact or on the merits of any decision made by the Board.

(11) A member of the Appeals Tribunal shall, as soon as is practicable inform the Chairperson of any matter in which he or she has, either directly or indirectly, personally or by his or her relative, partner, business associate or company, any pecuniary or business interest and that member shall not take part, directly or indirectly, in any hearing, deliberation or decision by the Appeals Tribunal on that matter.

(12) The decision of the Appeals Tribunal shall be authenticated by the signature of the Chairperson and the Secretary.

80. Functions and powers of Appeals Tribunal

(1) For the purposes of this part, the Appeals Tribunal –

- (a) shall review the proceedings before the Board and consider any submissions made by the parties.
- (b) may decide on costs and such other matters as may be prescribed.
- (c) shall receive and evaluate applicants complaints and resolve disputes in accordance with section 79;

81. Proceedings of Appeals Tribunal

(1) Subject to subsection (2), every proceeding of the Appeals Tribunal shall be conducted by the Chairperson of the Appeals Tribunal and the two other members sitting together.

(2) Where a member of the Appeals Tribunal, other than the Chairperson, is unable to conduct proceedings to completion, the Chairperson and the other member shall continue the proceedings from the stage at which it was last heard by the previous member and conclude the hearing.

82. Validity of proceedings

The validity of any proceedings of the Appeals Tribunal is not affected by any vacancy in its membership or by any defect in the appointment of any of its members.

PART VII

RECOVERY AND OFFENCES

83. Recovery of overpayment

(1) The Board may require a recipient to repay any assistance or part thereof paid as a result of false, misleading or inaccurate information and may suspend further assistance until such sum has been repaid.

(2) Where the Board determines that recovery for overpayment from a recipient would cause undue hardship, the Board may waive the overpayment or may require the recipient to repay a reduced amount.

(3) Where any sum is required to be repaid by a recipient under subsection (1), the Board may recover such sum as a debt owing to the Government in any court of competent jurisdiction.

84. Reimbursement

(1) Where assistance is granted under this Act and the recipient is in receipt of a donation, gift or other assistance from funding given for the same purpose for which that assistance was granted, the Board may require the recipient to repay any sum of money paid as assistance under this Act.

(2) Where any sum is required to be repaid by the recipient under subsection (1), the Board may recover such sum as a debt owing to the Government in any court of competent jurisdiction.

85. Recovery of funeral expenses

(1) In any case where it may appear expedient to do so, the Board may pay the cost of and expenses incidental to the funeral of a recipient or any vulnerable person within the amount as prescribed.

(2) The Board may recover the amount paid under subsection (1) from any person, who is in receipt of any other death or funeral grant and was liable for the maintenance of the deceased person when he or she was alive, or from any person who is in control of, or who has possession of, any property of the deceased person.

(3) Where any sum is required to be repaid by a person under subsection (2), the Board may recover such sum as a debt owing to the Government in any court of competent jurisdiction.

86. False or misleading statement or information

(1) A person who –

(a) willfully makes a false statement to mislead or misleads or attempts to mislead the Department, Board, Appeals Tribunal or any person in the discharge of functions under this Act; or

(b) without lawful justification or excuse –

(i) obstructs, hinders or resists the Department, Board, Appeals Tribunal or any other person in the discharge of functions under this Act,

(ii) fails to comply with any lawful requirement of the Department, Board, Appeals Tribunal or any other person under this Act; or

(c) deals with documents, communication or information in a manner inconsistent with his or her duty under this Act,

commits an offence and is liable on conviction to a fine not exceeding [\$1500] or to imprisonment not exceeding [one] year, or to both

87. Failure to attend to give evidence

(1) A person shall not -

(a) refuse or fail, without reasonable excuse, to appear before the Board or Appeals Tribunal, having been required to do so; or

(b) refuse to take an oath or make an affirmation having appeared before the Board or Appeals Tribunal as a witness.

(2) A person who contravenes subsection (1) commits an offence, and is liable, on summary conviction, to a fine not exceeding [\$750] or to imprisonment for a term not exceeding [6 months, or to both].

88. Offences by body corporate

(1) Where an offence under this Act has been committed by a body corporate, notwithstanding and without prejudice to the liability of that body, any person who at the time of commission of the offence was a director, general manager, secretary or other like officer of that body or was purporting to act in any such capacity is -

(a) subject to subsection (2), liable to be prosecuted as if he or she has personally committed that offence; and

(b) if on prosecution it is proved to the satisfaction of the court that he or she consented to, or conspired in, or did not exercise all such reasonable diligence as he or she ought in the circumstances to have exercised to prevent the offence, having regard to the nature of his or her functions in that capacity and to all the circumstances,

liable to the like conviction and punishment as if he or she had personally been guilty of that offence.

(2) A person shall not be charged under subsection (1) except upon the direction of the Attorney General.

89. Declaration of interest and abstention from voting by [Board member or] commissioner

(1) A [Board member or] commissioner who either directly or indirectly, has a pecuniary or other interest in a matter before the [Board or] Commission shall declare the nature of his or her interest at the first meeting of the Commission at which it is practicable to do so.

(2) Where a [Board member or] commissioner declares an interest under subsection (1), the [Board member or] commissioner shall leave the meeting upon the matter coming up for discussion and shall not receive any other communication on the matter.

(3) A declaration and the departure of a [Board member or] commissioner from the meeting in accordance with subsection (1) shall be noted in the minutes of the meeting.

(4) A [Board member or] commissioner who -

(a) contravenes subsection (1);

(b) votes in respect of a matter before the [Board or] Commission in which he or she is interested, whether directly or indirectly; or

(c) seeks to influence the vote of any other [Board member or] commissioner in relation to a matter before the Commission in which he or she is materially interested, whether directly or indirectly;

is guilty of misconduct.

(5) A person who contravenes this section commits an offence and is liable on summary conviction to a fine not exceeding [\$5,000] or to a term of imprisonment not exceeding one year or to both.

90. Proof of life [and residency] certificate

(1) An elderly, shut-in or immobile person, [or a parent or guardian of a child] who is in receipt of assistance shall submit documentary evidence –

(a) on the anniversary date of his or her birth; or

(b) on the anniversary of the child’s birth, as the case may be, and

(c) every six months thereafter or as required by the Director,

to the Department, that he or she is alive, by completing a certificate in the prescribed form as set out in Schedule 5.

(2) Where a person fails to submit his or her certificate as required under subsection (1), the assistance shall be suspended until the date on which that person submits his or her life certificate.

(3) A person who certifies or states any material particular which is false, if he or she does so without having taken reasonable means to ascertain the truth or falsity of such matter, is liable on conviction on indictment to imprisonment for one year, or, if he or she does so knowing that such matter is false, is liable on conviction on indictment to imprisonment for 5 years.

PART VIII

MISCELLANEOUS

91. Secrecy and confidentiality

(1) The Board, Commission, officer, employee, both established and non-established and every person concerned with the administration of this Act, shall regard as secret and confidential all documents, information or matters disclosed in the administration of this Act except disclosures which the Board considers necessary in the discharge of its functions and which shall not be deemed inconsistent with any duty imposed under this section.

(2) The Board, Commission, officer, employee and every person concerned with the administration of this Act, shall be required to take the oath of secrecy set out in Schedule 4.

(3) Subject to subsection (4), a Board member, a commissioner, an officer, an employee, an agent or an adviser of the Commission shall not disclose to any other person any information relating to any application submitted to the Commission under this Act or a Regulatory Act that the commissioner, officer, employee, agent or adviser has acquired in the course of his or her duties or in the exercise of their functions under this Act or any other law.

(4) Subsection (1) does not apply to a disclosure -

- (a) with the consent of the person or the customer, member, client, as the case may be, which consent has been voluntarily given;
- (b) for the purpose of enabling or assisting the Board or Commission in exercising a function conferred on it under this Act or any other law;
- (c) if the information disclosed is or has been available to the public from any other source;
- (d) where the information disclosed is in a summary or in statistics expressed in a manner that does not enable the identity of an applicant, to which the information relates, to be ascertained;
- (e) lawfully made to a person with a view to the institution of, or for the purpose of -
- (f) criminal proceedings; or
- (g) disciplinary proceedings relating to the discharge of duties by a commissioner, officer or employee of the Commission;
- (h) for the purposes of any legal proceedings pursuant to a court order in connection with the winding up or dissolution of a service licensee; or
- (i) for the appointment or duties of a receiver of a service licensee.

(5) A person who contravenes subsection (3) commits an offence and is liable on summary conviction to a fine not exceeding [\$5,000] or to a term of imprisonment not exceeding [one year or to both].

92. Channel of communication

(1) All communication and correspondence between the Board and the Department shall be conducted through the office of the Director.

(2) The Director shall ensure that all communication and correspondence between the Board and the Department is transmitted to the appropriate party in a speedy and efficient manner.

93. Protection of officers of the Department

(1) A civil action, suit or other proceeding shall not be brought or instituted personally against any officer of the Department in respect of any act or omission done in good faith in the due performance of his or her functions.

(2) A civil action, suit or other proceeding shall not be brought or instituted as a result of the act or omission of any officer of the Department unless –

- (a) the civil action, suit or other proceeding is filed within twelve months from the date of the act or omission complained of; and
- (b) notice of intended action has been given one month before the civil action, suit or other proceeding is brought or instituted.

(3) The notice under subsection (3)(b) must –

- (a) be in writing;
- (b) specify the grounds of action;
- (c) be served on the Department and the Attorney General.

94. General penalty

A person who contravenes this Act commits an offence and is liable on summary conviction to a fine not exceeding [five] thousand dollars or imprisonment for a term not exceeding [two years, or both.]

95. Amendment of Schedules

The Minister may, by Order published in the *Gazette*, amend the Schedules to this Act.

96. Regulations

(1) The Minister may make Regulations after consultation with the [Department/Director], for the purposes of giving effect to the provisions of this Act.

(2) Without prejudice to the generality of subsection (1), the Minister may make Regulations to -

- (a) provide for the form of applications, annual reports and for other forms pursuant to this Act;
- (b) provide for the staggering of the terms of appointment of the Commissioners pursuant to section 41;
- (c) provide for fees and other costs as may be required from time to time;
- (d) provide for various forms for notices, reporting and other purposes as required under this Act;
- (e) creating offences for breach of any provision of the Regulations and for a penalty not exceeding [\$5000] for any such an offence;
- (f) prescribe matters required or permitted to be prescribed by this Act;
- (g) provide for such matters as may be contemplated or necessary for giving full effect to this Act and for its administration or incidental to or consequential upon any provision of this Act.

(4) Regulations made under this section may create offences and may prescribe penalties for the offences on conviction to a fine not exceeding twenty thousand dollars or to imprisonment for a term not exceeding four years.

97. Repeal

The Poor Relief Act, Cap. 332 is repealed.

98. Transitional

All rights, privileges and all the liabilities and other obligations to which immediately before the commencement of this Act a recipient was entitled or subject to, are transferred and conferred or imposed upon by the Board for the purposes of this Act.

SCHEDULE 1

(Section 55)

FORM 1



Department of Social Policy, Research and Planning

Ministry of Social Transformation and Human Resource Development

SOCIAL PROTECTION ASSISTANCE

APPLICATION FORM

Place Photo Here.

Client number _____

Intake SPO: _____ Date: _____

Are you applying for social assistance on behalf of: Self Child Other

Why are applying for social assistance?

Incarcerated Parent Death of a Parent/ Caregiver Insufficient Income

Impoverished Elderly Severe verified disability Other (please explain)

Are you receiving any social assistance? Yes No

If no, go to section 1

If yes, Name of person _____

How long have you been on the social assistance programme: _____

Other source of support: Church Family Friends Other

Type of support: Monetary Food Clothing Other

If monetary assistance, state amount XCD \$ _____

Personal Data (Section 1)

ADULT

Title: Mr. Mrs. Ms. (Circle appropriate box)

Name: _____

(Surname)

(Given name)

Date of Birth _____ Age _____ Sex M F
(dd/mm/yr)

Country of birth _____ Nationality _____

How long have you been residing in Antigua and Barbuda (*where applicable*) _____

Address: _____

Home Tel. _____ Work Tel. _____ Cell _____

Marital Status: Single Married Divorced Separated Common Law
Widowed

Social Security#: _____ Medical Benefits#: _____

Do you have any children? Yes No If Yes, how many? _____

Are any children in your care? Yes No

If no, skip to **section 3**.

If yes, how many and their relation to you _____

Applying on behalf of: Self Child

Next of Kin _____

Relationship _____

Contact number for next of kin _____

Emergency Contact (different from next of kin) _____

Relationship _____

Contact number for emergency contact _____

Personal data (Section 2)

CHILD

Name: _____

Date of Birth _____ Age _____ Sex M F

Country of birth _____ Nationality _____

How long has child been residing in Antigua and Barbuda (*where applicable*) _____

Address: _____

School: _____ Grade: _____

Telephone: _____

Is the child's immunization up to date? Yes No

Does the child suffer any illness? Yes No

If yes, Please specify _____

Household Information (Section 3)

Is the home that you currently reside in Rented Mortgaged Family Owned?

Other _____
(please specify)

Name of head of household, if different from applicant _____

How many persons live in the household? _____

How many bedrooms? _____

Name	Sex	Occupation	School	Comments

Head of household's highest level of education attained? Primary Secondary

Technical/vocational Tertiary University None

Are you currently employed? Yes No

If employed, Name and address of Employer: _____

How often do you get paid? Daily Weekly Bi Weekly Monthly

Do you presently have a Bank Account? Yes No

If yes, name of Financial Institution & Account #: _____

If yes, do you currently have any funds in your account? Yes No

What is your monthly payment for rent/ mortgage? _____

Who is responsible for the payment? _____

Please indicate any of the following assets that you own: House Land Vehicle

Livestock (*please list*) _____ Investments None

List of Expenses per month

Items	Cost per month
Electricity	
Water	
Land line phone	
Cable T. V.	
Internet	
Mortgage/rent	
School fees	
School supplies	
Mobile phone	
Food/groceries	
Insurance Payment	
Household items	
Entertainment	
Miscellaneous	
Other	
Total Expenses	\$

Name of person making referral: *(please print)* _____

Designation/ Occupation of Referee _____

Address & Contact Number # _____

Signature of Referrer Source _____ Date _____



Signature of Witness _____

Disclaimer: The information that I have provided is true and accurate. I authorize the Ministry of Social Transformation to use this information to verify my application. I also grant them permission to contact other agencies and providers regarding my application. I further understand that the information granted above can be used for national data, however, my name will not be disclosed without my expressed written permission. In addition, I understand that I will need to comply with the Financial Empowerment Centre as part of the Social Assistance Programme. I agree to participate in programs attached to the provision of any assistance towards graduation from the programme as may be deemed necessary

Print name of Applicant _____

Signature of Applicant _____

Official Use Only

Date of Review: _____

Approval granted? Yes No

Justification for Approval:

Reason for Decline:

Approval date _____

Period of Approved Benefits _____

Next Recertification Date _____

Signature of Approval Officer _____ **Date** _____

FORM 2

(Section 55)



Department of Social Policy, Research and Planning

Ministry of Social Transformation and Human Resource Development

HOME IMPROVEMENT GRANT FOR THE ELDERLY

APPLICATION FORM

Application No _____

Intake SPO: _____

Date: _____

Have you or any household member applied or received any assistance from the Ministry of Social Transformation for Home Improvement before? Yes No

If yes, what year _____

What kind of assistance did you receive? _____

Section A

Name of property owner _____ (if different from applicant)

Relationship to applicant _____ Tel _____

Address _____

Applicant Information

Applicant: _____

Sex M___ F___ D.O.B. _____

National ID no. _____

Marital Status:

Single __ Married __ Divorced__ Separated__ Common Law__ Widowed__

Country of birth _____ Nationality _____

Address _____ Tel: _____

Choose from the Following Source of Income: Social Welfare Assistance Social Security Pension

Disability Grant Religious Organization Assistance Remittances (monies from relatives abroad)

Other (Please specify) _____

Monthly household Income _____

Number of Persons Occupying House _____

Household Composition

Name	Age	Sex	Occupation/School	Comments

Section B

Land Information (if applicable)

Are you the owner of the Land? Yes No

Are you the owner of the House? Yes No

Do you have Title to the property? Yes No

Other: Leasehold Rental Joint Ownership by Other Relations

Will you get the necessary approval/ permission to undertake the necessary home repair from owner/landlord in writing? Yes No

(*requires written documentation from person)

Home Improvement Repairs/ (where applicable)

Check the type of work to be done:

- General Upgrading of Wooden or Concrete Structure Roof or Ceiling repair
- Floor Improvement to access for Elderly or Disabled Plumbing work
- Construction of Sanitation Facility Extension/Addition to ease overcrowding
- Electrical work Improvement to earthen floor to concrete or wooden
- Repairs to steps Installation of Guard rails Materials Fixtures Wiring Other,

Please Specify_____

Approximate Cost for Work to be done EC\$_____

Amount required EC\$_____

All eligible applicants will be selected for interview and assessment. Final determination will be made on application.

Recommended By_____

Print Name

Signature

Approved by_____

Social Protection Administrator

Appraisal Officer

Date _____



Please attach letter of recommendation and detailed estimate of materials required for the project to this form

The following documents must be presented with the completed application form

- **Referral letter from the following persons**
 - **District Nurse or Registered Medical Practitioner**
 - **Welfare Officer**
 - **Minister of Religion**
- **Original birth certificate along with Government issued Photo ID**
- **Evidence of citizenship (where applicable)**
- **Proof of ownership or Authorized letter from owner of property (where necessary)**
- **Documentary evidence of household income**
- **Recent pay slip/ Job Letter/Pension slip**
- **Quotation for repair work to be completed**

FORM 3

(Section 55)



Department of Social Policy, Research and Planning

Ministry of Social Transformation and Human Resource Development

HOME ADVANCEMENT PROGRAMME FOR THE INDIGENT (HAPI)

APPLICATION FORM

Application No _____

Date: _____

Have you or any household member applied or received any assistance from the Ministry of Social Transformation for Home Improvement before? Yes No

If yes, what year _____

What kind of assistance did you receive? _____

Section A

Name of property owner _____ (if different from applicant)

Relationship to applicant _____ Tel _____

Address _____

Applicant Information

Applicant: _____

Sex M ___ F ___ D.O.B _____

National ID no. _____

Marital Status:

Single __ Married __ Divorced__ Separated__ Common Law__ Widowed__

Country of birth _____ Nationality _____

Address _____ Tel: _____

Choose from the Following Source of Income:

Salary Social Welfare Assistance Social Security Pension Self Employed

Disability Grant Religious Organization Assistance Remittances (monies from relatives abroad)

Other (Please specify) _____

Weekly Household Income _____ Monthly household Income _____

Number of Persons Occupying House _____

Household Composition

Name	Age	Sex	Occupation/School	Comments

Section B

Dwelling House Characteristics

House Size- 1Bedroom 2 Bedrooms 3 Bedrooms Indoor Kitchen Outdoor Kitchen Indoor Bathroom/ Toilet Outdoor Bathroom/ Toilet

Type of materials used for construction of Dwelling House _____

Type of roofing material _____

Amenities

Electricity Pipe borne water Cistern Water Tank Drums

Section C

Land Information (if applicable)

Are you the owner of the Land? Yes No

Are you the owner of the House? Yes No

Do you have Title to the property? Yes No

Other: Leasehold Rental Joint Ownership by Other Relations

Will you get the necessary approval/ permission to undertake the necessary home repair from owner/landlord in writing? Yes No

(*requires written documentation from person)

Section D

Home Improvement Repairs/ HAPI Assistance (where applicable)

Tick the type of work to be done:

- General Upgrading of Wooden or Concrete Structure Roof or Ceiling repair
 - Floor Improvement to access for Elderly or Disabled Plumbing work
 - Construction of Sanitation Facility Extension/Addition to ease overcrowding
 - Electrical work Improvement to earthen floor to concrete or wooden
 - Repairs to steps Installation of Guard rails Materials Fixtures Wiring Other,
- Please Specify _____

Approximate Cost for Work to be done EC\$ _____

Amount required EC\$ _____

Application Declaration

Declaration

I _____ certify that the information provided on this application form is true to the best of my knowledge. I also understand that provision false information will automatically disqualify me from obtaining the assistance.

Applicant Signature _____
Date

The following documents must be presented with the completed application form

- Original birth certificate along with two Government issued photo IDs
- Evidence of citizenship (where applicable)
- Proof of ownership or copy of the Title Deed
- Copy of Marriage/ Death/ Divorce Certificate
- Other documents as necessary

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Section A

Site Visit (to be completed by Evaluation Team)

Date and Time _____

Visited by _____

Name	Position
_____	_____
Name	Position

Approximate cost for the work to be done _____

Evaluation Report:

Selection Approved Yes No

Signature _____

Section B

Site Visit (to be completed by National Housing)

Date and Time _____

Visited by _____

Name

Position

Report on Work to be undertaken

Date work commenced _____

Date of completion _____

Final Cost _____

Comments:

Name Signature

Date Position

FORM 4

(Section 55)



Department of Social Policy, Research and Planning

Ministry of Social Transformation and Human Resource Development

FUNERAL GRANT

APPLICATION FORM

Client Name: _____

Intake Officer: _____ Date: _____

Applicant Information

Person applying for funeral grant _____

Sex _____ DOB _____ Marital Status _____

Relationship to deceased: _____

Address: _____ Tel. No: _____

Reason for Application: _____

Details of deceased

Name of Deceased: _____

Nationality: _____ Social Protection Assistance Recipient: YES NO

Date Admitted to the Social Protection Assistance: _____

Address at time of death: _____

Date of Birth: _____ Date of Death _____

Cause of Death: _____

Age at time of Death _____ Date of Funeral _____

Name of Undertaker: _____

Did the deceased have minor child Yes No

If yes,

Name	Date of Birth	School	Address

Does the deceased have any of the following assests?

	Yes	No	Value
Vehicle			
House			
Money in Bank			
Pension fund			
Life Insurance			
Other assets			

Please specify

Disclaimer: The information that I have provided is true and accurate. I authorize the Ministry of Social Transformation to use this information to verify my application. Please note that this service will only be provided to clients of the Department of

OFFICIAL USE:

Status of Application

Approved

Denied

Justification for Decision:

Social Protection Administrator:

_____ Name

_____ Signature

Date _____

Chief Social Protection Officer: _____

Signature Name

Date _____

Permanent Secretary/SPB Chairperson: _____

Date Name Signature

The Following Documents Must be presented with the completed application form

- **An Original Birth Certificate for applicant**
- **An Original Birth and Death Certificate for deceased**
- **Government issued photo ID of person making application and proof of relationship to the deceased**
- **A letter from the Child’s school detailing enrollment and attendance (where applicable)**
- **Invoice from funeral home**

SCHEDULE 2

SUPPORTING DOCUMENTS

The supporting documents and information required to be submitted with an application made under section 55 are as follows –

- (a) Referral Letter from the A Doctor, Nurse or Member of the Clergy
- (b) A passport size Photo of the applicant
- (c) Valid government issued photo identification card/ social security card/medical assistance card /passport
- (d) Death/Marriage/Divorce Certificate (where applicable)
- (e) Original Birth Certificate(s) where applicable for self and any other child applicant(s).
- (f) A letter from the Child’s school detailing enrollment and attendance
- (g) Child’s immunization card
- (h) If applying due to medical reasons documented proof of illness and how it impacts your ability to work
- (i) Proof of address in Antigua and Barbuda (where applicable)
- (j) Property title (where applicable)
- (k) Medical certificate (where applicable)
- (l) Evidence of any current support or income
- (m) Proof of school enrollment (where applicable)
- (n) Proof of monthly commitments
- (o) Proof of life certificate (where applicable)
- (p) Proof that the parent is incarcerated or proof of seeking child support from the non-custodial parent
- (q) Life Certificate [and residency] (if approved)
- (r) Utility bills (electricity, water)
- (s) Rent receipts (if applicable)
- (t) Affidavits (where applicable)
- (u) Any other relevant information as required by the Department

SCHEDULE 3

(Sections 50, 51,54,55,65)

Assistance Categories and Specific Eligibility Criteria

To qualify for assistance under this Act an applicant must –

- (a) satisfy the relevant specific eligibility criteria for any assistance category that he or she qualifies for, as required; and

- (b) satisfy the following additional requirements -
 - i. be a vulnerable person;

 - ii. be a legal resident in Antigua and Barbuda;

 - iii. be a member state citizen;

 - iv. with the exception of a child applicant, not have savings to exceed \$2,500.00 or any other amount as prescribed from time to time;

 - v. apply to the Department as prescribed;

 - vi. have no income generating property, business or livestock;

vii. not in receipt of assistance by the Government or otherwise that allows the applicant to meet their needs on an ongoing basis;

viii. if eligible, agree to receive financial and other counselling from the Financial Empowerment Centre as part of the exit strategy of the Ministry.

Assistance Categories	Eligibility Criteria
Cash and Food Assistance	<ul style="list-style-type: none"> ▪ Underemployed or unemployed ▪ Legal Resident for a minimum of 3 years ▪ Should not be a recipient of any other similar government social programme
Elderly Support (Grace)	<ul style="list-style-type: none"> ▪ Persons 65 years and older with limited mobility ▪ No financial support ▪ Living alone or with only [one] other person ▪ With no caregiver support or assistance ▪ Legal Resident for a minimum of 3 years
Elderly Support –Day Care (where available)	<ul style="list-style-type: none"> ▪ Must pay the monthly applicable fee to the day care facility ▪ Persons 65 years and older ▪ Must be in need of daily day care assistance

Elderly Utility Subsidy (electricity and water)	<ul style="list-style-type: none"> ▪ Persons 65 years and older ▪ Living alone or with only [one] other person ▪ Utility must be in the applicant's name ▪ Legal Resident for a minimum of 3 years
Funeral Assistance	<ul style="list-style-type: none"> ▪ the deceased to be beneficiary of social protection assistance ▪ the deceased next of kin should also be a vulnerable person ▪ Legal Resident for a minimum of 3 years
Fire Victims Assistance	<ul style="list-style-type: none"> ▪ Should be resident in the house at the time of the fire ▪ Must be a residential fire verified by a valid Police Report ▪ Property, contents and other personal effects must be uninsured ▪ Must have proof of home ownership or residency
Healthcare, pharmaceuticals and Family Planning	<ul style="list-style-type: none"> ▪ Persons who are enrolled in one or more social protection assistance programmes [Based on RB email of 9th May sounds like they do not -please confirm]
Housing - Home Improvement	<ul style="list-style-type: none"> ▪ Persons [25] years and older or a beneficiary of inherited property ▪ Proof of home ownership ▪ Proof of land ownership or approval from landowner ▪ Home in need of repairs ▪ Unemployed or underemployed ▪ Legal Resident for a minimum of 3 years
Mental Healthcare	<ul style="list-style-type: none"> ▪ Persons certified by a registered medical practitioner as mentally ill

<p>Residential Care (Elderly)</p>	<ul style="list-style-type: none"> ▪ Persons 65 years or older ▪ With no caregiver or financial support ▪ With no place to live ▪ Legal Resident for a minimum of 3 years
<p>Residential Care (child)</p>	<ul style="list-style-type: none"> ▪ Without parents, guardians or caregivers ▪ Abandoned, abused or neglected (referred by child welfare) ▪ Court mandated ▪ At risk of delinquency (as decided by court)
<p>School Support</p>	<ul style="list-style-type: none"> ▪ To be Enrolled in early childhood, primary and secondary schools
<p>Schooling (daycare/preschool, special education and tertiary education)</p>	<p>Daycare/preschool</p> <ul style="list-style-type: none"> ▪ 0-5 year olds (day care/ preschool) <p>Special education</p> <ul style="list-style-type: none"> ▪ 5 – 21 years old (special needs) ▪ Diagnosed with special needs by a certified professional [Rachel to confirm] <p>Tertiary</p> <ul style="list-style-type: none"> ▪ Enrolled in an accredited tertiary institutions with a course of study pertaining to the priority areas as [specified/approved] by the government

<p>Support and Counselling</p>	<ul style="list-style-type: none"> ▪ Persons living with HIV/AIDS ▪ Primary and secondary school students diagnosed with dyslexia or learning disabilities ▪ Persons with drug or alcohol dependency ▪ Legal Resident for a minimum of 3 years (Adults only) ▪ Referral from Clinics/Police/Courts/ other social agencies ▪ Requests for protection/support (from victims of abuse/other social agencies)
<p>Work and Training</p>	<ul style="list-style-type: none"> ▪ Persons [16] – 65 years old ▪ Underemployed and Unemployed ▪ Legal Resident for a minimum of 3 years

SCHEDULE 4

(Section 91)

Oath of Secrecy

Form of oath to be taken by Board members, commissioners, directors, officers and employees under this Act

I,.....(name) swear or affirm that I will well and faithfully carry out my duties and obligations under the National Social Protection Act, [2019] and the Regulations, rules and instructions thereunder and that I will not without due authority in that

behalf disclose or make known any matter or thing that comes to my knowledge by reason of my employment or office.

Signed

Date

SCHEDULE 5

(Section 90)

PROOF OF LIFE [AND RESIDENCY] CERTIFICATE

Full Name of [elderly/shut-in/immobile/child]
Recipient _____

Date of Birth _____ NIS Number _____

Address _____

Type of assistance _____

Signature/Mark of Recipient _____ Date _____

I, _____ of _____
(please print name) (please print address)

_____ Telephone Number _____
(please state profession and/or official title)

Hereby certify that _____

Whose signature is affixed above was alive [and resident in Antigua and Barbuda] on the
__ day of _____ 20_____.

Date

Signature

CERTIFICATE OF TRUTH

I do hereby certify that all statements made by me in this Certificate are true and correct to the best of my knowledge, information and belief. Further, I understand that in the event that I have knowingly and wilfully made any false statements, I will be liable for punishment in accordance with the applicable law.

Signature or mark of recipient or parent/guardian (of child):

Date: _____

Note: This Life Certificate is to be certified by a Ministry of Religion, Director, [Director, Chief or Senior Social Protection Officer] or Registered Medical Practitioner with his or her stamp affixed hereto.

SCHEDULE 6

(Section 2)

MEMBER STATES

Anguilla

Antigua and Barbuda

British Virgin Islands

Commonwealth of Dominica

Grenada

Martinique

Montserrat

Saint Kitts and Nevis

Saint Lucia

Saint Vincent and the Grenadines

Passed in the House of Assembly this day of , 2019.

Speaker of the House of Assembly.

Passed in the Senate this day of , 2019.

President of the Senate.