

ANTIGUA AND BARBUDA



**THE SOCIAL SECURITY (BENEFITS) (SURVIVORS)
(AMENDMENT) REGULATIONS, 2025
STATUTORY INSTRUMENT**

2025, No. 16

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**THE SOCIAL SECURITY (BENEFITS) (SURVIVORS) (AMENDMENT) REGULATIONS
made in exercise of the powers contained in sections 29, 30 and 31 of the Social Security Act,
Cap. 408.**

1. Short title

These Regulations may be cited as the Social Security (Benefits) (Survivors) (Amendment) Regulations 2025 and shall be read as one with the Social Security (Benefits) (Survivors) Regulations Cap 408.

2. Interpretation

In these regulations unless the context otherwise requires—

“she” or “her” wherever the word appears in these regulations shall also mean “he” or “him”;

“husband” or “wife” wherever it appears shall be read as “spouse”;

“widow” wherever it appears in Regulation 6, shall be read as “widow or widower” as may be relevant;

“pensionable age” means the maximum age at which age pension is payable;

“principal Regulations” mean the Social Security (Benefits)(Survivors) Regulations S.R.O. 41 of 1973.

3. Amendment of Regulation 3

The principal Regulations are amended in regulation 3 by repealing the entire regulation and substituting the following—

Subject as hereinafter provided, survivors benefit shall consist of—

- (a) a survivors pension, namely—
 - (i) a widow’s or widower’s pension;
 - (ii) a child’s pension;
 - (iii) an orphan’s pension;

- (b) a survivor's grant.

4. Amendment of Regulation 4

The principal Regulations are amended in regulation 4—

- (a) by repealing sub regulation (1) and substituting the following—

“(1) Subject to the provisions of these regulations, survivor's benefit shall be payable to the widow or widower, as the case may be and children, including step-children and adopted children, of a deceased insured person if at the time of death such insured person—

- (a) was in receipt of an invalidity pension or an age pension benefit;
 - (b) would have been entitled to an invalidity pension or grant if deemed to be an invalid at the time of death; or
 - (c) was at the pensionable age or over and would have been entitled to an age pension or grant had a claim been made for such benefit.”.
- (b) by repealing sub regulation (2) and substituting the following—

“(2) Where at the date of death, the insured person had a minimum of 750 contributions, the benefit payable shall be a survivor's pension as long as the surviving spouse was no less than 10 years below the pensionable age.”.

- (c) by repealing sub regulation (3) and substituting the following—

“(3) Where at the date of death, the insured person had a minimum of 500 contributions, the benefit payable shall be a survivor's grant.”.

5. Amendment of Regulation 6

The principal Regulations are amended in regulation 6 as follows—

- (a) by repealing paragraph “(a)” of sub-regulation (1) and substituting the following—

“(a) a widow or widower who at the date of the spouse's death was not more than ten years from attaining pensionable age and had been married for not less than three years shall be entitled to a widow or widower's pension for life

PROVIDED that widow or widower's pension shall not be payable to a surviving spouse if they lived separate and apart for three (3) years or more immediately preceding the death of the spouse and were not dependant on the deceased;”;

- (b) by repealing paragraph “(b)” of sub-regulation (1) and substituting the following—

“(b) a widow or widower who at the date of the spouse’s death was married for not less than three years and an invalid shall be entitled to a widow or widower’s pension as long as the invalidity continues;”;

(c) by repealing paragraph “(c)” of sub-regulation (1) and substituting the following—

“(c) a widow or widower who at the date of the spouse’s death was more than ten years from attaining pensionable age or was not an invalid and had been married for less than three years shall be entitled to a widow or widower’s pension for one year;

Provided that where a widow or widower qualifies under paragraph (c), and his/her children qualify under regulation 8 he/she shall continue to receive the pension for three years or until—

(a) all the children cease to qualify; or

(b) he/she remarries or cohabits, whichever is sooner;

And further provided that if he/she was an invalid at the time of his/her spouse’s death and does not qualify for invalidity pension in his/her own right, the pension shall continue so long as the invalidity lasts.”;

(d) by repealing sub-regulation (2);

(e) by repealing sub-regulation (3) and substituting the following—

“(3) A widow or widower’s pension shall cease upon remarriage or cohabitation.”;

(f) by renumbering sub-regulation “(3)” as “(2)”.

6. Repeal of Regulation 7

The principal Regulations are amended by repealing Regulation 7.

7. Amendment and renumbering of Regulation 8

The principal Regulations are amended—

(a) by renumbering “Regulation 8” as “Regulation 7”;

(b) by repealing Regulation 8 and substituting the following—

“7 (1) A child’s or orphan’s pension shall be payable in respect of each of the unmarried children, adopted children or stepchildren of a deceased insured person who at the date of the parent’s death was under the age of sixteen years or under the age of 21 years and receiving full-time education, or being sixteen years of age or older, is an invalid and was living with or maintained by the deceased at the time of his/her death.

(2) A child's pension or orphan's pension shall be payable in respect of the child or orphan until he attains his sixteenth birthday, or twenty first birthday and receiving full-time education:

Provided that in the case of a child or orphan who is an invalid at the date of death of the insured person, the pension shall continue after the invalid attains the age of sixteen years as long as the invalidity continues.

8. Amendment and renumbering of Regulation 9

The principal Regulations are amended—

- (a) by renumbering “Regulation 9” as “Regulation 8”;
- (b) by repealing Regulation 9 and substituting the following—

“8 (1) The rate of widow's or widower's pension payable to the spouse shall be equal to fifty per centum of the maximum pension available for payment to survivors.”

(2) Subject to Regulation 9 the remaining fifty per centum shall be divided equally amongst each eligible child.

(3) Where no spouse is entitled to benefit seventy-five per centum of the amount of survivor's pension shall be divided equally and paid in respect of the eligible children of the deceased insured person:

Provided always that the rate of pension payable in respect of each child shall not exceed the rate set out in sub-regulation (2).

(4) The rate of pension payable to an orphan shall be fifty per centum of the aggregate rate of pension that was paid or would have been payable to the deceased insured persons, and for the purpose of this sub-regulation, Regulation 5 shall not apply, and no orphan shall receive less than twice the minimum pension payable to a child.”.

9. Amendment and renumbering of Regulation 10

The principal Regulations are amended—

- (a) by renumbering “Regulation 10” as “Regulation 9”;
- (b) by repealing Regulation 10 and substituting the following—

“9 (1) Where the pension available for distribution in respect of the children of the deceased insured person is insufficient to enable payment to be made in respect of all the entitled children, the Director shall divide the remainder after the spouse's pension by the minimum rate of pension to determine how many children can receive a pension at a time and the pension shall be divided among these children using the ‘one-off-one-on’ method, but no child shall receive less than the minimum pension payable to a child.

(2) Subject to the discretion of the Director application for survivor’s pension shall be made within one year of the death of the insured person.”.

10. Renumbering of Regulation 11

The principal Act is amended by renumbering “Regulation 11” as “Regulation 10”.

11. Renumbering of Regulation 12

The principal Act is amended by renumbering “Regulation 12” as “Regulation 11”.

12. Amendment and renumbering of Regulation 13

The principal Regulations are amended—

- (a) by renumbering “Regulation 13” as “Regulation 12”;
- (b) by repealing Regulation 13 (1) (b) and substituting the following—
“(b) One Hundred and Twenty Five (\$125.00) dollars per month in the case of a child.”.

13. Insertion of new Regulation 13

The principal Regulations are amended by inserting after the renumbered Regulation 12 the following—

“13 Penalty

A person who, for the purpose of obtaining any benefit or other payment under these Regulations, whether for himself or some other person, or for other purpose connected with these Regulations—

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

shall be liable on conviction to a fine of ten thousand dollars or imprisonment for a term not exceeding two years or to both such fine and imprisonment.”

Made the 27th day of May, 2025.

Hon. Gaston A. Browne
Prime Minister and Minister of Finance and
Corporate Governance and Minister responsible for
Social Security.