

**NATIONAL INSURANCE AND SOCIAL SECURITY
(AMENDMENT) ACT, 2010 – 6**

Arrangement of Sections

Section

1. Short title.
2. Insertion of new sections 18C and 18D in Cap. 47.

BARBADOS

I assent
C. STRAUGHN HUSBANDS
Governor-General
28th March, 2010

2010 – 6

An Act to amend the National Insurance and Social Security Act.

(1st April, 2010). Commence-
ment.

ENACTED by the Parliament of Barbados as follows:

1. This Act may be cited as the *National Insurance and Social Security (Amendment) Act, 2010*. Short title.

NATIONAL INSURANCE AND SOCIAL SECURITY
(AMENDMENT) ACT, 2010 – 6

Insertion of
new
sections
18C and
18D in Cap.
47.

2. The *National Insurance and Social Security Act* is amended by inserting the following new sections immediately after section 18B:

“Deferment
of
employer’s
contribution.

18C. (1) With effect from 30th June, 2009 payment of the employer’s contribution under this Act in the amount of 8.75 percent may be deferred on the terms and conditions specified in subsection (3) where the following conditions are satisfied:

- (a) the employer satisfies the Board that the business concerned is unable to meet its financial commitments;
- (b) the employer is current in the payment of contributions and there is no outstanding interest in respect of contributions; and
- (c) subject to section 18D, the employer has not entered into an agreement pursuant to section 18B.

(2) An employer who desires to defer contributions under subsection (1) shall enter into an agreement with the Board no later than 30th June, 2010 giving an undertaking to

- (a) retain the number of employees who were employed by the business
 - (i) on the 30th June, 2009; or
 - (ii) at the commencement of the operation of the business, where the business commences at a date later than 30th June, 2009; and

(b) maintain the payroll expenditure at the same level as at

(i) 30th June, 2009; or

(ii) the start of the business, where the business commences at a date later than 30th June, 2009.

(3) Where an employer enters into an agreement pursuant to subsection (2), the deferred contributions are repayable over a period of 5 years at an interest rate of 3 percent per annum.

(4) Where an employer fails to comply with the terms and conditions specified in an agreement entered into pursuant to subsection (2), the Board may terminate the agreement and

(a) contributions that become payable from the date of the employer's failure to comply with the terms and conditions of the agreement shall be paid within the required time, and if not so paid, shall be subject to interest at the rate of 1 percent per month in accordance with regulation 16 of the *National Insurance and Social Security (Collection of Contributions) Regulations, 1967*; and

(b) contributions deferred in the period during which the employer complied with the terms and conditions of the agreement shall be subject to interest in accordance with subsection (3).

(5) An employer who enters into an agreement pursuant to subsection (2) shall retain the number of employees that were in employment as at 30th June, 2009, for the duration of the agreement.

NATIONAL INSURANCE AND SOCIAL SECURITY
(AMENDMENT) ACT, 2010 – 6

(6) There shall be payable from the Unemployment Benefit Account such amounts as would have been earned in relation to the Fund if the contributions payable by those employers who entered into agreements pursuant to this section had not been deferred.

Circumstances under which employers may benefit under sections 18B and 18C.

18D. Notwithstanding section 18C(1)(c) an employer who benefits from the waiver of interest referred to in section 18B may also benefit from the deferment of contributions provided for in section 18C where the employer remains compliant with the agreement made pursuant to section 18B(2)."