

BILL No. 39 of 2009

Thursday 12th November, 2009

**PARLIAMENT OFFICE
Public Buildings,
Georgetown,
Guyana.**

12th November, 2009.

The following Bill which will be introduced in the National Assembly is published for general information.

S. E. Isaacs,
Clerk of the National Assembly.



BILL No. 39 of 2009

**NATIONAL INSURANCE AND SOCIAL SECURITY
(AMENDMENT) BILL 2009**

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Insertion of new section 17A in the Principal Act.
3. Amendment of section 30 of the Principal Act.

4. Amendment of section 41 of the Principal Act.
5. Amendment of section 51 of the Principal Act.
6. Insertion of new section 55 in the Principal Act.
7. Insertion of new Schedule A in the Principal Act.

**A BILL
Intituled**

AN ACT to amend the National Insurance and Social Security Act.

A.D. 2009 Enacted by the Parliament of Guyana:

Short title.

Cap. 36:01

1. This Act, which amends the National Insurance and Social Security Act, may be cited as the National Insurance and Social Security (Amendment) Act 2009.

Insertion of
new section
17A in the
Principal Act.

2. The Principal Act is amended by the insertion, immediately after section 17, of the following section as section 17A –

"Records of
contributions
and annual
compliance
reports.

17A. (1) The General Manager shall submit records of contributions to employees promptly and the records are to be known as annual contribution statements.

(2) The General Manager shall provide to employers annual compliance reports of their payments of contributions on behalf of their employees."

Amendment of
section 30 of
the Principal
Act.

3. Section 30 (5) of the Principal Act is amended by the substitution for the word "fifteen" the word "fifty".

Amendment of
section 41 of
the Principal
Act.

4. Section 41 of the Principal Act is amended as follows –

- (a) in subsection (1), by the substitution for the words "three thousand dollars" the words "one percent greater than the rate charged by the Commercial Banks on overdrafts in respect of contributions not submitted";
- (b) in subsection (2), by the substitution for the words "three" and "fifteen" the words "thirty" and "fifty", respectively;
- (c) in subsection (3), by the substitution for the word "six" the words "seventy-five";
- (d) in subsection (4), by the substitution for the words beginning with "to a fine" and ending with "dollars" the words "to a fine of one hundred thousand dollars".

Amendment of
section 51 of
the Principal
Act.

5. Section 51 (3) of the Principal Act is amended by the substitution for the word "three", where it occurs for the first and second times, the word "thirty" and for the word "three", where it occurs for the third time, the word "five".

Insertion of new section 55 in the Principal Act.

6. The Principal Act is amended by the insertion, immediately after section 54, of the following section as section 55 —

“Compliance certificates when tendering for government contracts.

No. 8 of 2003. Schedule A.

55. Every employer or self-employed person who tenders for a government contract shall in pursuance of section 5 (1) (iv) of the Procurement Act 2003, when submitting his tender, submit a certificate of compliance in Form 1 in Schedule A in respect of employers and in Form 2 in the said Schedule in respect of self-employed persons, issued by the General Manager to the effect that he has complied with this Act in relation to the collection and payment of contributions.

Insertion of new Schedule A in the Principal Act.

7. The Principal Act is amended by the insertion, immediately after the Schedule, of the following Schedule as Schedule A —

“SCHEDULE A

s. 55

FORM 1

NATIONAL INSURANCE SCHEME
CERTIFICATE OF COMPLIANCE
(EMPLOYERS)

Date of Issue:.....

This is to certify that of is an employer registered under the National Insurance Scheme with the registration number with effect fromand has paid contributions and fulfilled his obligations under section 55 of the National Insurance and Social Security Act, Cap 36:01, in respect of his employees unto.....

NB.: Valid for one month from the date of issue.

General Manager

**NATIONAL INSURANCE SCHEME
CERTIFICATE OF COMPLIANCE
(SELF-EMPLOYED PERSONS)**

Date of Issue:.....

This is to certify that of is a self-employed person registered under the National Insurance Scheme with the registration number with effect from and has fulfilled his obligations under section 55 of the National Insurance and Social Security Act, Cap 36:01, in respect of himself unto.....

NB.: Valid for one month from the date of issue.

General Manager.

EXPLANATORY MEMORANDUM

This Bill amends the National Insurance and Social Security Act (Cap.36:01).

Clause 2 inserts a new section into the Act, which provides that the General Manager must submit annual contribution statements and annual compliance reports to employees and employers, respectively.

Clauses 3, 4 and 5 increase the penalties for offences under the Act.

Clause 6 inserts a new section, which equates the National Insurance and Social Security Act with the Procurement Act 2003. It provides that every employer or self-employed person who tenders for a government contract must submit a compliance certificate issued by the General Manager.

A new Schedule A is inserted, which contains the forms for the certificates of compliance.



Minister of Finance.