



Anguilla

A BILL FOR
SOCIAL SECURITY (AMENDMENT) ACT, 2026

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I Assent

Julia Crouch, OBE
Governor

Date

ANGUILLA

No. /2026

A BILL FOR

SOCIAL SECURITY (AMENDMENT) ACT, 2026

[Gazette Date: , 2026] [Commencement: Assent under section 57 of the Constitution]

An Act to amend the process for the appointment and removal of the Director and to provide for related matters.

ENACTED by the Legislature of Anguilla

Interpretation

1. In this Act, “the principal Act” means the Social Security Act.

Amendment to section 5

2. The principal Act is amended in section 5 by deleting the term “Governor in Council” and substituting “Executive Council” where it appears in paragraphs (a) and (b).

Amendment to section 6

3. The principal Act is amended by deleting section 6 and substituting it with the following new section—

“Appointment and tenure of Director

6. (1) A fit and proper person shall be appointed as Director to be the chief administrative officer of the Board, in accordance with this section, on such terms and conditions as the Executive Council may determine.

(2) Where the office of Director is vacant or is expected to become vacant, the Board shall recommend a fit and proper person for appointment as Director.

(3) Where the Minister approves the person recommended under subsection (2), the Minister shall submit the recommendation to the Executive Council together with the proposed terms and conditions of employment for consideration and approval.

(4) Where the Executive Council approves the recommendation and terms and conditions of employment, the Board shall appoint the person as Director.

(5) The appointment of the Director shall be published in the next scheduled *Gazette* following the appointment.

(6) The Director shall be appointed for a term not exceeding 5 years and may be reappointed for further terms, each not exceeding 5 years, and any reappointment shall be made in accordance with subsections (2) to (5) as if it were a new appointment.”.

Insertion of new sections 6A to 6C

4. The principal Act is amended by inserting the following new sections directly after section 6—

“Minimum criteria for determining whether a person is fit and proper

6A. (1) A person who is, or is proposed to be, appointed as Director or Deputy Director under this Act shall be a fit and proper person to hold that office.

(2) In determining whether a person is a fit and proper person, regard shall be had to—

- (a) the person’s probity, competence, integrity and soundness of judgment for fulfilling the responsibilities of the office;
- (b) the person’s academic or professional qualifications, skills, knowledge and experience relevant to public administration, finance, social security administration, accounting, governance, law or management;
- (c) the diligence with which the person is fulfilling, or is likely to fulfil, the duties and responsibilities of the office;
- (d) whether the person’s appointment would threaten or prejudice the interests of contributors or beneficiaries, or the proper administration or financial sustainability of the Social Security Fund;
- (e) whether the person has been concerned in the management of a body corporate or public body that—
 - (i) has been wound up or placed into liquidation, other than for restructuring or amalgamation, or
 - (ii) has been subject to serious governance failures or regulatory sanctions relevant to the office;
- (f) whether the person has failed to satisfy a judgment or order of a court;
- (g) whether the person is an undischarged bankrupt;
- (h) whether the person has been removed, suspended or disqualified by a court, regulatory authority or competent public authority from holding office; and

- (i) any other matter that the appointing authority considers relevant to the proper discharge of the functions of the office.

(3) Without limiting subsection (2), regard may be had to the person's previous conduct in business, professional or public service matters.

Removal of Director

6B. (1) The Director shall cease to hold office immediately where the Director—

- (a) becomes bankrupt or compounds with creditors; or
- (b) is convicted of an offence involving dishonesty, fraud, corruption or violence.

(2) The Director shall be removed from office if the Executive Council is satisfied, on the recommendation of the Minister, that the Director—

- (a) ceases to be a fit and proper person;
- (b) is guilty of serious misconduct or neglect in the performance of duties;
- (c) becomes incapable of performing the functions of the office;

(3) A recommendation for removal under subsection (2) shall be made by the Minister after consultation with the Board.

(4) Before a recommendation for removal is made under subsection (2), the Director shall be given written notice of the grounds and a reasonable opportunity to make representations, which shall be considered.

(5) Nothing in this section prevents the Director's appointment from being terminated or otherwise coming to an end in accordance with the terms and conditions of the contract of employment.

Duties of Director

6C. The Director shall, subject to this Act and any general written policy directions by the Minister, be charged with the administration and control of the staff of the Board and for the management of the Fund and in particular for—

- (a) the collection of contributions under this Act;
- (b) the payment of benefit under this Act and of the expenditure necessary for the administration of the Fund;
- (c) the investment of surplus money in the Fund in accordance with section 12(2); and
- (d) accounting for all money collected, paid or invested under this Act.”.

Amendment to section 29

5. The principal Act is amended in section 29(2) by deleting the term “Governor” and substituting “Minister” wherever it appears.

Amendment to section 34

6. The principal Act is amended in section 34 by deleting the term “Governor” and substituting it with “Minister” wherever it appears.

Amendment to the Schedule

7. The principal Act is amended in the Schedule by inserting the following provision immediately after item 7—

“Removal of member

7A. Where the Minister determines that it is in the public’s interest to do, the Minister may remove a member of the Board from office by notice served on the member and published in the *Gazette*.”.

Citation

8. This Act may be cited as the Social Security (Amendment) Act, 2026.

Tara K. Carter
Speaker

Passed by the House of Assembly this day of , 2026.

Lenox J. Proctor
Clerk of the House of Assembly

OBJECTS AND REASONS

(The objects and reasons do not form part of the Bill)

This Bill amends the Social Security Act to revise the process for appointing the Director of the Social Security Board, renewing that appointment, and setting out how a Director may cease to hold office or be removed. The amendments are intended to make these processes clearer and more transparent.

The Director is the chief administrative officer responsible for managing the Social Security Fund and overseeing the day-to-day administration of the Act. Because of the importance of that role, the amendments are aimed at strengthening accountability, improving transparency, and building public confidence in the leadership of the Social Security system.

Clause 1 — Interpretation

This clause defines “the principal Act” as the Social Security Act for ease of reference throughout the Bill.

Clause 2 — Amendment to section 5

This clause replaces references to the “Governor in Council” with “Executive Council”.

Clause 3 — Replacement of section 6 (Appointment and tenure of Director)

This clause deletes the existing section 6 and replaces it with a new section setting out a clear and structured process for the appointment and renewal of the Director.

The new section—

- confirms that the Director must be a fit and proper person;
- places responsibility for identifying and recommending a candidate with the Board;
- requires Ministerial approval of the Board’s recommendation;
- requires Executive Council’s approval of the appointment and the terms and conditions of employment;
- confirms that the Board makes the appointment once the Executive Council has approved the appointment and the terms and conditions of employment; and
- requires publication of the appointment in the *Gazette*.

The clause also provides for renewal of appointment, with renewals to follow the same process as a new appointment and with a term cap of 5 years.

Clause 4 — Insertion of new sections 6A, 6B and 6C**New section 6A — Fit and proper person**

This section introduces minimum statutory criteria for determining whether a person is fit and proper to be appointed as Director or Deputy Director.

The criteria are principles-based and require consideration of matters such as integrity, competence, experience, diligence, financial soundness and past conduct, as well as the potential impact of an appointment on contributors, beneficiaries and the proper administration of the Social Security Fund.

The purpose of this section is to strengthen governance safeguards and promote consistent, defensible decision-making in relation to senior leadership appointments.

New section 6B — Removal of Director

Introduces a clear, removal framework regime that protects contributors and beneficiaries and supports public confidence in the administration of the Fund. It provides for immediate vacation of office in objective disqualification circumstances, including bankruptcy or conviction for serious offences involving dishonesty, fraud, corruption or violence. It also provides for removal where the Executive Council is satisfied, following notice to the Director and a reasonable opportunity to make representations, that the Director is no longer fit and proper, has committed serious misconduct or serious neglect in office, or is incapable of performing the functions of the office. The Bill further establishes a pathway requiring the Minister, after consultation with the Board, to make a recommendation for removal subject to Executive Council approval. Finally, the section makes clear that the statutory removal framework does not prevent the Director's appointment from being terminated or otherwise coming to an end in accordance with the terms and conditions of the contract of employment.

New section 6C — Duties of Director

This section restates, without substantive change, the duties of the Director that previously appeared in section 6(2) of the principal Act.

It is reflective of governance practices and clarifies that the Director is responsible for the administration and control of staff, the management of the Fund, the collection of contributions, the payment of benefits, the investment of surplus funds and the proper accounting for all monies.

Clause 5 — Amendment to section 29

This clause replaces references to the "Governor" with the "Minister".

It is a consequential amendment to reflect current ministerial responsibility.

Clause 6 — Amendment to section 34

This clause similarly replaces references to the "Governor" with the "Minister".

It is a consequential amendment intended to maintain consistency across the Act following changes to executive responsibility.

Clause 7 — Amendment to the Schedule (Removal of Board members)

This clause inserts a new provision into the Schedule empowering the Minister to remove a member of the Board where the Minister determines that removal is in the public interest.

The requirement for notice and publication in the *Gazette* promotes transparency and accountability in the exercise of this power.

Clause 8 — Citation

This clause provides for the short title of the Act.