



ST. CHRISTOPHER AND NEVIS

CHAPTER 20.38

SOCIAL DEVELOPMENT ASSISTANCE ACT

Revised Edition

showing the law as at 31 December 2002

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This edition contains a consolidation of the following laws—

SOCIAL DEVELOPMENT ASSISTANCE ACT

Act 15 of 1998 ... in force 18th December 1998

Amended by: Act 19 of 1999

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CHAPTER 20.38

SOCIAL DEVELOPMENT ASSISTANCE ACT

AN ACT TO PROVIDE FOR SOCIAL DEVELOPMENT ASSISTANCE FOR INDIGENT PERSONS AND TO PROVIDE FOR RELATED OR INCIDENTAL MATTERS.

PART I

PRELIMINARY

Short title.

1. This Act may be cited as the Social Development Assistance Act.

Interpretation.

2. In this Act, unless the context otherwise requires—

“appointed day” means such date as the Governor-General may appoint by proclamation;

“Board” means the Social Development Board established under section 3 of this Act;

“indigent person” includes a person who—

(a) is poor and needy; or

(b) by reason of infancy, old age, illness, disease, bodily infirmity or mental incapacity is unable to maintain himself or herself;

“Minister” means the Minister for the time being responsible for Community Affairs;

“social development assistance” means home help, housing repairs or replacement, assistance in kind and any other assistance the Minister may identify as such.

PART II

ESTABLISHMENT, ETC., OF A BOARD

Establishment of Board.

3. (1) There is established, for the purposes of this Act, a Board to be known as the Social Development Assistance Board.

(2) The Board shall consist of a Chairperson, Deputy Chairperson, and not more than eight other members, all of whom shall be appointed by the Minister upon such terms and conditions as the Minister may specify in their instruments of appointment.

(3) Members of the Board shall hold office for a period of one year, and may be eligible for re-appointment.

(4) Members of the Board shall be paid such remuneration and allowances as the Minister may, with the approval of Cabinet, determine.

Functions of the Board.

4. The Board shall carry out the following functions, that is to say—
- (a) to advise the Minister generally on the granting of assistance to indigent persons;
 - (b) to inquire generally into the conditions of the need for social development assistance in Saint Kitts and Nevis and reporting accordingly to the Minister;
 - (c) to advise the Minister on any matter that the Minister may refer to it for advice;
 - (d) to carry out such duties and functions connected with social development assistance as may be imposed on it by this Act, or any other legislation, or as the Minister may, from time to time, direct it to perform;
 - (e) to accept, hold on trust, and administer gifts of money or property from individuals or organizations that may donate to the Board for the benefit of indigent persons.

Powers of the Board.

5. The Board may provide and maintain institutions for the care and protection of indigent persons.

Termination of membership of the Board.

6. A vacancy shall arise in the membership of the Board—
- (a) in the case of the death of a member;
 - (b) in the case of the resignation of a member;
 - (c) where a member fails to attend three consecutive meetings of the Board without leave of the Minister.

Meetings, etc., of the Board.

7. (1) Subject to subsection (2) of this section, meetings of the Board shall be summoned on the instructions of the Chairperson or at the written request of two members of the Board.
- (2) The Chairperson shall summon a meeting of the Board at least once per month.
- (3) At any meeting of the Board five members shall form a quorum.
- (4) The Chairperson or Deputy Chairperson shall preside at any meeting of the Board, and in the absence of the Chairperson or Deputy Chairperson the members present shall elect from among their number a member to preside over that meeting.
- (5) The Chairperson or person presiding over a meeting pursuant to subsection (4) of this section shall, at any meeting of the Board where there is an equality of votes, in addition to his or her deliberative vote, have a casting vote.
- (6) Subject to this section, the Board may regulate its own procedure.

PART III

STAFF OF THE BOARD

Staff of the Board.

8. (1) The Board shall be assigned such public officers and servants from the Department of Community Affairs as may be necessary for the discharge of the functions of the Board.

(2) The officers and servants referred to in subsection (1) of this section shall be assigned to the Board in accordance with the Public Service Regulations.

(3) Notwithstanding the provisions of subsections (1) and (2) of this section, where it is not reasonably possible to assign to the Board enough officers and servants from the Department of Community Affairs the Minister may, with the approval of Cabinet, appoint such persons from outside the public service as the Board may require for the efficient discharge of its functions under this Act.

(Inserted by Act 19 of 1999)

(4) The persons referred to in subsection (3) of this section shall be appointed on such terms and conditions as may be specified in their letters of appointment.

(Inserted by Act 19 of 1999)

Appointment of Director.

9. (1) The Board shall have a Director who shall be the Chief Executive Officer of the Board.

(2) The Director shall be appointed by the Minister on such terms and conditions as the Minister may specify in the Director's instrument of appointment.

(Substituted by Act 19 of 1999)

Functions of the Director.

10. (1) The Director shall be responsible—

- (a) for keeping and maintaining in safe and proper manner such books, rolls, accounts, records and documents as may be required to be kept under Regulations made under this Act;
- (b) for carrying out all necessary inquiries into the circumstances of any person who applies for social development assistance;
- (c) for recommending to the Board persons who should be granted social development assistance;
- (d) for performing such duties as may be assigned to him or her by the Minister or the Board;
- (e) for performing in accordance with any regulations or directives given by the Minister any duties assigned to him or her under the Act or the regulations.

(2) The Director may delegate any of his or her duties to another officer of the Board as he or she thinks fit.

PART IV

GRANT OF ASSISTANCE, ETC.

Persons eligible to receive assistance.

11. (1) Any person who is an indigent person as defined in this Act shall be eligible to receive assistance under this Act.

(2) The Minister shall, with the approval of Cabinet, and by Statutory Order, prescribe the criteria to be used in determining an indigent person for the purposes of this Act.

Application for assistance.

12. A person who is eligible to receive assistance under this Act may, in accordance with the regulations made under section 18 of this Act, apply to the Board for social development assistance.

Duty of husband to maintain child of spouse.

13. (1) A person who marries a woman having a child at the time of the marriage shall be responsible for maintaining the child as part of his or her family until the child attains the age of sixteen years, or until the death of the mother of the child.

(2) Upon the application of the Board a Magistrate may make an order requiring any person liable under this section for the maintenance of any person to maintain that person in such manner as may be set out in the order.

Action by indigent in cases of desertion.

14. (1) If a married person, or a person who has been living with another as wife or husband for five years, is deserted by that person, as the case may be, and the deserted person becomes indigent, then the deserted person may apply to the Board for assistance under this Act.

(2) The Board may, with or without the consent of the person, upon receipt of an application referred to under subsection (1) of this section, apply to the Magistrate for an order for the payment by the deserter to the person who is deserted, as the case may be, of a weekly sum of money to be determined by the Magistrate, except that such sum shall depend on the means of the deserter.

(3) All proceedings on the application referred to in subsection (2) of this section, and the summons and order thereon, and the enforcing of the order, shall be in accordance with, and subject to, all the provisions of the Magistrate's Code of Procedure Act, Cap. 3.17, in cases of desertion, in the same manner as if the application had been made by the deserted person under those provisions.

Action by poor in cases of children.

15. (1) If a single woman who has a child becomes indigent, then she may apply to the Board for assistance under this Act.

(2) The Board may, upon receipt of an application under subsection (1) of this section, with or without the consent of the woman, apply to a Magistrate for an order adjudging the alleged father of the child to be the putative father and for the payment by him of such weekly sum of money to the woman as may be determined by the Magistrate, except that any sum so determined shall be based on the means of the putative father.

(3) All proceedings on the application made under subsection (2) of this section, the summons thereon, the order, and the enforcing of the order, shall be in accordance with, and subject to, all the provisions of the Magistrate's Code of Procedure Act, in the same manner as if the application had been made by the woman under those provisions.

PART V

GENERAL PROVISIONS

Accounts, etc., of the Board.

16. (1) The Board shall cause to be kept proper accounts and adequate financial records in relation to the accounts.

(2) The Board shall, not later than three months after the end of each financial year—

- (a) prepare a statement of accounts in respect of the financial year;
- (b) submit its accounts for that financial year to the Director of Audit; and
- (c) submit to the Minister a report on its activities for each financial year.

(3) The Director of Audit shall, as soon as may be practicable, after receipt of the accounts of the Board, audit the accounts and submit a report of the audit to the Minister and the Board.

(4) Copies of every statement prepared under paragraphs (a) and (b) of subsection (2) of this section and every report submitted shall as soon as possible, after receipt by the Minister, be laid before Parliament.

Administration of the Act.

17. The Minister shall generally be responsible for the administration of this Act, and without prejudice to the generality of the foregoing he or she shall be responsible for providing social development assistance to senior citizens and indigent persons.

Regulations.

18. (1) The Minister may make regulations for the carrying into effect of the provisions of this Act to facilitate the performance by him or her of his or her functions under this Act.

(2) Without prejudice to the generality of subsection (1) of this section, the Minister may make regulations—

- (a) causing the circumstances of every applicant or recipient of social development assistance to be inquired into;
- (b) determining the nature, kind and amount of social development assistance to be given to every applicant under this Act;
- (c) providing further maintenance of an adequate supply of forms for social development assistance and reporting the decisions made therein;
- (d) prescribing the procedure to be followed and forms to be used for applications for social development assistance;

- (e) providing for the appointment of an Appeals Committee to review the Board's decisions in respect of their applications;
- (f) prescribing the procedure to be followed and the forms to be used for appeals to an Appeals Committee under the Act and the regulations;
- (g) prescribing the conditions of eligibility for social development assistance;
- (h) prescribing the functions and duties of the Director and employees of the Board.

(3) Without prejudice to the generality of subsection (1) of this section, the Minister may make regulations generally for the conduct and management of any institution maintained by the Board under section 5 of this Act and, without prejudice to the generality of the foregoing, may make regulations prescribing—

- (a) the procedure for admission and of discharge from any institution; and
 - (b) the fees payable for admission and care of aged persons at such institution.
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