

**No. 10 of 2024**

**VIRGIN ISLANDS**  
**PUBLIC ASSISTANCE (AMENDMENT) ACT, 2024**  
**ARRANGEMENT OF SECTIONS**

**SECTION**

1. Short title and commencement
2. Section 2 amended
3. Section 3(2)(b) amended
4. Section 4 amended
5. Section 5(1) amended
6. Section 12 amended
7. Section 13 amended
8. Section 14 repealed
9. Section 15 repealed and replaced
10. Section 16 repealed
11. Section 17 repealed and replaced by new sections 17, 17A, 17B, 17C, 17D and 17E
12. Section 18 amended
13. Section 19 amended
14. Section 20 amended
15. Section 26 repealed
16. Section 31 amended
17. Section 31A inserted
18. Section 35 repealed and replaced with a new section 35
19. Section 37 amended
20. Section 41(2) amended
21. New section 43 inserted
22. Schedule repealed

I ASSENT

(Sgd.) Daniel Pruce  
Governor.  
22<sup>nd</sup> August, 2024

**VIRGIN ISLANDS**

**No. 10 of 2024**

AN ACT TO AMEND THE PUBLIC ASSISTANCE ACT, NO. 14 OF 2013, AND FOR  
MATTERS RELATED THERETO

[Gazetted 27<sup>th</sup> August, 2024]

ENACTED by the Legislature of the Virgin Islands as follows:

**Short title and commencement**

1. (1) This Act may be cited as the Public Assistance (Amendment) Act, 2024.

(2) This Act shall come into force on such date as the Minister may, by Notice published in the *Gazette*, appoint.

**Section 2 amended**

2. Section 2 of the Public Assistance Act, 2013, No. 14 of 2013, (hereinafter referred to as the “principal Act”), is amended

(a) by deleting the definition of “applicant” and substituting the following definition:

“ “applicant” means a member of a benefit unit who applies for public assistance or a benefit unit on whose behalf an application for public assistance is made;”;

(b) by inserting after the definition “Belonger”, the following definitions:

“ “benefit unit” means

(a) an individual;

- (b) two persons in a legally recognised relationship; or
- (c) one or two adults with dependent children;  
 living as a single economic unit, whose income and resources are combined and assessed to determine eligibility for and the level of public assistance required;  
 “benefit unit in need” means a benefit unit whose income and assets are below the prescribed income threshold;
- (c) by deleting the definition of “child” and substituting the following definition:  
 “ “child” means a person under the age of eighteen years;”;
- (d) by deleting the definition of “dependent” and substituting the following definitions:  
 “ “dependent child” means a person who is a biological, adopted, step-child, or a legal ward of an applicant who is
  - (a) under the age of eighteen years and not in fulltime employment;
  - (b) under the age of twenty-three years and is a fulltime student at an educational institution;
- (e) by deleting the definition of “disabled person” and substituting the following definition:  
 “disability” means a physical, mental, intellectual or sensory impairment that limits one or more major life activities and which prevents a person from earning a living and providing for his or her essential needs;”;
- (f) by inserting, after the definition of “emergency assistance”, the following definitions:  
 “ “essential needs” means the fundamental goods and services necessary for survival and for maintaining a minimum standard of living;
- (g) by deleting the definition of “financial assistance” and substituting the following definition:  
 “ “financial assistance” means monetary support provided to, or for the benefit of a benefit unit, to enable that benefit unit to meet its essential needs;”;
- (h) by inserting, after the definition of “financial assistance”, the following definition:  
 “ “income threshold 1 and income threshold 2” means the prescribed income level, calculated as a percentage of the minimum expenditure basket, below which a person or benefit unit’s income is deemed insufficient to meet their essential needs;”;
- (i) by inserting, after the definition of “medical practitioner”, the following definitions:

“ “member of a benefit unit” means a person who belongs to a benefit unit;

“minimum expenditure basket” means the estimated cost of essential goods and services that a benefit unit needs to meet its basic needs in the Virgin Islands as certified by the Director of Central Statistics;”;

(j) by deleting the definition of “minor child”;

(k) by deleting the definition of “person in need” and substituting the following definition:

“ “person with severe disabilities” means a person with disabilities who has high support needs”;

(l) by deleting the definition of “public assistance” and substituting the following definition:

“ “public assistance” or “assistance” means any financial or non-financial support provided by the government to benefit units in need;”;

(m) by deleting the definition of “relieving officer”;

(n) by deleting the definition of “resident” and substituting the following definitions:

“ “resident” means a person granted resident status under the Immigration and Passport Act, Revised Edition 2013;

“social protection management information system” means a public assistance register maintained by the Secretary under section 13.”.

### **Section 3 amended**

**3.** Section 3(2)(b) of the principal Act is amended by deleting subsection (2)(b) and substituting with the following:

“(b) not more than eight other persons, from among persons with knowledge, experience and expertise in medicine, law, accounting, nursing, social work, economics, community development or persons representing academia, the religious community or any other fit and proper person, one of whom shall be nominated by the Premier and another nominated by the Leader of the Opposition.”.

### **Section 4 amended**

**4.** Section 4 of the principal Act is amended

(a) by inserting, after paragraph (a), the following new paragraph:

“(aa) request data and information from relevant government agencies and departments to inform decision-making;”;

(b) by inserting, after paragraph (b), the following new paragraphs:

- “(ba) oversee the implementation of the public assistance programme including all financial and non-financial assistance provided under this Act;
- (bb) monitor the performance of the public assistance programme administered under this Act;”;
- (c) in paragraph (e), by inserting, before the word “make”, the words “advise the Minister on policy matters in relation to public assistance; and”;

### **Section 5 amended**

5. Section 5 of the principal Act is amended

- (a) in subsection (1), by inserting, after paragraph (b), the following paragraph:
  - “(c) establish subcommittees or working groups to address areas or challenges with respect to the public assistance programme administered by this Act.”;
- (b) by deleting subsections (3) and (4).”.

### **Section 12 amended**

6. Section 12 of the principal Act is amended by inserting, after paragraph (c), the following paragraphs:

- “(ca) oversee implementation of the public assistance programme including-
  - (i) eligibility determination;
  - (ii) benefit calculation;
  - (iii) grievance resolution;
- (cb) manage the Social Protection Information Management System; and”.

### **Section 13 amended**

7. Section 13 of the principal Act is amended

- (a) in subsections (1) and (2), by deleting the word “register” wherever it appears and substituting the word “Social Protection Information Management System”; and
- (b) in subsection (3) by
  - (i) deleting the word “register” and substituting the word “Social Protection Information Management System”; and
  - (ii) inserting, after paragraph (a), the following paragraphs:
    - “(aa) the composition of each benefit unit granted assistance;
    - (ab) the national health insurance number of each member of the benefit unit;
    - (ac) income verification details;

- (ad) relevant documents provided by the applicant or government agencies;”;
- (iii) in paragraph (d), by inserting
  - (aa) after the word “assistance”, the word “;” ; and
  - (ab) after the word “granted”, the words “and the applicable eligibility criteria”;
- (c) deleting subsection (4) and substituting the following:
  - “ (4) The information shall be organised and arranged for easy reference, retrieval and verification.”.

#### **Section 14 repealed**

- 8. Section 14 of the principal Act is repealed.

#### **Section 15 repealed and replaced**

- 9. Section 15 of the principal Act is repealed and replaced with the following:

##### **“Public Assistance**

**15. (1)** A member of a benefit unit shall have the right to apply and be considered for public assistance.

(2) Except where otherwise provided in this Act, an applicant is eligible to receive public assistance if, at the date of application, he or she

- (a) is eighteen years of age or older;
- (b) is
  - (i) a Belonger or resident who has been ordinarily resident in the Virgin Islands for a continuous period of at least six months; or
  - (ii) responsible for the care of a dependent child who is born in the Territory, a Belonger or resident; and
- (c) demonstrates financial need through an assessment process conducted by the Committee.

(3) The Committee shall assess the eligibility of each applicant based on

- (a) the verification of Belonger or residency status and his or her presence in the Virgin Islands for a continuous period of six months immediately preceding the date of his or her application, unless otherwise determined by the Minister;
- (b) a comprehensive assessment of his or her financial need, taking into account the income, assets, expenses and the composition of the benefit unit;

- (c) a consideration of any mitigating circumstances, such as disability, illness, or caregiving responsibilities; and
  - (d) any additional eligibility criteria prescribed.
- (4) In determining an applicant's eligibility and need for ongoing assistance, the Committee shall also consider:
- (a) the difference between the assessed financial resources and income of the benefit unit and the applicable income threshold, adjusted for the size and composition of the benefit unit;
  - (b) the availability of any other financial or non-financial support from other sources;
  - (c) the health, education, skills, and employment prospects of the members of the benefit unit;
  - (d) any barriers to self-sufficiency, such as disability or caregiving responsibilities.
- (5) Where, after an assessment conducted by the Committee under subsection (4), the Committee determines that
- (a) the income level of the benefit unit falls below the income threshold, adjusted for size of the benefit unit; and
  - (b) the benefit unit is in need of public assistance,
- the Committee may approve the provision of public assistance to bridge the gap between the assessed income and the applicable income threshold.
- (6) Where a recipient of public assistance is incarcerated for a period of more than thirty days, his or her assistance shall be suspended until he or she is released from prison.
- (7) Financial assistance granted under this Act shall be allocated in a way that best supports the well-being of children under shared custody arrangements, taking into account the time spent in each benefit unit and the specific needs of the children.
- (8) Members of the same benefit unit are not eligible for individual income grants under sections 17A and 17B.
- (9) A patient or resident in a Government operated facility including a hospital, elderly or nursing home or other residential facility for a period in excess of two months shall receive an adjusted income grant to reflect his or her reduced living expenses.
- (10) The Minister may, by Order, after consultation with the Committee, prescribe additional categories of benefit units in need.”.

### **Section 16 repealed**

- 10.** Section 16 of the principal Act is repealed.

## **Section 17 repealed and replaced**

**11.** Section 17 of the principal Act is repealed and replaced with the following sections:

### **“Types of assistance**

**17.** (1) Subject to this Act, public assistance may be provided to a benefit unit in the form of financial assistance as follows:

- (a) continuous long term financial assistance for periods of at least three consecutive months but not exceeding twelve consecutive months;
- (b) short term financial assistance for periods not exceeding three consecutive months;
- (c) a single, non-recurring financial payment for specific needs.

(2) To qualify for financial assistance under subsection (1), a benefit unit must meet the eligibility criteria outlined in section 15(2).

(3) Public assistance may be provided in the form of non-financial assistance to benefit units in need as determined by an assessment under section 15(4):

- (a) counselling and support services;
- (b) vocational training and skills development;
- (c) job search and placement assistance;
- (d) support for entrepreneurship or self-employment opportunities;
- (e) temporary housing or shelter assistance;
- (f) home repairs or retrofitting;
- (g) child protection services;
- (h) urgent civil mitigation works to address immediate threats to safety or well-being; and
- (i) sudden other services as may be offered by the Government;

(4) In addition to the financial and non-financial assistance mentioned in subsections (1) and (3), the Minister may by Order, after consultation with the Committee, prescribe any other form of assistance as may be considered necessary.

### **Long term basic income grants**

**17A.** (1) The following applicants may be eligible for continuous long term financial assistance which may be provided in the form of a monthly basic income grant:

- (a) a member of a benefit unit in need who is 65 years of age or older;



- (b) a member of a benefit unit in need who is eighteen years of age or older but who is below the age of 65 years and unable to earn a livelihood due to -
  - (i) a severe illness;
  - (ii) an injury;
  - (iii) a disability; or
  - (iv) the responsibility for caring for a person requiring in-home care services within his or her benefit unit;  
or
- (c) a member of a benefit unit with one or more a dependent children within his or her benefit unit.

(2) A person under subsection (1) may be considered for continuous long term financial assistance if he or she satisfies the eligibility criteria set out in section 15(2) and is in receipt of an income that is assessed by the Committee as lower than income threshold 1.

(3) To apply for a basic income grant under subsection (1), a member of a benefit unit shall

- (a) submit an application under section 19; and
- (b) provide such documents and information in support of his or her application as may be required by this Act.

(4) Where the Committee approves an application for a basic income grant to a benefit unit in need, the grant shall be provided for a period of not less than three months but not more than twelve months and may be renewed for such further periods as the Committee considers necessary based on continued eligibility and need.

### **Short term basic income grant**

**17B.** (1) Upon an application being made for assistance, the Committee may provide short term financial assistance, in the form of a basic income grant for an initial period of not more than three months to a benefit unit in need who is

- (a) receiving an income that is below the income threshold 2; and
- (b) facing a sudden emergency and requires urgent assistance.

(2) A grant made under subsection (1) may be renewed by the Committee for such further periods as the Committee considers necessary based on continued eligibility and need.

(3) Where the Committee or the Chief Social Development Officer determines that a benefit unit requires immediate financial assistance, the benefit unit may provide with an emergency basic income support under subsection (1), without requiring the means test specified in section 20.

(4) Where a benefit unit with dependent children does not satisfy the requirements of section 15(2), the benefit unit, may nonetheless qualify for assistance under this section.

### **Additional types of financial assistance**

**17C.** (1) The Committee may provide monthly financial assistance to a member of a benefit unit mentioned in subsections (2) and (3) where the Committee is satisfied that

- (a) the member of the benefit unit requires in-home care services;
- (b) the member of the benefit unit has a medically certified severe disability;
- (c) the benefit unit is hosting a foster child.

(2) A benefit unit already receiving a monthly basic income grant under section 17A may also qualify for additional assistance under this section.

(3) An applicant who is not receiving a basic income grant but who meets the criteria in subsection (1)(a) or (1)(b), may qualify for assistance if

- (a) the applicant satisfies the eligibility criteria set out in section 15(2); and
- (b) the assessed income of the applicant is at or below to income threshold 2.

(4) In determining whether assistance shall be provided to a benefit unit that is hosting a foster child, the Committee shall not consider the income of the benefit unit or the eligibility criteria under section 15(2).

### **Hardship allowance**

**17D.**(1) Subject to subsection (2), the Committee may provide a hardship allowance, on an *ad hoc* basis, to a benefit unit facing sudden and unexpected financial hardship to assist in defraying expenses in respect of

- (a) urgent medical care and attention that is not covered by insurance;
- (b) funeral and burial costs;
- (c) replacement or repair of essential benefit unit items damaged or destroyed in a disaster or as a result of personal crisis;
- (d) temporary housing;
- (e) transportation;
- (f) exceptionally high utility bills;
- (g) urgent travel for medical attention or to escape domestic abuse;

(h) the re-integration of persons recently released from incarceration.

(2) With the exception of funeral and burial costs, a benefit unit qualifies for financial assistance under subsection (1) if the assessed income of the person or benefit unit is at or below income threshold 2.

(3) The Committee may grant a hardship allowance to cover funeral and burial expenses where the Committee considers that the assets of the deceased and any social security or funeral benefits received on behalf of the deceased are insufficient to cover the basic costs of the funeral and burial.

(4) The Minister may, by Order, after consultation with the Committee, prescribe other forms of emergency assistance that may be considered necessary to assist a or a benefit unit in need of urgent financial assistance.

### **Shock Response Grant**

**17E.(1)** The Committee may provide a shock response grant and other non-financial support services to a benefit unit either before or after a community-wide emergency in the Virgin Islands, where the benefit unit is likely to be or has been adversely affected in any of the following ways:

- (a) the home and/or belongings of the members of the benefit unit have been damaged or destroyed;
- (b) the livelihood of a member of the benefit unit has been adversely affected; or
- (c) a member of the benefit unit has suffered physical or psychological harm.

(2) Notwithstanding subsection (1), the Committee may, after taking into account all of the circumstances, at the time of the emergency, provide a shock response grant or other non-financial assistance to a benefit unit without applying the means test if the Committee is satisfied that there is an evident necessity for public assistance.

(3) In assessing the applicant's eligibility for a shock response grant, the Committee shall not consider the eligibility requirements in section 15(2)(b).

### **Section 18 amended**

**12.** Section 18(1) of the principal Act is amended by deleting the words "disabled person" and substituting the words "person with a disability".

### **Section 19 amended**

**13.** Section 19 of the Act is amended

- (a) in subsection (1) by deleting the words "in the form set out in the Schedule" and substituting the words "on the relevant form prescribed under section 41(2)(c).";

(b) in subsection (2), by deleting all the words after the word “assistance” and inserting the following:

“including

(a) documents and information verifying their income, assets and benefit unit composition; and

(b) proof of residency;

as may be prescribed by the Minister in Regulations made under section 41(2)(b).”.

### **Section 20 amended**

**14.** Section 20 of the Act is amended by inserting, after section (3), the following sections:

“(4) Where an application for public assistance is refused by the Committee under subsection (2), the applicant may make a request in writing, addressed to the Appeal Board, for a review of the Committee’s decision.

(4A) Upon receiving a request under subsection (4), the Appeal Board shall review the decision of the Committee and shall, within thirty days of receiving the request, inform the applicant, in writing, of its decision.”.

### **Section 26 repealed**

**15.** Section 26 of the principal Act is repealed.

### **Section 31 amended**

**16.** Section 31 of the principal Act is amended by inserting, after the word “prescribed”, the following words:

“under the following grounds

(a) the denial of assistance;

(b) the quantum of financial assistance approved;

(c) incorrect financial assistance calculation;

(d) termination of assistance;

(e) type of assistance provided;

(f) the duration of assistance provided;

(g) assessment of the benefit unit’s income;

(h) assessment of specific identifiable other social support needed;

(i) assessment of the eligibility criteria;

(j) failure to consider documentation provided or documents filed late;

- (k) inordinate delays in the application, verification and assessment which resulted in the denial or termination of claim.”.

### **Section 31A inserted**

17. The Act is amended by inserting, after section 31, the following:

“31A. Where an application is made under section 31, the Board shall

- (a) acknowledge the application in writing within seven days of receipt of the application;
- (b) examine the case and all relevant programme policies to verify the accuracy of its decision;
- (c) request such additional information, if required;
- (d) give the applicant the opportunity to present his or her case directly to the board via a formal hearing.”.

### **Section 35 repealed and replaced**

18. Section 35 of the Act is repealed and replaced with the following:

#### **“Minister may set annual thresholds 1 and 2**

“35. (1) The Minister may, by Order, with the approval of Cabinet set the annual income thresholds to be considered by the Committee when assessing applications under this Act.

(2) An Order under subsection (1) shall be subject to a negative Resolution of the House of Assembly,”.

### **Section 37 amended**

19. Section 37 is amended

- (a) by deleting subsection (1), and substituting with the following:

“(1) Employees of the Department or members of the Committee shall keep confidential all information which comes to their knowledge in the discharge of their duties under this Act, except as required

- (a) for an enquiry in respect of any matter under this Act;
  - (b) on the order of a court of competent jurisdiction; or
  - (c) with the explicit, informed consent of the person or benefit unit to whom the information pertains.”;
- (b) by inserting, after subsection (1), the following new section:

“(1A) All data capture systems, whether manual or digital shall be secured and protected in accordance with industry standards for data privacy and security and access shall be limited to authorised

personnel with a legitimate need to know in order to satisfy programme administration and client need.”.

**Section 41(2) amended**

20. Section 41(2) of the principal Act is amended by deleting paragraph (a) and renumbering paragraphs (b) to (f) as paragraphs (a) to (e) accordingly.

**New section 43 inserted**

21. The Act is amended by inserting, after, section 42, the following section:

**Transitional provision**

“43. (1) A benefit unit, in receipt of financial assistance on or before the commencement of this Act, shall continue to receive such assistance until re-assessed by the Committee in accordance with the provisions of this Act.

(2) Where, after the commencement of this Act, a benefit unit is re-assessed for financial assistance and qualifies for support that exceeds the amount of support previously provided, the higher amount shall be payable from the date of the re-assessment.

(3) Where, after the commencement of this Act, a benefit unit is re-assessed for financial assistance and qualifies for support that is less than the amount of support previously provided, the higher amount shall be payable for a period of three months commencing from the date of the Committee’s approval.”.

**Schedule repealed**

22. The Schedule to the Act is repealed.

Passed in the House of Assembly this 9<sup>th</sup> day of July, 2024.

(Sgd.) Corine N. George-Massicote,  
Speaker.

(Sgd.) Bethsaida Smith-Hanley,  
Clerk of the House of Assembly.