

STATUTORY INSTRUMENT

No. 82 Of 1980

BELIZE:

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REGULATIONS made by the Minister responsible for Social Security in the exercise of the powers vested in him by sections 12, 14, 15, 16, 17, 18 and 21 of the Social Security Ordinance, 1979, and all other powers thereunto him enabling.

(Gazetted 20th December, 1980)

1.-(1) These regulations may be cited as the

SOCIAL SECURITY (BENEFIT) REGULATIONS, 1980

(2) These regulations shall come into operation on the day appointed by the Minister by Order published in the Gazette.

2.-For the purposes of these Regulations, unless the context otherwise requires-

"accident" means, in relation to an insured person, an accident arising, out of and in the course of that person's insurable employment in accordance with section 13 of the Ordinance;

"appointed day" means the day appointed by the Minister under regulation 1;

"child" means an unmarried child and includes in relation to an insured person an adopted child, a step-child and illegitimate child; "claim" means claim for benefit; claims and Payments Regulations" means the Social Security (Claims and Payments) Regulations, 1980;

"Collection of Contributions Regulations" means the Social Security (Collection of Contributions) Regulations, 1980;

"confinement" means labour resulting in the issue of a living child or labour after twenty-eight weeks of pregnancy resulting in the issue of a child whether alive or dead;

"contribution year" means the period of fifty-two or fifty-three weeks beginning with the first Monday in any calendar year after 1981 and ending on the Sunday immediately before the Monday of the succeeding calendar year, but in relation to 1981, it shall mean such period as the Minister may determine by Order published in the Gazette;

"credited contribution" means a contribution credit under regulation 61;

"Determination of Claims and Questions Regulations" means the Social Security (Determination of Claims and Questions) Regulations, 1980;

"medical certificate" means a certificate issued by a medical practitioner;

"medical examination" includes bacteriological and radiological tests and similar investigations and reference to being medically examined shall be construed accordingly;

"Ordinance" means the Social Security Ordinance, 1979;

"Paid contribution" means a contribution actually paid by or in respect of an insured person in accordance with the provisions of the Ordinance;

"permanently incapable of self-support" means in relation to survivors' benefit or death benefit a person who is so incapable by reason of a specific disease or bodily or mental disablement which is likely to be permanent;

"relevant accident" means the accident in respect of which benefit is claimed or

payable.

"irrelevant injury" and "relevant loss of faculty" means respectively the personal injury or the loss of faculty resulting from the relevant accident;

"relevant person" means, for the purpose of survivors benefit or death benefit the deceased insured person in respect of whom the benefit is claimed or payable;

"remunerative work" means work for which wages or other remuneration is paid or would ordinarily be payable and includes any work performed by the person concerned for the purpose of his own trade, business or profession;

"Schedule" means a Schedule to these Regulations; "Voluntary Contributors and Persons Abroad Regulations" means the Social Security (Voluntary Contributors and Persons Abroad) Regulations, 1980.

PART I.

BENEFITS IN RESPECT OF SICKNESS, MATERNITY, INVALIDITY, RETIREMENT AND DEATH

Sickness Benefit

3. (1) Sickness benefit shall be payable to an insured person who is rendered incapable of work as a result of a specific disease or bodily or mental disablement and satisfies the prescribed conditions:

Provided that an insured person shall be treated as incapable of work for any day during which he is required to abstain from work because he is under observation by reason of being a carrier, or his having been in contact with a case of infectious disease.

(2) An insured person shall not be entitled to sickness benefit in respect of any day on which he engages in remuneration work.

4. An insured person claiming sickness benefit shall be entitled to such benefit if-

(a) not less than fifty contributions have been paid in respect of him since the appointed day; and

(b) on the day on which the incapacity occurs he is in insurable employment and in respect of such employment not less than eight contributions have been paid in the period of thirteen weeks immediately preceding the week in which the first day of a continuous period of incapacity for work occurs.

5. (1) An insured person who is eligible for sickness benefit shall not be entitled to receive such benefit for the first three days of any continuous period of incapacity for work but only as from the fourth day of any such period:

Provided that for the purpose of computing the first three days of any continuous period of incapacity for work-

(a) public holidays shall be included;

(b) Sundays shall be disregarded.

(2) No insured person shall be entitled to sickness benefit while under sixteen years or on or after attaining sixty-five years.

(3) Sickness benefit shall be payable to an insured person for

each day (excluding Sunday) as long as the incapacity for work continues subject to a maximum of seventy-eight days in any continuous period of incapacity for work.

(4) Where sickness benefit has been paid for seventy-eight days in a continuous period of incapacity for work the eight contributions required under sub-paragraph (b) in regulation 4 shall be contributions paid after the last day in respect of which sickness benefit was paid.

(5) For the purposes of this regulation and of regulation 6, any two periods of incapacity for work not separated by more than eight contribution week shall be treated as one continuous period of incapacity for work starting on the first day of the first of these periods.

6. (1) The weekly rate of sickness benefit shall be sixty percent of the average weekly insurable earnings and the amount of benefit per day shall be one sixth of the weekly amount.

(2) For the purpose of this regulation, "average weekly insurable earnings" means the sum of the weekly insurable earnings on the basis of which contributions were paid during the period of thirteen contribution weeks immediately preceding the week in which the first day of incapacity occurred divided by such number of contributions.

(3) Where a period of incapacity is the second or later period in a continuous period of incapacity for work, the rate of benefit in such second or later period shall be the daily rate of benefit paid or which would have been payable during, the first period of such continuous period of incapacity for work.

7. Subject to the Claims and Payments Regulations, a claim for sickness benefit shall be supported by a medical certificate or by such evidence as may be prescribed or as the Manager may require for the purpose of establishing the claimant's incapacity for work;

Provided that the Manager may for such purpose require the claimant to attend for and submit himself to medical examination by one or more medical practitioner appointed by the Board.

8. An insured person entitled to sickness benefit shall be disqualified for receiving benefit for such period as the Manager may decide but not exceeding six weeks, if such person-

- (a) has become incapable of work through his own misconduct; or
- (b) fails, without good cause, to comply with a notice in writing by the Manager requiring him to attend for and submit himself to medical or other examination; or
- (c) fails to refrain from behaviour calculated or likely to retard his recovery; or
- (d) is absent from his place of residence without leaving word where he may be found; or
- (e) performs remunerative work; or
- (f) fails without good cause to answer any reasonable enquiries by an officer to the

Board directed to ascertaining whether the claimant is complying with the requirements prescribed in this regulation.

Maternity Benefit

9. (1) Subject to the provisions of these regulations maternity allowance shall be payable in the case of pregnancy and confinement to an insured woman who satisfied the prescribed conditions.

(2) An insured woman shall not be entitled to maternity allowance in respect of any day on which she engages in remunerative work.

10. Maternity allowance shall only be payable to an insured woman if-

- (a) not less than fifty contributions have been paid in respect of her since the appointed day; and
- (b) in the period of thirty-nine consecutive contribution weeks immediately preceding the sixth week before the expected date of confinement, or in which occurs the day from which benefit is claimed, whichever is the later, not less than thirty contributions have been paid in respect of or credited to her of which not less than twenty have been paid.

11. (1) Subject to paragraph (2) and to other provisions in these regulations, maternity allowance shall be payable to an insured woman for a period starting from a date not earlier than six weeks fore the expected date of confinement and continuing until the expiration of-

- (a) twelve weeks, or
- (b) six weeks from the date on which the confinement occurs, whichever is the later: Provided that were the confinement does not occur by the end of the period of six weeks in respect of which the allowance has been paid, beneficiary shall present to the Manager a certificate by a medical practitioner in such form as the Manager may require specifying the expected date of confinement.

(2) Where the Manager is not satisfied that the first expected date of confinement required under regulation 13 was given with due care and attention he may suspend the payment of the allowance in respect of the whole period, or part of it, between the end of the period of six weeks specified in paragraph (1) and the actual date of confinement.

(3) A woman who has become entitled to a maternity allowance shall cease to be so entitled if her pregnancy is terminated otherwise than by confinement.

12. (1) The weekly rate of maternity allowances shall be equivalent to sixty percent of the average weekly insurable earnings and the amount of benefit per day shall be one sixth of the weekly amount.

(2) For the purpose of this regulation, "average weekly insurable earnings" means the sum of the weekly insurable earnings on the basis of which contributions were paid during the period of thirty-nine consecutive weeks specified in sub-paragraph (b) of regulation 10 divided by the number of contributions paid.

13. (1) Subject to paragraph (3), a claim for maternity allowance shall be accompanied-

- (a) in the case of a claim made prior to the date of confinement, by a medical certificate

stating the expected date of confinement; and

(b) in the case of a claim made subsequent to the date of confinement, by a medical certificate or a certificate issued by a registered midwife, stating the actual date of confinement.

(2) An insured woman in receipt of maternity allowance shall as soon as possible after her confinement, obtain a certificate of her confinement from the medical practitioner or registered midwife who assisted thereat and forward it to the office of the Board within three weeks from the date of confinement;

Provided that the Manager may accept other evidence in lieu of such certificate if, in his opinion, the special circumstances of any particular case justify so doing.

(3) The Manager may require a claimant or beneficiary to attend for and submit herself to examination by one or more medical practitioners appointed by the Board.

14. The provisions of these regulations relating to sickness benefit shall apply in relation to a case where there is incapacity for work arising from pathological complications of confinement immediately following the cessation of right to maternity benefit: Provided that in such a case the conditions specified in regulation 4 shall be applied in relation to the period immediately preceding the first day as from which maternity allowance was paid.

15. An insured woman entitled to maternity allowance shall be disqualified for receiving the benefit for such period as the Manager may decide but not exceeding six weeks, if during the period for which benefits is payable she-

(a) performs remunerative work; or
(b) fails without good cause-

(i) to attend and submit herself to medical examination required by the Manager; or
(ii) to take due care of her health: Provided that any period of disqualification under this sub-paragraph shall not exceed two weeks; or

(c) fails to answer any enquiries by an officer of the Board directed to ascertaining whether she is complying with the requirements of this regulation.

16. (1) Maternity grant shall be payable to an insured woman if, in respect of her, not less than-

(a) fifty contributions have been paid since the appointed day and;
(b) twenty-five contributions have been paid in the fifty weeks immediately preceding the week in which the confinement occurs.

(2) An insured man shall be entitled to maternity grant if his wife is not entitled to such grant and if the conditions specified in paragraph (1) are satisfied by him:

Provided that a man shall be entitled to a grant only once in a contribution year.

(3) The amount of maternity grant shall be fifty dollars.

Invalidity Benefit

17. (1) An insured person under sixty years shall be entitled to invalidity benefit if he is an invalid and satisfies the relevant conditions specified in these regulations for a periodical payment or lump sum payment.

(2) For the purposes of benefit in respect of invalidity under these regulations an "invalid" means an insured person incapable of work as a result of a specific disease or bodily or mental disablement which is likely to be permanent and who has been so incapable for a period of not less than thirteen consecutive weeks immediately preceding the week in which the benefit is claimed.

18. (1) An insured person shall be entitled to a periodical payment (here after in these regulations referred to as "invalidity pension") If-

(a) not less than one hundred and fifty contributions have been paid in respect of him since the appointed day; and

(b) in the last five consecutive contribution years immediately preceding the year in which he becomes an invalid not less than one hundred and ten contributions have been paid in respect of or credited to him; and

(c) in the thirteen weeks immediately preceding the week in which the incapacity for work leading to invalidity commences not less than eight contributions have been paid in respect of or credited to the insured person.

(2) Subject to these regulations, an invalidity pension shall be payable as long as an insured person is an invalid.

19. Where a claimant has satisfied the conditions specified in regulation 18, he shall be awarded a special credit of twenty-five contributions for each year between the age at his last birthday immediately preceding the date of claim and the age of sixty:

Provided that such special credits,-

(a) shall be awarded for invalidity pension purposes only; and

(b) shall not be taken into account in assessing the average weekly insurable earnings.

(2) Notwithstanding the provisions of paragraph (1) of regulation 26, the weekly amount of retirement pension payable under paragraph (1) above shall not exceed-

(a) two percent of the average weekly insurable earnings for each unit of fifty paid or credited contributions in excess of the first five hundred up to a total of seven hundred and fifty such contributions; and

(b) one percent of the average weekly insurable earnings for each unit of fifty paid or edited contributions in excess of seven hundred and fifty.

(2) The weekly rate of invalidity pension payable to an insured person in respect of whom less than five hundred contributions have been paid or credited shall be twenty-five percent of the average weekly insurable earnings in respect of the first two hundred and ninety-nine such contributions supplemented by one percent of the average weekly insurable earnings for each unit of fifty paid or credited contributions in excess of two hundred and ninety-nine.

(3) Subject to regulation 19, the expression "average weekly insurable earnings" has for the purpose of this regulation, the same

meaning assigned to it by regulation 26 (2).

(4) The weekly amount of invalidity pension payable under paragraph (1) or paragraph (2)-

(a) shall not be less than fifteen dollars;

(b) shall not exceed a rate of sixty percent of the average weekly insurable earnings of the insured person.

21. (1) Subject to the provisions of these regulations, an insured person who is under the age of sixty and is an invalid in accordance with regulation 17 but does not satisfy the conditions for invalidity pension specified in regulation 18 shall be entitled to a lump sum payment (hereafter in these regulations referred to as "invalidity grant ") if not less than twenty-six contributions have been paid.

(2) The invalidity grant shall be an amount equal to-

(a) six times the average weekly insurable earnings of the insured person for each unit of fifty contribution paid or credited; or

(b) two and one-half times the sum of the weekly insurable earnings of the insured person in respect of which contributions were paid or credited since the appointed day divided by the number of weeks of contribution for each unit of fifty such contributions, whichever is the greater: Provided that the amount of invalidity grant shall not be less than one hundred dollars.

(3) For the purpose of sub-paragraph (a), of paragraph (2), the expression "average weekly insurable earnings" has the same meaning assigned to it by regulation 26 (2).

22. (1) Should invalidity cease, the contributions taken, into account for the purpose of invalidity grant shall not be applied towards the satisfaction of the contribution conditions for any subsequent claim to benefit of any description save only a funeral grant.

(2) Subject to paragraph (3), on cessation of an invalidity pension, nothing in these regulations shall prevent the contributions on which the said invalidity pension was based from being taken into account for the purposes of establishing title toward the rate of any subsequent invalidity pension or retirement pension.

(3) In the case of subsequent claim for invalidity pension the provisions of regulation 19 shall apply again but any special contribution credits awarded under that regulation for the purpose of the previous claim shall not be applied for the purpose o the subsequent claim.

23. (1) All claims for invalidity benefit shall be accompanied by a medical certificate certifying invalidity in accordance with Regulation 17 (2) and specifying the condition causing invalidity.

Provided that the Manager may require the claimant to attend for and submit himself to examination by one or more medical practitioners appointed by the Board.

24. An insured person entitled to payment of invalidity pension shall be disqualified for receiving the pension for such period as the Manager may decide, if the claimant-

- (a) has become incapable of work through his own misconduct or
- (b) fails, without good cause, to comply with a notice in writing by the Manager requiring him to attend for and submit himself to medical or other examination; or
- (c) fails, without good cause, to refrain from-
 - (i) behaviour calculated to retard his recovery; or
 - (ii) absenting himself from his place of residence without leaving word where he may be found; or
 - (iii) performing any remunerative work; or
- (d) fails without good cause to answer any reasonable enquiries by an officer of the board directed to ascertaining whether the claimant is complying with the requirement prescribed in this regulation.

Retirement Benefit

25. (1) An insured person who-

- (a) has attained the age of sixty years; and
- (b) has satisfied the relevant contribution conditions specified in these regulations; and
- (c) has retired from insurable employment or shows to the satisfaction of the Manager that he is no longer substantially employed in insurable employment; shall be entitled to retirement benefit by way of periodical payments or lump sum payment:

Provided that sub-paragraph (c) above shall not apply a person who is over sixty-five years.

(2) Subject to these regulations, the relevant contribution conditions for a periodical payment (here after in these regulations referred to as "retirement pension") in respect of an insured person are that not less than-

- (a) one hundred and fifty contributions have been paid; and
- (b) five hundred contributions have been paid or credited including those in sub-paragraph (a) above.

(3) An insured person who does not satisfy the conditions specified in paragraph (2) shall be entitled to retirement benefit by way of a lump sum payment (hereafter in these regulations referred to as "retirement grant") if not less than twenty-six contributions have been paid in respect of him.

(4) For the purposes of this regulation, a person shall be deemed to be substantially employed in insurable employment if his total earnings (from one or more insurable employments) calculated in accordance with the Collection of Contributions Regulations amount to fifty dollars per week or more, and the expression "substantial employment" shall be construed according-

(5) Where after the award of a retirement pension a person under 65 years is, in any week or longer period-

- (a) substantially employed in accordance with paragraph (4), the retirement pension shall not be payable; or

(b) employed in insurable employment which in accordance with paragraph (4) is not substantial employment the amount of retirement pension payable shall not exceed fifteen dollars per week.

(6) Where the payment of a pension ceases in accordance with paragraph (5) (a) or the amount of pension is reduced in accordance with paragraph (5) (b), the payment of the pension shall be resumed or shall be resumed at the appropriate rate, as the case may be, in accordance with the provisions of the Claims and Payments Regulations.

26.(1) Subject to the provisions of these regulations, the weekly rate of retirement pension payable to an insured person if not less than five hundred contributions have been paid in respect of or credited to such person shall be thirty per cent of the average weekly insurable earnings supplemented by an amount equal to-

(a) two per cent of the average weekly insurable earnings for each unit of fifty paid or credited contributions in excess of the first five hundred up to a total of seven hundred and fifty such contributions; and

(b) one per cent of the average weekly insurable earnings for each unit of fifty paid or credited contributions in excess of seven hundred and fifty.

(2) For the purpose of this regulation, the expression "average weekly insurable earnings" means the sum of the weekly insurable earnings in respect of which contributions were paid or credited during the best three years of contribution in the last fifteen contribution years of the insured person or such lesser number of contribution years since the appointed day, as the case may be, divided by one hundred and fifty.

(3) The expression "the best three years of contribution" in paragraph (2) means the three years in which contributions were paid in respect of the highest total amount of insurable earnings.

(4) The weekly amount of retirement pension-

(a) shall not be less than fifteen dollars;

(b) subject to sub-paragraph (a) above, shall not exceed a rate of sixty per cent of the average weekly insurable earnings of the insured person.

Transitional Provisions For Retirement Pension

27. (1) An insured person who is over forty-nine years on the appointed day shall be awarded a special credit of fifty contributions for each year of a-e in excess of forty-eight years subject to a maximum special credit of three hundred and fifty such contributions:

Provided that such special credits-

(a) shall be awarded for retirement pension purposes only;

(b) shall not be taken into account in assessing the average weekly insurable earnings;

(c) shall only be used to the extent necessary to enable an insured person to qualify for a retirement pension;

(d) shall not be used for the purpose of paragraph (2).

(2) Notwithstanding the provisions of paragraph (1) of regulation 26, the weekly amount of retirement pension payable under paragraph (1) above shall not exceed-

- (a) twenty dollars per week, if less than three hundred contributions have been paid or credited;
- (b) twenty-five dollars per week, if less than four hundred contributions have been paid or credited;
- (c) thirty dollars per week, if less than five hundred contributions have been paid or credited..

28. (1) The retirement grant shall be a lump sum equal to-

- (a) six times the average weekly insurable earnings of the insured person for each unit of fifty contributions paid or credited; or
- (b) two and one-half times the sum of the weekly insurable earnings of the insured person in respect of which contributions were paid or credited divided by the number of weeks of contribution for each unit of fifty such contributions.

whichever is the greater:

Provided that the amount of retirement grant shall not be less than one hundred dollars.

(2) For the purpose of this regulation, the expression "average weekly insurable earnings" in subparagraph (1) of paragraph (1) has the same meaning assigned to it by regulation 26 (2).

Funeral Grant

29. (1) A funeral grant shall be payable in respect of a deceased insured person who at the date of death-

- (a) was in receipt of sickness benefit or maternity allowance; or
- (b) whilst not in receipt of sickness benefit or maternity allowance at the date of death, would have been entitled to one or the other benefit but for the fact of death; or
- (c) was in receipt of or satisfied the contribution conditions for entitlement to invalidity pension or retirement pension:

Provided that where an insured person dies within the period of fifty-two contribution weeks commencing on the appointed day he shall be deemed to have satisfied the contributions for entitlement to the funeral grant if not less than twenty-five contributions have been paid in respect of him.

(2) The amount of funeral grant shall be three hundred dollars.

(3) The funeral grant shall be payable to the person who, in the opinion of the Manager, is liable and willing to meet or being so liable has met the cost of the funeral:

Provided that in the absence of such person the funeral grant shall be payable to such other person or persons as the Manager may in his discretion determine.

Survivor's Benefit

30. (1) Where at the date of his death the deceased insured person was in receipt of an invalidity pension or retirement pension or would have been entitled to an invalidity pension had he been deemed to be an invalid or to retirement pension, survivors' benefit shall be a periodical payment (hereafter in these regulations referred to as "pension").

(2) Where at the date of his death the deceased insured person would have been entitled to invalidity grant had he been deemed to be an invalid, or to retirement grant, survivors' benefit shall be a lump sum payment (hereafter in these regulations referred to as "grant").

(3) The total rate of amount of benefit payable to all persons entitled to survivors' benefit shall not exceed the amount of periodical payment or lump sum payment which would have been payable to the deceased insured person under Paragraph (1) or paragraph (2) (hereafter in these regulations referred to as "maximum available survivors' benefit")

(4) Subject to regulations 31 to 34, survivors' benefit shall be payable to-

(a) the widow or widower (as the case maybe) of the relevant insured person and to his children; or

(b) a parent of the relevant insured person only where at the date of death of such person there is no person entitled to survivors' benefit under sub-paragraph (a) above.

31. (1) 'The widow of the relevant person shall be entitled to a periodical payment (hereafter in these regulations referred to as "widow's pension") if at the date of death of such person the widow-

(a) was pregnant by the relevant person or had the care of a child of his under fourteen years and she shall be so entitled as long as she is so pregnant or has the care of such child under fourteen years; or

(b) has been married to the relevant person for not less than three years, and she was-

(i) over the age of fifty in which case the pension shall be payable for life; or

(ii) permanently incapable of self-support and wholly dependent on such person, in which case the pension shall be payable as long as she is so incapable.

(2) A widow who at the date of the relevant person's death was entitled to receive a pension in accordance with sub-paragraph (a) of paragraph(1) shall be entitled to receive that pension for life if, on attaining the age of fifty years she still has the care of such child under fourteen years.

(3) A widow who at the date of the relevant person's death was not entitled to receive a pension under paragraph (1) shall receive a pension for a period of fifty-two weeks at the same rate as the pension to which she would have been entitled had she satisfied those conditions.

(4) A widow's pension shall cease if the widow remarries or would be deemed to have remarried under the provisions of regulations 63.

32. (1) 'Me widower of the relevant person shall be entitled to a periodical payment (hereafter in these regulations referred to as "widower's pension") if at the date of death of such person the widower-

- (a) had been married to the relevant person for not less than three years; and
- (b) was permanently incapable of self-support and wholly dependent on the relevant person: and
- (c) had no income from any source whether by way of pension or otherwise.

(2) A pension awarded under paragraph (1) shall be payable as long as the widower continues to satisfy the conditions in subparagraphs (b) and (c) of paragraph (1):

Provided that the pension shall cease if the widower remarries or would be deemed to have remarried under the provisions of regulations 63.

33. (1) A periodical payment (hereafter in these regulations referred to as "child's pension") shall be payable to or in respect of a child of the relevant person if at the date of death of such person the child-

- (a) was living with or if not living with was wholly or mainly maintained by the relevant person or if it is shown to the satisfaction of the Manager that such person was legally obliged or liable to maintain the child; and
- (b) (i) was under 14 years, or
- (ii) was permanently incapable of self-support and over fourteen years and a child's pension would have been payable to or in respect of him had he been under that age.

(2) A child's pension shall be payable until the child attains his fourteenth birthday:

Provided that-

- (i) in the case of a child who at the date of the relevant person's death was permanently incapable of self-support the child's pension shall continue to be payable for the period during which the child remains so incapable;
- (ii) in the case of a child in receipt of a child's pension who at the date on which he attains his fourteenth birthday shows to the satisfaction of the Manager that he is receiving full-time education the payment of the pension shall continue until the day immediately preceding the child's sixteenth birthday or until fulltime education ceases whichever occurs earlier.

34. (1) A parent of the relevant person shall be entitled to a

periodical payment (hereafter in these regulations referred to as "parent's pension" if such parents-

- (a) at the date of death of the relevant person was over fifty-five years; and
- (b) shows to the satisfaction of the Manager that he was wholly maintained by the relevant person.

(2) A parent's pension shall cease if the parent remarries or would be deemed to have remarried under the provisions of regulation 63.

35. (1) Subject to regulations 31 to 34, the rate of widow's or widower's pension and of child's pension shall be a proportion of the maximum available benefit and such proportion shall be equal to-

- (a) one-half, in the case of a widow or widower;
- (b) two-fifths, in the case of child over fourteen years who at the date of death of the

relevant person was permanently incapable of self-support-,
(c) one-fourth, in the case of any other child.

(2) Where the total rate or amount of benefit payable in respect of all beneficiaries in accordance with paragraph (1) exceeds the maximum available survivors' benefit, the share of each beneficiary shall be reduced proportionately.

(3) Subject to the provisions of paragraph (2), where no widow or widower is entitled to benefit the maximum available survivors' benefit shall be payable to or in respect of the children of the deceased:

Provided that the rate of pension payable in respect of each child shall not exceed the proportion of the maximum available survivors' benefit set out in paragraph (1).

36. The rate of a parent's pension shall be equal to two-fifths of the maximum available survivors' benefit.

37. Subject to sub-paragraph (4) of regulation 30, the amount of survivors' grant payable in respect of each eligible survivor shall be distributed in the proportions set out in relation 35 or 36, as the case may be.

PART II

BENEFITS FOR PERSONAL INJURY BY ACCIDENT AND PRESCRIBED DISEASES

38. Where an insured person suffers personal injury as a result of an accident on or after the appointed day there shall be payable to or in respect of such person the benefits provided under this Part.

Injury Benefit

39. (1) Subject to these regulations, an insured person shall be entitled to benefit (hereafter in these regulations referred to as "injury benefit") in respect of any day during the injury benefit period on which, as a result of the relevant injury, he is incapable of work.

(2) In determining for the purpose of these regulations whether the insured person is incapable of work on the day of the relevant accident any part of that day before the accident happened shall be disregarded.

(3) For the purposes of this Part of these regulations, the expression "injury benefit period" means, in relation to the relevant accident, the period of one hundred and fifty-six days (disregarding Sundays) beginning, with the day of the accident, or the part of that period for which, under regulation 42 (2), disablement benefit in respect of the relevant accident is not available to the insured person.

(4) A day shall not be treated for the purpose of injury benefit as a day of incapacity for work if it is a day in respect of which a person has not claimed or is disqualified for receiving the benefit:

Provided that the fact that a day has not been so treated as a day of incapacity for work shall be disregarded for the purpose of regulation 42 (period during which disablement benefit is not available).

40. (1) Subject to paragraph (2), injury benefit shall be payable at the appropriate rate calculated; in accordance with the First Schedule.

(2) Where any further period of incapacity resulting from the relevant accident for which benefit is payable occurs within the injury benefit period, the daily rate of injury benefit so payable shall be the daily rate of benefit which was, or would have been appropriate to the first period of incapacity resulting from the relevant accident and the first period and such further period or periods shall, for the purpose of regulation 41 (1), be treated as one continuous period of incapacity for work.

41. (1) Subject to paragraph (2), an insured person who is eligible for injury benefit shall not be entitled to receive such benefit for the first three days of any continuous period of incapacity for work resulting from the relevant injury but only as from the fourth day of such period.

(2) Subject to paragraph (3) and (4), for the purpose of computing the first three days of any continuous period of incapacity for work mentioned in paragraph (1)-

- (a) public holidays shall be included;
- (b) Sundays shall be disregarded.

(3) Where an insured person had already had an earlier continuous period of incapacity for work exceeding three days for which sickness or injury benefit under the Ordinance has been paid and the interval between the last day of such period and the commencement of the further period of incapacity for work is no more than eight weeks, injury benefit shall be payable from the first day (Sunday being disregarded) of the further period at a rate calculated in accordance with regulation 40.

(4) Where the duration of an earlier period of incapacity for work was less than three days, injury benefit in respect of the further period of incapacity for work shall be payable from the day of such further period (Sunday being disregarded) which, treating the earlier period of incapacity as continuous with that of the further period for the purpose of this regulation, is the fourth day of such period of incapacity for work.

(5) Subject to paragraph (6), injury benefit shall not be paid to an insured person for any day prior to the first date as from which he has been certified by a medical practitioner to have been incapable of work:

Provided that the Manager may in special circumstances, pay benefit from an earlier date, subject to paragraph (1), having regard to the prescribed time for claiming benefit.

(6) A claim for injury benefit shall be made in the prescribed manner and shall be supported by a medical certificate or by such other evidence as the Manager may require for the purpose of establishing the insured person's incapacity for work:

Provided that the Manager may, before deciding a claim to injury benefit, require the claimant to attend for and submit himself to medical examination by one or more medical practitioners appointed by the Board.

(7) Subject to regulation 39, injury benefit shall be paid as long as the incapacity for work resulting from the relevant injury continues, but shall not be paid for longer than one hundred and fifty-six days (including Sundays) from the date on which the relevant accident occurred.

(8) In this regulation, unless otherwise specified, reference to incapacity for work means incapacity for work resulting from the same accident and reference to a period or a periods of incapacity for work shall be construed accordingly.

Disablement Benefit

42. (1) Subject to paragraph (2), an insured person shall be entitled to disablement benefit if as the result of the relevant accident he suffers from loss of physical or mental faculty to such an extent that the resulting disablement assessed in accordance with regulation 43 amounts to not less than one per cent; and for the purpose of that regulation there shall be deemed not to be any relevant loss of faculty when the extent of the resulting disablement, if so assessed, would not amount to one per cent.

(2) Disablement benefit shall not be available to a person until after the third day on the period of one hundred and fifty-six days (disregarding Sundays) beginning with the day of the relevant accident nor until after the last day (if any) of that period in which he is incapable of work as the result of the relevant injury:

Provided that, where he makes a claim for disablement benefit in respect of the relevant accident before the end of that period and does not withdraw it before it is finally determined then if on any day of that period not earlier than the making of the claim he is not so incapable of work, the fact that he is or may be so incapable on a subsequent day of the period shall be disregarded for the purpose of this paragraph.

43. (1) Subject to the following paragraphs, for the purpose of disablement benefit, the extent of disablement shall be assessed, by reference to the disabilities incurred by the claimant as a result of the relevant loss of faculty in accordance with the following general principles-

(a) save as hereafter provided in this paragraph, the disabilities to be taken into account shall be all the disabilities (whether or not involving loss of earning power or additional expense) to which the claimant may be expected, having regard to his physical or mental condition at the date of assessment, to be subject during the period taken into account by the assessment as compared with a person of the same age and sex whose physical and mental condition is normal.

(b) any such disability shall be treated as having been incurred as a result of the relevant loss of faculty except that it shall not be so treated in so far as the claimant either-

(i) would in any case have been subject thereto as the result of a congenital defect or of an injury or disease received or contracted before the relevant accident or injury; or
(ii) would not have been subject thereto but for some injury or disease received or contracted after, and not directly attributable to, that accident-

(c) the assessment shall be made without reference to the particular circumstances of the claimant other than age, sex and physical or mental condition.

(2) Where the sole injury which a claimant suffers as a result of the relevant accident is

one specified in column (1) of the Second Schedule, the loss of faculty suffered by the claimant as a result of that injury shall be treated for the purpose of this regulation as resulting in the degree of disablement set against such injury in column (2) of that Schedule.

(3) For the purpose of assessing, in accordance with this regulations, the extent of the disablement resulting from the relevant injury in any case which does not fall to be determined under paragraph (2) the medical board or medical practitioner, as the case may be, making the assessment may have such regard as may be appropriate to the prescribed degrees of disablement set against the injuries specified in the Second Schedule.

(4) An assessment shall state the degree of disablement in the form of a percentage:

(a) such percentage shall not be specified more particularly than is necessary for the purpose of determining in accordance with this regulation the claimant's right to disablement benefit; and

(b) a percentage between twenty and one hundred which is not a multiple of ten shall be treated-

(i) if it is a multiple of five, as being the next higher percentage which is a multiple of ten;

(ii) if it is not a multiple of five, as being the nearest percentage which is a multiple of ten.

(5) Where the degree of disablement is assessed at twenty per cent or more and having regard to the possibility of changes in the condition of the person concerned a final assessment is not possible, a provisional assessment may be made for a specified period limited by reference to a definite date:

Provided that before the end of the period taken into account a final assessment shall be made and such assessment shall have effect from the end of the period taken into account by the provisional assessment.

44. (1) Where the extent of disablement is assessed amounting to less than twenty per cent, disablement benefit shall be a lump sum (hereafter in these regulations referred to as "disablement grant")

(2) Where the extent of disablement is assessed for the period taken into account as amounting to twenty percent or more, disablement benefit shall be a periodical payment (here after in these regulations referred to as "disablement pension") for that period:

Provided that where that period is limited by reference to a definite date, the pension shall cease on the death of the beneficiary before that date.

(3) The disablement grant under paragraph (1) and disablement pension under paragraph (2) shall be payable at the appropriate amount or appropriate weekly rate determined in accordance with the First Schedule.

45. (1) For the purpose of determining entitlement to constant attendance allowance under section 21 of the Ordinance the Manager shall have the advice of a medical board or a medical practitioner appointed by the Board:

Provided that where in the special circumstances of an insured person examination by a medical board or medical practitioner is not practicable the Manager may satisfy himself that a person requires constant attendance in any other appropriate manner as he may consider necessary or practicable.

(2) Where a person is entitled to constant attendance allowance, the rate of disablement pension shall be increased by twenty five per cent, and the increase shall be payable for such period as may be determined by the Manager at the time it is awarded but may be renewed from time to time.

(3) For the purpose of subsection (2) of section 21 of the Ordinance (period during which patient receives in-patient hospital treatment) any period which is less than one week shall be disregarded.

46. (1) Where a person who has been awarded a disablement pension in respect of disablement assessed at less than one hundred per cent receives medical treatment as an inpatient in a hospital or similar institution for the relevant injury or loss of faculty his degree of disablement shall be treated as assessed at one hundred per cent for the period during which he receives such treatment

(2) For the purpose of paragraph (1), a person who receives hospital treatment as an in-patient for two or more distinct periods separated by an interval or less than one week in each case shall be treated as receiving such treatment continuously from the beginning of the first period until the end of the last.

47. (1) Where a person after suffering personal injury as a result of an accident suffers personal injury as a result of another accident (hereafter in this regulation referred to as a "successive accident") against which he is insured under the Ordinance he shall be entitled to receive injury benefit or disablement benefit subject to the provisions of this regulation.

(2) An insured person shall not for the same period be entitled to receive injury benefit and disablement pension but shall be entitled to receive the benefit which is payable at the higher rate.

(3) Where a person who is entitled to receive or is receiving a disablement pension in respect of loss of faculty resulting from an accident (hereafter in this regulation referred to as "existing pension") suffers loss of faculty as a result of a successive accident, if the disablement resulting from the successive accident is assessed at twenty percent or more he shall be entitled to receive a disablement pension in respect of such accident.

Provided that the sum of the amount of the existing pension and of the pension in respect of the successive accident shall not exceed the amount of pension which would be payable had one hundred percent disablement resulted from any one accident.

(4) Where a person in receipt of an existing pension suffers loss of faculty as a result of a successive accident which is assessed at less than twenty percent-

(a) if the assessment in respect of which the existing pension is payable amount to not less than one hundred percent he shall not be entitled to receive any disablement grant in respect of the successive accident;

(b) in any other case he shall not be entitled to receive by way of disablement grant in respect of the successive accident an amount exceeding that which would be payable

in respect of an assessment equal to the difference between one hundred percent and the percentage of the assessment in respect of which the existing pension is payable.

48. (1) An injured person who suffers personal injury as a result of an accident shall be entitled free of charge to such medical treatment provided by the Government medical services as the Board in consultation with the Chief Medical Officer considers necessary in consequence of the relevant injury.

(2) Treatment provided to the insured person under paragraph (1) shall include-

(a) medical, surgical and dental treatment (including specialist care) as in-patient or out-patient at Government hospitals, clinics and other similar institutions:

(b) supply, maintenance repair and renewal of dental appliances, spectacles artificial limbs and other appliances;

(c) essential pharmaceutical supplies prescribed by a medical practitioner.

(3) Notwithstanding the provisions of paragraph (1), the Board in consultation with the Ministry responsible for medical services and with the approval of the Minister may make other arrangement for the treatment of personal injuries under the Ordinance in the whole or any part of Belize and such arrangements may include the refund of reasonable expenses incurred by the insured person in obtaining, treatment of the relative injury or direct payment by the Board to persons providing such treatment subject to such conditions as may be specified:

Provided that such arrangements shall be published by order of the Minister.

(4) Except where reasonable transport facilities are provided by the Board, an insured person shall be entitled to a refund of traveling, expenses incurred as a result of periodic treatment of the personal injury provided under this regulation up to an amount which the Manager considers reasonable in the circumstances of a particular case; Provided that at the time when the accident occurs the employer shall provide at his expense reasonable facilities for the transport of the insured person from the place of injury to the place of treatment, as necessary,

49. (1) Where an insured person suffers personal (1) injury under the Ordinance resulting from an accident occurring-

(a) in Belize and incurs medical expenses outside Belize; or

(b) outside Belize and incurs medical expenses there;

he shall be entitled, subject to paragraph (2) to a refund in respect of such medical expenses of an amount not exceeding the amount which in the opinion of the Board would be equivalent to the charges and expenses which would have been incurred had the relevant injury been treated in Belize: Provided that the amount so refunded shall in no case exceed one thousand dollars.

(2) The limitations under paragraph (1) as to the amount to be refunded in respect of medical expenses shall not apply where the insured person obtains medical treatment outside Belize with the prior approval given by the Board in writing after the Board has had due regard of the particular circumstances of the case and where possible after satisfying itself that the treatment required cannot be provided in Belize:

Provided that the Board may impose such conditions and limitations as it may deem necessary.

(3) For the purpose of this regulation, medical expenses include expenses incurred in obtaining treatment required as a result of the personal injury and include traveling expenses refundable under paragraph (4) of regulation 48 but not traveling from Belize to the place of treatment abroad and vice-versa.

50. A person claiming or entitled to receive injury benefit or disablement benefit shall be disqualified for receiving the benefit for such period as the Manager may decide, but not exceeding six weeks-

(a) in the case of injury benefit, if-

- (i) he behaves in a manner likely to retard his recovery; or
- (ii) he fails to answer any reasonable enquiries by an officer of the Board intended to ascertain such behaviour; or
- (iii) he is absent without good cause from his place of residence without leaving word where he may be found; or
- (iv) performs remunerative work-

(b) in the case of injury benefit or disablement benefit if-

- (i) he fails without good cause to comply with a notice by the Manager requiring him to attend for and submit himself to medical examination; or
- (ii) he refuses without good cause medical treatment which the Manager, on the advice of a medical practitioner or a medical board, considers appropriate for the injury or loss of faculty; or
- (iii) he refuses without good cause to avail himself of rehabilitation treatment or training offered by the Board.

51. (1) A funeral grant shall be payable in respect of an insured person who dies as a result of a personal injury caused by accident.

(2) The amount of the funeral grant shall be three hundred dollars.

(3) A funeral grant shall be payable to the person who in the opinion of the Manager is liable and willing to meet or being so liable has met the cost of the funeral:

Provided that in the absence of such person the funeral grant shall be payable to such other person or persons as the Manager may in his discretion determine.

Death Benefit

52. Subject to regulation in this Part, where an insured person dies as a result of a personal injury caused by accident death benefit shall be payable by way of periodical payment to-

- (a) the widow or widower (as the case may be) and to the children of the relevant person; or
- (b) a parent of the relevant person only where at the date of death of such person there is no person entitled to death benefit under sub-paragraph (a) above.

53. (1) Subject to paragraph (4), the widow of the relevant person shall be entitled to death benefit (hereafter in these regulations referred to as "widow's death benefit" if at the date of death of such person the widow-

(a) was pregnant by the relevant person or had the care of a child of his under 14 years and she shall be so entitled as long as she is so pregnant or has the care of such child under fourteen years; or

(b) was over fifty years, in which case the benefit shall be payable for life; or

(c) was permanently incapable of self-support and wholly dependent on the relevant person in which case the benefit shall be payable as long as she remains so incapable.

(2) A widow who at the date of the relevant person's death is entitled to receive a pension in accordance with sub-paragraph (a) of paragraph (1) shall, subject to paragraph (4), be entitled to receive such pension for life if on attaining the age of fifty years she still has the care of such child under fourteen years.

(3) A widow who at the date of the relevant person's death is not entitled to benefit under paragraph (1) shall receive widow's death benefit for a period of fifty-two weeks at the same rate as the benefit to which she would have been entitled had she satisfied those conditions.

(4) Widow's death benefit shall cease if the widow remarries it to be treated as having remarried in accordance with the provisions of regulation 63 (6).

54. (1) The widower of the relevant person shall be entitled to death benefit (hereafter in these regulations referred to as "widower's death benefit") if at the date of death of such person the widower-

(a) was permanently incapable of self-support and wholly dependent on the relevant person; and

(b) had no income from any source whether by way of pension or otherwise.

(2) Widower's death benefit under paragraph (1) shall be payable as long, as the widower continues to satisfy the conditions in sub-paragraph (a) and (b) of paragraph (1):

Provided that the benefit shall cease if the widower remarries or is to be treated as having, remarried in accordance with the provisions of regulation 63 (6).

55. The provisions of regulation 33 in Part 1 of these regulations (relating to entitlement to child's pension) have effect under this Part for the purpose of benefit to a child of the relevant person (hereafter in these regulations referred to as "child's death benefit").

56. The provisions of regulation 34 in Part 1 of these regulations (relating to entitlement to parent's pension) have effect under this Part for the purpose of benefit to a parent of the relevant person (hereafter in these regulations referred to as "parent's death benefit").

57. (1) Subject to the provisions of regulations 53 to 56, the weekly rate of death benefit payable to each beneficiary shall be a proportion of sixty percent of the relevant person's average insurable earnings and such proportion shall be equal to-

(a) one-half, in the case of a widow or widower;

(b) Two-fifths, in the case of a child over fourteen years who at the date of the relevant person's death was permanently incapable of self-support;
(c) one-fourth, in the case of any other child.

(2) The provisions of paragraph (2) and (3) of regulation 35 in Part I shall apply, mutatis mutandis, to death benefit under paragraph (1) of this regulation.

(3) The rate of death benefit payable to a parent shall be equal to two-fifths of sixty percent of the average insurable earnings of the relevant person.

(4) For the purpose of this regulation, the expression "average insurable earnings" has the meaning assigned to it by paragraph 4 of the First Schedule.

Provisions Relating to Prescribed Diseases and Injuries

58. (1) Each disease or injury set out in column (1) of the Third Schedule is prescribed in relation to all persons who have been employed on or after the appointed day in insurable employment in any occupation set out against such disease or injury in column

(2) of the said Schedule.

(2) Where a person develops a disease or dies as a result of a disease which is prescribed in relation to him in column (1) of the Third Schedule, that disease shall, unless the contrary is proved, be presumed to be due to the nature of his employment if that employment was in any occupation set out against that disease in column (2) of the same Schedule and he was so employed on, or at any time within one year immediately preceding the date on which, under the provisions of regulation 59 he is treated as having developed the disease:

Provided that this paragraph shall not apply to the diseases numbered 6, 12 and 14 respectively, in the said Schedule.

(3) Where a person in relation to whom tuberculosis is prescribed in paragraph 12 of the Third Schedule develops that disease, the disease shall, unless the contrary is proved, be presumed to be due to the nature of his employment if the date on which, under regulation 59, he is treated as having developed the disease-

(a) is not less than six weeks after the date on which he was first employed in any occupation set out against the disease in column (2) of the said Schedule; and

(b) is not more than two years after the date on which he was last so employed in insurable employment

(4) In relation to provisions in these regulations relating to prescribed diseases, references in this Part to accidents resulting in personal injuries shall be construed as references to prescribed diseases and reference to the relevant accident shall be construed as references to the relevant disease and references to the date of the relevant accident shall be construed as references to the date of development of the relevant disease.

(5) In this and subsequent regulations any reference to a disease includes a reference to an injury prescribed in the Third Schedule.

59. (1) For the purpose of a first claim in respect of a prescribed disease suffered by a

person, the date on which he develops the disease (hereafter in these regulations referred to as "the date of development") shall be determined in accordance with the following provisions of this regulation, and save as provided in regulation 60, that date shall be treated as the date of development for the purpose of any subsequent claim in respect of the same disease suffered by the same person:

Provided that-

(a) any date of development determined for the purpose of that claim shall not preclude fresh consideration of the question whether the same person is suffering from the same disease on any subsequent claim for or award of benefit-, and

(b) if, on the consideration of a claim, no award of benefit is made, any date of development determined for the purpose of that claim shall be disregarded for the purpose of any subsequent claim.

(2) Where after the appointed day, the claim for the purpose of which the date of development is to be determined is-

(a) a claim for injury benefit the date of development shall be the first day on which the claimant was incapable of work as a result of the disease;

(b) a claim for-disablement benefit, the date of development shall be the day on which the claimant first suffered from the relevant loss of faculty;

(c) a claim for death benefit, the date of development shall be the date of death.

60. (1) If a person after having been awarded benefit in respect of a prescribed disease recovers wholly or partially from the attack of the disease and thereafter suffers from another attack of the same disease, or dies as a result thereof, then-

(a) if the further attack commences or the death occurs during an injury benefit period or during a period taken into account by an assessment of disablement relating to such a previous award (either of which periods is hereafter in this regulation referred to as a "relevant period"), the disease shall be treated as a recrudescence of the attack to which the relevant period relates, unless it is otherwise determined in the manner referred to in the following sub-paragraph;

(b) if the further attack commences or the death occurs otherwise than during a relevant period, or if it is determined in the manner provided under the regulations that the disease was in fact contracted afresh, it shall be treated as having been so contracted.

(2) For the purpose of the foregoing paragraph, a further attack of a prescribed disease shall be deemed to have commenced on the date which would be treated as the date of development under the provisions of regulation 59 if no previous claim had been made in respect of that disease.

(3) Where, under the foregoing provisions of this regulation, a disease is treated as having been contracted afresh, the provisions of regulation 59 shall be applied as though no previous claim had been made in respect of that disease and the date of development shall be determined accordingly.

(4) Where, under the provisions aforesaid, a disease is treated as a recrudescence during a period taken into account by a previous assessment of disablement, any assessment of disablement in respect of the recrudescence shall be by way of review of such previous assessment and such review shall be subject to the provisions of the

determination of Claims and Questions regulations relating to the review of a previous assessment of disablement.

PART III

MISCELLANEOUS PROVISIONS

61. (1) A contribution shall be credited to an insured person without actual payment thereof in respect of every week for the whole of which such person is entitled to receive or is receiving any of the following benefits-

- (a) sickness benefit;
- (b) maternity allowance;
- (c) invalidity pension;
- (d) injury benefit;
- (e) disablement benefit assessed at one hundred per cent and the person concerned is incapable of work as a result of the relevant loss of faculty;
- (f) disablement benefit increased to one hundred per cent on account of hospital treatment.

(2) The provisions of paragraph (1) shall apply in the case of an insured person who but for the application of regulation 5 (1) or regulation 41 (1) would have been entitled to receive sickness benefit or injury benefit respectively.

(3) A contribution credit under paragraph (1)-

- (a) shall, subject to these regulations, be valid for maternity allowance, invalidity benefit and retirement benefit;
- (b) shall be at the level of weekly insurable earnings corresponding or most closely corresponding to the weekly insurable earnings on the basis of which the benefit had been paid.

62. (1) Except as provided in this regulation and in regulation 47 (which relates to successive accidents), only one benefit shall be payable under the Ordinance at any one time and the benefit so payable shall be the benefit first awarded unless the other benefit is payable at a higher rate in which case the benefit at a higher rate shall be payable:

Provided that when entitlement to one benefit ceases nothing shall prevent the award or reinstatement of another benefit to which the person concerned is entitled under the Ordinance.

(2) Without prejudice to other provisions in these regulations, paragraph (1) shall not preclude the full duplication of-

- (a) injury benefit with retirement benefit or death benefit;
- (b) disablement benefit with sickness benefit, maternity benefit survivors' benefit, death benefit or retirement benefit:

Provided that there shall be no duplication with sickness benefit or maternity allowance where the degree of disablement is increased to one hundred per cent under regulation 46 on account of hospital treatment;

- (c) death benefit with sickness benefit maternity benefit injury benefit, invalidity benefit, retirement benefit or disablement benefit;
- (d) any benefit with funeral grant:

Provided that there shall be no duplication of funeral grant under section 11 of the Ordinance with funeral grant under section 12 (1) thereof.

63. (1) For the purpose of title to survivor's benefit or death benefit under these regulations of a person as the widow or widower of an insured person, such insured person, at any time after the appointed day, may apply to the Manager for registration of the particulars of the beneficiary for such benefit subject to the provisions of paragraphs (2) and (3).

(2) For the purpose of registration under paragraph (1)-

(a) in the case of an application made by an insured man, the beneficiary has to be a woman with whom he lives as her husband;

(b) in the case of an application made by an insured woman, the beneficiary has to be a man with whom she lives as his wife.

(3) Notwithstanding the fact that a valid marriage subsists between the insured person applying for registration and another woman or man, as the case may be registration under this regulation of a person as a beneficiary shall automatically exclude all other persons from being beneficiaries and the reference to "husband" or "wife" shall be construed as referring to such registered beneficiary only:

Provided that in the case where a legal marriage subsists on the date of an application under this regulation, the insured person making the application shall show to the satisfaction of the Manager that he is not legally obliged to maintain the spouse of such marriage.

(4) Registration made under this regulation may be cancelled at the request in writing of the insured person.

(5) Where before the death of an insured person no registration was made under paragraph (1) and no satisfactory evidence is produced to the Manager that there is a legal spouse whom the deceased insured person was legally obliged to maintain at the date of his death, the Manager may treat a single woman or widow who was living with a single man or widower at the time of his death as if she were in law his widow (or a single man or widower who was living with a single woman or widow at the time of her death as if he were in law her widower).

(6) Where the question of marriage or remarriage or the date of marriage or remarriage arises in regard to entitlement to benefit the Manager shall, in the absence of subsistence of a lawful marriage, decide whether or not the persons concerned should be treated as if they were married or had remarried, as the case may be, and if so from what date; and in determining the question the Manager shall have regard to the provisions of paragraphs (2) and (3) of this regulation.

(7) Registration under paragraph (2) or the determination of the Manager under paragraph (5) or (6) shall have the effect of extending, as regards entitlement to a benefit, the meaning of the word 'marriage' to include the association of a woman with a

man as aforesaid and the words 'wife', 'husband', 'widow', 'widower' and 'spouse' shall be construed accordingly.

64. (1) Except as provided in the Voluntary Contributors and Persons Abroad Regulations and this regulation, a person shall be disqualified for receiving benefit for any period during which he is absent from Belize.

(2) Paragraph (1) shall not apply in the case of a person in receipt of-

- (a) retirement benefit, survivors' benefit or death benefit;
- (b) disablement benefit the extent of disablement has been finally assessed under these regulations;
- (c) injury benefit or disablement benefit where sub-paragraph (b) above does not apply if the Board is satisfied that such person is temporarily absent from Belize for the specific purpose of receiving treatment for the relevant injury or loss of faculty;
- (d) invalidity benefit for such period and in such circumstances as the Board may determine having regard to the particular aspects of the case;
- (e) sickness benefit or maternity allowance if the Board is satisfied that the person concerned is temporarily absent from Belize for the specific purpose of receiving special treatment required as a result of incapacity or pregnancy, during such period as the Board may allow having regard to the particular circumstances of the case.

(3) Payment of the benefit under paragraph (2) shall be subject to the provisions of the Claims and Payments Regulations and to any conditions which the Board may deem necessary to impose in any particular case or class of cases.

(4) For the purpose of paragraph (2), the expression "in receipt of benefit" means that the person concerned is actually receiving the benefit before his departure from Belize or his entitlement to benefit has been determined before his departure:

Provided that this paragraph shall not apply to sub-paragraph (a) of paragraph (2) in the case of-

- (i) retirement benefit; or
- (ii) survivors' benefit or death benefit where such benefit is not claimed on the ground that claimant is permanently incapable of self-support, if the Board is satisfied that the relevant conditions prescribed in these regulations are met.

(5) Benefit for which a person is eligible by virtue of this regulation shall be paid in Belize to such other person acting, for and on behalf of the beneficiary as the Board may approve.

65. (1) Subject to paragraph (2), a person shall be disqualified for receiving any benefit for any period during which he is undergoing imprisonment or detention in legal custody.

(2) Where the Board is satisfied that a person mentioned in paragraph (1) has a wife or children who, immediately prior to such imprisonment or detention were wholly maintained by him, it may authorize the payment to or in respect of such wife or children of an amount not exceeding one-half of the amount of benefit which would otherwise be payable, during such a period as the Board may allow having regard to the particular circumstances of the case.

66. Without prejudice to the provisions of these regulations a claim for any benefit shall be made in accordance with the Claims and Payments Regulations.

67. A person claiming or receiving benefit may be disqualified by the Manager for a period not exceeding six weeks for willful obstruction of, or other misconduct in connection with, any examination or treatment to which such person is required under these regulations to submit himself

68. (1) Every notice given to a claimant or beneficiary in accordance with these regulations requiring him to submit himself to medical examination shall be issued in writing and shall specify the time and place of examination, but shall not require the claimant or beneficiary to submit himself to examination on a date earlier than the fourth day after the day on which the notice is sent.

(2) Every claimant and every beneficiary who is required to submit himself to a medical examination, to medical treatment or to any course of physical or vocational rehabilitation training-

(a) shall attend at such place and at such time as is specified in the notice; and
(b) may, at the discretion of the Board, be paid such traveling and other allowances as the Board may determine.

69. Where under these regulations a person is required to submit himself to medical treatment he shall not forfeit or be disqualified for any benefit for refusal to undergo a surgical operation not being one of a minor character.

MADE this 15th day of December, 1980,

ELIJIO E. BRICENO
Minister of Local Government
and Social Security

FIRST SCHEDULE

Regulations 40, 44

RATES OF INJURY BENEFIT AND DISABLEMENT BENEFIT

Rate of injury benefit.

1. The weekly rate of injury benefit shall be sixty percent of the average insurable earnings of the insured persons and the amount payable for any day of incapacity shall be one-sixth of the weekly rate (Sunday being disregarded).

Amount of disablement grant.

2. The amount of disablement grant shall be a lump sum equal to two hundred and sixty times the average insurable earnings times the degree of disablement.

Rate of disablement pension.

3. The weekly rate of disablement pension-

(a) if the degree of disablement is assessed at one hundred per cent shall be sixty per cent of the average insurable earnings of the insured person;

(b) if the degree of disablement is assessed at more than nineteen per cent but less than one hundred per cent shall be a weekly rate equal to sixty percent of the average insurable earnings times the degree of disablement as assessed.

Average insurable earnings.

4. For the purposes of this Schedule, the expression "average insurable earnings" means,

(a) where four or more contributions have been paid in respect of the person concerned before the relevant accident, the sum of the weekly earnings on which the last four contributions were paid divided by four;

(b) where sub-paragraph (a) does not apply but two or three contributions were paid in respect of the person concerned before the relevant accident, the sum of the earnings on which the contributions were paid divided by two or three as the case may be;

(c) where by reason of the shortness of the period during which the person concerned was employed before the relevant accident neither subparagraph (a) nor subparagraph (b) above applies, the average of the earnings on the basis of which four contributions were paid immediately before the relevant accident in respect of a person of similar earning capacity engaged in employment of the same nature and grade with the same employer, or if there is no such person with the same employer, with another employer in similar circumstances

Provided that were the actual average earnings in accordance with this paragraph of an employed person who has received retirement benefit these regulations exceed seventy-five dollars per week, the average insurable earnings of such person shall be deemed to be seventy-five dollars per week.

Meaning of "assessed"

5. In this Schedule "assessed" means, in relation to the degree of disablement, assessed in accordance with regulation 43.

SECOND SCHEDULE

Regulation 43

PRESCRIBED DEGREES OF DISABLEMENT

COLUMN (1) <i>Description of Injury</i>	COLUMN (2) <i>Degree of Disablement percent</i>
1. Loss of both hands or amputation at higher sites	100
2. Loss of a hand or a foot	100

3. Double amputation through leg or thigh, or amputation through leg or thigh on one side and loss of other foot..	100
4. Loss of sight to such an extent as to render the claimant unable to perform any work for which eyesight is essential	100
5. Very severe facial disfiguration	100
6. Absolute deafness	100
7. Forequarter or hindquarter amputation	100
8. Total paralysis	100
9. Loss of remaining, eye by one-eyed person	100
10. Loss of remaining, leg by one-legged person	100
Amputation cases-upper limbs (either arm)	
11. Amputation through shoulder joint	90
12. Amputation below shoulder with stump less than 20.5 centimeters from tip of acromion	80
13. Amputation from 20.5 centimeters from tip of acromion to less than 11.5 centimeters below tip of olecranon	70
14. Loss of a hand or of the thumb and four fingers of one hand or amputation from 11.5 centimetres below tip of olecranon	60
15. Loss of thumb	30
16. Loss of thumb and its metacarpal bone	40
17. Loss of four fingers of one hand	50
18. Loss of three fingers of one hand	30
19. Loss of two fingers of one hand	20
20. Loss of terminal phalanx of thumb	20
Amputation cases-lower limbs	
21. Amputation of both feet resulting in end-bearing stumps	90
22. Amputation through both feet proximal to the metatarso-phalangeal joint	80
23. Loss of all toes of both feet through the metatarso-phalangeal joint	40
24. Loss of all toes of both feet proximal to the metatarso-phalangeal joint joint	30
25. Loss of all toes of both feet distal to the proximal inter-phalangea joint	20
26. Amputation at hip	90
27. Amputation below hip with stump not exceeding 13 centimetres in length measured from tip of great trochanter	80
28. Amputation below hip and above knee with stump exceeding 13 centimetres in length measured from tip of great trochanter, or at knee not resulting in end-bearing stump	70
29. Amputation at knee resulting in end bearing,	60

stump or below knee with stump not exceeding 9 centimetres	
30. Amputation below knee with stump exceeding 9 centimetres but not exceeding 13 centimetres	50
31. Amputation below knee with stump exceeding 13 centimetres	40
32. Amputation of one foot resulting in end-bearing stump	30
33. Amputation through one foot proximal to the metatarso-phalangeal joint	30
34. Loss of all toes of one foot through the metatarso-phalangeal joint	20
Other injuries	
35. Loss of one eye, without complications, the other being normal	40
36. Loss of vision of one eye, without complications or disfigurement of eye ball, the other being normal	30
Loss of,	
<i>A. Fingers of right or left hand</i>	
<i>Indexfinger-</i>	
37. Whole	14
38. Two phalanges	11
39. One phalanx	9
40. Guillotine amputation of tip without loss of bone	5
<i>Middlefinger-</i>	
41. Whole	12
42. Two phalanges	9
43. One phalanx	7
44. Guillotine amputation of tip without loss of bone	4
<i>Ring of little finger-</i>	
45. Whole	7
46. Two phalanges	6
47. One phalanx	5
48. Guillotine amputation of tip without loss of bone	2
<i>B. Toes of right or leftfoot</i>	
<i>Great toe-</i>	
49. Through metatarso-phalangeal joint	14
50. Part with some loss of bone	3
<i>Any other toe-</i>	
51. Through metatarso-phalangeal joint	3
52. Part, with some loss of bone	1
<i>Two toes of one foot, excluding great toe-</i>	
53. Through metatarso-phalangeal joint	5
54. Part, with some loss of bone	2
<i>Three toes of one foot, excluding great toe-</i>	
55. Through metatarso-phalangeal joint	6

56. Part with some loss of bone <i>Four toes of one foot excluding great toe-</i>	3
57. Through metatarso-phalangeal joint	9
58. Part, with some loss of bone	3

THIRD SCHEDULE

Regulation 58

LIST OF PRESCRIBED DISEASES AND INJURIES AND THE OCCUPATIONS FOR WHICH THEY ARE PRESCRIBED

COLUMN (1) <i>Description of Disease or Injury</i>	COLUMN (2) <i>Nature of Occupation</i>
1. Poisoning by:-	Any occupation involving:
(1) Lead	The use or handling of, exposure to the fumes, dust or vapour of lead or a substance containing lead or a compound of lead.
(2) Phosphorus	The use or handling of, or exposure to the fumes, dust or vapour of phosphorus, or a compound of phosphorus or a substance containing phosphorus.
(3) Arsenic	The use or handling of or exposure to the fumes, dust or vapour of arsenic, or a compound of arsenic, or a substance containing arsenic.
(4) Mercury	The use or handling, of, or exposure to the fumes, dust or vapour of mercury or a compound of mercury, or a substance containing mercury.
(5) Benzene or a homologue	The use handling of, or exposure to the fumes, of or a vapour containing benzene or any of its homologues.
(6) Organic phosphates	The use or handling of organic phosphates for the destruction of pests or vermin.
(7) <i>Metopium brownei</i> ("Black poison wood") or <i>Cameraria belizensis</i> stand ("savanna white poison wood")	Work in the forest or the manipulation of "poison wood" or any process in or incidental to the Manufacture of articles therefrom.
8) Carbon monoxide gas	Any process involving the use

	of-
	(i) dynamite and gunpower for blasting insub-terranean galleries;
	(ii) illuminating gas;
	(iii) power or producer gas;
	(iv) blast furnaces, furnace, and stoves for the burning of charcoal, coke and other fuel;
	(v) gas engines.
(9) Carbon dioxide gas	any process involving blasting, the manufacture of mineral waters, fermenting in breweries and the formation of lime in lime kilos.
(10) the halogen derivatives of hydrocarbons in the aliphatic series	any process involving the production, liberation or use of halogen derivatives of hydrocarbons of the aliphatic series.
2. Anthrax	Any occupation involving:- the handling of wool, hair, bristles, bides or skins or other animal products or residues, or contact with animals infected with anthrax
3. Glanders	contact with equine animals or their carcasses.
4. (a) Ulceration of the corneal surface of the eye	the use or handling of, or exposure to tar, pitch, bitumen mineral oil (including paraffin) soot or any compound, product, or residue of any of these substances.
(b) localised new growth of the skin, papillomatous or keratotic	
(c) Epitheliomatous cancer or ulceration of the skin due in any case to tar, pitch, bitumen mineral oil (including paraffin soot or any compound, product or residue of any of these substances.	
5. Inflammation, ulceration or malignant disease of the skin or subcutaneous tissues or of the bones, or leukaemia or anaemia of the aplastic type, due to X-rays, ionising particles, radium or other radio-active substances.	exposure to X-rays, ionising particles, radium, or other radio-active substances or other forms of radiant energy.
6. Inflammation or ulceration of the skin or of the mucous membrane of the upper respiratory passages or mouth produced by dust, liquid known as chlor-acne, but excluding chrome ulceration.	exposure to dust, liquid or vapour. or vapour (including the condition)
7. Subcutaneous cellulitis or acute bursitis arising at	Manual labour causing severe

or about the knee (Beat knee)	or prolonged friction or pressure at or about the knee
8. Subcutaneous cellulitis of the hand (Beat hand)	Manual labour causing severe or prolonged friction or pressure on the hand.
9. Subcutaneous cellulitis or acute bursitis arising at or about the elbow	Manual Labour causing severe or prolonged friction of pressure at or about the elbow.
10. Inflammation of the synovial lining of the wrist joint and tendon sheaves	manual labour or frequent repeated movements of the hand or wrist.
11. Telegraphist's cramp	the use of Morse-key telegraphists' instruments for prolonged periods.
12. Tuberculosis	any occupation involving close and frequent contact with a source or sources of tuberculosis infection by reason of employment:
	(a) in the medical treatment or nursing of a person or persons suffering from tuberculosis or in a service ancillary to such treatment or nursing;
	(b) in attendance upon a person or persons suffering from tuberculosis where the need for such attendance arises by reason of physical or mental infirmity;
	(c) as a research worker engaged in research in connection with tuberculosis;
	(d) as a laboratory worker, pathologist or postmortem worker, where the occupation involves working with material which is a source of tuberculous infection, or in any occupation ancillary to such employment.
13. Dermatitis of the hand	the sectionising and peeling by hand of citrus-fruit
14. Non-infective dermatitis of external origin (including chrome ulceration of the skin but excluding dermatitis due to ionising particles or electromagnetic radiations other than radiant beat)	exposure to dust, liquid or vapour or any other external agent capable of irritating the skin (including friction or heat but excluding ionising particles

15. Brucellosis

or electromagnetic radiations other than radiant heat).

contract with bovine animals, sheep and goats, infected by brucella organisms, their carcasses or parts thereof or their untreated products, or with laboratory specimens or vaccines of or containing brucella organisms, by reason of employment-

(a) as a farm worker;

(b) as a veterinary worker;

(c) as a slaughterhouse worker;

(d) as a laboratory worker; or

(e) in any other work relating to the care, treatment, examination or handling of such animals, carcasses or parts thereof, or products including untreated milk.

16. Infectious hepatitis

any occupation involving, close and

frequent contact with source or sources of infectious hepatitis by reason of employment:-

(a) in the medical treatment or nursing of a person or persons suffering from infectious hepatitis or in a service ancillary to such treatment or nursing;

(b) as a research worker engaged in research in connection with hepatitis;

(c) as a laboratory worker, pathologist or postmortem worker, where the occupation involves working with material which is a source of hepatitis infection, or in any occupation ancillary to such employment.

17. Typhoid

Any occupation involving close and frequent contact with a source of typhoid infection by

reason of employment-

(a) in the medical treatment or nursing of a person or persons suffering from typhoid fever or in a service ancillary to such treatment or nursing;

(b) as a research worker engaged in research in connection with typhoid;

(c) as a laboratory worker (including pathologist) or postmortem worker where the occupation involves working with material which is a source of typhoid infection, or in any occupation ancillary to such employment.

18. (a) Infection by leptospira icterohaemorrhagiae

work in places which are or are liable to be, infected by rats; work at dog kennels or the care or handling of dogs.

(b) Infection by leptospira cani-cola

19. Pulmonary disease due to the inhalation of the dust of mouldy hay or other mouldy vegetable produce and characterised by symptoms and signs attributable to a reaction in the peripheral part of the bronchopulmonary system, and giving rise to a defect in gas exchange (Farmer's Lung).

exposure to dust of mouldy hay or other mouldy vegetable produce by reason of employment:-

(a) in agriculture, horticulture or forestry; or

(b) loading or unloading or handling in storage such as hay or other vegetable produce; or

(c) handling bagasse.