

STATUTORY INSTRUMENT

No. 85 of 1980.

BELIZE:

REGULATIONS *made by the Minister responsible for Social Security in the exercise of the powers vested in him by section 10 of the Social Security Ordinance No. 6 of 1979, and all other powers thereunto him enabling.*

(Gazetted 20th December, 1980)

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

SOCIAL SECURITY (CONTRIBUTIONS) 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--
"appointed day" means the day appointed by the Minister under regulation 1 of these regulations; "Collection of Contributions Regulations" means the Social Security (Collection of Contributions) Regulations 1980; contribution year" has the same meaning assigned to it by the Collection of Contributions Regulations;
"due date" means, in relation to any contribution, the date on which that contribution was due to be paid in accordance with the Collection of Contributions Regulations;
"Ordinance" means the Social Security Ordinance 1979.

All other words and expressions defined in the ordinance shall have the same meaning in these regulations.

3. Where contributions are paid which are of the wrong class or at the wrong rate, the Manager may treat them as paid on account of the contributions properly payable, subject to any adjustment he may necessary.

4.--(1) Subject to the provisions of regulation 3 and of this regulation, any contributions paid by a person or his employer under the erroneous belief that the contributions were payable by such person or in respect of him by his employer, shall be returned by the Board to that person or to his employer, as the case may require, if application to that effect is made in writing to the Board within the appropriate time specified in paragraph (4) of this regulation.

(2) In calculating the amount of any repayment to be made under this regulation to such a person or an employer, there shall be deducted-

(a) in the case of employees contributions and contributions as an insured person, the amount of any contributions paid under erroneous belief as aforesaid which, under the provisions of regulation 3 have been treated as paid on account of other contributions; and

(b) in the case of contributions as an insured person, the amount if any, paid to that person (and to any other person on the basis of the erroneous belief) by way of benefit which would not have been paid had the contributions (in respect of which an application for their return is duly made in accordance with paragraph (4) not been paid in the first instance:

Provided that if the amount of benefit mentioned in this sub- paragraph exceeds the amount of contribution to be refunded to ft insured person under paragraph (1), such excess shall be deducted from any amount of contribution refundable to the employer under the said paragraph.

(3) Contributions erroneously paid by an employer on behalf of any person and not

recovered from that person may be repaid to the employer instead of to that person, but if so recovered may be repaid to that person, or with his consent in writing, to his employer.

(4) A person desiring to apply for the return of any contribution or part of a contribution paid under erroneous belief as aforesaid shall make the application in such form and in such manner as the Board may from time to time determine, and any such application shall be made within two years from the end of the contribution year during which the contribution was paid or such longer time as the Board may allow if it is satisfied that the person concerned had good cause for not applying within those two years.

5.--(1) Without prejudice to any action under Section 57 of the Ordinance, where a contribution payable by an employer in respect of or on behalf of an employed person is paid after the due date or is not paid, and the delay or failure in making payment thereof is shown to the satisfaction of the Board not to have been with the connivance or consent of, or attributable to any negligence on the part of the employed person, the contribution shall, for the purpose of any right to benefit, be treated as paid on the due date.

(2) The provisions of regulations 7 and 8 shall, in their application to a contribution payable by an employer on behalf of an employed person, have effect subject to the provisions of this regulation.

6. In the case of a contribution paid after the due date where-

(a) the contribution is paid after the time when it would, under the following provisions of these regulations, have been treated as paid for the purposes of the right to a benefit; and

(b) the failure to pay the contribution before that time is shown to the satisfaction of the Board to be attributable to ignorance or error on the part of the insured person which was not due to any failure on his part to exercise due care and diligence;

the Board may direct that for the purposes of regulations 7 or 8 the contribution shall be treated as having been paid on such earlier date as it may consider appropriate in the circumstances and those provisions shall have effect subject to any such direction.

7. For the purpose of any right to retirement benefit or invalidity benefit a contribution paid after the due date shall be treated in the following manner:-

(a) if paid before the expiration of fifty-two weeks next following the end of the contribution year in which it becomes payable, as paid on the due date;

(b) if paid at any other time, as not paid.

8. For the purpose of any right to a funeral grant, a contribution paid after the due date must be treated as not paid if the contribution is paid after the date of the death of the person in respect of whom the grant is claimed.

9.--(1) Where an insured person-

(a) attains the age of sixty years within a period not exceeding twenty-five contribution weeks after the appointed day and, after that age, no further contributions are paid in respect of him; or

(b) attains the age of sixty-five years, within a period not exceeding twenty-five contribution weeks after the appointed day;

he shall be entitled to a refund of the employed person's part of the total contribution paid during the said period in respect of him by his employer.

(2) An application for a refund pursuant to paragraph (1) shall be made in writing to the Board in such manner as it may require within the period of fifty-two weeks from the end of the contribution week in which the insured person attained sixty or sixty-five years, as the case may be, or such longer period as the Board may allow if it is satisfied that the person concerned had good cause for not submitting the application within the

prescribed time.

(3) Where a person receives a fund of contributions for any period in accordance with paragraph (1) he shall not be entitled to any benefits in respect of any contribution paid in relation to such period.

MADE this 15th day of December, 1980.

ELIJIO E. BRICENO,
Minister of local Government and
Social Security.