

STATUTORY INSTRUMENT

No. 90 of 1980.

BELIZE:

REGULATIONS made by the Minister responsible for Social Security in the exercise of the powers vested in him by Sections 3, 4 and 60 of the Social Security Ordinance, 1979, and all powers thereunto him enabling.

(Gazetted 27th December, 1980)

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

SOCIAL SECURITY (VOLUNTARY CONTRIBUTORS AND PERSONS ABROAD) 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;
"Benefit Regulations" means the Social Security (Benefit) Regulations, 1980;
"Collection of Contributions Regulations" means the Social Security (Collection of Contributions) Regulations, 1980; "earnings" has the same meaning assigned to it by the Collection of Contributions Regulations; "Ordinance" means the Social Security Ordinance, 1979;
"retired person" has the same meaning assigned to it by the Social Security (Classification) Regulations, 1980.

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

3.-(1) A person shall be entitled to apply to the Manager for a certificate of voluntary insurance and to pay contribution (hereafter referred to as "voluntary contribution") if he satisfies the conditions specified in paragraph (2) of this Regulation.

(2) The conditions to be satisfied for a certificate of voluntary insurance are that the person concerned-

- (a) is under sixty-five years and is not a retired person; and
- (b) is ordinarily resident in Belize; and
- (c) except in the case of an application under paragraph (7) of regulation 6, is not liable to pay contribution under the Ordinance; and
- (d) has paid or have been paid in respect of him not less than one hundred fifty contributions since the appointed day;

Provided that the condition in subparagraph (d) shall not apply in the case of an application for voluntary insurance under paragraph (5) or (7) of regulation 6 or under regulation 7.

(3) A person electing to pay voluntary contributions in accordance with these Regulations shall make an application to the Manager for a certificate of voluntary insurance on a form approved by the Board before the end of the twenty-sixth contribution week after ceasing at any time to be liable to pay contribution as an employed person.

(4) Where the conditions specified in paragraph (2) are satisfied the Manager shall issue a certificate of voluntary insurance to the person concerned (hereafter in these Regulations referred to as "voluntary contributor").

(5) A certificate of voluntary insurance shall entitle the voluntary contributor to pay

contribution in respect of any week not earlier than thirteen contribution weeks prior to the date of application and of any week for which no contribution is otherwise payable by him or on his behalf for the week.

(6) Voluntary contributions shall be valid only for retirement benefit funeral grant and survivors' benefit

4.--(1) Subject to the provisions of paragraph(II)of regulation 6 and of paragraph (2) of regulation 7, the amount of weekly contribution payable by a voluntary contributor shall be equivalent to three and one fifth percent of his -average weekly insurable earnings on the date when he ceased, to, be liable to be insured. 1,

(2) For the purpose of paragraph (1), the expression "average weekly insurable earnings" has the same meaning assigned to it by regulation 26 of the Benefit Regulations and the amount thereof shall be determined by the Board.

(3) Voluntary contributions shall be payable-

(a) in such manner as the Board may determine;

(b) in respect of such period, being a period not longer than twenty-six contribution weeks, as the Board may determine and the payment thereof shall be due not later than fourteen days after the end of such period:

Provided that in a particular case where payment is not made by the due date the Board may extend the date by a period not longer than four weeks if it is satisfied that there are extenuating cir- cumstances.

5.--(1) A certificate of voluntary insurance issued under regulation 3 shall cease to be valid-

(a) on the date on which any of the conditions specified in paragraph (a), (b) and (c) of regulation 3 ceases to be satisfied; or

(b) if the voluntary contributor concerned fails to pay contribution by the date as determined under regulation 4.

(2) Where a certificate of voluntary insurance ceases to be valid in accordance with paragraph (1) the voluntary contributor concerned shall cease to be entitled to pay voluntary contribution until he has requalified therefor after contributions have been paid in respect of him as an employed person and he makes an application for a certificate of voluntary insurance in accordance with paragraph (3) of regulation 3.

6.--(1) Subject to paragraph(3),where a person under sixty-five years is employed outside Belize in continuation of his employment in Belize as an employed person he shall be liable to be insured pursuant to Section 3 of the Ordinance in respect of his employment outside Belize if-

(a) he is, but for such employment outside Belize, ordinarily resident in Belize,

(b) his employer has a place of business in Belize.

(2) For the purpose of paragraph (1), the employment of a person as employed person outside Belize shall be treated as employment in continuation of employment in Belize if-

(a) immediately before the commencement of employment outside Belize the person concerned is employed by the person employing him outside Belize; or

(b) the contract of service in respect of employment outside Belize is entered into in Belize.

(3) An employed person shall cease to be liable to be insured under paragraph (1)-

(a) after the end of the period of twelve months swing on the date of commencement of such employment outside Belize:

Provided that in a case specified in paragraph(a) for the purpose of reckoning the period of twelve months the appointed day shall be treated as the day of the commencement of

employment; or

(b) on the date on which his employment outside Belize Ceases; or

(c) on the date on which he attains sixty-five years; or

(d) on the date on which any of the conditions specified in paragraph (1) cease to be satisfied, Whichever event occurs first.

(4) The contribution payable in respect of an employed person who is liable to be insured in accordance with paragraph (1) shall be at the appropriate amount specified in the Collection of Contributions Regulations.

(5) If the employment of a person specified in paragraph (1) continues after the completion of twelve months such person may elect to pay voluntary contribution in accordance with regulation 3 and make an application to the Manager for a certificate of voluntary insurance.

(6) Paragraph (1) of this Regulation must apply to a person who immediately prior to the appointed day is employed outside Belize in employment which would have been treated as insurable employment pursuant to this regulation had the employment outside Belize commenced on or after the appointed day: ,

Provided that where such person is liable to be insured as specified in paragraph (7) of his employment outside Belize commenced on a date more On twelve months prior to the appointed day, the provisions of this paragraph shall not apply.

(7) Subject to any agreement under section 61 of the ordinance (agreement providing for reciprocity in matters of social security), if a person who is an employed person in another country in continuation of his implement as an employed person in Belize before the end of the period of twelve months specified in para- graph (3) becomes liable to be insured in that other country under any law providing for benefit "in the event of sickness and employment injury he may had an application to the Manager for a certificate of voluntary 'insurance under regulation 3.

(8) Where a certificate of voluntary insurance is issued on an application under paragraph (7) liable of the person concerned for contribution under paragraph (1) shall automatically cease from the date of issue of the 'said certificate as long as such certificate remains valid.

(9) An application under paragraph (5) or (7) shall contain such particulars as the Manager may require.

(10) Without prejudice to the provisions of regulation 5, a certificate of voluntary insurance issued in accordance with this regulation shall cease to be valid on the day on which a person ceases to be an employed person outside Belize in continuation of his employment in Belize.

(11) Where for the purpose of determining the amount of contribution payable in accordance with paragraph (1) of regulation by a person to whom a certificate of voluntary insurance is issued under paragraph (5) or (7) it is not possible to determine the average weekly insurable earnings in accordance with paragraph (2) of regulation 4, the Board shall determine the weekly insurable earnings of such person in respect to the average weekly earnings paid or payable to such person in respect of his employment outside Belize:

Provided that the weekly insurable earnings so determined shall not exceed the weekly insurable earnings specified in the Schedule to the Collection of Contributions Regulations.

7.-(1) A person who on or after the appointed day is employed outside Belize by an international government organization recognized by the Government of Belize shall be entitled to apply to the Manager for a certificate of voluntary insurance under regulation 3 if he is-

(a) a person who belongs to Belize within the meaning of the immigration Ordinance and but for such employment would be ordinarily resident in Belize; and
(b) under sixty-five years and is not a retired person.

(2) The provisions of paragraph (11) of regulation 6 shall apply, *mutatis mutandis*, for the purpose of determining the weekly insurable earnings on the basis of which the rate of voluntary contribution specified in paragraph (1) of regulation 4 shall be computed.

(3) Without prejudice to the provisions of regulation 5, a certificate of voluntary insurance issued in accordance with this regulation shall cease to be valid on the day on which the employment specified in paragraph (1) ceases.

MISCELLANEOUS

8.-(1) In the case of any employment outside Belize to which paragraph (1) of regulation 6 applies the employer shall, not later than twenty-one days before the commencement of such employment outside Belize, give notification thereof in writing to the Manager:

Provided that in special circumstances the Board may allow a shorter period for such notification.

(2) Notification under paragraph (1), which shall, be made on the appropriate form if so required by the Board, shall contain any particulars which the Board may determine including-

(a) insurance number if any, full name and home address of the person to be employed outside Belize.

(b) the country where employment in Belize is to continue and the nature of employment:

(c) the earnings which the person concerned shall receive in respect of his employment outside Belize; and

(d) the expected duration of employment outside Belize.

(3) The Manager shall determine whether the person concerned shall be liable to be insured as an employed person in respect of his employment outside Belize and shall, as soon as practicable, notify the employer accordingly.

9.-(1) Notwithstanding the provisions of regulation 64 of the Benefit Regulations (concerning payment of benefit outside Belize), a person who is insured in accordance with paragraph (1) of regulation 6 of these regulations and who satisfied the relevant conditions specified in Parts I and 11 of the Benefit Regulations shall, subject to paragraph (2) of these regulations, be entitled to receive in the case of-

(a) incapacity for work, sickness benefit;

(b) maternity, maternity benefit; (c) incapacity for work resulting from an accident, injury benefit;

(d) permanent loss of faculty resulting from an accident disablement benefit where the degree of disablement can be provisionally assessed to the satisfaction of the Board in the country where the insured person is employed. (2) In paragraph (1), "accident", "loss of faculty" and "disablement" have the same meaning assigned to them by the Benefit Regulations.

10. Where an employer fails or neglects to pay within the prescribed time any contribution which he is liable under these regulations to pay or to give the notification required under regulation 8 he shall be liable on summary conviction to a fine not exceeding one hundred dollars for each such offence, or where the offence consist of continuing any such contravention or failure after conviction thereof to a fine of one hundred dollars together with a further one hundred dollars for each day on which it is continued.

MADE this 17th day of December, 1980.

ELIJIO E. BRICENO
Minister of Local Government and
Social Security.