

STATUTORY INSTRUMENT

No. 81 Of 1980

BELIZE:

REGULATIONS made by the Minister responsible for Social Security in the exercise of the powers vested in him by Sections 14, 15 and 16 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 (CLAIMS AND PAYMENTS) 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" has the same meaning assigned to it by regulation 2 of the Benefit Regulations;

"appointed day" means the day appointed by the Minister under these regulations;

"appropriate day" in relation to the payment of any benefit has the meaning assigned to it by regulation 15;

"Benefit Regulations" means the Social Security (Benefit) Regulations, 1980;

"Injury benefit period" has the same meaning assigned to it by regulation 39 of the Benefit Regulations;

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

"Ordinance" means the Social Security Ordinance, 1979.

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

PART I CLAIMS

3.-(1) Every claim for a benefit shall be made in writing to the Manager and shall, unless the Manager in his discretion waives the requirement, be on the form approved by the Board for that purpose.

(2) Where a claim has been made on a form approved by the Board but not the form appropriate to the benefit claimed, the claim may be treated as if it has been made on the appropriate form if the information required for the determination of the claim is contained in the form used:

Provided that in any such case the Manager may require the claimant to complete the appropriate form.

4. Claim forms shall be supplied free of charge by the Board.

5.-(1) A claim to a benefit shall include, such of the following, information and documents as may be relevant to the particular claim-

(a) identify and other particulars of the claimant and of the person in respect of whom or on whose behalf, as the case may be, the claim is made;

(b) in the case of a claim in respect of the death of a husband or wife, a valid certificate of marriage or of registration as beneficiary in accordance with the Benefit Regulations;

(c) in the case of a claim in respect of the death of an insured person, the death certificate relating to such person;

(d) in the case of a claim for funeral grant, particulars of the person or persons making the claim and, where required by the Manager, bills or receipts in respect of funeral

expenses.

(2) The Manager may, in special circumstances or in certain classes of cases And in the absence of the certificates or documents mentioned in paragraph (1)-, accept

- (a) with the approval of the Board, as proof of kinship or marriage, evidence of a trustworthy person or other documentary evidence;
- (b) as proof of age, extracts from baptismal records or school records or other evidence as he considers satisfactory.

6.-(1) Where, in accordance with any regulation, a claim is required to be supported by a medical certificate such certificate shall conform with such requirements as may be prescribed or approved by the Board and-

(a) Shall include-

- (i) in the case of incapacity for work or invalidity, the condition causing such incapacity or invalidity;
- (ii) the date of the medical examination- and
- (iii) the signature of the medical practitioner with his name and address printed thereunder;

(b) shall be furnished in respect of such periods and at such intervals as the Manager may require for the purpose of determining entitlement to benefit and the continuance thereof.

(2) The Manager may-

- (a) in his discretion reject any medical certificate which does not conform to paragraph (1) and suspend proceedings for the determination of the claim;
- (b) in any particular case or class of cases, having regard to special circumstances, accept in lieu of a medical certificate such other evidence as he may deem appropriate.

7.-(1) If a person having claimed-

- (a) a retirement benefit; or
- (b) a disablement benefit before the end of the injury benefit period,

wishes to withdraw that claim, he may notify the Board in writing accordingly and if the notice is received at the office of the Board before the claim has been finally determined, the claim shall be treated as having been withdrawn on the date of receipt of such notice.

(2) Any person who has made a claim for benefit in accordance with these regulations may, by notice in writing addressed to the office of the Board, amend his claim at any time before a decision is given thereon, and any claim so amended may be treated as if it had been duly made in the first instance.

8. Where it appears that a person who has made a claim to benefit may be entitled to some benefit other than the one claimed the Manager may treat the claim made as a claim in the alternative for that other benefit if the necessary particulars and documents are furnished.

9. If a claim form is defective at the date of its receipt the Manager may refer it back to the claimant, and if the relevant form is returned to the Manager properly completed within one month from the date on which it is so referred the claim may be treated as if it had been duly made in the first instance.

10. For the purposes of these regulations, the date of a claim to benefit is the day on which the claim is received at the office of the Board.

11.(1) The prescribed time for claiming benefits is-

- (a) in the case of sickness or injury benefit, the period of four days from the earliest day in respect of which the benefit is claimed.

(b) in the case of maternity allowance-

(i) in respect of expectation of confinement the period of two weeks beginning with the eighth contribution week before the contribution week in which it is expected that the claimant will be confined;

(ii) where confinement has taken place, the period of three weeks beginning with the date of confinement;

(c) in the case of maternity grant, the period of three months after the date of confinement;

(d) in the case of

(i), disablement benefit and increase of disablement pension on account of hospital treatment or constant attendance allowance, or

(ii) invalidity, retirement survivors' or death benefit the period of thirteen weeks from the date on which apart from satisfying the condition of making a claim, the claimant becomes entitled thereto;

(e) in the case of funeral grant, the period of six months from the date of death of the deceased;

(f) in the case of medical expenses, not later than three months from the date on which the relevant expenses were incurred.

(2) Subject to paragraph (3) and (4), a person failing to make a claim for benefit within the time prescribed in paragraph (1) shall be disqualified for receiving-

(a) in the case of sickness or injury benefit, benefit in respect of any day more than four days before the date on which the claim is made;

(b) in the case of maternity allowance, benefit in respect of any period before he beginning, of the contribution week in which the claim is made;

(c) In the case of-

(i) disablement pension and increase thereof on account of hospital treatment or constant attendance allowance, or

(ii) invalidity pension, retirement pension, survivors' pension or death benefit in respect of any period more than thirteen weeks before the date on which the claim is made;

(d) in the case of funeral grant, the grant;

(e) in the case of medical expenses, the expenses.

(3) Subject to paragraph (4), in any case where a claim is not made within the time prescribed in paragraph (1) if the claimant proves that-

(a) on a date earlier than the date on which the claim was made, apart from satisfying the condition of making the claim, he was entitled to the benefit.;" and

(b): throughout the Period between the earlier date and the date on which the claim was, made there was good cause for delay in making such claim, he shall not be disqualified under paragraph (2) for receiving any benefit to which he would have been entitled if the claim had been made on the earlier date.

(4) No sum shall be paid-

(a) by way of sickness benefit maternity allowance or injury benefit in respect of any period more than thirteen weeks before the date on which the claim thereof is duly made;

(b) by way of maternity grant if the claim therefor is not duly made within six months after the date of confinement;

(c) by way of disablement pension or increase thereof on account of hospital treatment or constant attendance allowance in respect of any period more than twenty six weeks

before the date on which the claim therefor is duly made;

(d) by way of a periodical payment in respect of invalidity, retirement, survivors' or death benefit for any period more than twenty-six weeks before the date on which the claim therefor is duly made;

(e) by way of funeral grant, if the claim therefor is not duly made within twelve months after the date of the death of the person in respect of whom the grant is payable.

Provisions Relating To Accidents

12.-(1) Every insured person who suffers personal injury by accident shall give notice of such accident either in writing or orally as soon as practicable after the happening thereof and before the insured person has left the place of employment and in any case not later than forty eight hours after the accident-

Provided that any such notice required to be given by an insured person may be given by some other person acting on his behalf.

(2) The notice required under paragraph (1) shall be given to the employer or to any foreman or other servant of the employer under whose supervision the insured person is employed at the time of the accident or to any person designated for the purpose by the employer and the particulars to be given with the notice shall include-

- (a) full name, social security number, sex and home address of the injured person;
- (b) date and time of the accident;
- (c) place where the accident happened and its cause;
- (d) nature of injury
- (e) name, home address and occupation of person giving the notice, if other than the injured person;
- (f) name and home address of any witnesses to the accident

13.-(1) Every employer shall take reasonable steps to investigate the circumstances of every accident notified to him or to his servant or agent and if there appears to be any discrepancy between the circumstances found by him as a result of his investigation and the circumstances appearing from the notice given to him, he shall record the circumstances so found.

(2) Where an insured person suffers personal injury as a result of an accident or alleged accident and either-

- (a) absents himself from work within a period of five days immediately following the day on which the accident or alleged accident happened; or
- (b) dies within a period of five days immediately following the day on which the accident or alleged accident happened.

the employer shall report the accident in writing and furnish the particulars prescribed by regulations 12 (2) relating thereto to the Manager within a period of seven days after the date of the accident.

(3) Every employer shall-

(a) keep an accident book readily accessible showing the particulars required by the Board of any accident causing personal injury to an insured person and shall preserve such book when it is completed for a period of three years from the date of the last entry thereon:

Provided that the employer shall be deemed to have complied with this regulation sufficiently if the required particulars are recorded in any other register maintained by him;

(b) furnish to the Manager or officer of the Board, within such reasonable period as may be specified by the Manager, such information and particulars as may be required

concerning

(i) any accident or alleged accident suffered by a person employed by him in respect of which benefit may be claimed or payable;

(ii) the nature and relevant circumstances relating to any occupation for which a disease or injury is prescribed under the Ordinance in which any person to whom or in respect of whom benefit may be payable under the regulations was or is alleged to have been employed by him.

PART II PAYMENTS

14.-(1) Any benefit provided under the Ordinance may be paid at an office of the Board, a Post Office or at such other place (including a bank or Government District Office) as the Board may from time to time determine by arrangement with the authority concerned, as the case may be.

(2) Benefit shall be paid by means of vouchers, pension orders, drafts or cheques or in such other manner as the Board may from time to time determine.

(3) Any document mentioned in paragraph (2) used for the payment of benefit shall be in such form as the Board shall determine and such document may in particular show the date from which the sum specified therein shall be payable and the date up to which or the period within which it may be received.

15.-(1) Subject to the following paragraphs, where a person is entitled to any benefit payment shall be made-

(a) in the case of sickness benefit, maternity benefit or injury benefit, in arrears at such intervals as the Board may from time to time determine;

(b) subject to paragraph (4), in the case of invalidity grant retirement grant, survivors' grant, disablement grant or funeral grant as soon as possible after the claim has been determined;

(c) in the case of any other benefit by way of a periodical payment, on a weekly basis in arrears at such intervals (being intervals not longer than four weeks) as the Board may from time to time determine.

(2) Benefits falling under paragraph (1) (c) shall be payable on such days or day of the week (hereafter in these Regulations referred to in relation to a benefit as the "appropriate day") as the Board may from time to time determine.

(3) On the award of a disablement pension, that part of the pension awarded in respect of a period before the date of the award shall not be payable until after the expiration of twenty-one days from that date and if, before the expiration of that period, an appeal from the award or from a decision on which the award is based is brought until after the decision on that appeal is given.

(4) A disablement grant or any part thereof shall not be payable until after the expiration of the time limit for an appeal from the award thereof or from a decision on which the award was based and, where any such appeal is brought, until after the decision on that appeal is given.

(5) In the case of the benefits specified in paragraph (1) (b) the Manager may, having regard to the interest of the beneficiary and to other relevant circumstances, determine that payment in respect of the benefit shall be made by instalments and no appeal shall lie against payment by instalments or the amount of each instalment:

Provided that-

(i) the decision to pay by instalments may be varied by the Manager at any time;

(ii) the Manager may deposit the amount of the benefit due in a suitable bank and

arrange for the payment of instalments by the bank.

16.-(1) Subject to paragraph (2) where a day on which a person becomes entitled to invalidity pension, retirement pension, widow's pension, widower's pension, child's pension, parents pension, disablement pension, constant attendance allowance or death benefit or becomes entitled to any of these benefits at a new rate, is not an appropriate day, payment shall be made or the new rate shall take effect only from the next following appropriate day, and, where the day on which a person ceases to be entitled to any of these benefits or, being entitled to such benefit dies, is not the day immediately preceding the appropriate day, payment shall be made for the whole of the week which ends on the day immediately preceding the appropriate day.

(2) Where on a claim for the resumption of the payment of retirement pension which was suspended or reduced in accordance with regulation (25) (5) of the Benefit Regulations (retirement pensioner taking up insurable employment) it is determined that the payment of the pension is to be resumed or the pension is to be reinstated at the previous rate such resumption or reinstatement of the retirement pension shall take effect-

(a) from the appropriate day immediately following the date from which the relevant employment ceases and the claim is duly made if-

- (i) claimant has attained the age of sixty-five; or
- (ii) the relevant employment was recognised seasonal employment; or

(b) from the appropriate day falling in the fifth week after the cessation of the relevant employment in any other case.

(3) For the purposes of paragraph (2)-

(a) "relevant employment" means the employment on account of which the retirement pension was suspended or reduced in accordance with regulation 25 (5) of the Benefit Regulations;

(b) "recognised seasonal employment" means employment for the duration of the recognised season in the sugar or citrus industry or in any other similar industry where employment of the same nature is recognised as such by the Board.

17.-(1) Any document issued by the Board to a person for the purpose of receiving payment of benefit thereby (including a voucher, a book of pension orders, draft or cheque) shall remain the property of the Board.

(2) Any person having a payment document specified in paragraph (1) shall, on the termination or suspension of the benefit to which the document relates or when requested by an officer of the Board, return such document to the Board or to such person as the Board may direct.

(3) If there is any event or fact which affects or is likely to affect the continuance of the right to a benefit or the rate thereof in respect of which a payment document has been issued, any person having in his possession such document shall notify the event or fact forthwith and return such document to the Board.

18. Where a beneficiary or other person through his own fault has not obtained payment of any sum payable by way of benefit within six months from the date on which an authority for payment or other documents is issued to him by the Board, the right to that sum shall be extinguished.

PART III

MISCELLANEOUS

19.-(1) Any person receiving payment for himself or on behalf of some other person shall inform the Manager of any event or fact affecting the continuance of the right to receive such benefit or the rate thereof within one week of the occurrence of the event or fact and in any case before receiving further payment of such benefit after the occurrence of

the event or fact.

(2) The Board may require any person entitled to benefit or receiving benefit on behalf of another person to furnish from time to time documentary evidence that he is alive and to show that the conditions governing the award of such benefit continue to be fulfilled, and if such evidence is not given to the Board within the time required the Board may suspended payment of the benefit until the date on which the evidence is given.

(3) A person applying to receive payment of any benefit shall produce on request to the authority making the payment evidence of entitlement to the benefit and of his identify as required by the Board.

(4) Where benefit payment is received by a person on behalf of another person (the beneficiary not being a person unable to act) the latter person may be required by the Board to confirm any particulars furnished by the former person.

20.(1) Where a claimant or beneficiary-

(a) fails to attend for medical examination, treatment or rehabilitation as required in accordance with these regulation or the Benefit Regulations: or

(b) in the opinion of the Manager is guilty of misconduct or obstruction in connection with medical examination or treatment or rehabilitation,

The Manager may suspend proceedings on a claim for benefit or the payment thereof until such time as the claimant or beneficiary complies with the provisions of the regulations or the requirements thereunder.

21.-(1) In the case of any person, to whom benefit is payable or who may be entitled to benefit or by whom or on whose behalf a claim to benefit has been made, being a child or being otherwise unable to act at that time and having no person or authority duly appointed under the law to act for him the Board may, upon written application being made to it, appoint a person to exercise on behalf of the child or person who is unable to act any right to which that child or person may be entitled under the Ordinance and to receive and deal with any sums payable on behalf of such child or person:

Provided that-

(a) any such appointment by the Board shall terminate on the date immediately prior to the date on which the Board is notified that a person or authority has been duly appointed under the law to act for such child or person;

(b) a person who has not attained the age of eighteen shall not be capable of being appointed to act under this regulation;

(c) the Board may at any time in its absolute discretion revoke the appointment made under this Regulation; and

(d) any person appointed under this regulation may resign his office on giving the Board one month's notice in writing of his intention to do so.

(2) Anything required by these regulations to be done by or to any such person as aforesaid, who is a child or is otherwise for the time being unable to act, may be done by or to any person or authority duly appointed under the law to have charge of such person or of his estate or by or to the person appointed under this regulation to act on behalf of such person, and the receipt of any person appointed under this regulation shall be a good discharge to the Board and the Fund for any sum paid provided that such person has attained the age of eighteen.

22.-(1) On the death of a person who has made a claim for a benefit or who is alleged to have been entitled to a benefit the Board may in the absence of a duly appointed legal representative appoint such person as it thinks fit to proceed with or to make a claim for the benefit, and the provisions of these regulations shall apply subject to the necessary modifications to any such claim.

(2) Subject to paragraph (5), any sum payable by way of benefit as a result of an award on a claim under paragraph (1), may in the absence of a duly appointed legal representative, be paid to or distributed amongst persons claiming as legal heirs, personal representatives, legatees, next-of-kin, dependants or creditors of the deceased:

Provided that-

(i) the receipt of any such person who has attained the age of fourteen shall be a good discharge to the Board and the Fund for any sum so paid; and
(ii) where the Board is satisfied that any such sum or part thereof is needed for the benefit of any person under the age of fourteen specified in this paragraph, the Board may obtain a good discharge thereof by paying the sum or part thereof to another person over the age of eighteen (who need not be a person specified in this paragraph) who satisfies the Board that he will apply the sum so paid for the benefit of the person under the age of fourteen.

(3) Subject to paragraph (5), any sum due by way of a benefit which a deceased person did not receive before his death, may, unless the right there to was already extinguished at the date of death, be paid to or distributed amongst such persons as are mentioned in paragraph (2).

(4) Paragraph (2) and (3) shall not apply, in any case where written application for the payment of such sum is not made to the Board within six months from the date of the death of the person entitled to the benefit or within such longer period as the Board may allow in any particular case,.

(5) The Board may dispense with strict proof of the title of any person claiming in accordance with this regulation.

23.- If any person contravenes or fails to comply with any requirement of these regulations (not being a requirement by an insured person to give notice of an accident) shall be liable on summary conviction to a fine not exceeding one hundred dollars for each such offence, or where the offence consists of continuing any such contravention or failure after conviction therefor to comply with the regulation to a fine of one hundred dollars together with a further one hundred dollars for each day on which it is so continued.

MADE this 15th day of December, 1980.

**E.E. BRICENO,
Minister of Local Government and
Social Security.**