

BELIZE:

STATUTORY INSTRUMENT

No. 79 of 1980

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 1979, and all other powers thereunto him enabling.

(Gazetted 20th December, 1980)

Short Title and Commencement.

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

SOCIAL SECURITY (REGISTRATION OF EMPLOYERS AND EMPLOYED PERSONS) 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— Interpretation.

“appointed day” means the day so appointed by the Minister under regulation 1 of these regulations;

“Collection of Contributions Regulations” means the Social Security (Collection of Contributions) Regulations 1980;

“direct payment card” means a card issued under regulation 9 for the purpose of recording thereon contributions paid or due to be paid in respect of an insured person;

“inspector” means an officer of the Board designated as such in accordance with Section 40 of the Ordinance;

“Ordinance” means the Social Security Ordinance 1979;

“registration card” means the Social Security Registration Card issued under the Ordinance to a person registered as an insured person;

“Stamp” means an insurance stamp issued by the Board under the Social Security (Insurance Stamps) Regulations 1980.

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

3.—(1) Every employer who on the appointed day has in his employment any employed person shall, within fourteen days after the appointed day, present to the Manager an application for registration as an employer on the appropriate form. Registration of employers.

(2) After the appointed day, every person who becomes an employer shall within seven days of employing his first employed person present to the Manager on the appropriate form an application for registration as an employer.

(3) The Manager may in special circumstances extend the time specified in paragraphs (1) and (2).

(4) Where the Manager is satisfied that a person is an employer for the purposes of the Ordinance such person shall be so registered and shall be allotted a registration number.

(5) The registration number allotted under paragraph (4) shall be communicated to the employer who shall enter the number on all documents prepared or completed by him for the purposes of the Ordinance and on all correspondence with the Board.

(6) Without prejudice to paragraphs (1) and (2) the Manager may at any time after the appointed day require any person to register as an employer within a specified period if the Manager is satisfied that such person is an employer for the purposes of the Ordinance.

4.—(1) On being registered under the Ordinance an employer shall, within fourteen days after such registration, present to the Manager—

- (a) a list of all his employees; and
- (b) an application for the registration as an insured person in respect of every employee who is not already registered as such under the Ordinance.

(2) After the appointed day, if an employer employs a person who has not been previously registered as an insured person, he shall present to the Manager, within four days after the commencement of the employment an application for the registration of such person.

(3) If upon receipt of an application under paragraphs (1) or (2) the Manager is satisfied that the person concerned is liable to be insured he shall, subject to paragraph (4), register such person and allot to him a social security number.

(4) If in the case of an application under paragraphs (1) or (2) the Manager has reason to believe that the person to whom the application relates was previously registered he may require such person to furnish any explanations which the Manager may consider necessary and to call at an office of the Board for that purpose.

(5) Every employed person shall furnish to his employer on request such personal particulars as the employer may require for the purposes of the Ordinance. The employed person shall be responsible for the correctness of the particulars furnished and shall, where required, sign the appropriate form in the place provided for the purpose.

5.—(1) Upon registration of a person in accordance with regulation 4, the Manager shall issue to the employer of that person a registration card in respect of the person concerned to be delivered to that person:

Provided that if the person concerned is no longer in his employment the employer shall forthwith return the registration card to the Manager.

(2) A registration card shall be issued without charge and in such form as the Board may decide and shall remain the property of the Board.

(3) A registration card issued under paragraph (1) shall bear unamended the full name and registration number of the insured person together with such other details as may be indicated thereon.

Registration of employed persons and their obligation to furnish particulars.

Issue of Registration Card.



6.—(1) An insured person to whom a registration card has been delivered in accordance with these regulations shall be responsible for its safe custody.

Custody of the registration card and obligations of insured persons.

(2) Every insured person shall, on commencing employment with a new employer and on such other occasions as his employer may require, produce the registration card to the employer.

(3) An insured person shall produce the registration card for inspection at any reasonable time when required to do so by an inspector and if so required shall deliver such card to the inspector who may retain such card if he considers it necessary for the purposes of the Ordinance:

Provided that the inspector shall immediately give a receipt for any such card retained by him.

(4) If any registration card is destroyed or lost or is defaced in any material particular the insured person concerned shall forthwith report the matter to the Manager giving him full particulars and the Manager after making appropriate investigations may replace the card subject to such conditions as he may decide.

(5) On the death of an insured person, any person having in his possession the registration card of the deceased insured person shall forthwith deliver it to the Manager.

7. Upon registration of a person under regulation 4, the Manager shall issue to the employer a direct payment card or a contribution card in accordance with the provisions of the Collection of Contributions Regulations.

Issue of direct payment card or contribution card.

8.—(1) An employer who employs a person after the appointed day shall, within four days after the commencement of such employment, give notification thereof with appropriate particulars to the Manager:

Notification of employment of a person after appointed day.

Provided that no such notification shall be required where—

(a) in accordance with the Collection of Contributions Regulations, contributions in respect of the employed person are payable by means of a stamp; and

(b) the employed person concerned presents to the employer a current contribution card.

9.—(1) A direct payment card shall be issued without charge and in such form as the Board may decide and shall remain the property of the Board.

Form and currency of direct payment card.

(2) A direct payment card shall be current for a period of one year or such other period as the Board may determine.

10.—(1) An employer having in his possession the direct payment card of an employee shall be responsible for its custody as long as he continues to employ such person or until such card is returned or delivered to the Manager or to an inspector in accordance with these regulations.

Custody of direct payment card.

(2) An employer having in his custody the direct payment card of an employee shall produce such card for inspection at any reasonable time when required to do so by an inspector, and if so required he shall deliver the said card to an inspector who may, if he thinks fit for the pur-

poses of the Ordinance, retain the card and in that case he shall immediately give a receipt for the card so retained.

(3) Every employer having in his custody the direct payment card of an employed person shall give such person reasonable opportunity to have access to the said card during or immediately after working hours for the purpose of inspecting it, if the employed person so wishes:

Provided that no employed person shall be entitled by virtue of this paragraph to inspect his direct payment card more often than once in any month or at such other time as may be appointed by his employer for the purpose.

(4) If a direct payment card, while in the custody of an employer, is lost, destroyed, defaced in any material particular or because of change of name or otherwise ceases to represent the identity of the employed person to whom it relates, the employer shall forthwith apply to the Manager for the issue to him of a replacement card and for this purpose the employer and the insured person to whom the card relates shall furnish to the Manager such information and supporting evidence as the Manager may require:

Provided that if the Manager considers the supporting evidence, if any, to be insufficient, he may, after appropriate investigation, reconstruct the card on a basis not exceeding the maximum contribution normally payable in respect of employed persons engaged on similar or comparable work.

(5) Subject to paragraph (5) of regulation 4, an employer shall be responsible for the correctness of all details entered on the direct payment card throughout the period during which it is in his custody.

Disposal of  
direct payment  
card.

11.—(1) Subject to paragraph (3), where the employment of an insured person is terminated during the currency of that person's direct payment card the employer having the custody of such card shall deliver it to the Manager within seven days after the termination of the employment:

Provided that where such employment is terminated by the employed person without prior notice or intimation to his employer, the said period of seven days shall be extended to fourteen days.

(2) For the purpose of paragraph (1) the employment of a person shall be considered to have been terminated on the day on which it comes to an end, whether the employment is to be resumed at a later date or not, and in the case of termination by the employed person without prior notice the day of termination of employment shall be the last day on which the employed person attends for work, whether such termination is in accordance with the provisions of any law or contract of service or not.

(3) The Manager may require any employer to return the direct payment card of an insured person in the circumstances mentioned in paragraph (1) at any other time as the Manager may deem necessary for the efficient administration of the Ordinance.

(4) On the death of an employed person, the employer or any other person having possession or thereafter obtaining possession of the direct payment card of the deceased person, shall forthwith deliver it to the Manager.



12.—(1) Subject to paragraphs (2) and (3), every direct payment card which ceases to be current shall be exchanged by the Manager and for this purpose the employer shall deliver it to the Manager within ten days after the date on which the card ceases to be current or within such period as the Manager may determine.

Exchange of direct payment card.

(2) For the purposes of paragraph (1) every employer having in his possession a direct payment card shall within four weeks before the date on which the card ceases to be current require the insured person to whom it relates to sign the card.

(3) An employed person required to sign a direct payment card under paragraph (2) shall sign the card and insert his present address in the respective places provided for those purposes on the card.

(4) The Manager may in his discretion exchange a current direct payment card for the purposes of the Ordinance at any other time and in any manner as he may deem necessary.

13.—(1) A contribution card issued under regulation 7 shall be in such form as the Board may decide and issued without charge and shall remain the property of the Board.

Form and currency of contribution card.

(2) A contribution card shall be current for a period of one year or such other period as the Board may determine.

14.—(1) An employer on receiving a contribution card from an insured person employed by him or from the Manager shall be responsible for the custody of the card for as long as the insured person is employed by him or until the card is delivered by the employer to the Manager or to an inspector, or to the insured person himself in accordance with these regulations.

Custody of contribution card and obligations of employer.

(2) The provisions of paragraphs (2) and (3) of regulation 10 shall apply to a contribution card in the same way as they apply to a direct payment card.

15.—(1) Where a contribution card is lost, destroyed or defaced in any material particular while in the custody of the employer or the insured person such employer or person shall forthwith report the loss, destruction or defacement to the Manager.

Loss or defacement of a contribution card.

(2) On receiving a report under paragraph (1) the Manager shall cause all necessary investigations to be made regarding the report and shall replace the contribution card, subject to such conditions as to any insurance stamps allegedly affixed thereon, as he may decide for the replacement of the card, having regard to the result of the investigations.

16.—(1) Where the employment of an insured person is terminated during the currency of that person's contribution card the employer shall upon such termination deliver the card personally to the insured person:

Disposal of a contribution card.

Provided that if the employment is terminated by the insured person without having given prior notice to the employer, the employer shall deliver the card to the Manager at an office of the Board within ten days after the termination of the employment and the Manager shall issue a receipt for such card.

(2) On the death of an insured person an employer or any other person having possession or thereafter obtaining possession of the contribution card of the deceased person, shall forthwith deliver the card to the Manager.

Exchange of a contribution card.

17.—(1) When the currency of a contribution card ceases, an employer or insured person having such card in his possession shall deliver it to the Manager within ten days after the date on which the card ceases to be current or within such other period as the Manager may determine.

(2) Before a contribution card is delivered to the Manager under paragraph (1), the insured person to whom it relates shall sign the card and insert his present address in the places provided for those purposes on the card.

(3) Notwithstanding any other provision in these regulations, the Manager may in his discretion exchange a current contribution card for the purposes of the Ordinance at any other time and in any manner as he may deem necessary.

Unlawful possession of a registration card, a direct payment card or a contribution card. Offences.

18.—(1) Except as provided in these regulations or with the written permission of the Manager no person shall keep in his possession a registration card, a direct payment card or a contribution card which relates to another person.

19.—(1) Any person who contravenes or fails to comply with any of these regulations shall be guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding one hundred dollars.

(2) Where the offence is of a continuing nature upon conviction a person shall, in addition to the fine imposed under paragraph (1), be liable to a penalty of one hundred dollars for every day, or part thereof, for which the offence continues.

MADE this 15th day of December, 1980.

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

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## CONSTITUTION OF APPEAL TRIBUNAL

1. An appeal tribunal shall consist of—
  - (a) a Chairman who shall be an attorney-at-law of at least three years standing;
  - (b) a person drawn by the Board from a panel of persons representing employers;
  - (c) a person drawn by the Board from a panel of persons representing insured persons.
2. The Chairman of an appeal tribunal shall be appointed by the Minister for a period not exceeding two years and shall hold and vacate office in accordance with the terms of his letters of appointment.
3. The Minister, in consultation with the Board, may appoint more than one person to perform the functions of Chairman of appeal tribunals and may designate districts or areas in which each Chairman is to perform his functions.
4. The panels of persons representing employers and insured persons, respectively shall be appointed by the Board after consulting organizations who in the opinion of the Board represent employers and insured persons, respectively.
5. A person shall be appointed to a panel mentioned in paragraph 4 for a period not exceeding two years, and shall hold and vacate office in accordance with the terms of his appointment.
6. The Chairman of an appeal tribunals and members of the panels shall be eligible for re-appointment on completion of their current term of office.
7. No member of the Board shall be eligible for appointment as a Chairman of an appeal tribunal or as a member of a panel.
8. As far as practicable the Board shall summon each member of a panel in turn to serve upon an appeal tribunal:

Provided that no member of a panel shall sit upon an appeal tribunal during the consideration of a case—

  - (a) in which he acted or appeared as the representative of the claimant; or
  - (b) the decision of which he is or may be directly affected; or
  - (c) in which he has taken part as an official or member of an association or a trade union, or as an employer, or as a witness.
9. Where in the consideration of an appeal—
  - (a) a Chairman of a tribunal becomes unable or unwilling to act, or dies, the Minister shall revoke the appointment of such person and appoint another Chairman;
  - (b) any other member of a tribunal becomes unable or unwilling to act, or dies, the Board shall revoke the appointment of such person and summon another person from the panel from which the said member was drawn.
10. The Minister may, if he considers it expedient so to do, at any time revoke the appointment of a Chairman of an appeal tribunal, and in like manner the Board may revoke the appointment of a member of a panel;

Provided that such revocation shall not, except in a case covered by paragraph 9 above, be made during the pendency of an appeal.
11. Any person appointed as Chairman of a tribunal or member of a panel may resign his office on giving the Minister or the Board, as the case may be, one month's notice in writing of his intention to do so.
12. The appointment or termination of appointment of a Chairman of an appeal tribunal or of a member of a panel shall be published in the *Gazette*.
13. The Board shall appoint an officer of the Board to perform the functions of clerk to an appeal tribunal.

## SECOND SCHEDULE

Regulation 9

### PROCEDURE OF APPEAL TRIBUNAL

1. Any person who exercises the right to appear before an appeal tribunal and be heard pursuant to these regulations may—

- (a) be represented at the hearing by some other person duly authorised for that purpose to the satisfaction of the Chairman of the tribunal, whether having professional qualifications or not, and for the purposes of the hearing, any such representatives shall have all the rights to which the person whom he represents is entitled under these regulations;
- (b) with the permission of the Chairman of the tribunal, call witnesses and may question any witnesses called at the hearing.

2. Reasonable notice of date, place and time of hearing of a case before an appeal tribunal shall be given to the claimant, and to any other person who may appear to the Chairman of the tribunal to be interested, and, except with the consent of the claimant or interested person, the appeal tribunal shall not proceed with the hearing of the case unless such notice has been given.

3. If a claimant or other person to whom notice of hearing has been duly given in accordance with these regulations fails to appear either in person or by a representative at such hearing and has not given a reasonable explanation for his absence, the tribunal may proceed to determine the case, or may give such directions with a view to the determination of the case as they think proper.

4. Where a member of an appeal tribunal, other than the Chairman, is prevented by extra-ordinary and unforeseen circumstances from being present at the hearing of an appeal, the tribunal may, with the consent of the claimant, and not otherwise, proceed with the appeal and if the members present are unable to agree on a decision, the Chairman shall have a second or casting vote.

5. For the purpose of arriving at a decision, or discussing any question or procedure, an appeal tribunal may, notwithstanding anything in these regulations, order all persons, except the clerk of the tribunal, to withdraw from the hearing.

6. In any case before an appeal tribunal—

- (a) a point of law arising from an appeal or reference shall be determined solely by the Chairman;
- (b) any other question or claim submitted to the tribunal in accordance with these regulations, shall be determined by simple majority of all the members of the tribunal.

7. The appeal tribunal shall record its decision in writing and such record—

- (a) shall include a statement of the reasons for their decision and their findings on all questions of fact material thereto;
- (b) shall be signed by all the members of the tribunal:

Provided that the record of a decision on a question of law shall only be signed by the Chairman.

8. A copy of the record of the decision of the tribunal shall be sent, as soon as practicable after the decision, to the claimant or other interested person and to the Manager or the Board, as the case may require.

9. Subject to the provisions of these regulations, the procedure for the consideration and determination of any appeal or reference to an appeal tribunal shall be such as the Chairman of the tribunal may determine, due regard being had to the principles of natural justice.