



BELIZE

**SOCIAL SECURITY ACT
CHAPTER 44**

REVISED EDITION 2000
SHOWING THE LAW AS AT 31ST DECEMBER, 2000

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, Chapter 3 of the Laws of Belize, Revised Edition 1980 - 1990.

This edition contains a consolidation of the following laws-	Page
ARRANGEMENT OF SECTIONS	3
SOCIAL SECURITY ACT	9
Amendments in force as at 31st December, 2000.	



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CHAPTER 44

SOCIAL SECURITY

ARRANGEMENT OF SECTIONS

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FIRST SCHEDULE

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CHAPTER 44
SOCIAL SECURITY

PART I

Preliminary

1. This Act may be cited as the Social Security Act.

2.-(1) In this Act, unless the context otherwise requires:-

“actuary” means a Fellow of the Institute of Actuaries or of the Faculty of Actuaries of Great Britain or a Fellow of the Society of Actuaries of the United States of America, or any Institute which is a member of the International Association of Actuaries;

“appointed day” in relation to any provision of this Act or to any class of insured persons, means the day appointed under section 1 in respect of that provision or class;

“award” means an award of a benefit;

“beneficiary” means a person entitled to a benefit;

CAP. 34,
R.E. 1980-1990.
6 of 1979.
9 of 1982.
22 of 1987.
23 of 1988.
12 of 1989.
15 of 1990.
16 of 1993.
2 of 1996.
S.I. 107 of 1999.
Commencement¹
Short title.

Interpretation.

¹

(a) Parts I, IV, and V came into force on the 1st September, 1980 by virtue of statutory instrument 62 of 1980.
(b) Sections 9, 10, 12, 14 to 18, 20 and 21 came into force on the 28th November, 1980 by virtue of statutory instrument 77 of 1980.
(c) Section 3 came into force on the 16th December, 1980 by virtue of statutory instrument 87 of 1980.
(d) Sections 4 to 8, 11, 13, 19 and 22 to 27 came into force on the 1st June, 1981 by virtue of statutory instrument 49 of 1981.

“benefit” means a benefit which is payable under this Act;

“Board” means the Social Security Board established under section 28;

“claimant” means a person claiming a benefit under this Act;

“contribution” means a contribution payable under this Act;

“contribution card” means a card issued by the Board for the purpose of the payment of contributions by means of insurance stamps affixed thereto;

“contribution week” means a period of seven consecutive days commencing from midnight on any Sunday;

“employed person” means a person employed in insurable employment as defined by section 3;

“employer” means any person who employs or on whose behalf any other person employs any person and includes-

- (a) any body of persons, whether such body be a legal person or not;
- (b) any managing agent of an employer;
- (c) the personal representative of a deceased employer;
- (d) in relation to a person engaged in plying for hire with any vehicle or vessel the use of which is obtained from the owner thereof under a contract of bailment (other than a hire purchase agreement), the owner;

(e) in relation to a person employed for the purpose of any game or recreation and engaged or paid through a club, the manager, or where the club is managed by a committee, the members of the managing committee of the club;

“employment” includes any trade, business, profession, office or vocation and “employed” shall be construed accordingly, except in the expression “employed person”;

“employment injury” means an injury arising out of and in the course of employment;

“Fund” means the Social Security Fund established under section 46;

“incapable of work” means incapable of engaging in gainful occupation by reason of some specific disease or bodily or mental disablement or deemed, in accordance with regulations, to be so incapable;

“insurable employment” means any employment specified in Part I of the First Schedule; First Schedule.
Part I.

“insured person” means a person insured under this Act;

“insurance stamp” means any label, stamp or device issued pursuant to this Act for denoting the payment of contributions;

“Manager” means the Manager appointed by the Minister pursuant to section 35 and includes any person appointed or empowered to act in his place;

“managing agent” means any person appointed or acting as the representative of another person for the purpose of carrying on such other person’s trade or business, but does not include an individual manager subordinate to an employer;

“mariner” means-

- (a) a master or member of the crew of a vessel; or
- (b) a person employed in any other capacity on board a vessel whose employment on such a vessel is that of an employed person under paragraph 3 of Part I of the First Schedule;

First Schedule.
Part I.

“master” when used in relation to a vessel, means any person except a pilot having charge or command of the vessel;

CAP. 318.

“medical practitioner” means a person registered under the Medical Practitioners Registration Act and includes any Government Medical Officer;

“member of the crew” in relation to a vessel or an aircraft, means every person (except a master or pilot) employed or engaged in any capacity on board the vessel or aircraft;

“self-employed person” means a person gainfully occupied in Belize who is not a person employed under an employer;

“Social Security Investment Committee” means the Committee established under section 49;

“unpaid apprentice” means an apprentice who, under his contract of apprenticeship, receives no pecuniary remuneration;

“voluntary insured person” means an insured person whose insurance under this Act is continued voluntarily pursuant to section 4 and “voluntarily contribution” and “voluntary contributor” shall be construed accordingly;

“wages” include salary or any other pecuniary remuneration as may be prescribed.

(2) The expression “the husband” or “the wife” in relation to a person who had married more than once refers only to the last husband or wife respectively.

PART II

Insured Persons and Contributions

3.-(1) Subject to this Act, every person who on or after the appointed day, being over the age of fourteen years and under the age of sixty-five years, is employed in insurable employment shall become insured under this Act: Persons to be insured.

Provided that the Minister may by Order published in the *Gazette* prescribe that persons in any employment specified in such Order shall, notwithstanding that they are over the age of sixty-five years, be insurable against employment injury and against prescribed diseases for such length of time and on such conditions as the Minister may specify in that Order. 9 of 1982.

(2) For the purpose of this Act, every employment specified in Part I of the First Schedule shall be an insurable employment, unless it is an excepted employment, that is to say, an employment specified in Part II of that Schedule. First Schedule
Part I.
Part II.

(3) Regulations may provide for-

- (a) the inclusion or exception of specified classes of persons for all or any specified purposes of this Act;
- (b) the classification of insured persons;
- (c) treating as the employment of an employed person any em-

ployment outside Belize in continuation of insurable employment in Belize;

- (d) treating for the purposes of this Act or of such provisions thereof as may be prescribed the employment of any person as-
 - (i) continuing during periods of holiday, incapacity for work or such other circumstances as may be prescribed;
 - (ii) ceasing in such circumstances as may be prescribed.

First Schedule.

(4) The Minister may by Order repeal, vary or amend all or any of the provisions of the First Schedule.

Voluntary insurance.

4.-(1) Subject to the regulations, any insured person who is not liable to pay contribution shall be entitled to apply to and receive from the Manager a certificate of voluntary insurance if he satisfies the prescribed conditions.

(2) A certificate of voluntary insurance may be cancelled by the Manager if the person concerned fails to pay contribution within the prescribed conditions for voluntary insurance.

- (3) Regulations may provide for-
 - (a) the conditions under which a person who ceases to be liable to pay contribution may be entitled to receive a certificate of voluntary insurance;
 - (b) the rate of contribution payable by a person specified in paragraph (a);
 - (c) the type and rate of benefit and the conditions for entitlement to such benefit.

5.-(1) For the purpose of this Act contributions shall, subject to this Act, be payable by insured persons and by employers. Source of funds.

(2) Regulations shall provide for fixing, from time to time, the rates of contribution to be paid by such different classes of insured persons and employers as may be prescribed provided that the total contribution in respect of any one insured person shall not exceed ten *per centum* of his wages.

6.-(1) Except where regulations otherwise provide, an employer liable to pay contribution in respect of a person employed by him shall, in the first instance, be liable to pay also, on behalf of and to the exclusion of that person, any contribution as an insured person payable by that person for the same contribution period, and for the purposes of this Act, contributions paid by an employer on behalf of an insured person shall be deemed to be contributions by the insured person. Contributions by insured persons and employers.

(2) Notwithstanding any contract to the contrary, an employer shall not be entitled to deduct from the wages or other remuneration of a person employed by him, or otherwise to recover from such person, the employer's contribution in respect of that person.

(3) Subject to this Act, an employer shall be entitled to recover from an insured person employed by him the amount of any contribution paid or to be paid by him on behalf of that person, and notwithstanding anything in any enactment, such amount may be deducted from the insured person's wages or remuneration.

(4) No deduction permitted under subsection (3) shall be made from any wages other than such as relate to the period or part of the period in respect of which the contribution is payable, or in excess of the sum representing the employee's contribution for the period.

Persons to be treated as employers.

- 7.-(1) In relation to persons who-
- (a) are employed by more than one employer in any contribution week; or
 - (b) work under the general control or management of some person other than their immediate employer,

and in relation to any other cases for which it appears to the Minister that special provision is needed, regulations may provide that for the purposes of this Act the prescribed person shall be treated as their employer.

(2) Regulations made under subsection (1) may provide for adjusting the rights between themselves of the person prescribed as the employer, the immediate employer and the persons employed.

Exceptions from liability for and crediting of contributions.

8. Regulations may provide for-
- (a) excepting insured persons from liability to pay for such periods as may be prescribed, contributions for periods-
 - (i) of incapacity for work;
 - (ii) of full time unpaid apprenticeship;
 - (iii) when they are not in receipt (or are deemed in accordance with regulations not to be in receipt) of an income exceeding a prescribed amount;
 - (b) crediting contributions in specified circumstances to insured persons for periods for which they are excepted from liability to pay contributions under paragraph (a).

9.-(1) Where by regulations made under this Act contributions are payable by means of insurance stamps, such stamps shall be prepared and issued in such manner as the Board may direct and the Board may arrange with the Ministry responsible for the Post Office for the sale of insurance stamps through any post office.

Issue and sale of stamps and payment of contribution by other methods.

(2) Regulations may provide for applying, with the necessary adaptations as respects insurance stamps, any of the provisions (including penal provisions) of the Stamp Duties Act or of any other enactment relating to stamps.

CAP. 64.

(3) Where regulations permit contributions to be paid at the option of the person liable to pay by a method other than by means of insurance stamps and that method involves greater expense in administration to the Fund than would be incurred if the contributions were paid by means of insurance stamps, such regulations may provide for the payment to the Fund by any person who adopts such method, and for the recovery on behalf of the Fund, of the prescribed fees in respect of the difference in the expenses in administration.

10. Subject to this Act, regulations may provide for any matter relating or incidental to the insurability of persons under this Act and such regulations may provide for-

General provisions as to payment and collection of contributions.

- (a) the registration of employers, employed persons and other persons liable to be insured under this Act;
- (b) the payment and collection of contributions by means of insurance stamps, in cash or by any other method and the time within which contributions are to be paid, and without prejudice to any other provisions in this Act relating to unpaid contributions, the rate of interest which shall be payable in respect of contributions not paid within the prescribed time;
- (c) securing that liability to contribution is not avoided or reduced

- by a person following in the payment of wages or other form of remuneration, any practice which is abnormal for the employment in respect of which wages or other remuneration is paid;
- (d) the maintenance of registers and records and the particulars to be shown in such documents;
 - (e) requiring employers and other persons to supply to the Board, in such form and manner as may be required or prescribed, records of wages and contributions paid, and such information as may be required to determine liability to contribution;
 - (f) the issue, sale, custody, production, inspection and delivery of books or cards used for the purpose of registration, contribution or benefit and for the replacement of any such documents lost, destroyed or defaced;
 - (g) treating for the purpose of any right to a benefit contributions paid after the due dates as having been paid on such dates as may be prescribed, or as not having been so paid;
 - (h) treating as paid, for the purpose of any right to a benefit, contributions payable by an employer on behalf of an insured person but not paid, when the failure to pay is shown not to have been with the consent or connivance of or attributable to any negligence on the part of the insured person;
 - (i) treating contributions of the wrong class or category or at the wrong rate as paid on account of contributions properly payable;
 - (j) the return of contributions paid either in error or in such circumstances that under any provision of this Act they fall to be

repaid subject to the deduction of any amount of a benefit paid as a result of such contributions.

PART III

Benefits

- | | | |
|-----|---|--------------------------|
| 11. | Benefits shall be of the following descriptions- | Description of benefits. |
| | (a) sickness benefit, that is to say, periodical payments to an insured person who is rendered temporarily incapable of work otherwise than as a result of employment injury; | |
| | (b) maternity benefit, that is to say payment- | |
| | (i) to an insured woman of a maternity allowance by means of periodical payment in the event of her pregnancy or confinement; | |
| | (ii) of a grant to an insured man in respect of his wife's confinement or to an insured woman; | |
| | (c) invalidity benefit, that is to say, periodical payments or a lump sum payment to an insured person who is rendered permanently incapable of work otherwise than as a result of employment injury; | |
| | (d) retirement benefit, that is to say, periodical payments or a lump sum payment to an insured person who has attained the age of sixty years; | |
| | (e) funeral grant, that is to say, a payment on the death of an insured person, or of a person in such relationship to an | |

insured person as may be prescribed;

- (f) survivors' benefit, that is to say, periodical payments or a lump sum payment made in respect of an insured person who dies, otherwise than in consequence of an employment injury.

Employment
injury benefit.

12.-(1) Regulations may provide that in addition to the kinds of benefit specified in section 11, there shall be an employment injury benefit which shall consist of-

- (a) injury benefit, that is to say, in addition to such free medical care and attention as may be prescribed, periodical payments to an insured person who suffers personal injury by an accident arising out of and in the course of insurable employment or develops any prescribed disease being a disease due to the nature of such employment resulting in incapacity for work;
- (b) disablement benefit, that is to say, in addition to such free medical care and attention as may be prescribed, periodical payments or a lump sum grant to an insured person who as a result of such injury or disease as referred to in paragraph (a) sustains loss of faculty;
- (c) death benefit, that is to say, periodical payments in respect of an insured person who dies as a result of such injury or disease as referred to in paragraph (a); and
- (d) funeral grant, that is to say, a payment in respect of an insured person who dies as a result of such injury or disease as referred to in paragraph (a).

(2) Subject to sections 59 and 60, employment injury benefits described in this section shall not be payable in respect of an accident which happens outside Belize or a prescribed disease or injury which is due to the

nature of an employment in which the insured person has been engaged only outside Belize.

(3) From and after the day when regulations under this section come into operation, the Workmen’s Compensation Act shall not apply to any insured person or his dependents where the insured person suffers any personal injury or develops any disease as would entitle him or his dependents to any benefit under those regulations.

CAP. 303.

13. For the purpose of this Act an accident-

Presumptions and general provisions relating to accidents.

(a) arising out of the employment of an insured person shall be presumed, unless the contrary is shown, to have occurred in the course of his employment and where the accident occurred in the course of the employment of such a person it shall be presumed, unless the contrary is shown, to have arisen out of his employment;

(b) shall be deemed to arise out of and in the course of the employment of an insured person, notwithstanding that he is at the time of the accident acting in contravention of any statutory or other regulations applicable to his employment, or of any orders given by or on behalf of his employer, or that he is acting without instructions from his employer if the act is done for the purpose of and in connection with the trade or business of the employer;

(c) happening while an insured person is, with the express or implied permission of his employer, travelling as a passenger by any vehicle, ship, vessel or aircraft to or from his place of work shall, notwithstanding that he is under no obligation to his employer to travel by such vehicle, ship, vessel or aircraft be deemed to arise out of and in the course of his employment if-

- (i) the accident would have been deemed so to have arisen had he been under such an obligation; and
 - (ii) at the time of the accident the vehicle, ship, vessel or aircraft is being operated by or on behalf of his employer or some other person by whom it is provided in pursuance of arrangements made with his employer and is not being operated in the ordinary course of a public transport service;
- (d) happening to an insured person in or about any premises at which he is for the time being employed for the purposes of the trade or business of his employer shall be deemed to arise out of and in the course of his employment if it happens while he is taking steps, on an actual or supposed emergency at those premises, to rescue, succour or protect persons who are, or are thought to be or possibly to be, injured or imperilled, or to avert or minimise serious damage to property.

Rates and conditions for benefit.

14.-(1) Regulations shall provide for-

- (a) the rates or amounts of benefits and the variation of such rates or amounts in different or special circumstances;
- (b) the conditions subject to which and the periods for which a benefit may be granted;
- (c) the circumstances in which entitlement to a benefit may cease;
- (d) the date as from which a benefit is provided.

(2) Regulations made under subsection (1) may include provision that-

- (a) where it is a condition of entitlement to a benefit that a person is the spouse or surviving spouse of an insured person-
- (i) an insured person may at any time after the appointed day, apply to the Manager for registration of the particulars of the beneficiary under the relevant provisions of this Act;
 - (ii) in the case of an insured man the beneficiary has to be a woman with whom he lives or lived as her husband;
 - (iii) in the case of an insured woman, the beneficiary has to be a man with whom she lives or lived as his wife;
 - (iv) notwithstanding the fact that a valid marriage subsists between an insured person and another woman or man, as the case may be, registration under this section 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 paragraph, 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;

- (v) a registration of a person as a beneficiary under this section may be cancelled at the request in writing of the insured person subject to such conditions and in such circumstances as may be prescribed;
- (b) where no registration of a person as a beneficiary has been made and there is no legal spouse whom the insured was

legally obliged to maintain at the date of his death the Manager may if he is satisfied that in all the circumstances she (or he) ought to be so treated, 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);

- (c) where the question of marriage or re-marriage or the date of marriage or re-marriage arises in regard to any entitlement to a benefit the Manager shall in the absence of the 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 paragraphs (a) and (b);
- (d) registration under paragraph (a) or the determination of the Manager under paragraph (b) or (c) shall, unless the context otherwise requires, 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 mentioned in paragraphs (a), (b) and (c); and the words “wife”, “husband”, “widow”, “widower”, and “spouse” shall be construed accordingly.

Claims. 15.-(1) It shall be a condition precedent to a person’s right to a benefit-

- (a) that he makes a claim therefor, within the prescribed time, to the Manager, on the form provided by the Manager for the purpose or in such other manner as the Manager may accept in the circumstances of the case; and

(b) that he produces such certificates, documents, information and evidence and attends at such office or place as the Manager may require for the purpose of determining the right to a benefit.

(2) Regulations may require employers to maintain such records, to make such reports and to furnish such information as may be prescribed for the purpose of establishing any person's title to any benefit.

16. Regulations may provide-

Regulations in respect of benefits.

(a) for disqualifying a person for the receipt of any benefit if he fails to make a claim therefor within the prescribed time, but any such regulations shall provide for extending the time within which the claim is to be made in the cases where good cause is shown for the delay;

(b) for the prevention of the receipt of two or more benefits and for the adjustment of benefits in special circumstances;

(c) as to the time and manner of payment of benefit and the information to be furnished by any person when applying for payment;

(d) for adjusting the commencement and the termination of benefits so that, except in the case of sickness benefit and injury benefit, payments shall not be made in respect of periods less than a contribution week or at different rates for different parts of a contribution week;

(e) for the circumstances in which and the time for which a person shall be disqualified for or disentitled to receive benefits;

- (f) for the circumstances in which a benefit may be forfeited or suspended and, without prejudice to the generality of the foregoing, for the suspension of payment of a benefit to or in respect of any person during any period when he is-
- (i) absent from Belize; or
 - (ii) undergoing imprisonment or detention in legal custody, and for the circumstances and the manner in which payment of the whole or of any part of any benefit may instead of being so suspended be made during any such period to or for the maintenance of such persons as may be specified in the regulations, being persons nominated by the person entitled to the benefit or who in the opinion of the Manager are dependents of that person;
- (g) that a person may be appointed to exercise on behalf of-
- (i) a claimant or beneficiary who is a minor; or
 - (ii) a claimant or beneficiary who may be unable to act; or
 - (iii) a claimant or beneficiary who may become unable to act;
- any right or power that the claimant or beneficiary may be entitled to exercise under this Act;
- (h) that a person appointed in pursuance of regulations made under paragraph (g) may receive and deal with any sum payable by way of benefit on behalf of the claimant or the beneficiary;

- (i) that a claim may be made or proceeded with in the name of a deceased person where the claim arose from the death of that person, and may authorise the payment or distribution of the benefit to or amongst persons claiming as legal heirs, personal representatives, legatees, next of kin, dependants or creditors;
- (j) for dispensing with the strict proof of the title of persons claiming in pursuance of regulations made under paragraph (i);
- (k) for such other matters as may be necessary for the proper administration of benefits, including the obligations of persons claiming any benefit in their own behalf or on behalf of others, and the obligations of beneficiaries and employers.

17.-(1) Subject to this section, a person who is under this Act insured against personal injury caused by accident arising out of and in the course of his employment shall be deemed to be insured also against any prescribed disease and against any prescribed personal injury not so caused, being a disease or injury due to the nature of the employment.

Occupational diseases and employment injuries not caused by accidents.

(2) A disease or injury may be prescribed for the purpose of this Act, in relation to any insured persons if the Minister is satisfied that-

- (a) it ought to be so prescribed having regard to its cause and incidence and any other relevant consideration as a risk of their occupations and not as a risk common to all persons; and
- (b) it is such that, in the absence of special circumstances, its incidence in particular cases can be attributed with reasonable certainty to the nature of the employment concerned.

(3) Regulations prescribing any such disease or injury may provide that, subject to any prescribed conditions a person who developed the disease on or at any date after a date specified in the regulations, not being a

date earlier than the appointed day, shall be treated for the purposes of this Act as if the regulations had been in force when he contracted the disease.

(4) Regulations may provide for determining the time at which a person is to be treated, for the purposes of this Act, as having contracted any prescribed disease and where the person in question had previously suffered therefrom, the circumstances in which any such disease is to be treated as having recrudesced or been contracted afresh.

(5) Nothing in this section shall affect the right of any person to benefit in respect of a disease which is a personal injury caused by accident within the meaning of this Act; but a person shall not be entitled to benefit in respect of a disease as being an injury caused by accident arising out of and in the course of any employment if at the time of the accident the disease is in relation to him a prescribed disease by virtue of the employment in which he is engaged.

Application to prescribed diseases and injuries of provisions as to benefits and claims.

18.-(1) Subject to subsection (2), the benefit payable under this section and under section 17 in respect of prescribed disease or injury, and conditions for receipt of such benefit, shall be the same as in the case of personal injury by accident arising out of and in the course of a person's employment.

(2) Regulations may be made to include provision for-

(a) presuming any prescribed disease or injury-

- (i) to be due, unless the contrary is proved, to the nature of the employment of any person where he was employed in any prescribed occupation at the time when, or within a prescribed length of time (whether continuous or not) before, he developed the disease or injury;
- (ii) not to be due to the nature of the employment of any

person unless he was employed in some prescribed occupation at the time when, or within a prescribed length of time (whether continuous or not) before he developed the disease or injury;

- (b) such matters as appear to the Minister to be incidental to or consequential on provisions included in the regulations by virtue of the foregoing provisions of this section.

19.-(1) Where a claim for a benefit is made under this Act in respect of any accidental injury or of any prescribed disease or injury the Manager may determine for the purpose of this Act that the relevant employment shall in relation to that accident or disease be treated as having been insurable employment notwithstanding that by reason of a contravention of or non-compliance with some provisions contained in or having effect under any enactment passed for the protection of persons in employment or any class of such persons, the contract purporting to govern the employment was void or the person employed was not lawfully employed therein at the time when or in the place where the accident happened or the disease developed.

Accidents or prescribed diseases or injuries in course of illegal employment.

- (2) In this section the expression "relevant employment" means, in relation to an accident, the employment out of and in the course of which the accident arises, and in relation to a prescribed disease or injury, the employment to the nature of which the disease or injury is due.

20.-(1) Regulations may provide for the appointment of medical practitioners, medical boards or other professional persons for the purposes of this Act, and for obtaining other professional services.

Appointment of medical practitioners, medical boards, etc.

- (2) There shall be paid out of the Fund to medical practitioners, members of boards or other professional persons appointed under the regulations such salary or other remuneration as the Board with the prior approval of the Minister given in consultation with the Minister of Finance may determine and such expenses incurred in connection with the work of such medical prac-

tioners, boards or professional persons as may be so determined.

Other Benefit Provisions

Constant attendance allowance.

21.-(1) An insured person who is entitled to disablement benefit in respect of disablement assessed at one hundred *per centum* shall also be entitled to constant attendance allowance at the prescribed rate and for so long as he is so severely incapacitated as to require constantly the personal attendance of another person.

(2) The existence of the degree of incapacity qualifying an insured person for constant attendance allowance shall be verified by such medical board or medical practitioner as may be prescribed or as the Manager may consider necessary or practicable.

(3) Except as regulations may otherwise provide, constant attendance allowance shall not be payable to an insured person for any period during which he receives treatment as an inpatient free of charge at a hospital or if the cost of such treatment is paid in whole or in part out of the Fund.

Minister may introduce other benefits by regulations.

22.-(1) The Minister may make regulations providing for other benefits not specified in this Act in respect of prescribed classes of persons.

(2) Without prejudice to the generality of subsection (1), such regulations may make provision for such matters as are permitted to be made under this Act in respect of other specified benefits.

Repayment of benefit improperly received.

23.-(1) Without prejudice to other provisions in this Act, if it is found that any person by reason of the non-disclosure or of misrepresentation by him of a material fact, whether the non-disclosure or misrepresentation was or was not fraudulent, has received any sum by way of benefit while he was not entitled to that benefit, he shall be liable to repay the sum so received by him.

- (2) Where any person is liable to repay any sum received by him by way of benefit, that sum may be recovered, without prejudice to any other remedy, by means of deduction from any benefit to which he thereafter becomes entitled.
24. Any sums paid on account of a benefit to or on behalf of persons not lawfully entitled thereto, so far as they are not recovered, shall be treated as expenditure on benefit and charged on the Fund. Unrecovered benefit.
25. Every assignment of or charge on a benefit and every agreement to assign or charge a benefit shall be void and on the bankruptcy of a beneficiary the benefit shall not pass to any trustee or other person acting on behalf of the creditors. Benefit to be inalienable.
26. The Board shall have the right to claim by civil action the amount of any benefit paid or payable under this Act-
- (a) from any person, other than the beneficiary, where an injury in respect of which a benefit is paid or payable was caused by the wilful act or the negligence of such person or of any other person for whom under the civil law the first mentioned person is responsible; Recovery of benefit in respect of injury caused by wilful act or negligence.
- (b) without prejudice to the generality of paragraph (a), from any employer, where the injury was caused on account of or through his non-compliance or by the non-compliance of any other person from whom under the civil law he is responsible with any obligations imposed by the Factories Act or by any regulations made thereunder. CAP. 296.
- 27.-(1) A person in receipt of any benefit shall report to the Manager as soon as possible every event or fact which affects or is likely to affect the continuance of the right to benefit or the rate thereof. Matters affecting entitlement to be reported.

(2) Subsection (1) shall also apply to a person authorised to receive payment of a benefit on behalf of some other person.

PART IV

Administration and Finance

Establishment of
Social Security
Board.

28.-(1) For the purposes of this Act, there shall be established a Board to be known as the Social Security Board in which the Fund shall be vested and which shall have and may exercise the powers, rights, authorities and functions conferred upon it by this Act, and shall be charged with and shall perform the duties and obligations imposed upon it thereby.

(2) The Board shall be responsible to the Minister for the administration of this Act, and shall consider and advise upon all matters which may from time to time be referred to it by the Minister, and shall furnish to the Minister such information as he may reasonably require about the operation of the Act.

Second Schedule

(3) The Second Schedule shall apply as respects the constitution of the Board and its proceedings.

(4) The Board shall be a body corporate with perpetual succession and a common seal, and may acquire, hold and dispose of real and personal property and shall be capable of suing and being sued in its corporate name.

(5) All courts, judges and persons acting judicially shall take judicial notice of the seal of the Board affixed to any document or notice and shall presume that it was duly affixed.

(6) The head office of the Board shall be established at such place in the City of Belmopan as the Minister on the recommendation of the

Board may appoint and for the efficient and proper performance of its functions and duties it may establish branch offices in any part of Belize.

(7) If at any time the Board is not functioning, all the powers, rights, authorities and functions conferred upon the Board by this Act shall be exercised by the Minister who shall be charged with all the duties and obligations with which the Board is charged.

(8) The Minister may delegate in writing any of the powers and functions conferred upon him under subsection (7) to the Permanent Secretary of the Ministry for which the Minister is responsible.

29. Members of the Board shall be paid from the Fund such remuneration and travelling and other allowances as may be fixed by the Minister in consultation with the Minister of Finance. Remuneration of members of Board.

30. The Minister may grant leave of absence to any member of the Board upon such conditions as to remuneration or otherwise as the Minister thinks fit. Conditions of leave of absence.

31. The Minister may terminate the appointment of a member or an acting member for misbehaviour or physical or mental incapacity. Termination of appointment.

32. A member shall be deemed to have vacated his office- Vacation of office.

(a) if his appointment is terminated by the Minister under this Act;

(b) if he becomes bankrupt or compounds with his creditors or makes any assignment of his remuneration for their benefit or takes advantage of any provision of the Bankruptcy Act;

CAP. 244

(c) if he becomes of unsound mind;

- (d) if he resigns his office by writing under his hand addressed to the Minister and the resignation is accepted by the Minister; and
- (e) if he absents himself, except with leave granted by the Minister, from three consecutive meetings of the Board.

Delegation of powers by Board.

33.-(1) The Board may in relation to any particular matter or class of matters or to any particular part of Belize, by writing under its seal, delegate to any officer or employee of the Board or any prescribed person all or any of its powers under this Act.

(2) Every delegation under this section shall be revocable at will, and no delegation shall prevent the exercise of any power by the Board.

Committee of the Board.

34.-(1) Subject to this Act, the Board may appoint such committee to assist the Board in relation to a matter as the Board thinks fit.

(2) A committee appointed under this section shall consist of such persons whether members of the Board or not, as the Board thinks fit but any committee so appointed shall include not less than two members of the Board.

(3) A member of a committee who is not a member of the Board may be paid, in respect of attendance at meetings of the committee or while engaged with the approval of the Board on business of the Board, such fees, expenses and allowances as the Minister may, in consultation with the Minister of Finance, determine.

(4) A committee shall make such inquiries and furnish to the Board such reports with respect to the matter in relation to which it has been appointed as the Board may direct.

35.-(1) The Minister shall appoint as Manager a fit and proper person, who shall be the chief executive officer of the Board, on such terms and conditions as he may think fit. Manager.

(2) The Manager shall, subject to this Act and any directions by the Minister and the Board, be responsible for the management of the Fund and in particular for-

- (a) the collection of contributions under this Act;
- (b) the payment of benefit and of the expenditure necessary for the administration of this Act; and
- (c) accounting for all moneys collected, paid or invested under this Act.

36.-(1) The Manager may, in relation to any matter or class of matters, by writing under his hand, delegate to an officer or employee of the Board any of his functions under this Act. Delegation by the Manager.

(2) Every delegation under this section shall be revocable at will, but no delegation shall prevent the performing of any function by the Manager.

37.-(1) The Board may appoint a fit and proper person to be the assistant manager, to assist the Manager in the performance of his functions under this Act. Assistant Manager.

(2) During the temporary absence of the Manager or while the post of Manager is for any reason vacant the assistant manager shall have and may exercise all the powers, duties and functions of the Manager including membership of the Board, but if the post of Manager is vacant the Minister may appoint any other fit and proper person to act as Manager until such time as he appoints a Manager.

(3) Subject to subsection (2), the fact that the assistant manager exercises any power, duty or function as aforesaid shall be sufficient evidence of his authority to do so.

Staff of the Board.

38.-(1) The Board shall appoint a senior inspector and shall employ such other officers and employees as it may consider necessary for the administration of this Act.

(2) The terms and conditions of service of the staff of the Board, except those of the Manager, shall be determined by the Board in consultation with the Minister and the Minister of Finance.

(3) With the prior approval of the Minister, the Board may make Staff Rules to regulate the conditions of service of all its employees, other than the Manager, which may include matters concerning discipline, leave, termination of appointment and retirement.

(4) Subject to the provisions of the Staff Rules, the Manager shall be responsible for the direction of the staff of the Board.

Maximum expenditure on administration.

39. The Minister may in his discretion determine or prescribe the maximum annual amount to be expended out of the Fund on the administration of this Act.

Designation of inspectors and powers of the senior inspector and inspectors.

40.-(1) The Board may designate such officers in its service as it thinks fit to be inspectors for the purpose of giving effect to the provisions of this Act.

(2) The senior inspector or an inspector shall for the purposes of the execution of this Act have power to do all or any of the following things-

(a) to enter at all reasonable times any premises or place liable to inspection under this section;

(b) to make such examination and inquiry as may be necessary

for ascertaining whether the provisions of this Act are being or have been complied with in any such premises or place;

- (c) to make inquiries, either alone or in the presence of such other person as he thinks fit, with respect to any matters under this Act on which he may reasonably require information, from every person whom he finds in any such premises or place, or whom he has reasonable cause to believe to be or to have been an insured person, and to require every such person to answer such enquiries;
- (d) to exercise such other powers as may be necessary for the administration of this Act.

(3) Subject to subsection (4), the occupier of any premises or place liable to inspection under this section and any person who is or has been employing any person and the servants and agents of any such occupier or other person and any insured person, shall furnish to an inspector all such information and produce for inspection all such documents as the inspector may reasonably require for the purpose of ascertaining whether contributions are or have been payable, or have been duly paid by or in respect of any person or whether any benefit is or was payable to or in respect of any person.

(4) Every inspector shall be furnished with a certificate of his appointment and on his application for admission to any premises or place for the purposes of this Act he shall, if so required, produce the certificate.

(5) The premises and places liable to inspection are any premises or place in which an inspector has reasonable grounds for believing that any persons are employed except that they do not include any private dwelling house not used by or with the permission of the occupier for the purpose of a trade or business.

(6) No person shall be required under this section to answer any questions or give any evidence tending to incriminate himself.

CAP. 297.

(7) Section 14 of the Labour Act shall apply, *mutatis mutandis*, to the senior inspector and inspectors appointed for the purposes of this Act.

Proceedings
against officers
and employees
of the Board.

41. Notwithstanding any other enactment, no court shall entertain or proceed to judgment in any claim against any officer or employee of the Board arising from any act or omission of such officer or employee done or omitted in the performance of his duties under this Act unless the plaintiff shall have both pleaded and proved that the said act or omission complained of was malicious or done or omitted without reasonable and probable cause.

Determination of
claims and
questions.

42.-(1) Regulations may provide for the determination by the Board, by the Manager, or by a person or tribunal appointed or constituted in accordance with the regulations, of any question arising under or in connection with this Act including any claim to benefit, and they may also provide that any decision made thereunder or any such question shall be final.

(2) Without prejudice to the generality of subsection (1), regulations made thereunder may in relation to the determination of questions in accordance with the regulations include provision-

- (a) as to the procedure to be followed, the form of any document, the evidence to be required, and the circumstances in which any official record or certificate is to be sufficient or conclusive evidence;
- (b) as to the time to be allowed for making any claim or appeal, for raising any question with a view to the review of any decision, or for producing any evidence;
- (c) for summoning persons to attend and give evidence or produce documents and for authorising the administration of

oaths to witnesses;

- (d) for the representation of one person at the hearing of a case by another person whether having professional qualifications or not and except in so far as it may be applied by such regulations the Settlement of Disputes (Essential Services) Act shall not apply to any proceedings under this section. CAP. 298.

- (3) Regulations under subsection (1) may provide for-

- (a) the reference to the Supreme Court of any substantial question of law arising in connection with the determination of any question under the regulations;

- (b) appeals to the Supreme Court from the decision of the Board or of a person or tribunal on any such question of law.

(4) Provision shall be made by rules of court for regulating reference and appeals to the Supreme Court under this section and for limiting the time within which appeals may be brought thereunder.

(5) Notwithstanding anything in any enactment, the decision of the Supreme Court in a reference or appeal under this section shall be final and the court may make such order as to costs as it thinks just.

43.-(1) Regulations shall provide for matters arising-

- (a) pending the determination under this Act (whether in the first instance or on appeal or on review) of any claim for a benefit or of any question affecting the right of any person to a benefit or to the receipt thereof; or
- (b) out of the revision or appeal or review of any decision of any such claim or question.

Interim payments,
arrears and
repayments.

- (2) Without prejudice to the generality of subsection (1), regulations thereunder shall include provision-
- (a) for the suspension of a benefit where it appears to the Manager that there is or may be a question whether the conditions for the receipt thereof are or were fulfilled or whether the award ought to be revised;
 - (b) as to the date from which any decision on review is to have effect;
 - (c) for treating any benefit paid to any person which it is subsequently decided was not payable as properly paid, or as paid on account of any other benefit which it is decided was payable to him, or for the repayment of any such benefit;
 - (d) for treating a benefit paid to a person in respect of a child as properly payable for any period notwithstanding that by reason of a subsequent decision another person is entitled to the benefit in respect of that child for that period, and for reducing or withholding accordingly any arrears payable for that period by virtue of that subsequent decision.

Payments to persons and tribunals appointed or constituted under section 42.

44. There shall be paid out of the Fund to a person appointed under regulations made under section 42 and to a member of a tribunal constituted in accordance with such regulations, such remuneration and allowances, if any, and such amount in respect of expenses incurred in connection with his work as such, as the Board with the prior approval of the Minister given in consultation with the Minister of Finance may determine.

Actuarial review of operation of Act.

45.-(1) Subject to subsection (2), the Board shall, with the assistance of an actuary approved by the Minister, review the operation of this Act during the period ending on 31st December immediately following the completion of the third year after the first appointed day and thereafter during the period ending

with 31st December in every fifth year and at each such review shall make a report to the Minister on the financial condition of the Fund and the adequacy or otherwise of contributions to support benefits, having regard to its liabilities under the Act.

(2) The Minister may at any particular time direct that such a review be carried out at shorter periods.

(3) The Minister shall, as soon as possible after receiving a report in accordance with subsection (1), lay a copy thereof before the National Assembly.

Finance

46.-(1) For the purpose of this Act there shall be established under the control and overall management of the Board a Fund called the Social Security Fund.

Establishment
of Social
Security Fund.

- (2) There shall be paid into the Fund-
- (a) all contributions;
 - (b) all rent, interest, dividend and investment and other income derived from the assets of the Fund;
 - (c) all sums recovered for the Fund under this Act;
 - (d) all sums properly accruing to the Fund under this Act including, without prejudice to the generality of the foregoing, the repayment of benefit; and
 - (e) any sums approved by the National Assembly for the purposes of this Act.

- (3) There shall be paid or met out of the Fund-
- (a) all claims for benefits;
 - (b) all contributions which fall to be refunded under this Act;
 - (c) all expenses properly incurred in the administration of this Act, including moneys expended on the purchase of real property and disbursements by way of remuneration, allowances and expenses.

23 of 1988.

(3A) After fulfilling its obligations under subsection (3), the Board may, with the approval of the Minister, utilise, by way of grants or otherwise, a part of the surplus, if any, for social development purposes, subject to such conditions and limitations as may be prescribed by the regulations.

(4) Regulations shall provide for the financial organisation of the moneys of the Fund by-

- (a) the establishment and maintenance of different autonomous branches for different purposes;
- (b) the establishment and maintenance within the branches of different reserve funds.

16 of 1993.

(5) Any money forming part of the reserves of the Fund may from time to time be invested by the Board in accordance with the provisions of this Act and the directions given by the Social Security Investment Committee.

Audit.

47.-(1) The accounts of the Board shall be audited annually by a suitably qualified accountant appointed by the Board (in this Act referred to as “the auditor”).

(2) The auditor shall forward his report to the Board and a copy thereof to the Minister.

(3) The Minister or an officer delegated by him shall at all reasonable times have access to the books, accounts and other documents of the Board and may call for such explanation and information as he may require, or examine any officer of the Board.

48.-(1) The Board shall, in such form and by such dates as may be prescribed by the Financial Secretary, prepare and submit to the Minister responsible for Finance estimates of income receivable and the expenditure to be incurred during each financial year (including any supplementary estimates), and the said Minister shall present the estimates to the National Assembly with such amendments, if any, as he may consider necessary.

Submission of budget estimates, annual report, and accounts. 12 of 1989.

(2) The Board shall-

(a) after the end of each calendar year prepare a report of its activities during the last preceding year and shall furnish that report to the Minister not later than 30th June;

(b) submit to the Minister every account certified by the auditor together with the report of the auditor thereon, within one month of such certification; and

(c) submit annually to the Minister an account of the securities in which moneys of the Fund are for the time being invested.

(3) The Minister shall cause a copy of every account or report submitted to him under this section to be laid before the National Assembly.

49.-(1) There shall be established a committee to be called the Social Security Investment Committee, which shall be appointed by the Minister.

Social Security Investment Committee.

- (2) The Committee shall consist of-
- (i) a chairman nominated by the Minister of Finance;
 - (ii) a person who in the opinion of the Minister is experienced in the investment of moneys;
 - (iii) the Manager; and
 - (iv) two members of the Board appointed after consultation with organisations which in the opinion of the Minister represent employers and insured persons, respectively.

(3) The period of the appointment of the members shall be as specified in the instrument appointing them.

(4) Any decision of the Committee may be taken by a majority of the members present and, in the event of an equality of votes, the chairman shall have a casting vote.

(5) The quorum for any meeting of the Committee shall be the chairman and any two members.

16 of 1993.

(6) The Committee shall have power to give general or specific directions from time to time on the investment of moneys in the Fund which are surplus to current needs; and the Manager shall give the Committee any information necessary for the proper discharge of its functions.

(7) The Minister in consultation with the Minister of Finance may make regulations on any matter concerning the investment of moneys of the Fund and the proceedings of the Committee.

(8) Subject to subsection (7), the Committee may regulate its own proceedings and shall meet at such times and place as the chairman or Minister may appoint.

(9) Members of the Committee may be paid such fees and allowances as the Minister may determine in consultation with the Minister of Finance.

(10) The Board shall appoint one of its officers to be secretary of the Committee.

50.-(1) Any temporary insufficiency of funds to meet the liabilities of the Fund under this Act shall be met from money provided by the National Assembly.

Temporary insufficiency of funds and defrayment of initial expenditure.

(2) Any moneys provided by the National Assembly under subsection (1) shall be repaid out of the Fund as soon as may be practicable.

51. There shall be paid into the Consolidated Revenue Fund out of the Fund at such times and in such manner as the Board may direct, such sums as the Minister responsible for Finance may estimate to be the amount of the expenses incurred by the Postmaster General and the Ministry responsible for Medical Services in carrying out the provisions of this Act. Payment shall be made at such time and in such manner as may be agreed by the Financial Secretary and the Board.

Expenses incurred by the Postmaster General and Ministry of Health.

Non-compliance and Legal Proceedings

52.-(1) An employer who fails or neglects to pay within the prescribed time any contribution which he is liable under this Act to pay is guilty of an offence and is liable on summary conviction to a fine of not less than five hundred dollars.

Recovery of contribution on prosecution.

(2) At the trial of any person for an offence under subsection (1), the Manager may, after notice in writing given to the person charged at least one week in advance of the date of trial, lead evidence of other contributions due from him under this Act within the three years immediately preceding the date of such notice and upon the conviction of the person charged the magistrate shall order that person to pay the total sum proved to be due from him along with interest at ten *per centum* per annum from the date when each sum fell due under this Act.

CAP. 120

(3) Where any person is charged with an offence under subsection (1) and a probation order is made under the Probation of Offenders Act, subsections (1) and (2) shall apply as if the making of the probation order were a conviction.

(4) Any sum ordered to be paid to the Fund under this section shall be recoverable as a penalty through a court of summary jurisdiction.

(5) Any sum paid by an employer under this section shall be treated as a payment in satisfaction of the unpaid contributions and any part of such sums which represents an employee's contribution shall not be recoverable by the employer from such employee.

(6) If any employer being a body corporate fails to pay to the Fund any sum which the employer has been ordered to pay under this section such sum or part thereof as remains unpaid shall be a debt due to the Fund jointly and severally from any director of the body corporate who knew or could reasonably be expected to have known of the failure to pay the contribution in question.

(7) Nothing in this section shall be construed as preventing the Board from recovering any sums due to the Fund by means of civil proceedings.

53.-(1) Any employer who deducts or recovers or attempts to deduct or otherwise recover the whole or any part of the contributions of the employer in respect of any person from the wages or other remuneration of such person is guilty of an offence and is liable on summary conviction to a fine not exceeding five hundred dollars, and in default of such payment to imprisonment for a term not exceeding six months. The court shall in addition to any fine order the payment by the employer to the employee of such sum as is proved to the satisfaction of the court to have been deducted or recovered from the employee's wages or other remuneration.

Offences and penalties.

- (2) Any person who-
- (a) forges an insurance stamp;
 - (b) makes or, without lawful excuse, has in his possession any die, plate, instrument or material for forging an insurance stamp;
 - (c) buys, sells or offers for sale, takes or gives in exchange, or takes in pawn, any card or any used insurance stamp;
 - (d) affixes any used insurance stamp to any contribution card;
 - (e) removes any insurance stamp from any contribution card or without lawful excuse is in possession of any used insurance stamp or any contribution card issued in the name of any other person;
 - (f) for the purpose of obtaining any benefit or other payment under this Act, whether for himself or some other person, or for any other purpose connected with this Act-
 - (i) knowingly makes any false statement or false representation; or

- (ii) produces or furnishes, causes or knowingly allows to be produced or furnished, any document or information which he knows to be false in a material particular; or
- (g) wilfully hinders, obstructs or molests the Manager or an officer designated as inspector in accordance with section 40 in the exercise of any of the powers and functions conferred upon him by this Act,

is guilty of an offence and is liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding twelve months, or to both such fine and term of imprisonment.

(3) In any proceedings under subsection (2), an insurance stamp shall be deemed to have been used if it has been affixed to a contribution card or cancelled or defaced in any way whatever and whether it has been used for the purpose of paying a contribution or not.

(4) Any stamp purporting to be an insurance stamp which is prepared, printed or made otherwise than in accordance with directions given by the Board shall be deemed to be forged.

(5) Where any person is guilty of an offence under this Act and no penalty is provided therefor, he is 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 thereof, to a fine of one hundred dollars for each day on which it is so continued.

Penalties to be imposed by Board.

54.-(1) Where an employer has failed or neglected to pay any contribution which under this Act he is liable to pay, no proceedings shall be taken against him if, after an intimation in writing of the charges against him, he agrees to pay and in fact pays to the Board within such time as may be fixed by the latter, a sum not exceeding twenty dollars for every such failure or neglect as may be

fixed by the Board, together with any amount due in respect of unpaid contributions.

(2) Notwithstanding anything contained in section 6 (3), contributions falling under subsection (1) above which are payable on behalf of any employed person shall not be recoverable by the employer from that employed person.

(3) Subsection (1) shall not apply in any case where in the opinion of the Board the offence would not be adequately punished by the penalty therein mentioned.

55.-(1) Proceedings for an offence under this Act shall not be commenced except by or with the consent of the Manager or any officer of the Board authorised in that behalf by the Manager.

General provisions as to prosecutions under the Act.

(2) Any officer of the Board may upon the written authority of the Manager appear in and conduct any proceedings commenced under this Act before a court of summary jurisdiction.

(3) Notwithstanding any provision in any enactment prescribing the period within which summary proceedings may be commenced, proceedings for an offence under this Act may be commenced at any time within the period of three months from the date on which evidence sufficient in the opinion of the Manager to justify a prosecution for the offence comes to his knowledge or within the period of twelve months after the commission of the offence whichever period last expires and for the purpose of this subsection a certificate purporting to be signed by or on behalf of the Manager as to the date on which such evidence came to his knowledge shall be conclusive evidence thereof.

(4) In any proceedings for an offence under this Act the wife or husband of the defendant shall be competent to give evidence whether for or against the defendant but a wife or husband shall not be compelled to give evidence or in giving evidence to disclose any communication made to her or

him by the defendant during the subsistence of the marriage.

(5) Where an offence under this Act is committed by a body corporate and it is proved to have been committed with the consent or connivance of or to be attributable to any negligence on the part of any director, manager, secretary or other officer of the body corporate, he as well as that body shall be deemed to be guilty of that offence and shall be liable to be proceeded against and penalised accordingly.

Civil proceedings to recover sums due.

56.-(1) All sums due to the Fund under this Act shall be recoverable as debts due to the Fund and without prejudice to any other remedy may be recovered summarily as a civil debt and any sum due by way of contribution shall from the date on which the said sum fell due, bear interest at the rate of ten *per centum* per annum or such other rate as may be prescribed.

(2) Proceedings for the summary recovery of sums due to the Fund may, notwithstanding anything in any enactment to the contrary, be brought at any time within three years from the time when the matter complained of arose.

(3) Proceedings for the summary recovery as civil debts of sums due to the Fund may be instituted by an officer of the Board authorised in that behalf by special or general directions of the Manager.

Proceedings to recover benefit lost by employer's fault.

57.-(1) Where an employer has failed or neglected to pay any contribution which he is liable to pay in respect of or on behalf of any insured person, and by reason of such failure or neglect such person or any other person becomes disentitled to any benefit or entitled to a benefit at a lower rate, the Board may, on being satisfied that the contribution should have been paid by the employer, pay to the person concerned a benefit at the rate to which he would have been entitled if the failure or neglect had not occurred, and the Board shall be entitled to recover summarily in a court of summary jurisdiction from the employer as a civil debt a sum equal to the amount of the sum so paid irrespective of the amount.

(2) Proceedings may be taken under this section notwithstanding that proceedings have been taken under any other provision of this Act in respect of the same failure or neglect.

PART V

Miscellaneous

58. This Act shall apply to persons employed by the Government in like manner as if the Government were a private person, with such modification as may be made therein by regulations for the purpose of adapting the provisions of this Act to the case of such persons.

Government employees.

59.-(1) Without prejudice to the generality of any other power to make regulations, the Minister may make regulations modifying in such manner as he thinks proper the provisions of this Act in relation to persons who are or have been employed on board any ship, vessel or aircraft.

Persons employed on board ships, vessels or aircrafts.

(2) Without prejudice to the generality of subsection (1), regulations made thereunder may in particular provide-

- (a) for the classification under this Act of persons who are or have been employed on or after the appointed day on board ships, vessels or aircrafts notwithstanding that they do not fulfil the conditions of section 3;
- (b) for excepting from insurance under this Act or from liability to pay contributions as employed persons any persons employed as aforesaid who are neither domiciled nor have a place of residence in Belize;
- (c) for the taking of evidence for the purpose of any claim to benefit in any place outside Belize;

- (d) for enabling persons on board ships, vessels or aircrafts to authorise the payment of the whole or any part of any benefit to which they are or become entitled to such of their dependents as may be prescribed; and
- (e) for withholding any benefit which may be payable to a mariner for any period while the owner of his ship or vessel is under a statutory obligation to pay him wages.

Insured persons
outside Belize.

60.-(1) Without prejudice to the generality of any other power to make regulations, the Minister may, subject to subsection (2), make regulations modifying in such manner as he thinks proper the provisions of this Act in their application in relation to persons who are or have been outside Belize while insured under this Act.

(2) Regulations under this section may provide that where an insured person is throughout any prescribed period outside Belize and is not in that period an employed person he shall not be liable to pay any contribution as an insured person for such period.

Different provisions may be prescribed for different classes of insured persons.

Reciprocal
agreements.

61.-(1) For the purpose of giving effect to any agreement with Caricom countries or with other countries, being an agreement which provides for reciprocity in matters of social security, the Minister may, by order, modify or adapt the provisions of this Act in their application to cases affected by the agreement.

(2) The modification of this Act which may be made by virtue of subsection (1) may include provisions-

- (a) for securing that acts, omissions and events having any effect for the purposes of the law of the country in respect of which

the agreement is made shall have a corresponding effect for the purposes of this Act (but not so far as to confer a right to double benefit);

- (b) for determining, in cases where rights accrue both under this Act and under the law of any other country, which of these rights shall be available to the person concerned;
- (c) for making the provisions as to administration and enforcement contained in this Act applicable to cases arising under the law of any other country;
- (d) for making any necessary financial adjustments by payments into or out of the Fund.

62.-(1) Stamp duty shall not be chargeable upon any draft or order or receipt given in respect of a benefit or upon any receipt given in respect of any other payment out of the Fund pursuant to section 46 or upon any receipt given by an officer or employee of the Board for or in respect of any sum payable into the Fund.

Exemption from stamp duty, income tax and property tax.

(2) The Board shall be exempt from the payment of income tax and property tax.

2 of 1996.

63. Sums due on account of contributions payable under this Act and any other amount payable to the Board shall be included among debts accorded priority under any written law in force (being any law relating to personal insolvency, companies winding up and the remedies of debenture holders and chargees) where such liability accrued before the date of the order of adjudication of the insolvent or the date of the winding-up, as the case may be.

Contributions, etc., due to the Board to have priority over other debts.

64.-(1) The Minister may make regulations, not inconsistent with this Act, for the administration of this Act and for carrying it into effect.

Power of the Minister to make regulations.

(2) In particular and without prejudice to the generality of subsection (1), such regulations may provide for all or any of the following matters, namely-

- (a) the levy of interest at a prescribed rate on contributions due but not paid subject to the minimum of one dollar per week or part thereof in respect of each employee whose contribution is in default beyond the due date and the conditions under which such levy may be waived;
- (b) the method of determining the actuarial present value of periodical payments;
- (c) the medical examination of claimants and beneficiaries for the purposes of this Act and the attendance of such persons for such examination at places specified by the Manager;
- (d) the raising and repayment of loans in consultation with the Minister of Finance;
- (e) financial control and procedures.

(3) Without prejudice to any specific provision of this Act, any regulation may contain such incidental or supplementary provisions as appear to the Minister to be expedient for the purposes of the regulations.

Regulations subject to negative resolution.

65. All regulations made under this Act shall be subject to negative resolution.

Operation of private schemes.

66.-(1) Nothing in this Act shall be deemed to prevent an employer from operating any private scheme providing, for any person who is or has been employed by him, benefits of any kind whether similar to benefits under this Act or otherwise.

- (2) Regulations may provide for the circumstances in which-
- (a) the amount of benefits provided under this Act together with the amount of identical benefits provided by an employer under any contract of service and particularly those benefits provided under a collective agreement shall not be less favourable than benefits provided by the employer before the enactment of this Act;
- (b) subject to paragraph (a), benefits provided by the employer which are identical to benefits provided under this Act may be reduced in consideration of identical benefits provided under this Act.

67.-(1) In any case where-

- (a) any warrant or distress is executed against the property of an employer and the property is seized or sold in pursuance of the execution; or
- (b) on the application of a secured creditor the property of an employer is sold,

Protection of contributions in certain cases.

the proceeds of the sale of the property shall not be distributed to any person entitled thereto until the court ordering the sale has made provision for the payment of any amount due in respect of contributions payable by the employer during the twelve months immediately preceding the date of the order.

(2) For the purposes of this section, the expression “employer” includes any company in liquidation under the Companies Act.

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Commencement. 68.-(1) This Act shall come into operation on such day or days to be appointed by the Minister by Order published in the *Gazette*.

(2) The Minister may appoint different days for different provisions of this Act and in particular for provisions relating to the payment of different benefits or descriptions of benefits under the Act or for the application of different provisions of this Act to different categories of persons.

FIRST SCHEDULE

[Section 3]

PART I

Insurable Employment as an Employed Person

1. Employment in Belize under any contract of service or apprenticeship, written or oral, and whether expressed or implied.
2. Employment in a civilian capacity under the Crown where the contract of service is entered into in Belize.
3. Employment whether within or outside Belize of a person domiciled or having a place of residence in Belize-
 - (a) as master or member of the crew of any ship or vessel, or as a pilot, commander, navigator or member of the crew of any aircraft, being a ship, vessel or aircraft of which the owner (or the managing owner, if there is more than one owner) or the manager resides or has his principal place of business in Belize; or
 - (b) in any other capacity for the purposes of such ship, vessel or aircraft, or of the crew thereof, or of any passenger, or

cargo or mails carried thereby:

Provided that the contract of service is entered into in Belize with a view to its performance in whole or in part while the ship or vessel or aircraft is on its voyage.

4. Employment in plying for hire any vehicle, the use of which is obtained from the owner thereof under a contract of bailment (other than a hire purchase agreement) the owner of the vehicle being regarded as the employer.

PART II

Excepted Employments

S.I. 107 of 1999.

1. Employment of a casual nature otherwise than for the purpose of the employer's trade, business or profession.

2. Employment by any one employer for less than eight hours in a contribution week.

3. Employment of any person by the husband or wife of such person, or by the person with whom such person is living as wife or husband respectively.

4. Employment of a person who is not ordinarily resident in Belize if the employer of that person is not resident in Belize and has no place of business there.

5. Employment of a person under a written contract of service for a definite period if-

(a) the person concerned is not a citizen of Belize and is not permanently resident there; and

(b) the salary of the person concerned is specified to be equivalent

to not less than \$9,600 per annum or such other amount as may be determined from time to time by order of the Minister or prescribed; and

- (c) the person concerned informs the Manager in writing that he opts not to be insured under the Act:

Provided that the employment of such a person shall not be excepted employment for a period exceeding one year from the date of the exercise of the option by such person.

6. Employment in respect of which no wages or other remuneration is paid, where the person employed is the brother, sister, father, mother, son or daughter of the employer, being employment in a private dwelling house in which both the person employed and the employer reside and not for the purpose of any trade or business carried on in such dwelling house by the employer.

7. Employment as secretary or clerk of a society, club, philanthropic school or other similar body or institution, where personal service is ordinarily required only occasionally or outside the ordinary hours of work.

8. Employment involving part-time service only, in the performance of clerical duties after 4.00 p.m. or outside the ordinary hours of work.

9. Employment of a person as an outworker, that is to say, a person to whom articles or materials are given out to be made up, cleaned, washed, altered, ornamented, finished or repaired or adapted for sale in his own home or on other premises not under the control or management of the person who gave out the articles or materials.

10. Employment of a person in the naval, military or air services of the Crown.

SECOND SCHEDULE

[Section 28]

Constitution and Proceedings of the Social Security Board

1. The Board shall be appointed by the Minister and shall consist of- Constitution.
- (i) a chairman;
 - (ii) two persons to represent Government one of whom shall be the Manager;
 - (iii) two persons to represent employers selected by the Minister after consulting such organisations which in his opinion represent employers;
 - (iv) two persons to represent insured persons selected by the Minister after consulting such organisations which in his opinion represent insured persons.

The Board shall appoint one of its members to be deputy chairman and one of its officers to be secretary.

2. The initial term of office of members shall be for a period of five years in the case of the chairman, and three years in the case of persons in subparagraphs (ii), (iii) and (iv). Term of office.
3. After the completion of the first term, members shall be appointed for such term as may be specified in the instrument appointing them: Subsequent appointments.

Provided that on the expiration of his term of office any member shall be eligible for re-appointment.

- Vacancies. 4. Notwithstanding any vacancy in its membership, it shall be lawful for the Board to hold meetings and to carry out all its duties, functions and obligations under the Act:
- Provided that the Minister shall take steps to fill any such vacancy as early as practicable.
- Absence of chairman. 5.-(1) In the case of the absence of the chairman, whether through illness or otherwise, the deputy chairman, if present, shall act as chairman.
- (2) In the case of the absence of both the chairman and the deputy chairman, whether through illness or otherwise, the members present may appoint one of their number to act as chairman but the Minister may, if he thinks fit, appoint a person to act as chairman for such period as the Minister specifies.
- Temporary absence of members. 6. In the case of the absence of any other member, whether through illness or otherwise, the Minister may, if he thinks fit, appoint a person to perform the functions of that member during his absence.
- Meetings and quorum. 7.-(1) The Board shall hold such meetings as, in the opinion of the chairman or at least three other members, are necessary for the efficient conduct of its affairs:
- Provided that as a rule the Board shall meet not less often than once a month.
- (2) At meetings of the Board three of the members thereof, including the chairman or member acting as chairman, shall constitute a quorum.
- Decisions. 8. Any question arising at any meeting of the Board shall be determined by a majority of the votes of the members present. The chairman shall have, if there is an equality of votes, a second or casting vote.

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9. The Board may co-opt any one or more persons to attend any particular meeting of the Board for the purpose of advising or assisting the Board, but no such co-opted person shall have any right to vote. Co-option.
10. If any member of the Board or other person present at a meeting of the Board is directly or indirectly interested in any contract or proposed contract or other matters he shall, at the meeting and as soon as is practicable after the commencement of the meeting disclose the fact of his interest and shall not take part in the discussion, consideration or voting on such a contract or other matter. Personal interest.
11. The Board shall cause minutes to be kept of every meeting. Such minutes shall be confirmed by the Board and signed by the chairman. Minutes.
12. Subject to this Act and this Schedule the Board may regulate its own procedure. Procedure.