



BELIZE

**SOCIAL SECURITY ACT
CHAPTER 44**

**REVISED EDITION 2011
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CHAPTER 44

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CHAPTER 44

SOCIAL SECURITY

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PART I

Preliminary

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

Short title.

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

Interpretation.

“accident” refers to an unforeseen event occurring as a result of the operation of an external cause or causes and which produces physical injury to the insured person;

20 of 2007.

“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 of this Act in respect of that provision or class;

“award” means an award of a benefit;

“beneficiary” means a person entitled to a benefit;

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

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

20 of 2007.

“Chief Executive Officer” means the Chief Executive Officer appointed by the Minister pursuant to section 35 of this Act and includes any person appointed or empowered to act in his place;

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

20 of 2007.

“common law union” means the relationship that is established when a man and a woman who are not legally married to each other or to any other person cohabit together continuously as husband and wife for a period of at least five years;

“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 of this Act;

“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 Chief Executive Officer, 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 of this Act;

“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 to this Act;

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

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

“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 Chief Executive Officer 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;

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

“medical practitioner” means a person registered under the Medical Practitioners Registration Act, Cap. 318 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;

20 of 2007.

“Minister” means the Minister responsible for Social Security;

“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 of this Act;

“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.

(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 employment 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.

(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 Chief Executive Officer a certificate of voluntary insurance if he satisfies the prescribed conditions.

(2) A certificate of voluntary insurance may be cancelled by the Chief Executive Officer 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.

Source of funds.

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

(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) of this section, 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.

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,

Persons to be
treated as employ-
ers.

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) of this section, 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).

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

9.-(1) Whereby 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.

(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, Cap. 64 or of any other enactment relating to stamps.

(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

Pensions and other Benefits, etc.

Description of benefits.

11. Benefits shall be of the following descriptions,

- (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.

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

Employment injury benefit.

- (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 of this Act, 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, Cap. 303 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.

13. For the purpose of this Act an accident,

- (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;

Presumption and general provisions relating to accidents.

- (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 imperiled, or to avert or minimise serious damage to property.

14.-(1) Regulations shall provide for,

Rates and conditions for benefit.

- (a) the rates or amounts of benefits the variation of benefit 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) of this section 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 Chief Executive Officer 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 Chief Executive Officer that he is not legally obliged to maintain the spouse of such marriage;

- (v) 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 Chief Executive Officer 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 Chief Executive Officer 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 re-married as the case may be, and if so from what date; and in determining the question the Chief Executive Officer shall have regard to paragraphs (a) and (b);
- (d) registration under paragraph (a) or the determination of the Chief Executive Officer 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 Chief Executive Officer, on the form provided by the Chief Executive Officer for the purpose or in such other manner as the Chief Executive Officer 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 Chief Executive Officer 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.

Regulations for
benefits.

16. Regulations may provide,

- (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 Chief Executive Officer 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;
 - (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.

Occupational diseases and employment injuries not caused by accidents.

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.

(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.

18.—(1) Subject to subsection (2) of this section, the benefit payable under this section and under section 17 of this Act 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.

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

(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.

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

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 Chief Executive Officer 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.

(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.

Appointment of medical practitioners, medical boards, etc.

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.

(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 practitioners, boards or professional persons as may be so determined.

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.

Constant attendance allowance

(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 Chief Executive Officer 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.

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

Minister may introduce other benefits by regulations.

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

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.

Repayment of benefits improperly received.

(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.

20 of 2007.

(3) Without prejudice to any other provision of this Act, if the Board by reason of an error made in good faith has paid to an insured person by way of benefit any amount exceeding the amount due at a particular time, the excess payment may be set off against any benefit which falls due to that person within six years after the date of the overpayment.

Unrecovered benefits.

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.

Benefits to be inalienable.

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.

Recovery of benefit in respect of injury caused by willful act or negligence.

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 willful act or the negligence of such person or of any other person for whom under the civil law the first mentioned person is responsible;
- (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, Cap. 296 or by any regulations made thereunder.

27.--(1) A person in receipt of any benefit shall report to the Chief Executive Officer 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 benefit to be reported.

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

PART IV

Establishment, Powers and Function, etc., of the 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.

Establishment of Social Security Board.

(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.

(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) of this section to the Chief Executive Officer of the Ministry for which the Minister is responsible.

Remuneration
of members of
Board.

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.

Conditions of leave
of absence.

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.

Termination of ap-
pointment.

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

Vacation of office.

32. A member shall be deemed to have vacated his 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;
- (f) if the organisation which had nominated him requests the Minister in writing the termination of his appointment.

20 of 2007.

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.

Delegation of powers by Board.

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

Committee of the Board.

(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.

Chief Executive Officer.

35.—(1) The Minister shall appoint as Chief Executive Officer 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.

(2) The Chief Executive Officer 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.

Delegation by the Chief Executive Officer.

36.—(1) The Chief Executive Officer 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.

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

Assistant Chief Executive Officer.

37.—(1) The Board may appoint a fit and proper person to be the assistant Chief Executive Officer, to assist the Chief Executive Officer in the performance of his functions under this Act.

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

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

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. Staff of the Board

(2) The terms and conditions of the staff of the Board, including those of the Chief Executive Officer, shall be determined by the Board. 20 of 2007

(3) With the prior approval of the Minister, the Board may make Staff Rules to regulate the conditions of service of all its employees, including the Chief Executive Officer, which may include matters concerning discipline, leave, termination of appointment and retirement. 20 of 2007

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

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, Maximum expenditure on administration.

Provided that the maximum amount allowed as administrative expenses shall not exceed such percentage of the annual contributions collected by the Board during the preceding year as the Minister may from time to time determine on the recommendations of the Actuary and after consultation with the Board. 20 of 2007.

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

(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.
- (e) to be employed in the several districts as marshals who shall have all the powers, rights, privileges and duties as those of marshals of the Supreme Court.

20 of 2007.

(3) Subject to subsection (4) of this section, 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.

(7) Section 14 of the Labour Act, Cap. 297 shall apply, *mutatis mutandis*, to the senior inspector and inspectors appointed for the purposes of this Act.

41. The Board and the officers and employees of the Board shall be entitled to the same protection under the Public Authorities Protection Act, Cap. 31 as if they were included in the definition of “public authority” given under section 2 of this Act.

Protection of Board.
20 of 2007.

42.—(1) Regulations may provide for the determination by the Board, by the Chief Executive Officer, 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.

Determination of
claims and ques-
tions.

(2) Without prejudice to the generality of subsection (1), of this section 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, Cap. 296 shall not apply to any proceedings under this section.

(3) Regulations under subsection (1) of this section 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.

(2) Without prejudice to the generality of subsection (1) of this section, regulations thereunder shall include provision,

Interim payments,
arrears and repay-
ments.

- (a) for the suspension of a benefit where it appears to the Chief Executive Officer 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.

44. There shall be paid out of the Fund to a person appointed under regulations made under section 42 of this Act, 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.

Payment of persons and tribunals appointed or constituted under section 42.

45.—(1) 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 in every year and at each such review shall make a report to the Minister not later than the 31st March next following on the financial condition of the Fund and the adequacy or otherwise of the contributions to support the benefits, having regard to its liabilities under the Act.

Actuarial review of operation of the Act.
20 of 2007.

(2) The Minister shall, as soon as possible after receiving the report in accordance with subsection (1) of this section, and on the recommendation of the Board and after consultation with the stakeholders, adjust the contributions and benefits based on such report.

(3) The Minister shall, within thirty days of the receipt of the report referred to in subsection (1) of this section, lay a copy thereof before the National Assembly and cause a summary of the report to be published in the *Gazette* and in at least one newspaper of general circulation in Belize.

PART V

Establishment and Administration, etc., of the Social Security Fund.

Establishment of
Social Security.

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.

(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.

(3A) After fulfilling its obligations under subsection (3) of this section, 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.

23 of 1988.

(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.

(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 Investment Framework set out in the Third Schedule to this Act and on the recommendations of the Social Security Investment Committee.

20 of 2007.

(6) Any decision or action taken by the Board involving the investment of the Fund, which is contrary to the recommendations made by the Social Security Investment Committee shall be voidable at the instance of the Investment Committee, and every member of the Board who wilfully participated in such decision or action shall, without prejudice to any civil liability which may be incurred by reason of any loss occurring to the Fund, be guilty of an offence and shall be liable on summary conviction or on indictment (at the discretion of the Director of Public

20 of 2007.

Prosecutions) to a fine which shall not be less than ten thousand dollars but which may extend to twenty thousand dollars, or to imprisonment for a term which shall not be less than two years but which may extend to five years, or to both such fine and term of imprisonment.

20 of 2007.

(7) For the purpose of subsection (6) of this section, every person who was a member of the Board at the material time shall be deemed to have participated wilfully in such decision or action as aforesaid unless he adduces evidence to show that such decision or action was taken without his consent.

Audit.

20 of 2007.

47.—(1) The accounts of the Board shall be audited annually by a suitably qualified accountant appointed by the Board, who shall report to the Board by way of the Audit Committee (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.

20 of 2007.

(4) All risks to the Fund shall be fully disclosed in the financial statements of the Board so as to inform the public of every potential liability.

20 of 2007.

(5) The audited financial statements of the Board shall be included in the annual report to be laid before the National Assembly under section 48 of this Act.

Submission of
budget estimates,
annual reports and
accounts.

12 of 1989.

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.

(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;

Provided that the Board may by resolution in writing addressed to the Minister, for good and, sufficient cause, request an extension for a further period of up to thirty days to submit such report to the Minister,

- (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 (hereinafter called the “Investment Committee” or “the Committee”) which shall be appointed by the Minister from among persons of proven knowledge and experience in the investment of moneys and shall consist of the following,

Social Security
Investment Com-
mittee.
20 of 2007.

- (i) two persons appointed by the Minister;
- (ii) one person to be nominated by the National Trade Union Congress of Belize;
- (iii) one person to be nominated by the employers’ organizations;
- (iv) the Chief Executive Officer, who shall be an *ex-officio* member without a right of vote.

- (2) No person who is a member of the Board shall be appointed or remain a member of the Committee.
- (3) The Minister shall appoint one of the members to be the Chairperson, and the Committee shall appoint one of the other members to be the Deputy Chairperson of the Committee.
- (4) The period of appointment of members of the Committee shall be three years, but a retiring member shall be eligible for reappointment.
- (5) The Minister may terminate the appointment of a member of the Committee for misbehaviour or physical or mental incapacity after consulting the organisation which had nominated such member.
- (6) A member of the Committee shall be deemed to have vacated his 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;
 - (e) if he absents himself, except with leave granted by the Chairperson for good and sufficient cause, from three consecutive meetings of the Committee; and
 - (f) if the organisation that had nominated him requests in writing addressed to the Minister the termination of his appointment.

(7) At any meeting of the Committee, at least three members, including the Chairperson or the person acting as the Chairperson, shall constitute the quorum.

(8) All decisions of the Committee shall require a majority of the members present and the Chairperson shall have a casting vote.

(9) The Committee shall make recommendations to the Board on the investment of moneys in the Fund.

(10) In discharging its functions, the Committee shall follow the Investment Framework set out in the Third Schedule to this Act subject to the provisions of this section.

(11) If any member of the Committee or other person present at a meeting of the Committee has a financial or other interest, directly or indirectly, in any contract or proposed contract or other matter to be considered by the Committee, he shall forthwith disclose the fact of his interest to the Committee and he shall not participate in the discussion, consideration or voting on such a contract or other matter, and the fact of such disclosure shall be recorded in the minutes of the said meeting.

(12) Every member of the Committee or other person present at a meeting of the Committee who knowingly contravenes the requirements of subsection (11) of this section, for private gain shall be guilty of an offence and shall be liable on summary conviction or on indictment (at the discretion of the Director of Public Prosecutions) to a fine which shall not be less than ten thousand dollars but which may extend to twenty thousand dollars, or to imprisonment for a term which shall not be less than two years but which may extend to five years, or to both such fine and term of imprisonment.

(13) The Committee may co-opt one or more persons to attend any particular meeting of the Committee for the purpose of advising or assisting the Committee, but no such person shall have any right to vote.

(14) The Board shall appoint a fit and proper person to act as Secretary to the Investment Committee.

(15) Members of the Committee may be paid such fees and allowances for their services as the Board may consider reasonable.

(16) Subject to the provisions and the Third Schedule to this Act, the Committee may regulate its own proceedings and shall meet at such times and places as the Chairperson may appoint.

(17) Subject to the provisions of this Act, in the exercise of its functions the Committee shall not be under the direction or control of any other person or authority.

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.

(2) Any moneys provided by the National Assembly under subsection (1) of this section 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.

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.

(2) At the trial of any person for an offence under subsection (1) of this section, the Chief Executive Officer 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

Temporary insufficiency of funds and defrayment of initial expenditure.

Expenses incurred by the Postmaster General and Ministry of Health.

Recovery of contribution on prosecution.

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.

(3) Where any person is charged with an offence under subsection (1) of this section and a probation order is made under the Probation of Offenders Act, Cap. 120, subsections (1) and (2) of this section, 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 Chief Executive Officer 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) of this section, 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.

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.

Penalties to be imposed by Board

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

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

Authority for
prosecutions.
20 of 2007.

55.—(1) Proceedings for an offence under this Act or any regulations made thereunder shall not be commenced except by or with the consent of the Director of Public Prosecutions or the Board or any person authorised by the Board in that behalf.

20 of 2007.

(2) Any officer of the Board may upon the written authority of the Chief Executive Officer 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 Chief Executive Officer 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 Chief Executive Officer 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, Chief Executive Officer, 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 six 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 Chief Executive Officer.

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.

Proceedings to recover benefit lost by employer's fault.

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

57A. Every officer or member of the Board or of the Investment Committee who wilfully contravenes or fails to comply with the provisions of this Act or regulations made thereunder, is guilty of an offence and shall, unless a higher penalty is specifically provided for such offence, be liable on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

General penalty.
20 of 2007.

Government employees.

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.

Persons employed on board ships, vessels or aircrafts.

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.

(2) Without prejudice to the generality of subsection (1) of this section, 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 fulfill the conditions of section 3 of this Act;
- (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.

60.—(1) Without prejudice to the generality of any other power to make regulations, the Minister may, subject to subsection (2) of this section, 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.

Insured persons
outside Belize.

(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.

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

PART VI

Miscellaneous

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.

Reciprocal agree-
ments.

(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.

Exemption from stamp duty, income tax and property tax. 2 of 1996.

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 of this Act, or upon any receipt given by an officer or employee of the Board for or in respect of any sum payable into the Fund.

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

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

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 charges) 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.

Powers of the Minister to make regulations.

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

(2) In particular and without prejudice to the generality of subsection (1) of this section, 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 Chief Executive Officer;
- (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.

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

Regulations subject to negative resolution.

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.

Operation of private schemes.

(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.

Protection of contributions in certain cases.

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,

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, Cap. 250.

Commencement.

68. This Act comes into force on the 1st day of June, 1981.

PART VII

National Health Insurance Scheme

Interpretation in this Part.
31 of 2001.

69. In this Part, unless the context otherwise requires,

“beneficiary” means a person who is enrolled in the NHI Scheme and has been issued with a NHI identification card pursuant to section 72 of this Act;

20 of 2007.

“diagnostic procedure” means any procedure to identify a disease or illness condition by examination and following established medical protocol;

“enrolment” means the process of enlisting persons as NHI beneficiaries under section 72 of this Act;

“indigent” means a person who has no visible means of income, or whose income is insufficient for the subsistence of his family, as determined by the Board and based on specific criteria set by the Board;

“insurable employment” includes self-employed persons and any employment specified in Part I of the First Schedule;

“NHI” means National Health Insurance;

“NHI contribution” means a monetary sum paid by an employee, employer, self-employed person or, in the case of indigents, the Government, for NHI coverage in accordance with this Part; and “NHI contributor” shall be construed accordingly;

“NHI Fund” means the NHI Fund established under section 74;

“NHI health care provider” or “health care provider” means a health care professional or medical practitioner or health care institution duly contracted to provide health care and related services to beneficiaries;

“NHI healthcare services” means health care services offered under the NHI Scheme to beneficiaries;

“NHI Scheme” means the National Health Insurance Scheme established under section 70 of this Act;

“treatment procedure” means any effective method to treat and remove or reduce the cause and symptoms of illness and disease.

70.—(1) There is hereby established a National Health Insurance Scheme hereinafter referred to as the “NHI Scheme” which shall be a financing and purchasing mechanism for ensuring affordable and acceptable health care services to all NHI beneficiaries in accordance with the provisions of this Part.

Establishment of
NHI scheme.
31 of 2001.

(2) The Board shall appoint a fit and proper person to be the Chief Executive Officer of the NHI Scheme.

Contributions.
31 of 2001.

71.--(1) Subject to the provisions of this section, all persons who are,

- (a) in insurable employment;
- (b) employers of persons in insurable employment;
- (c) self-employed; or
- (d) retired persons in receipt of a pension or annuity;

may be required by the Board with the approval of the Minister to pay contributions towards the NHI Scheme by regulations made under this Act.

(2) Where contributions are levied under subsection (1) of this section, the contributions for the following categories of persons shall be paid on their behalf by the Government,

- (a) indigents; and
- (b) retired persons whose only source of income is a pension or annuity not exceeding \$5,000.00 *per annum* or such other sum as the Minister may from time to time prescribe, provided that such contribution shall not exceed the minimum contribution prescribed for NHI contributions.

(3) The Board may, with the approval of the Minister from time to time by regulations made under this Act, fix the rates for NHI contributions for different classes of persons based on a reasonable, equitable and progressive system, and may also prescribe the method of payment and collection of such contributions.

(4) All regulations made by the Board under this section shall be laid before the National Assembly as soon as may be after the making thereof and shall be subject to negative resolution.

72.—(1) The following persons shall be eligible for enrolment in the NHI Scheme,

Enrolment and
identification.
31 of 2001.

- (a) Belizean nationals; and
- (b) all persons legally resident in Belize.

(2) Every person eligible for enrolment in the NHI Scheme under subsection (1) of this section shall, if he wishes to receive benefits under the Scheme, enroll in the Scheme by producing appropriate documentation establishing his eligibility for such enrolment.

(3) The Board shall issue a NHI identification card (or a combined social security card and NHI identification card) to all persons enrolled in the NHI Scheme and all such beneficiaries shall be informed of their rights, privileges and obligations under the Scheme.

73.—(1) Subject to this Part, the following health care services shall be provided by contracted NHI health care providers to NHI beneficiaries as appropriate,

Services and ac-
cess to same.
31 of 2001.
20 of 2007.

- (a) primary health care services including general medical or clinical practice services from public health centres or polyclinics or from private premises in Belize, as identified by the Ministry of Health and as recognised by the Board for the provision of such services;
- (b) hospital outpatient and inpatient services at public or private health care facilities including the services of health care professionals, diagnosis, treatment and emergency services;
- (c) diagnostic, laboratory and other medical examination services at public or private health facilities;
- (d) prescription drugs and biologicals;

- (e) any other health care services which may be approved by the Board for the NHI Scheme.

(2) Access to other NHI health care services shall be by way of referral to those services by registered NHI health care providers who offer general medical or clinical practice services and who are contracted to provide such services,

Provided that in emergency cases, such services may be provided by any other registered NHI health care provider as the case may be.

(3) The Board may with the approval of the Minister and in accordance with the policy of the Ministry of Health and by statutory instrument, from time to time exclude from the NHI Scheme any non-prescription or prescription drugs, devices, and NHI health care services which may be cost ineffective. Such exclusion shall also be published in two national newspapers.

74.—(1) For the purpose of this Part, there shall be established under the control and overall management of the Board, a Fund called the National Health Insurance Fund which shall be a separate fund for the NHI Scheme.

(2) The NHI Fund shall consist of,

- (a) all NHI contributions, if levied by the Board under section 71 of this Act;
- (b) all interests, and other income derived from the assets of the NHI Fund;
- (c) all sums recovered the NHI Fund under this Part of this Act;
- (d) all sums properly accruing to the NHI Fund under this Part including any donations and grants;

- (e) any sums approved by the National Assembly for the purposes of the NHI Scheme only; and
- (f) any other moneys to be legitimately applied for the implementation of the NHI Scheme.

(3) There shall be paid or met out of the NHI Fund,

- (a) moneys solely for the purchasing and financing of NHI health care services for NHI beneficiaries; and
- (b) all costs and expenses properly incurred in the management of the NHI Scheme plus half of the remaining expenses incurred by the Board in carrying out its functions with respect to the implementation of the NHI Scheme including the purchase of real property, remuneration, allowances and other operating costs.

(4) The Board may with the approval of the Minister make regulations to provide for the financial organisation of the moneys of the NHI Fund by,

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

(5) Subject to the provisions of this Part, the use, disposition, investment, disbursement, administration and management of the NHI Fund, including any subsidy, grant or donation received for programme operations shall be governed by resolution of the Board.

(6) *Repealed*

20 of 2007

(7) Any portion of the reserve fund may be invested for short term periods only, to yield interest at the prevailing rates.

20 of 2007.

(8) The Board shall maintain separate administrative, financial, accounting and other records with respect to NHI Scheme, and shall maintain separate accounts, separate internal auditing, separate independent external auditing and separate administrative processing of benefit claims and appeals. All provisions of this Act relating to financial, accounting and other records of the Board shall apply to the financial, accounting and other records of the NHI Scheme. On no account shall the moneys of the NHI Scheme be used as or form part of any other Social Security moneys and on no account shall the moneys of the Social Security Fund be used as or form part of any other moneys of the NHI Scheme.

(9) The Board shall not make any investments in or make any loans to any person, company, individual, health care provider or other entity whatsoever that may be involved in the provision of health care services, diagnostic treatment services, the provision of drugs or any other services that may be provided under the NHI Scheme.

(10) Section 45 of this Act relating to actuarial review, shall apply to the NHI Fund in like manner as it applies to the Social Security Fund.

(11) The Board shall regularly submit to the Ministry of Health annual reviews on the performance of the NHI Scheme.

NHI Committee.
31 of 2001.

75.—(1) There shall be established a committee to be known as the National Health Insurance Committee hereinafter referred to as the “NHI Committee”.

(2) The members of the NHI Committee shall be appointed by the Minister and shall be as follows,

20 of 2007.

(a) the Chief Executive Officer of the Board;

3 of 2008.

(b) the Chairperson of the NHI Scheme;

(c) the Chief Executive Officer and the Director of Health Services in the Ministry of Health;

- (d) one representative from the private health care sector to be selected by the Belize Medical and Dental Association after consultation with relevant private health organisations;
- (e) two representatives from the employers' association, one representative from the Belize Chamber of Commerce and Industry and one representative from the Belize Business Bureau; 20 of 2007.
- (f) two representatives from the National Trade Union Congress of Belize; 20 of 2007.
- (g) one representative to be nominated by the Belize Council of Churches; 20 of 2007.
- (h) one representative to be nominated by the Organisation of Insurance Companies of Belize; 20 of 2007.
- (i) one representative to be nominated by the Leader of Opposition; 20 of 2007.
- (j) one representative to be nominated by the Minister of Finance. 20 of 2007.

(3) The functions of the NHI Committee shall be to decide on,

- (a) matters relating to the health care needs of the population;
- (b) problems encountered by private and public providers of services and by customers;
- (c) health care policies of the Government;
- (d) formulation of regulations under this Part;
- (e) standards and quality pertaining to the functions of the Board in ensuring the availability and effective utilisation of health care services by NHI beneficiaries;

20 of 2007. (f) any other similar matters relating to the NHI Scheme.

(4) The NHI Committee shall meet at regular intervals which shall be no less than four times a year to formulate policy matters.

20 of 2007. (5) The Minister shall appoint a Chairperson of the NHI Committee from amongst the membership thereof and the NHI Committee shall appoint a Deputy Chairperson from amongst the membership thereof who will be entitled to act as Chairperson in the absence of the Chairperson.

20 of 2007. (6) The period of appointment of the members shall be five years for the Chairperson and three years for the members.

20 of 2007. (7) The Minister may terminate the appointment of a member of the NHI Committee for misbehaviour or for physical or mental incapacity.

20 of 2007. (8) A member shall be deemed to have vacated his 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;

(e) if he absents himself, except with leave granted by the Minister, from three consecutive meetings of the Committee; or

(f) if the organisation which had nominated him requests termination of his appointment in writing addressed to the Minister.

(9) Any decision of the NHI Committee shall be taken by a majority of the members present and, in the event of an equality of votes, the Chairperson or the person acting as the Chairperson shall have a casting vote. 20 of 2007.

(10) At any meeting of the NHI Committee, seven of the members thereof, including the Chairperson, of whom at least two shall be governmental members shall constitute the quorum. 20 of 2007.

(11) The members of the NHI Committee shall be entitled to the same protection under the Public Authorities Protection Act as if they were included in the definition of “public authority” given in section 2 of that Act, Cap. 31. 20 of 2007.

(12) The Chairperson of the NHI Committee shall act as the Executive Chairperson and shall be paid such remuneration for his services that the Board may, with the prior approval of the Minister, consider appropriate. 3 of 2008.

76.—(1) All NHI health care providers shall at all times be accredited and licensed by the Ministry of Health and other accrediting medical institutions and shall be registered by the Board as NHI providers. Registration of NHI health care providers.

(2) NHI health care providers shall be eligible to, 31 of 2001.

(a) negotiate with the Board to provide specific type or types of health care services in specified quantity and quality to NHI beneficiaries for an agreed fee; and 20 of 2007.

(b) negotiate with the Board for the provision of specific health care services to NHI beneficiaries for an agreed rate of payment from the Board for every service provided.

(3) The Board shall by statutory instrument make rules to establish minimum registration requirements in keeping with nationally established standards and norms for health care providers which may require them to,

- (a) possess relevant acceptable professional qualifications and experience as may be required by the Ministry of Health;
- (b) offer services in facilities of an appropriate size and with adequate and acceptable standards of physical structure and equipment;
- (c) accept appropriate payment from the Board for services provided to NHI beneficiaries;
- (d) keep adequate and acceptable patient information and accounting records;
- (e) recognise the rights of patients;
- (f) adopt referral protocols to other health care services.

Grievances.
31 of 2002.

77.—(1) A beneficiary or NHI health care provider who is aggrieved by the act or omission of any person operating under the NHI Scheme may seek redress on the following grounds,

- (a) any violation of the rights of a patient;
- (b) a wilful neglect of duties by the Board or NHI health care providers which results in the loss or non-enjoyment of benefits by beneficiaries;
- (c) unjustifiable delay in actions on claims;
- (d) exclusion from licensing as a NHI health care provider;
- (e) any act or omission that undermines or defeats the purpose of the NHI Scheme.

(2) Until such time as a separate appeals tribunal is established for the hearing of complaints in regard to the NHI Scheme, the procedure for

determining claims and questions under the Social Security (Determination of Claims and Questions) Regulations shall apply *mutatis mutandis* to the hearing of grievances under this section, and for the purposes of the said Regulations, the above-mentioned grounds in subsection (1) (a) to (e) of this section, shall be treated as “reserved questions” under such Regulations.

78.—(1) The Board may with the approval of the Minister make regulations for the better carrying out of the provisions of this Part and for prescribing anything that requires to be prescribed.

Regulations.
31 of 2001.

(2) All regulations made by the Board pursuant to subsection (1) of this section, shall be laid before the National Assembly as soon as may be after the making thereof and shall be subject to negative resolution.

FIRST SCHEDULE

SOCIAL SECURITY ACT

Insurable Employment as an Employed

Person and Excepted Employments

[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 Chief Executive Officer 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;
 - (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 Chief Executive Officer 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 SCHEDULE¹

SOCIAL SECURITY ACT

Composition and Proceedings of
the Social Security Board
[Section 28]

1. The Board shall be appointed by the Minister from among persons of integrity and high standing and shall consist of, Composition.
- (a) five persons appointed by the Minister in his or her discretion;
 - (b) two persons nominated by the National Trade Union Congress of Belize;
 - (c) two persons nominated by the employers' organisations; of whom one shall be nominated by the Belize Chamber of Commerce and Industry and one shall be nominated by the Belize Business Bureau;
 - (d) the Chief Executive Officer of the Social Security Board, who shall be an *ex-officio* member without a right of vote.
2. The Minister shall appoint one of the private sector members of the Board to be the Chairperson of the Board. Chairperson.

¹This Schedule was substituted by Act No. 20 of 2007.

Deputy Chairperson.

3. The Board shall appoint one of the other members to be Deputy Chairperson for a period of one year in the first instance.

Recording Secretary.

4. The Board shall appoint one of its officers to be the Recording Secretary and such Secretary shall,

(a) advise the Board on all aspects of its powers and functions under the Act;

(b) conduct all other similar functions for the smooth operation of the Board and to ensure compliance with this Act and all other applicable laws, rules and regulations.

Terms of office.

5. The term of office of members shall be for a period of three years in the case of the Chairperson, and two years in the case of other members,

Provided that on the expiration of his or her term of office any member shall be eligible for reappointment and such reappointment may be for the same term or for such shorter period as may be specified in the instrument appointing such member.

Vacancies.

6. Notwithstanding any vacancy in its membership but subject to the presence of the quorum, 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 Chairperson.

7.—(1) In the case of the absence of the Chairperson, whether through illness or otherwise, the Deputy Chairperson if present, shall act as Chairperson.

(2) In the case of the absence of both the Chairperson and the Deputy Chairperson, whether through illness or otherwise, the members present may appoint one of their number to act as Chairperson but the Minister may, if he thinks fit, appoint a person to act as Chairperson for such period as the Minister specifies.

8. In the case of the absence of any other member, whether through illness or otherwise, the Minister may, on the recommendation of the organization which had nominated such member, appoint a person to perform the functions of that member during his absence.

Temporary absence of members.

9.—(1) The Board shall hold such meetings as, in the opinion of the Chairperson or at least three other members, are necessary for the efficient conduct of its affairs,

Meetings and quorum.

Provided that, the Board shall, as a rule meet at least once a month.

(2) At any meeting of the Board, six of the members including the Chairperson or member acting as Chairperson, which shall include at least one member nominated by the National Trade Union Congress of Belize and one member nominated by the employers' organisations, shall constitute the quorum.

10.—(1) Any question arising at any meeting of the Board shall be determined by a majority of the votes of the members present. The Chairperson shall have, if there is an equality of votes, a second or casting vote.

Decision.

(2) No decision or resolution which involves or affects the moneys of the Fund not budgeted for, or involving investments, shall be made by circulation (“round robin”).

11. 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.

12. 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 matter he shall, at the meeting and as soon as is practicable after the commencement of the meeting disclose the fact of his or her interest and shall not participate in the discussion, consideration or voting on such a contract or other matter, and the fact of such disclosure shall be recorded in the minutes of the said meeting.

Personal interest.

- Penalty. **13.** Every member or officer of the Board or other person present at a meeting of the Board who knowingly contravenes the requirements of paragraph 12 above for private gain, shall be guilty of an offence and shall be liable on summary conviction or on indictment (at the discretion of the Director of Public Prosecutions) to a fine which shall not be less than ten thousand dollars but which may extend to twenty thousand dollars, or to imprisonment for a term which shall not be less than two years but which may extend to five years, or to both such fine and term of imprisonment.
- Audit Committee. **14.** The Board shall form an Audit Committee which shall include members of the Board to review and approve all audit reports and all auditors, including the auditor referred to in section 47 of this Act who shall report to the Board by way of the Audit Committee.
- Performance report. **15.** The Board shall prepare an annual performance report of all investments of the Fund, including all loans, donations, purchases and/or sales of mortgages and property and submit the same to the Minister who shall lay it before the National Assembly within two months or as soon thereafter as practicable.
- Liability of members. **16.** For any decision or other action taken by the Board involving the investment of the Fund which is contrary to the Investment Framework contained in the Third Schedule, every member of the Board who was a party to such action and who wilfully disregarded the Investment Framework shall, without prejudice to any civil liability which may be incurred in that behalf, be guilty of an offence and be liable on summary conviction or on indictment (at the discretion of the Director of Public Prosecutions) to a fine which shall not be less than ten thousand dollars but which may extend to twenty thousand dollars, or to imprisonment for a term which shall not be less than two years but which may extend to five years, or to both such fine and term of imprisonment.
- Presumption. **17.** For the purpose of paragraph 16 above, every person who was a member of the Board at the material time shall be deemed to be a party to such decision or action as aforesaid unless he adduces evidence to show that such decision or action was taken without his consent.

18. The Board shall cause minutes to be kept of every meeting. Such minutes shall be confirmed by the Board and signed by the Chairperson.

Minutes.

19. Subject to this Act and this Schedule, the Board may regulate its own procedure.

Procedure.

THIRD SCHEDULE²

SOCIAL SECURITY ACT

Investment Framework

[Section 49]

Introduction

1. Section 46 of the Social Security Act provides for the establishment of the Social Security Fund (hereinafter referred to as “the Fund”) and authorises the Social Security Investment Committee (referred to in this Schedule as “the Committee”) to make recommendations to the Social Security Board on the investment of the reserves of the Fund. The Board shall be the final authority on the management of the investment portfolio of the Board.
2. Section 49 of the Act provides for the establishment of the Social Security Investment Committee and sets out its composition, powers and duties.

Objectives

3. The Board’s Investment Portfolio shall be managed to accomplish the following,
 - (a) assure the availability of sufficient assets to pay benefits and liabilities when due;
 - (b) maximise the total rate of return within prudent and acceptable levels of risk and liquidity;
 - (c) ensure adequate diversification to avoid large losses and to preserve capital;

- (d) grow assets at a rate to keep pace with inflation and a reasonable level of growth in benefits;
- (e) assure the full utilisation of assets in a cost effective and efficient manner; and
- (f) cause a positive impact on the economic growth and development of the economy.

Investment Principles - General

4. Investments shall be made solely in the best interests of the Fund. The Board and the Committee shall discharge their fiduciary duties with the same degree of care, skill, prudence and diligence that a prudent person acting in a like capacity would exercise in comparable situations.

5. The Board and the Committee shall maintain the highest level of transparency and accountability, and they shall disclose all information on investments in the Board's annual audited financial statements.

6. A major consideration for the loans and mortgages shall be that adequate collateral must exist to cover any default. There shall be no exception to this predominant principle.

7. The Committee and the Board shall take into consideration the social and economic utility of the investments, but this shall be subsidiary to the primary objective of safety and profitability of the fund.

8. The Board may in addition to local investments invest in secure financial instruments traded in foreign capital markets in keeping with its investment and policy guidelines.

² This Schedule was inserted by Act. No. 20 of 2007

Public Notice of Investments

9. The Committee shall give advance public notice of all proposed investments by the Fund by publishing in at least two consecutive issues of the *Gazette* and in at least two newspapers of general circulation in Belize a notice of its intention to lend or invest the moneys of the Fund, giving all pertinent details.

10. The Committee shall prepare an annual performance report of all investments of the Fund including all loans, donations, purchases and/or sales of mortgages and property and submit the same to the Minister who shall lay it before the National Assembly as soon as practicable.

Categories Of Investment

11. For the purpose of this Schedule, investments shall be classified as follows, according to the maturity of the investment,

Short-term: up to one year;

Medium-term: more than one year but up to five years;

Long-term: more than five years.

12. Not more than a stated percentage of the Long-term Benefit Branch reserves, as determined by the Board based on periodic actuarial recommendations, shall be invested in long-term investments. The Short-term Benefit Branch reserves shall be placed in secure short-term liquid investments with licensed or accredited financial institutions.

13. Long-term reserves may be invested in short-term, medium-term or long-term projects, but with a weighted average maturity not exceeding the expected actuarial period of equilibrium of the Long-term Branch.

Valuation and Benchmarks

14. The Board shall ensure that for the purpose of Financial Statements, assets shall be valued in accordance with generally accepted accounting principles, thus ensuring that the information about investments is as transparent as possible.

15. The Board shall require the actuary or a financial expert to submit for consideration by the Board a suitable set of benchmarks on fixed income investments and equity investments, to enable the Board to assess the performance of the Fund as compared to the financial markets.

Performance Analysis

16. Periodic analysis of each asset class and the Board's Investment Portfolio as a whole shall be carried out to determine nominal, risk-adjusted, and inflation-adjusted (real) rates of return. The analysis shall include comparisons with target rates of return, and with appropriate benchmarks, to allow the Board to measure performance, to update the assets allocation strategy, and to make adjustments (as may be required) to the investment framework and strategy, subject to the provisions of this Schedule and the Act.

17. An actuarial analysis of the financial and investment performance of each benefit branch shall be submitted to the Board no later than one month following the finalization of the annual audited financial statement, as a supplement to the statutory actuarial valuations. The report shall assess the investment return in real and nominal terms, the level of sufficiency, and expected trends of each branch reserve. The analysis will assist the Board in the reformulation of the investment strategy for the following year.

Restrictions on Investments

18. Maximum levels of investment by category shall be set with reference to prudential rules and actuarial recommendations. The Board may exceed such ceiling under certain conditions (e.g. time limits), based on the recommendations of the Committee.

19. Investments in a given individual asset or security or in the assets or securities of a particular industry or entity shall be limited to a proportion of the Board's total Investment Portfolio. The Board's holdings shall not exceed more than a specific proportion of the total market value of a given type of asset or of the assets of a particular industry or entity.

20. The Board shall not extend guarantees or collaterals that could negatively affect or restrict the availability or disposition of the Fund in approving investments.

21. Investments in certain categories of obligations shall be prohibited, including loans without appropriate guarantees or adequate collaterals or on terms which would not be acceptable in the financial services sector, unquoted shares, and investments which raise major risks of conflicts of interest.

22. No single investment shall exceed 20% of the total amount of the Reserves, including economically targeted investments.

23. The relative maximum asset allocation by branch will be as follows after deducting cash requirements for current operations,

	Branch		
	Short-term	Employment Injury *	Long Term
Fixed income financial			
Obligations	90%	60%	50%
Others	10%	40%	50%
Total	100%	100%	100%

* Includes the disablement and death reserve.

24. The maturity of the investments shall be matched to the actuarial assessments as regards the maintenance of the minimum statutory reserve ratios and the cash-flow of each benefit branch.

Procedure for Handling Investment Proposals

- 25.** Loan proposals shall be addressed to the Social Security Board through the Chief Executive Officer who will be responsible for the technical and financial evaluation of the proposal through the Investment Department before going to the Investment Committee.
- 26.** Loan proposal documents shall be submitted to the Board through its Chief Executive Officer. After considering the proposal, if the Board is interested in investing in the area proposed, it will forward the documents to the Committee which will proceed to examine the completeness of the information required.
- 27.** Any additional information required shall be requested by the Secretary of the Committee.
- 28.** The applicants for loans shall be informed by the Board whether their applications have been accepted.
- 29.** The repayment period and the terms for loans shall be determined on a case by case basis at the discretion of the Board; but interest rates shall not be accepted below the actuarial requirements.

Management of Investment Portfolio

- 30.** To enable the Committee to better discharge its functions, there shall be established within the Social Security Board an Investment Department, staffed by competent and qualified personnel, which shall work under the control of the Chief Executive Officer and provide the Committee all necessary assistance, including the project evaluation of all loans and equity applications.
- 31.** The Investment Department shall also be responsible for the safe custody of all documents and valuables lodged in connection with approved loans and investments. It shall also perform regular accounting of all assets owned, purchased, or sold, as well as movements in and out of the Board's Investment Portfolio.

32. To protect the security of the Fund, in the light of possible changing trends in the investment areas, the Board and Investment Committee shall carry out regular monitoring of the status of the Board's investments and the general state of the business and obtain quarterly reports on these matters.

33. Any substantial investment of the Reserve Fund in private enterprises shall be safeguarded by having Social Security representation on the Board of the investment enterprise.

Performance Reports

34. Apart from annual performance reports required by paragraph 15 of the Second Schedule, the Board shall submit comprehensive half-yearly reports to the Minister on the status of the Investment Portfolio, including adherence to this Framework, the performance of the investments and relevant related matters. The annual report shall be accompanied by the reports of the external auditor and the actuary. The Minister shall lay such reports before the National Assembly and instruct the Board to publish a summary thereof in the *Gazette* and in at least one national newspaper of general circulation in Belize.