

ARRANGEMENT OF REGULATIONS

Regulation

1. Short title.
2. Interpretation.
3. Persons insured under the Ordinance.
4. Non-insurable employment.
5. Persons to be treated as employers.
6. Employment treated as continuing.
7. Voluntary insurance.
8. Determination of amount of voluntary contributions in the case of persons with no current income.
9. Determination of account of voluntary contributions in respect of person with current income.
10. Payment of voluntary contributions.
11. Refund of voluntary contributions paid late.
12. Special voluntary contributions for age benefit.
13. Notification by Director.
14. Topping-up at age sixty-five.

FIRST SCHEDULE

SECOND SCHEDULE

THE SOCIAL SECURITY (MODIFICATIONS OF INSURANCE AND VOLUNTARY CONTRIBUTIONS) REGULATIONS, MADE MAY 26, 1981 UNDER SECTIONS 18, 24, 26 AND 44 OF THE SOCIAL SECURITY ORDINANCE.

Short title. **1.** These Regulations may be cited as the Social Security (Modifications of Insurance and Voluntary Contributions) Regulations.

Interpretation. **2.** In these Regulations _____

“the Ordinance” means the Social Security Ordinance;

“compulsorily insurable” means insurable in accordance with the provisions of section 18 of the Ordinance;

“current income” means any pecuniary remuneration derived from employment, including any trade, business, office or vocation.

Provisions insured under the Ordinance. **3.** (1) The following classes of persons shall be treated as insured persons under section 18 of the Ordinance__

(a) persons employed by a local or public authority constituted in the British Virgin Islands;

(b) persons who are ordinarily employed in the Territory but who are temporarily employed outside the territory, and whose wages are paid in or remitted from the Territory.

(2) Where a person referred to in paragraph (b) of sub-regulation (1) ceases to receive wages in or from the British Virgin Islands he shall cease to be treated as an insured person under section 18 of the Ordinance even though his employer still has a place of business in the British Virgin Islands. Such a person may become a voluntary contributor if he satisfies the conditions prescribed in regulation 7 (1).

PART II

4. The employment specified in the First Schedule shall be treated as being employments which are not insurable under section 18 of the Ordinance. Non-insurable employment

5. In relation to any employment specified in Part 1 of the Second schedule, the person mentioned in Part II of the said Schedule shall be treated, for the purpose of the Ordinance, as the employer. Persons to be treated as employers.

6. Where an insured person is absent from employment due to incapacity for work or annual leave, that person shall be regarded as continuing in that employment and contributions under the Ordinance shall be payable in respect of any wages made by the person's employer to him during such periods. Employment treated as continuing.

7. (1) Any person who__

(a) is fifteen years or over and under the age of sixty-five years;

(b) ceased to be compulsorily insurable; and

(c) has paid at least fifty contributions,

shall be entitled to become a voluntary contributor.

(2) Paragraph (c) of the foregoing regulation shall not apply in the case of a person who elects to become a voluntary contributor under the provisions of regulation 3 (2).

(3) An application to become a voluntary contributor shall be made to the Director on the prescribed form within twenty-six weeks after the date on which the person ceases to be compulsorily insurable.

(4) Voluntary contributions shall count only for the purposes of age, invalidity and survivor's benefit and funeral grant.

Voluntary
Insurance.

41/2001

8. (1) In the case of a person who elects to become a voluntary contributor, and who has no current income, the Director shall determine in respect of the first contribution year (or part thereof) for which the person elects to pay voluntary contributions the weekly amount of contribution to be paid by the contributor by reference to the person's annual earnings in the last complete contribution year immediately preceding the contribution year in which the person ceases to be compulsorily insurable or if the person had no earnings in this period by such other method as the Director may decide.

Determination of amount of voluntary contributions in the case of persons with no current

(2) The amount of voluntary contributors determined in accordance with sub regulation (1) shall be revised in respect of each subsequent contribution year by the Director or having regard generally to average increases in wages in the British Virgin Islands during each such subsequent year.

9. In the case of voluntary contributors who have current income the weekly amount of the voluntary contribution due to be paid shall be determined by the Director by reference to the amount of such income, on production by the person of satisfactory evidence of the amount of the said income.

Determination of amount of voluntary contributions in respect of persons with current income.

10. The Director shall notify the voluntary contributor of the weekly amount of contribution payable by him in respect of each contribution year and such contributions shall be paid to the Board within three months from the end of the contribution year to which the contribution relate or such longer period as the Director having regard to the circumstances of any particular case, may allow.

Payment of voluntary contributions.

11. The amount of any voluntary contribution paid outside the time limit prescribed in regulations 10, 12, 13 and 14 may be refunded by the Director to the contributor.

Refund of voluntary contributions paid late.

12. (1) An insured person who is over the age of fifty-five on July 1, 1980 shall be eligible to pay special voluntary contributions for age benefit, up to the maximum number shown in the Table below__

Special voluntary contributions for age benefit.

Over 55 years but under 56	50 contributions
Over 56 years but under 57	100 contributions
Over 57 years but under 58	150 contributions
Over 58 years but under 59	200 contributions

Over 59 years but under 60	250 contributions
Over 60 years but under 61	300 contributions
Over 61 years but under 62	350 contributions
Over 62 years	NIL Contributions

(2) The contributions under this regulation shall be payable at the rate of sixty per cent of the insured person's average weekly or monthly earnings in the period between the second day of July, 1980 and the thirty-first day of December, 1980.

13. The Director shall notify the insured person of the number and amount of the special voluntary contributions which he is eligible to pay and such contributions shall be paid to the Board within three years of July 1, 1980 or such longer period as the Board having regard to the circumstances of any particular case, may allow.

Notification by Director.

14. (1) An insured person who is eligible to pay voluntary contributions under regulations 12, but who for reason of sickness or other unforeseen circumstances does not have the required five hundred contributions required by regulation 29 of the Social Security (Benefits) Regulations may pay additional voluntary contributions in order to satisfy the contribution condition of that regulation.

Topping up at age sixty-five.

(2) The additional special contributions under this regulation shall be payable at the rate of six per cent of the insured person's average earnings in the last complete contribution year prior to the year in which the insured person reached the age of sixty-five, and shall be paid to the Board within three months of the insured person's sixty-fifth birthday.

FIRST SCHEDULE

r.4.

**EMPLOYMENT NOT REGARDED AS BEING INSURABLE UNDER SECTION
18 OF THE ORDINANCE**

1. Employment of a person who is not a believer of the British Virgin Islands and who is accorded diplomatic status.
2. Employment of any person who is not a believer of the British Virgin Islands, by an international or regional Organisation recognized by the Government of the British Virgin Islands.
3. Any employment of a casual nature which in the opinion of the Director should be exempted from the provisions of section 18.

SECOND SCHEDULE

r.5

PART 1 – EMPLOYMENT

Employment by a club where the employment is for the purposes of any game or recreation and where the person so employed is paid for the employment by the club.

**PART 11 – PERSONS TO
BE TREATED AS
EMPLOYERS**

The Club.

Employment in connection with ships or other sea going vessels as a person engaged in fishing on board any vessel or boat in consideration of the payment of a fixed sum or a share in the earnings or otherwise.

The owner or manager.

Employment in plying for hire with any vehicle or vessel the use of which is obtained under contract of bailment (other than a hire purchase agreement in consideration of the payment of a fixed sum or a share in the earnings or otherwise).

The person from whom the vehicle is obtained under contract of bailment.