

National Insurance and Social Security

Cap. 47.

**NATIONAL INSURANCE AND SOCIAL SECURITY
(CLASSIFICATION) REGULATIONS, 1967**

1967/49.
1971/80.
1976/86.
1988/116.

Authority: These regulations were made on 1st April, 1967 by the Minister under section 50 of the *National Insurance and Social Security Act*.

Commencement: 5th June, 1967.

1. These Regulations may be cited as the *National Insurance and Social Security (Classification) Regulations, 1967*. Short title.

2. For the purposes of these regulations, the expression "the Act" means the *National Insurance and Social Security Act*; Interpretation.
Cap. 47.

"appointed day" means the 5th June, 1967;

"head of mission" has the same meaning as in the *Diplomatic Immunities and Privileges Act*; Cap. 18.

"hospital" means any institution for the reception and treatment of persons suffering from illness or mental defectiveness, any maternity home, and any institution for the reception and treatment of persons during convalescence, or persons requiring medical rehabilitation, and includes clinics, dispensaries and out-patient departments maintained in connection with any such institution or home as aforesaid;

"member of mission" in relation to a head of mission has the same meaning as in the Schedule to the *Diplomatic Privileges (Vienna Convention) Act*,¹ or in any Act replacing that Act,

and other expressions have the same meaning as in the Act.

3. (1) Subject to the provisions of paragraph (2) and of regulations 4 and 5, every insured person shall, in respect of any employment specified in Part I of the *First Schedule*, be treated

Classifica-
tion of
insured
persons.
First
Schedule.

¹ See section 19 of Cap. 18.

for the purposes of the Act as an employed person in so far as he is gainfully occupied in such employment.

(2) Subject to the provisions of regulations 4 and 5, every insured person shall, in respect of any employment specified in any paragraph of Part II of the *First Schedule*, be treated for the purposes of the Act as a self-employed person in so far as he is gainfully occupied in such employment.

Exclusion of
certain em-
ployments.
Second
Schedule.

4. Any employment specified in any paragraph of the *Second Schedule* shall be treated for the purposes of the Act as not being employment either as an employed person or as a self-employed persons.

Employment
involving
part-time
service only.
1988/116.

5. (1) If in any one contribution week an employed person is employed in employment involving part-time service only, and his earnings from any one employer amount to less than \$21, then subject to paragraph (2), he shall, with respect to such employment by such employer in such week, be treated as a self-employed person.

1988/116.

(2) If in any one contribution week an employed person is employed in employment involving part-time service only, and his earnings (or, if he is so employed by different employers, the aggregate of his earnings) in respect thereof amount to less than \$21, he shall, with respect to such employment (or each such employment) in such week, be treated as not being employed either as an employed person or as a self-employed person.

(3) For the purposes of this regulation, if, in relation to any contribution week

- (a) a person is employed by any one employer on any day or days on which that person renders service in that employment on terms whereby his earnings are calculated otherwise than on a task or piece-work basis; and
- (b) such services are not rendered by that person for that employer in that week for more than 20 hours; and
- (c) the employment is not in continuation of employment by that employer in which services are ordinarily rendered by the employed person for more than 20 hours in a week,

that employment shall for that week be deemed to be employment involving part-time service only.

(4) For the purposes of this regulation, if, in relation to any contribution week

(a) a person is employed by any one employer on any day or days on which that person renders service in that employment on terms whereby his earnings are calculated either wholly or partly on a task or piece-work basis; and

(b) the earnings of that person from that employer in respect of such employment amount to less than \$21 for that week; and 1988/116.

(c) the employment is not in continuation of employment by that employer in respect of which the earnings of the employed person from the employer ordinarily amount to \$21 or more in a week (or the equivalent for periods longer than a week), 1988/116.

that employment shall for that week be deemed to be employment involving part-time service only.

(5) In paragraphs (1) and (2), the expression "employment involving part-time service only" means any employment deemed to be such by virtue of paragraph (3) or paragraph (4).

6. Where an insured person is employed as a self-employed person and is ordinarily so employed, that employment shall be regarded as continuing, notwithstanding that in any particular week he does not work as a self-employed person, unless and until he is no longer ordinarily employed as a self-employed person.

Employment treated as continuing.

7. (1) Where under the provisions of the Act and regulations thereunder relating to references and appeals to the High Court, the High Court decides any question as to the class of insured persons in which a person is to be included, and that decision is inconsistent with some previous determination of a question by the Board, then, if the Board is satisfied that contributions of a prior class have been paid by or in respect of any person by reason of that determination or in the reasonable belief that that determination was applicable, the Board may, if it appears to it that it would be in the interest of the person by or in respect of whom such contributions have been paid, or of any

Special provisions regarding persons declared to be included in a particular class of insured persons.

claimant by virtue of that person's insurance, so to do, direct that that person shall be treated as though he had been included in the class of insured persons corresponding to the contributions paid during any contribution week for which contributions of a prior class were so paid before the date on which the decision of the High Court was given, and, if such a direction is given, that person shall be deemed to have been included in that class accordingly for any such weeks.

(2) In any case where the Board, on new facts being brought to its notice, has revised a determination of a question previously given by it, the provisions of this regulation shall apply with the necessary modifications in the same manner as they apply where the High Court has given a decision inconsistent with a determination previously given by the Board.

(3) In this regulation, the expression "contributions to a prior class" means

- (a) in relation to a person who is not employed either as an employed person or as a self-employed person, contributions as an employed or self-employed person and employer's contributions; and
- (b) in relation to a self-employed person contributions as an employed person and employer's contributions.

FIRST SCHEDULE

(Regulation 3)

PART I

(Employments in respect of which, subject to the provisions of regulations 3(2), 4 and 5, persons are treated as employed persons)

1. Employment of a medical practitioner or a dental practitioner
 - (a) involving whole-time service in any hospital; or
 - (b) in which he is wholly or mainly engaged and is remunerated by salary.

(1.A) Employment as specified in paragraph 2 of Part I of the First Schedule to the Act.

(1.B) Employment under a contract of service as a master or a member of the crew of any ship or vessel of which the owner (or managing owner if there is more than one owner) or the manager has entered into an arrangement with the Board to treat such employment of any person ordinarily resident in Barbados as employment as an employed person. S.I. 1971/80.

(1.C) Employment of any person who is a citizen of Barbados in any employment specified in respect of any person who is not such a citizen in paragraphs 3, 4, 5 and 6 of the Second Schedule, where the employer treats such employment as employment as an employed person.

PART II

(Employments in respect of which, subject to the provisions of regulations 4 and 5, persons are treated as self-employed persons)

2. Employment of a person in any of the following offices, namely,

Governor-General;
Speaker of the House of Assembly;
Deputy Speaker of the House of Assembly;
Ministers;
Parliamentary Secretaries;
Leader of the Opposition;
Chairman of Committees of the House of Assembly;
Members of the House of Assembly;
Members of the Senate.

S.I. 1971/80.

3. Employment of a person ordinarily resident in Barbados in any employment by virtue of which he would, but for the provisions of this paragraph, be an employed person if

- (a) his employer is not ordinarily resident in Barbados; and
- (b) his employer has no place of business in Barbados.

4. Employment as an agent paid by commission or fees or a share in the profits, or partly in one and partly in another of such ways, where the person so employed is mainly dependent for his livelihood on his earnings from some occupation other than employment as such an agent, or where he is ordinarily employed as such an agent by more than one employer, and his employment under no one of such employers is that on which he is mainly dependent for his livelihood.

5. Employment under a contract of service by the insured person's wife.

6. Employment other than employment specified in paragraph 1.C of

THE LAWS OF BARBADOS

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Part I of this Schedule of a person who is a citizen of Barbados in any employment mentioned in paragraphs 3, 4, 5 and 6 of the Second Schedule.

S.I. 1971/80. 7. Employment of any person ordinarily resident in Barbados as a master or a member of the crew of any ship or vessel being neither a ship nor vessel specified in paragraph LB of Part I of this Schedule.

8. Employment of a married woman (whether or not under a contract of service) by or as a partner of, or in any similar association with, her husband where that employment is in a trade or business and she is ordinarily engaged therein for more than 20 hours in a contribution week.

S.I. 1976/86. 9. Temporary employment outside Barbados of a person ordinarily resident in Barbados who has been recruited in Barbados for such employment under a labour programme sponsored by the Government.

Regulation 4.

SECOND SCHEDULE

(Employment which is treated as NOT being employment either as an employed person or as a self-employed person)

1. Employment, other than employment specified in paragraph 8 of Part II of the First Schedule, of a married woman (whether or not under contract of service) by, or as partner of, or in any similar association with, her husband.

2. Employment without pecuniary remuneration by the employed person's father, mother, grand-father, grand-mother, step-father, step-mother, son, daughter, grand-son, grand-daughter, step-son, step-daughter, brother, sister, half-brother or half-sister.

3. Employment of any person who is not a citizen of Barbados as a head of mission or member of mission of a head of mission.

4. Employment of any person who is not a citizen of Barbados

- Cap. 17. (a) as a consular officer or consular employee as defined in the *Consular Conventions Act*, or in any Act amending or replacing that Act; or
- (b) by virtue of which there have been conferred upon such person the like immunity from suit and legal process and the like inviolability of official archives as are accorded to consular officers of a foreign sovereign Power under the *Consular Conventions Act*, or any Act amending or replacing that Act.

Cap. 17.

5. Employment or service of any person who is not a citizen of Barbados as a member of the armed forces of any country other than Barbados.

6. Employment otherwise than as a domestic worker of any person who is not a citizen of Barbados by any international organization of which Barbados or the Government of Barbados is a member.