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THE NATIONAL INSURANCE AND SOCIAL SECURITY ACT,  
1969.

THE NATIONAL INSURANCE AND SOCIAL SECURITY  
(CLASSIFICATION) REGULATIONS, 1969

In exercise of the powers conferred upon the Minister by sections 11, 12 and 51 of the National Insurance and Social Security Act, 1969, and by virtue and in exercise of all other powers enabling him in that behalf the following Regulations are hereby made:-

1. These Regulations may be cited as the National Insurance and Social Security (Classification) Regulations, 1969, and shall come into operation on the appointed day. Citation and Commencement.
  
2. In these Regulations, unless the context otherwise requires- Interpretation. No. 15 of 1969.

“Act means the National Insurance and Social Security Act, 1969;

“contribution week” means a period of seven days commencing after twelve o'clock midnight on each Sunday and ending at twelve o'clock midnight on the Sunday next following;

“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;

“Schedule” means a Schedule to these Regulations.
  
3. (1) Subject to the provisions of paragraph (2) of this regulation and of Regulation 4 and 5, every insured person shall, in respect of any employment specified in Part I of the First Schedule, be treated for the purposes of the Act as an employed person in so far as he is gainfully occupied in such employment. Classification of insured persons. First Schedule.
  
- (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. First Schedule.
  
- (3) Every person under the age of sixteen years or of the age of sixty-five years and upwards in insurable employment shall be insured for industrial benefits only.
  
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 person. Exclusion of certain employments. Second Schedule.

Employment involving part-time service only.

5. (1) If in any contribution week an employed person is engaged in employment involving part-time service only, and his wages from any one employer amount to less than seven dollars and fifty cents then, subject to paragraphs (2) and (6) of this regulation, he shall, with respect to such employment by such employer in such week, be treated as a self-employed person.

Provided that where two or more employers have an agreement under the provisions of paragraph 4 of regulation 25 of the National Insurance and Social Security (Collection of Contributions) Regulations and his total wages exceed seven dollars and fifty cents in any contribution week he shall be treated as an employed person.

(2) If in any contribution week an employed person is engaged in employment involving part-time service only, and his wages (or, if he is so employed by different employers, the aggregate of his wages) in respect thereof amounts to less than five dollars then subject to paragraph (5) of this regulation 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 tenders service in that employment on terms whereby his wages 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 twenty 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 twenty 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 wages are calculated either wholly or partly on a task or piece-work basis; and
- (b) the wages of that person from that employer in respect of such employment amounts to less than seven dollars and fifty cents for that week; and
- (c) the employment is not in continuation of employment by that employer in respect of which the wages of the employed person from the employer ordinarily amounts to seven dollars and fifty cents or more in a week (or the equivalent for periods longer than a week),

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

(5) Any person who by virtue of paragraph (1) of this regulation is treated as a self-employed person, or who by virtue of paragraph (2) of this regulation is treated as neither an employed person nor a self-employed person, shall not be debarred from receiving industrial benefits notwithstanding the fact that contributions have not been paid in respect of his insurable employment.

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

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 claimant or beneficiary 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.

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

(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 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.

## PART II

(Employments in respect of which persons are treated as self-employed persons)

2. Employment of a person in any of the following offices, namely,  
Governor-General;  
Speaker of the National Assembly;  
Deputy Speaker of the National Assembly;  
Ministers;  
Parliamentary Secretaries;  
Leader of the Opposition;  
Members of the National Assembly.
3. Employment of a person ordinarily resident in Guyana 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 Guyana; and
  - (b) his employer has no place of business in Guyana.
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 wages 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 a person's wife.

## SECOND SCHEDULE

Regulation 4

(Employments in respect of which persons are treated as NOT being employed persons or self-employed persons).

1. Employment 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 of any person who is not a citizen of Guyana and who by virtue of —

(a) the Vienna Convention on Diplomatic Relations 1961,  
or

(b) the Vienna Convention on Consular Relations 1963,  
is exempt from the application of social security provisions in force in Guyana.

3. Employment of any person by any international organisation of which Guyana or the Government of Guyana is a member and to whom any scheme for social security benefits operated by the organisation applies. For the purposes of this paragraph "international organisation" includes a regional organisation of which Guyana or the Government of Guyana is a member.

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

Made this 26th day of August, 1969.

W. CARRINGTON,  
Minister of Labour and Social Security.