

REGULATIONS

Made Under

THE NATIONAL INSURANCE AND SOCIAL SECURITY ACT, 1969

(Act No. 15 of 1969).

IN EXERCISE OF THE POWERS CONFERRED UPON ME BY SECTIONS 47 AND 51 OF THE NATIONAL INSURANCE AND SOCIAL SECURITY ACT, 1969, I HEREBY MAKE THE FOLLOWING REGULATIONS:-

PART I - PRELIMINARY

- Citation and Commencement. 1. These Regulations may be cited as the National Insurance and Social Security (Mariners and Share Fishermen) Regulations, 1971, and shall come into operation on 4th October, 1971.
- Interpretation. 2. In these Regulations, unless the context otherwise requires -
- "employer" in relation to a mariner or share fisherman means the owner or manager of a vessel and where a mariner is entitled to a period of leave on pay at the termination of the period of the voyage, the employer who was the mariner's employer at the termination of the voyage;
- "manager" means, in relation to any vessel, the ship's husband or other person to whom the management of the vessel is entrusted by or on behalf of the owner; and references to the owner of a vessel shall, in relation to a vessel which has been demised, be construed as referring to the person for the time being entitled as charterer to possession and control of the vessel, by virtue of the demise or any sub-demise; and includes any person who is acting as agent of the owner in the recruitment or payment of the master or any member of the crew, whether or not the function is combined with any other function in relation to the vessel;

"mariner" means -

- (a) a master or a member of the crew of any vessel; or
- (b) a person employed in any other capacity on board any vessel,

whose employment on such vessel is insurable employment as specified in paragraph 2 of the First Schedule to the Act;

"period of the voyage" in relation to

- (a) a mariner, means the period beginning with the first day when either the embarkation of passengers or the loading of cargo for the voyage begins and ending with the last day when the disembarkation or unloading has been completed;
- (b) a share fisherman, means the period beginning with the first day on which preparation of the fishing gear for the voyage begins and ending with the last day of the unloading of the catch for sale.

"share fisherman" means any person who is or has been employed in the fishing industry, whether or not under a contract of service, as master or a member of the crew of any vessel, being a fishing vessel manned by more than one person and remunerated in respect of that employment in whole or in part by a share in the profits or gross earnings of the fishing vessel; and the expression "the fishing vessel" means that fishing vessel of which the person is master or a member of the crew;

"termination of the voyage" means the last day of the period of the voyage.

PART II - INSURANCE AND CONTRIBUTIONS OF MARINERS
AND SHARE FISHERMEN

Modification
of First
Schedule to
the Act.

3. (1) In relation to any vessel specified in paragraph 2 of the First Schedule to the Act the reference to "manager" shall include a manager as defined in regulation 2.

(2) The First Schedule to the Act shall be construed and have effect as if the employment of a share fisherman were included therein as insurable employment.

Contributions
of mariners.

4. (1) Where a mariner's wages are paid at the end of the period of the voyage instead of weekly or monthly, the employer shall pay a contribution under regulation 17 of the National Insurance and Social Security (Collection of Contributions) Regulations, 1969 for each contribution week in the period of the voyage at a rate calculated under the said regulation on the total wages for the said period divided by the total number of contribution weeks in that period, and for that purpose a part of a week shall be reckoned as a week.

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1969

(2) For any period of leave on pay to which a mariner is entitled at the termination of the voyage, the employer shall pay a contribution under regulation 17 of the National Insurance and Social Security (Collection of Contributions) Regulations, 1969 for each contribution week in the said period.

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1969.

(3) In paragraph (2), the expression "period of leave on pay" means the period immediately following the day on which the termination of the voyage occurs and equal in length to the period of the leave on pay to which the mariner is entitled.

Contributions
of share
fishermen.
No. 22 of
1969.

5. (1) For the purposes of the National Insurance and Social Security (Collection of Contributions) Regulations, 1969 a share fisherman's share of the proceeds of the voyage, whether that share is calculated by reference to the profits or to the gross earnings of the fishing vessel for the period of the voyage or otherwise, shall be treated as his total wages for the period of the voyage.

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1969

(2) The employer of a share fisherman shall pay a contribution under regulation 17 of the National Insurance and Social Security (Collection of Contributions) Regulations, 1969 for each contribution week in the period of the voyage at a rate calculated on the remuneration to which he is entitled for the voyage divided by the total number of contributions in that period and for that purpose a part of a week shall be reckoned as a week.

(3) Notwithstanding the provisions of subsection (2) of section 16 of the Act, the contributions of the employer in respect of a share fisherman may be deducted from the profits or gross earnings of the fishing vessel after the share of the person so employed is ascertained.

Contribution cards of mariners and share fishermen paid at the termination of a voyage.
No. 22 of 1969.

6. Where a mariner or share fisherman is paid at the termination of the voyage, which overlaps the end of the period for which his contribution card is current under regulation 6 of the National Insurance and Social Security (Collection of Contributions) Regulations, 1969, his contribution card shall for the purposes of regulation 13 of the said Regulations be deemed to remain current until the termination of the said voyage.

PART III - MISCELLANEOUS

Application of the Act and Regulations.

7. The provisions of the Act and of the other Regulations made thereunder shall, save as otherwise provided by these Regulations, apply to mariners and share fishermen with the modification, that, where a mariner or share fisherman is unable on account of his being at sea or outside Guyana by reason of his employment as a mariner or share fisherman, to perform an act required to be done either forthwith or on the happening of a certain event or within a specified time, he shall be deemed to have complied therewith if he performs the act as soon as practicable.

Offence and
penalties

8. If any person contravenes, or fails to comply with, any of these Regulations, he shall be guilty of an offence and shall be liable on summary conviction to a fine of one hundred dollars, and where the default continues after conviction he shall be liable to a further fine of fifty dollars for each day during which the default continues.

Made this day of 1971

Minister of Labour and Social Security

N.I. 2/3/16.
Aug. '71