

No. 2 of 1971

THE NATIONAL INSURANCE AND SOCIAL SECURITY ACT, 1969

THE NATIONAL INSURANCE AND SOCIAL SECURITY
(COLLECTION OF CONTRIBUTIONS—SELF-EMPLOYED
PERSONS) REGULATIONS, 1971

In exercise of the powers conferred upon me by section 51 of the National Insurance and Social Security Act, 1969 and by virtue and in exercise of all other powers enabling me in that behalf, I hereby make the following Regulations :—

1. These Regulations may be cited as the National Insurance and Social Security (Collection of Contributions — Self-employed Persons) Regulations, 1971 and shall come into operation on the appointed day. Citation and commencement.

PRELIMINARY

2. In these Regulations unless the context otherwise requires — Interpretation No. 1 of 1971.
- “appointed day”, “chargeable income” and “income” have the same meaning as in the National Insurance and Social Security (Self-employed Persons) Regulations, 1971;
- “contribution week” means a period of seven days commencing immediately after twelve o'clock midnight on each Sunday and ending at twelve o'clock midnight on the Sunday next following;
- “income group” means a group specified in the first column of the Schedule together with the classification of income specified in relation thereto in the second and third columns of the Schedule;
- “income tax” has the same meaning as in the Income Tax Ordinance; Cap. 299.
- “inspector” means an inspector designated under section 31 of the Act;
- “local office” means an office appointed by the Board as a local office for the purpose of the Act;
- “weekly income” for a person who has no assessment for chargeable income for a year of assessment referred to in these Regulations, means his gross weekly income after deduction therefrom of any expenses incurred in that week which, if he were chargeable to income tax, would be allowable as expenses in calculating his income;
- “self-employed person” includes a person treated as self-employed under the National Insurance and Social Security (Classification) Regulations, 1969; No. 18 of 1969.
- “termination of self-employment” means the day on which self-employment actually ceases whether by the

act of the self-employed person or otherwise and whether or not the self-employment is to be resumed at a later date;

“year of assessment” has the same meaning as in the Income Tax Ordinance.

Cap. 299.

PART I

CONTRIBUTION CARDS

Application for contribution card.

3. (1) Each self-employed person shall, on or before the appointed day, apply to the Director for a contribution card on the appropriate form.

(2) Each person becoming a self-employed person after the appointed day shall, unless he already has a current contribution card, forthwith apply to the Director on the appropriate form for a contribution card.

(3) Each self-employed person shall supply all particulars necessary for the completion of the appropriate form of application for a contribution card and shall be responsible for the correctness of those particulars and shall sign the form.

Issue of contribution card.

4. (1) If upon receipt of an application for a contribution card the Director is satisfied that the applicant is entitled to be insured, he shall cause a contribution card to be issued to the self-employed person.

(2) Where a self-employed person in respect of whom a contribution card has already been issued becomes an employed person he shall forthwith surrender his contribution card to his employer.

Form of contribution card.

5. A contribution card shall be in such form as the Board may direct and shall be current for a period of one year or such other period as the Board may determine.

No charge for issue of contribution card.

6. A contribution card shall be issued, without charge, to a person properly applying therefor.

Custody of contribution card.

7. (1) A self-employed person on receiving his contribution card shall become responsible for its custody so long as his self-employment continues or until the contribution card is returned or delivered to the Director or retained by an inspector in accordance with these or any other Regulations. During that period he shall produce it for inspection at any reasonable time when required to do so by an inspector and, if so required, shall deliver up the same to the inspector who may if he thinks fit retain it. The inspector shall give a receipt for any contribution card retained by him.

(2) The Director shall issue, where appropriate, a contribution card to replace any contribution card retained by him.

8. If a contribution card is destroyed or lost or defaced in any material particular while in the custody of the self-employed person, he shall forthwith report the matter to the Director and apply for the issue of a contribution card to replace the card which has been destroyed, lost or defaced, and shall obtain such card in such manner as the Director may decide.

Destruction or loss of contribution card.

9. A contribution card, when issued, shall remain the property of the Board.

Contribution card to remain property of Board.

10. Within seven days or such longer period as the Director may in any special case allow after the date on which a contribution card ceases to be current, a self-employed person shall return the card to the Director and the Director shall thereupon issue to him a fresh contribution card for the ensuing period.

Exchange of contribution card.

11. Every self-employed insured person shall within four weeks before surrender of his contribution card pursuant to regulation 10 sign the card and insert thereon his then present address in the respective places indicated for those purposes on the card.

Contribution cards to be signed before surrender.

12. On the death of a self-employed insured person, any other person having possession or thereafter obtaining possession of the insured person's contribution card, shall forthwith deliver it to the Director.

Delivery of contribution card to Director on the death of insured person.

13. The Director may, in his discretion, exchange a current contribution card for a fresh contribution card at any time and in a manner other than that prescribed in these Regulations.

Exchange of current contribution card.

PART II

PAYMENT OF CONTRIBUTIONS

14. Subject to these Regulations, for any period during which an insured person is in self-employment he shall pay for each contribution week beginning in that period a contribution at the rate set out in column 4 of the Schedule in relation to the income group into which falls the income of the insured person for the year of assessment preceding the year in which the contribution week falls:

Rates of insurance contributions

Provided that —

- (a) in the case of a self-employed person whose chargeable income for the said year of assessment has not been assessed for income tax he shall pay a contribution at the rate applicable to the income group into which falls his last known chargeable income for a year within a period of seven years of assessment before the contribution week in which the contribution becomes due;
- (b) where a self-employed person has no assessment for chargeable income in such a period as set out in paragraph (a) of this proviso, the contribution shall be made in income group I unless and until he proves to the satisfaction of the Director that his income is such that he should make a contribution in a higher income group.

Liability for contributions.

15. There shall be liability for a contribution pursuant to section 11 of the Act for all benefits, other than industrial benefits —

- (a) in the case of a self-employed person attaining the age of sixteen years, for the week in which the self-employed person reaches that age;
- (b) in the case of a self-employed insured person attaining the age of sixty-five years, for the week in which the insured person reaches that age:

Provided that in a case to which paragraph (b) applies, there shall be no liability for a contribution if the insured person attains the age of sixty-five on the Monday of the week in question.

Time of payment of contributions.

16. (1) In addition to his obligation to comply with any other requirement of the Act or these Regulations, a self-employed person shall pay all contributions due and payable by him —

- (a) within fourteen days after the termination of self-employment; or
- (b) within five days after the expiration of the currency of the contribution card,

and any contribution remaining due after the expiration of the period specified in sub-paragraph (a) or sub-paragraph (b), shall thereafter bear interest as provided by section 44 of the Act.

(2) (a) The Board may, if it thinks fit, and subject to such terms and conditions as it may impose, approve any arrangement whereby contributions for self-employed persons are paid at times or in a manner other than those prescribed in these Regulations and any such arrangements may include provision for the payment of such fees as may be deemed by the Board to represent the estimated additional expense in administration to the Board.

(b) These Regulations shall, subject to the provisions of any such arrangement, apply to any person affected by the arrangement, and any contravention of, or failure to comply with, any requirements of any such arrangement shall be deemed to be a contravention of or failure to comply with these Regulations.

Manner of payment of contributions; cancellation of stamps; marking of cards

17. (1) Every contribution payable in relation to a self-employed insured person shall, except as herein otherwise provided, be paid by affixing an insurance stamp of the proper value, obtained in accordance with the provisions of these Regulations, to the contribution card of the self-employed insured person in the space indicated for that purpose on the card.

(2) A self-employed insured person shall, immediately after affixing an insurance stamp to a contribution card, cancel the stamp by writing in ink or stamping with a metallic die with black indelible ink or composition across the face of the stamp the date upon which it is affixed, and not otherwise, but save as expressly provided in these or any other Regulations or as specially authorised by the Board, no other writing or mark and no perforation shall at any time be made on, or in, affixed to, or impressed on, a contribution card or stamp.

18. (1) A self-employed person shall purchase insurance stamps from an office of the Board, or any Post Office and from no other source whatsoever, and it shall be lawful for any person employed by the Board, or serving at a Post Office and duly authorised for the purpose to sell insurance stamps.

Purchase of insurance stamps.

(2) No person —

- (a) not being authorised to do so under paragraph (1) shall sell an insurance stamp; or
- (b) shall sell any insurance stamp for a price which differs from the value stated thereon.

19. (1) Where any insurance stamp has been inadvertently rendered unfit for use and an application is made to the Board within two years after the stamp was rendered unfit for use, it may, on the surrender of the stamp, give in lieu thereof a clean and proper stamp of the same value or (if practicable) such number of clean and proper stamps of a less value as will secure that the aggregate of those values corresponds to the value of the surrendered stamp.

Replacement of insurance stamps rendered unfit for use.

(2) All stamps surrendered pursuant to paragraph (1) shall be destroyed in the presence of an officer designated by the Director.

20. Where any person has any unused insurance stamp which has not been spoiled or rendered unfit or useless for the purpose intended, but for which he has no immediate use, the Board may, if it thinks fit, repay to him the value of the stamp in money upon his delivering up the stamp and proving to the satisfaction of the Board that it was purchased by him from a person authorised to sell insurance stamps under these Regulations within two years before the application and with a **bona fide** intention to use it.

Repayment of value of unused insurance stamps on delivery thereof to Board.

PART III

MISCELLANEOUS

21. Where in any contribution week a self-employed insured person is or becomes an employed person, either concurrently with, precedent to or in succession to, his self-employment, no contribution shall be payable in respect of self-employment in that contribution week if a contribution has been made for that same week in respect of him as an employed person; and no contribution shall be payable in respect of employment in that contribution week as an employed person if a contribution has been made for that same week in respect of him as a self-employed person.

Employment as both employed person and self-employed.

22. (1) No person shall assign or charge or agree to assign or charge any contribution card, and any sale, transfer or assignment of, or any charge on, any contribution card shall be void and of no effect.

Contribution card not to be assigned or defaced

(2) No person shall deface or destroy any contribution card, or save as authorised by the Board, alter, amend or erase any of the figures or particulars (other than to amend the address of the insured person) therein contained.

(3) For the purposes of this regulation, any person who removes or erases from any contribution card an insurance stamp which has been affixed thereto or impressed thereon shall be deemed to have defaced that contribution card.

Death of self-employed person.

23. If a self-employed person dies, anything that he would have been liable to do under these Regulations shall be done by his legal personal representative.

Board may provide insurance stamps.

24. It shall be lawful for the Board to provide, from time to time as it shall deem fit, proper and sufficient insurance stamps of such denominations according to the value of the same as may, from time to time, be required for the purpose of expressing and denoting payment of contributions that are payable by means of insurance stamps.

Offence and penalties.

25. 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 on which the default continues.

SCHEDULE

Group	Weekly income	Corresponding income for a year of assessment	Weekly contribution	Relevant income for the purpose of contributions and benefits
1	2	3	4	5
I All self-employed insured persons	Under \$20	Up to \$1039.99	\$0.90	\$15.00
II do.	\$20—\$29.99	\$1040—\$1559.99	\$1.50	\$25.00
III do.	\$30—\$39.99	\$1560—\$2079.99	\$2.10	\$35.00
do.	\$40—\$49.99	\$2080—\$2599.99	\$2.70	\$45.00
V do.	\$50 and upwards	\$2600 and upwards	\$3.30	\$55.00

Made this 3rd day of March, 1971.

W. CARRINGTON,
Minister of Labour and Social Security.

N.I. 2/3/15
February, 1971.