

BASIC NATIONAL SOCIAL SECURITY SCHEME REGULATIONS, 2011 (L.I. 1989)

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BASIC NATIONAL SOCIAL SECURITY SCHEME REGULATIONS, 2011 (L.I. 1989)

IN exercise of the powers conferred on the Minister responsible for Pensions by section 93 of the National Pensions Act, 2008 (Act 766), on the advice of the Authority and on the recommendation of the Board of Trustees, these Regulations are made this 16th day of February, 2011.

Registration

Regulation 1—Registration of employer

(1) An employer shall in accordance with the Act register the employer's establishment with the Trust within thirty days after the commencement of operations.

(2) An establishment which consists of several branches, departments, sections, sub-offices, depots, stores, whether situated in the same place or in different places shall for purposes of the Act be considered as one and the same establishment and the Act applies to workers in the establishment.

Regulation 2—Employer and self-employed person's registration number

(1) An employer or self-employed person shall complete the appropriate registration form and submit it to the Director-General.

(2) The Director-General shall on receipt of the form issue a social security employer registration number to the employer or self-employed person and notify that employer or self-employed person of the number.

Regulation 3—Employer to notify Director-General in certain cases

An employer or self-employed person who changes a business name, address and location shall furnish the Director-General with the new business name, address and location within ten days after the change.

Regulation 4—Registration of a worker

- (1) An employer shall, within one month after the employment of a new worker, complete and forward the appropriate worker registration form in respect of that worker to the Director-General unless that worker produces evidence of previous registration under the scheme.
- (2) A self-employed person may register by completing the appropriate registration form.
- (3) A worker who completes a worker registration form to join the scheme shall attach to the registration form evidence of date of birth in the form of a birth certificate, baptismal certificate or any other recognised official document.
- (4) The Director-General may issue a reference number to a person who has applied to be registered as a member of the scheme.
- (5) A reference number shall serve as an interim Social Security Number until an actual Social Security Number is issued to the applicant.

Regulation 5—Certificate of membership

- (1) The Director-General shall direct that the relevant information on the registration form with the original and duplicate certificate of membership attached be reproduced onto a form which shall be forwarded to the employer or self-employed person for endorsement.
- (2) The original and duplicate certificates of membership shall be completed, signed and thumb-printed by the worker.
- (3) The original certificate shall be detached and delivered by the Trust to the worker.
- (4) The duplicate certificate shall not be detached and shall be kept by the Trust.

Regulation 6—Worker to complete forms

- (1) An employer shall require a worker to complete any other forms determined by the Director-General to be appropriate.
- (2) A worker who is unable to complete the forms shall authorise the employer or agent to complete the forms on behalf of the worker.

Regulation 7—Duty of worker to produce certificate of membership

- (1) A worker who is already a member of the Scheme shall produce a certificate of membership to a new employer.
- (2) Where the certificate is lost the worker shall produce any other evidence of membership and the registration number.

Regulation 8—Cessation of employment or temporary suspension of operations

(1) An employer shall notify the Director-General in writing that a worker has ceased to be employed by the employer within thirty days after the cessation of employment.

(2) An establishment which temporarily suspends operations shall notify the Director-General in writing within thirty days after the suspension.

Regulation 9—Liquidation of an establishment

(1) Where an establishment is liquidated, the employer in that establishment shall submit the following information in relation the [sic] the establishment to the Registrar-General:

(a) the names of the workers,

(b) the social security number of workers,

(c) the salary of workers, and

(d) deductions of contributions.

(2) The employer shall give notice in writing to the Director-General of the submission of the information required in sub-regulation (1) within ten days after submitting the information.

(3) For the purposes of this regulation an establishment is considered to be in liquidation where a resolution for the winding-up of the establishment has been passed or where a Court has made an order for the winding up of the establishment.

Regulation 10—Change of name

(1) A member or contributor to the Scheme who desires to change the name with which that member registered with the scheme shall provide the following:

(a) evidence of proof of the old name on the Trust's records,

(b) one or more documents of national identification with a photograph as proof of the old name,

(c) official documents in the form of Gazette publication, publication in the national dailies, marriage or divorce certificate or any other official document showing the new name.

(2) The Trust shall verify the genuineness of the documents or information and conduct the necessary investigations before effecting the change of name.

Contributions

Regulation 11—Payment of contributions

(1) An employer or self employed person shall pay into the Fund of the Scheme the contributions specified under section 63 of the Act within fourteen days after the end of the month to which the contribution relates.

(2) A self-employed person or a voluntary contributor who opts to join the Scheme or continue to contribute after ceasing to be employed shall pay the contribution specified under section 58 (2) of the Act within fourteen days after the period that the self-employed person or voluntary contributor agreed with the Trust to pay the contribution.

(3) The penalty provided under section 64 of the Act shall apply to a self-employed person or a voluntary contributor who fails to pay a contribution within a specified period.

(4) The Trust shall not accept payment for arrears of contribution which is outstanding for a period of more than twelve months from a self employed person or a voluntary contributor.

(5) The minimum contribution is thirteen and half per centum of the approved national minimum wage and an employer is responsible for the payment of the difference between a contribution remitted to the Trust which is below the monthly equivalent of the approved national minimum wage.

(6) The Trust, shall in consultation with the Authority periodically determine and publish the maximum salary figure as a ceiling beyond which a contribution shall not be based, paid or accepted.

(7) A contributor who

(a) is above the maximum age of joining the basic national social security scheme, and

(b) makes mandatory contributions under section 63(8) and (9) of the Act

shall on retirement utilise seventy five percent of accrued benefits to purchase an annuity for life guaranteed for fifteen years and payable monthly from a Life Insurance Company licenced by the National Insurance Commission.

(8) The Authority shall in consultation with the National Insurance Commission ensure that a Life Insurance Company which provides annuity is capable of meeting its liabilities.

Regulation 12—Employer's obligations

(1) An employer or self-employed person shall abide by obligations under the Act and these Regulations in respect of payment of contributions and submission of contribution reports.

(2) Despite sub-regulation (1) or a provision in any other law a person who assumes responsibility as an employer in an establishment is responsible for

(a) the payment of contributions;

(b) the payment of moneys due to the Scheme; or

(c) the submission of documents to the Director-General, in cases where the previous employer was in default.

(3) For the purpose of this regulation, employer includes a company in liquidation under the Companies Act, 1963 (Act 179) or the Bodies Corporate (Official Liquidation) Act, 1963 (Act 180).

Regulation 13—Manner of payment of contributions

A person shall pay contributions and other moneys due to the Trust

(a) at the nearest Regional, District, Branch or Agency office of the Trust;

- (b) by money order, postal order or crossed cheque bearing the words "A/C Payee Only";
- (c) by a draft drawn on any Bank in Ghana made payable to the Trust and delivered, or mailed to the Head Office of the Trust or the nearest office of the Trust or at an approved point; or
- (d) in any other manner determined by the Director-General.

Regulation 14—Payment of contributions to be accompanied by appropriate form

- (1) Payment of contributions to the Scheme shall be accompanied with a contribution report in accordance with section 63 (6) of the Act.
- (2) An employer shall, at the last working day of the month, submit to the Trust the contribution report for that month, whether the contribution is paid to the Trust or not.
- (3) An employer or self-employed person may make one consolidated payment for an establishment, if the employer or self-employed person prepares separate contribution reports for each unit and distinctly indicate amounts in respect of each unit.

Regulation 15—Contribution reports sic

- (1) An employer or self-employed person shall furnish the Director-General with a list of contributors at the end of the contribution period or at a period determined by the Director-General.
- (2) The list of contributors shall specify the following:
 - (a) the name and social security number of each worker;
 - (b) the worker's salary;
 - (c) the contribution deducted from the salary;
 - (d) the employer's contribution in respect of that worker: and
 - (e) the total contributions due to the Fund during that period.
- (3) A contribution payment shall be accompanied with a contribution report in the form and manner prescribed by the Director-General.

Regulation 16—Official receipts required for payment

A person shall not use any receipt, other than a receipt with an official number, date, stamp and endorsed for the payment of contributions and other payments.

Regulation 17—Early payment of contribution in certain cases

The Director-General may require an employer to pay the contributions of a worker earlier than the date specified under these Regulations to enable the Trust pay a benefit due or for any other justifiable reason or purpose.

Regulation 18—Refund of contributions and other payments not due

(1) Where the Director-General is satisfied that an amount which was not due has been paid to the Scheme, the Director-General may, subject to the provisions of these Regulations refund the amount to the person entitled to it.

(2) A refund shall not be made where the member of the Scheme or the dependants of the member of the Scheme have already been paid the amount as benefit.

(3) The Director-General may

(a) withhold the whole or a part of the excess payment and offset it against an amount due to the Scheme from the person who received the excess payment; or

(b) require a person who made an excess payment to apply in writing for refund of the excess payment and to furnish the Director-General with the information necessary to determine the circumstances under which the excess payment was made and the amount involved.

Regulation 19—Priority for payment of contribution

(1) The Trust may exercise a power conferred in accordance with section 87 of the Act by filing an application with a supporting affidavit and accompanying evidence of an employer's indebtedness to the Trust in the same proceeding in which the employer is made a judgment debtor.

(2) The Trust shall proceed with an application as soon as it comes to the notice of the Trust that the employer is declared a judgment debtor.

(3) For the purpose of this regulation, 'employer' includes a company in liquidation under the Companies Act, 1963 (Act 179) or the Bodies Corporate (Official Liquidation) Act, 1963, (Act 180).

(4) Where in criminal proceedings the Court in exercise of its powers under section 84 (2) and (3) orders the recovery of a contribution together with a penalty and contribution report, the Trust may enforce the order by an execution process as if the order was an order of a court in civil proceedings.

Regulation 20—Record of salary

An employer or self-employed person shall keep records of salaries indicating

(a) the name of the worker,

(b) the worker's Social Security number,

(c) the pay of the worker as defined in the Act,

(d) the deduction of the contribution to the Fund; and

(e) any other relevant information.

Regulation 21—Preservation of records

An employer or self-employed person shall preserve salary records for not less than twelve years after the end of the period to which the salary relates.

Regulation 22—Employer's record of contributions

The Trust shall maintain for each employer a record showing contributions paid by the employer and contributions due from the employer.

Regulation 23—Member's record of contributions

The Trust shall maintain in respect of each member of the Scheme a record of contributions made by and on behalf of the member of the Scheme.

Regulation 24—Member's statement of accounts

(1) The Director-General shall provide every member of the Scheme with an annual statement of accounts to a current address provided by the member.

(2) The Trust may supply additional statements of account to a member of the Scheme in respect of the accounts of the member on proof of identity and payment of a fee by the member.

Benefits

Regulation 25—Application for benefits

An application for a benefit under the Act shall be made on the appropriate form and delivered to the Director-General.

Regulation 26—Superannuation pension or old age pension

(1) An application for superannuation pension shall be made on the form determined by the Director-General.

(2) A member may be paid full or reduced pension.

(3) A member shall be paid a full pension if the member retires on attaining the compulsory retirement age of sixty years and has contributed to the basic national social security scheme for a period of not less than fifteen years in the aggregate or one hundred and eighty months in aggregate.

(4) A member shall be paid a reduced pension if the member voluntarily retires at the age of fifty-five years or more but below sixty years and has contributed to the Social Security Fund for an aggregate period of not less than one hundred and eighty months.

(5) An application for pension shall be made three months prior to the date of retirement.

(6) The claim of an applicant for retirement benefit shall be supported by a certificate issued by the employer except that the Director-General may dispense with the certificate and accept any other evidence in support of the application.

(7) Where a pensioner who receives superannuation benefit dies prior to attaining the age of seventy-five, a lump sum payment of the present value of the un-expired pension of the member up till the age of seventy-five years shall be paid to the nominated dependants of the member.

Regulation 27—Assessment of date of birth

(1) The date of birth, or any information on a member entered in the records of the Trust shall be considered to be accurate unless the Director-General reasonably believes that the information is not accurate.

(2) Where the Director-General reasonably believes that the date of birth of a member has not been correctly stated, the Director-General may

- (a) ask to be furnished with further evidence of date of birth;
- (b) assess the information given; and
- (c) substitute what the Director-General considers to be the correct age.

Regulation 28—Invalidity pension

(1) A person shall apply for invalidity pension by completing the appropriate form.

(2) The form shall be endorsed by a recognised medical officer and forwarded to the Director-General.

(3) The applicant shall supply a passport photograph and the appropriate thumb prints shall be taken on the appropriate form.

(4) The Director-General shall forward the application to a Medical Board for certification.

(5) A Medical Board shall include a representative of the Trust.

(6) Upon certification by the Medical Board, the member shall be paid an invalidity pension.

(7) An invalid who rejoins the Scheme as a contributor after the invalid has been certified by a Medical Board to have fully recovered shall not lose the previous contributions.

(8) A person shall not apply for invalidity pension if the injury that caused the invalidity occurred after the person had attained the age of sixty.

(9) Where an invalid dies before attaining the age of seventy-five years, a lump sum payment of the present value of the person's unexpired pension up to the age of seventy-five years shall be paid to the nominated dependants of the person.

Regulation 29—Survivor's lump sum benefit

(1) An application for survivors lump sum benefit shall be made on the appropriate form.

(2) The applicant shall attach to the application,

- (a) a certificate or other evidence of death of the member, and
- (b) letters of administration except where the applicant has been nominated as a dependant for payment of a benefit.

(3) The Director-General may require an affidavit or statutory declaration or any other evidence establishing the identity of the applicant and relationship to the deceased where the need arises.

Regulation 30—Survivor's lump sum benefit payable to a child

- (1) Where a child is nominated with a higher portion of the survivors benefit, the Trust shall distribute the survivor's lump sum based on the higher and more beneficial portion in favour of the child.
- (2) In other cases, the Trust shall ensure that a child's portion of a survivor's lump sum payment is distributed or paid to ensure that the best interest of the child is protected.
- (3) Where a member has satisfied the minimum contribution period of one hundred and eighty months or more before the death of the member, the survivors lump sum shall be computed on the present value of the members pension for a period of fifteen years using the ninety-one days treasury bill rate or other rates that may be determined by the Trust in consultation with the Authority.
- (4) The treasury bill rate referred to in sections 72 and 78 (1) and (2) of the Act shall be the prevailing ninety-one days rate or any other rate determined by the Trust in consultation with the Authority.

Regulation 31—Director-General to authorise payment

- (1) Despite anything in these Regulations, the Director-General may pay a benefit to any person that the Director-General considers entitled to the benefit after making an enquiry that the Director-General considers necessary.
- (2) A claim from any other person shall not be made against the Trust in respect of a payment made under sub-regulation (1).

Regulation 32—Statutory declaration in support of an application for payment of survivors benefit

An application for payment of survivors' benefit, shall be accompanied with

- (a) a statutory declaration or affidavit and a passport size photograph of the applicant duly endorsed by the official before whom the statutory declaration or affidavit was made;

or

- (b) a valid national identification with a photograph in the form of a passport, driving licence, national identification card or a national health insurance card.

Regulation 33—Applicant to submit statutory declaration

The Director-General may require a person who has made an application for pension to submit a statutory declaration or affidavit to the effect that the statement made by that person in the application or in support of any evidence adduced by that person is true.

Regulation 34—Director-General may request certain officers to make enquiry

The Director-General may request

- (a) an officer of the Ministry responsible for Social Welfare; or
- (b) an officer of the Trust

to make an enquiry in relation to an application for a benefit, or to make use of Government records, local authority records or other records as evidence for purposes of these Regulations.

Regulation 35—Payment of benefit or refund of contributions

The Director-General shall pay benefits or refund contributions duly authorised in cash, cheque, money order or any other means that the Director-General may determine.

Regulation 36—Acknowledgement of receipt of benefit

A person who receives a lump sum benefit payment from the Fund shall acknowledge receipt of the benefit by giving to the Director-General a receipt in a form approved by the Trust.

Regulation 37—Payment through the post or bank

(1) The liability of the Trust in respect of payments made to a pensioner or beneficiary through a bank account designated by the pensioner or beneficiary, or posting of a registered letter containing an instrument of payment to an address stated on an application form is equivalent to the delivery of the instrument to the person to whom the letter was addressed.

(2) Where a person does not acknowledge receipt of payment, the Director-General may on receipt of a duly executed indemnity to the Trust, issue a duplicate acknowledgement of payment.

Regulation 38—Minors and persons of unsound mind or other disability

(1) Where a member or the surviving beneficiaries of a deceased member, entitled to pension or refund under the Act or these Regulations is

(a) a minor;

(b) of unsound mind; or

(c) suffering from a disability that renders the person unfit to manage the personal affairs,

anything required to be done by that person may be done on behalf of the person by a person appointed by an order of a High Court or any other court of competent jurisdiction.

(2) An amount payable to the person may be paid to the other person appointed to administer the personal affairs of the person in accordance with the order of the court.

(3) Where a person is not appointed under sub-regulation (1) the Director-General may pay a benefit to a person determined by the Director-General as entitled to the payment and who will use the money for the maintenance and benefit of the minor or disabled person.

Regulation 39—Inflation of salary

(1) Where the Director-General suspects that a member of the scheme has inflated the salary of that member with intent to defraud the scheme, the Director-General shall cause an investigation to be conducted in respect of

(a) the ability of the member to influence the level of the members salary;

- (b) the age of the member;
 - (c) the oral examination of persons;
 - (d) relevant documents, books of accounts, financial and bank statements;
 - (e) information or documents from a public or private institution for the purpose of the investigation; and
 - (f) any other information necessary to carry out the investigation.
- (2) Where the investigation reveals that the salary was genuinely earned, the Director-General shall proceed to compute and pay the appropriate benefit to the member.
- (3) Where the investigation confirms inflation of the salary figures or any other irregularity in the salary figures, the Director-General shall reject the salary figures and determine the acceptable or true salary figures and pay to the member the right pension or benefit.
- (4) In determining the right pension the Director-General shall first determine the appropriate best three years average salary.
- (5) The basic salary for a current year shall be obtained by increasing the previous year's annual salary by indexation rate plus five percent or any other rate that may be determined by the Trust in consultation with the Authority.
- (6) The best three years average salary shall then be determined to obtain the level of pension or the twenty-five per centum lump sum where applicable.
- (7) Any excess contribution shall be refunded to the contributor at the ninety-one days treasury bill rate or any other rate determined by the Trust in consultation with the Authority.
- (8) In this regulation "defraud" includes a willful act, omission or concealment, surprise, trick, cunning, dissembling and an unfair means on the part of an employer or member of the scheme to take undue advantage of, deprive or cheat the Scheme.

Investment, finance and accounts

Regulation 40—Investment of funds

The funds of the Scheme shall be invested in accordance with sections 67, 68 and 69 of the Act.

Regulation 41—Investment policy

The Trust shall, subject to Guidelines issued by the Authority have an investment policy document which shall be reviewed at least once every two years.

Regulation 42—Actuarial valuation report

The Board of Trustees shall obtain an external actuarial valuation report of the Fund in accordance with section 53 of the Act.

Regulation 43—Administrative expenses

Subject to the provisions of sections 55 (1) and 56 of the Act the maximum limits for administrative expenses of the Trust shall be prescribed in Guidelines that may be issued by the Authority.

Regulation 44—Administrative charges

- (1) The Trust shall charge administrative fees for support services to any complementary scheme.
- (2) The fee shall be based on the following:
 - (a) where the service is non monetary the actual cost and any incidental cost involved shall be determined by the Trust and recovered from the beneficiary of the service;
 - (b) where the service is a monetary one the Trust shall charge appropriate fees determined and published in Notices and Guidelines issued by the Authority.
- (3) The administrative expenses involved in the provision of the service of collection and transfer of the two and a half percentum of the total contributions to the National Health Insurance Scheme shall be charged to that Scheme on a rate not below one per centum and not exceeding five per centum of the amount transferred.
- (4) The rates shall be reviewed as and when necessary by the Trust in consultation with the Authority.
- (5) Monetary computations under these Regulations or the Act, for the purposes of
 - (a) contributions to be paid or recovered;
 - (b) a fee, interest or penalty; or
 - (c) for any other purpose,shall be converted to the nearest fifty pesewas where the fraction of pesewa is less than fifty pesewas but shall be converted to the nearest cedi where the fraction of the pesewa is more than fifty pesewas.

Electronic recording, filing and transfer of documents

Regulation 45—Electronic information

- (1) The Trust may
 - (a) record,
 - (b) file,
 - (c) maintain,
 - (d) transfer, or
 - (e) receive

in electronic form records of members or any information required under the Act or these Regulations in respect of the Scheme.

(2) For the purposes of the Act, where a person has notified the Director-General in writing of an electronic address for service of documents including a facsimile number or electronic-mail address, a document to be served on the person by the Director-General is considered served if sent to that address.

(3) For the purposes of sub-regulation (1) a document is considered sent to an electronic address if the sender receives

(a) in the case of a message sent to a facsimile number, confirmation from the sending facsimile machine that the transmission is sent or okay; and

(b) in case of a message sent through an electronic mail address confirmation from the sender that the message has been sent.

(4) The Director-General shall ensure that a system of electronic recording, filing or transfer of documents includes a criterion for authorizing persons to file the documents in an electronic form and ensure security and authentication of documents filed, recorded or transferred.

Forms

Regulation 46—Signature and thumb-print on document

(1) A document used in connection with the Scheme which requires the signature of a member of the Scheme may be signed with the personal signature of the member but shall be authenticated by a clear impression of the members right thumb or any other thumbprint that the Director-General may direct.

(2) The thumb impression and the signature shall be witnessed and counter-signed by the employer or an authorised representative of the employer or by a self-employed person or by an authorized representative of that person.

(3) Where it is not possible for a member to provide the right thumb impression that member may provide a clear impression of the left thumb print of the member.

(4) Where for any reason it is not possible for a member to provide a thumb print, the Director General may accept any other mark or identification that the Director-General considers appropriate.

Regulation 47—Change of nomination

(1) A member who wishes to make a change in respect of persons previously nominated to receive a survivors benefit in the event of the death of the member or any change in the extent or survivors shares shall complete the appropriate form obtained from the Trust.

(2) Despite sub-regulation (1) a member shall update the nomination at least once every five years.

(3) An employer shall make available nomination forms specified under sub-regulation (1) to an employee to enable the employee to make a change in respect of nominations.

(4) The employer shall forward the completed form to the Director-General and obtain and hand over to the member the Director-General's acknowledgement of the form.

Regulation 48—Duplicate certificate of membership

(1) The Director-General may after conducting investigations that the Director-General considers necessary and on payment of a fee, issue a duplicate certificate of membership to a member who has lost the original certificate of membership.

(2) The duplicate certificate shall be endorsed with the word "DUPLICATE".

Regulation 49—Workers to furnish information to employer

A worker shall furnish an employer information and documents necessary for the completion of returns prescribed by these Regulations and required to be made by the employer.

Regulation 50—Return of incomplete or inadequate document

(1) Where the Director-General or a representative of the Director-General has cause to believe that a document required under these Regulations is incomplete, Inaccurate or is not clear enough to identify the person concerned, Director-General or the representative of the Director-General may return the document to the sender.

(2) The sender shall within ten days after receipt of the document complete and forward to the Director-General a fresh document in place of the original or return the original document corrected and authenticated as required by the Director-General.

Regulation 51—Forms

(1) The Director-General shall specify the forms required under these Regulations and make the forms available to the public at the offices of the Trust or at any other locations or by any other means determined by the Director-General.

(2) A form or document used in connection with the Scheme shall not be considered as invalid because of the inclusion of additional matter or of variation in the wording by the Director-General.

(3) A form may be altered or amended by the Director-General to suit a particular case and is valid for purposes of the Act or these Regulations.

Regulation 52—Payments to be made on due date

(1) An employer or self-employed person shall make payments to the Scheme on the due dates even if the employer or self-employed person does not receive forms on time.

(2) An employer or self-employed person who contravenes sub-regulation (2) is liable to the penalty specified under the Act.

General provisions

Regulation 53—Social Security Clearance Certificate

(1) A person shall not

(a) grant or permit an authorisation in respect of the procurement of goods, works and services in which public funds are involved to an employer unless the employer applying for the permit or authorisation produces to that person a valid and relevant Social Security Clearance Certificate; or

(b) effect the registration of a document conferring title to land to an employer unless the employer furnishes that person with a valid Social Security Clearance Certificate.

(2) A statutory body or organisation in which Government has interest shall not sell or grant a lease in respect of a building to an employer unless the employer furnishes the statutory body or organisation a valid Social Security Clearance Certificate.

(3) A person responsible for the award of a contract for the execution of works or for the performance of a service in which public funds are vested shall not award the contract to an employer or self employed person unless the employer or self-employed person furnishes that person with a valid Social Security Clearance Certificate.

(4) For purposes of this regulation

"Social Security Clearance Certificate" means a certificate issued by the Director-General, certifying that contributions and penalty levied for delayed payment due from an employer or self-employed person have been paid and that all relevant information has been supplied or that an employer or self employed person has made arrangements satisfactory to the Director-General for the payment of contributions and for the supply of relevant information.

(5) The certificate is valid for a period of three months or a further period as the Director-General may determine but may be revoked by the Director-General if the employer or self employed person fails to fulfill obligations under the Act or these Regulation.

(6) The Director-General shall issue a certificate to an employer or a person who is exempted under the Scheme.

Regulation 54—Competency to nominate

A member who is fifteen years is competent to nominate beneficiaries who shall be paid the benefit of that member in the event of the death of the member.

Regulation 55—Date of birth may be estimated where necessary

(1) Where a member is unable to specify the date of birth of that member, the employer and the Director-General shall assess the age of the member from the appearance or any other known facts and shall record a date of birth on the appropriate form.

(2) A date of birth determined under sub-regulation (1) shall, for purposes of these Regulations, be treated as the actual date of birth of the member unless the Director-General, amends the records where the need arises.

Regulation 56—Resolution of disputes

A member of the Scheme who is dissatisfied with a decision of the Director-General under these Regulations may after exhausting available internal processes, appeal to the Authority in writing for a review of the decision.

Regulation 57—Interpretation

In these Regulations unless the context otherwise requires

"Act" means the National Pensions Act, 2008 (Act 766);

"Authority" means the National Pensions Regulatory Authority established under the Act;

"Board of Trustees" means the Board of Trustees of the Trust established under the Act;

"establishment" includes branches, sub-offices, depots and units;

"Fund" means the Social Security Fund;

"invalid" means a member of the Scheme who is declared by a Medical Board to be incapable of doing any gainful work;

"Minister" means the Minister responsible for pensions;

"National Insurance Commission" means the National Insurance Commission established under the Insurance Act, 2006 (Act 724);

"Scheme" means the basic national social security scheme; and

"Trust" means the Social Security and National Insurance Trust established under the Act.

Regulation 58—Transitional provisions

An employer, worker or self-employed person who immediately before the commencement of these Regulations was registered as an employer, worker or self employed person under the Social Security Regulations 1973 (L.I. 818) shall be considered as registered under the basic national social security scheme established under the Act.

Regulation 59—Revocation

(1) The Social Security Regulations 1973 (L.I. 818) are hereby revoked.

(2) Despite the revocation any notices, orders, directions, appointments or any other act lawfully made or done under the revoked enactment and in force immediately before the commencement of these Regulations shall be considered to have been made or done under these Regulations and shall continue to have effect until reviewed, cancelled or terminated.

HON. STEPHEN AMOANOR KWAO

Minister responsible for Pensions

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