

BERMUDA STATUTORY INSTRUMENT

SR&O 25/1971

HEALTH INSURANCE (EXEMPTION) REGULATIONS 1971

[made under section 40 of the Health Insurance Act 1970 and brought into operation on 1 April 1971]

ARRANGEMENT OF REGULATIONS

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| 1 | Categories of exempt persons | 2 | Certificate of exemption |
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[NB Formerly the Hospital Insurance (Exemption) Regulations 1971. Title amended, and references to “hospital insurance”, “Hospital Insurance Fund” and “Commission” substituted by “health insurance”, “Health Insurance Fund” and “Council” by 2004:22 s.19 & Sch para 2 effective 1 January 2006; “Director” substituted by “Council” by 2009:49 s.15(6) effective 15 December 2009. These amendments are not individually noted]

Categories of exempt persons

1 (1) An employer shall not be required to effect a contract of health insurance in pursuance of section 20 of the Health Insurance Act 1970 in respect of the following categories of persons—

- (a) a government employee whose conditions of service provide that such employee shall receive free medical attention and treatment, including standard hospital benefit;
- (b) the non-employed wife of a government employee whose conditions of service provide that such wife shall receive

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free medical attention and treatment, including standard hospital benefit;

- (c) a female employee who is entitled to receive free hospital attention and treatment, including standard hospital benefit, by virtue of the conditions of service attaching to the employment of her husband;
- (d) any casual part-time or temporary employee who holds a certificate of exemption issued in pursuance of regulation 2 in respect of a particular employment;
- (e) the non-employed wife of such employee as is mentioned in paragraph (d) during his engagement in the employment to which the certificate of exemption relates.

(2) In paragraph (1) "government employee" means —

- (a) any person employed for remuneration in a Government Department or at Government House, whether in full-time or regular part-time employment; or
- (b) any person employed for remuneration in a school in Bermuda, other than a private school as defined in section 1(1) of the Education Act 1954,

and includes such other persons employed by Government Boards or the Bermuda Hospitals Board as the Minister of Finance may by notice in the Gazette prescribe.

[Regulation 1 amended by 2004:22 effective 1 January 2006]

Certificate of exemption

2 (1) An application may be made to the Council by or in respect of any employee to whom this regulation applies for a certificate of exemption in respect of a particular employment.

(2) Where the Council is satisfied —

- (a) in relation to a casual or part-time employee, that at the time of his engagement it is intended that he shall be ordinarily employed for less than forty-five hours in any month; or
- (b) in relation to a temporary employee, that at the time of his engagement it is intended that his employment shall be for a period of not more than two months or, in relation to a student who during any college vacation is temporarily employed, for such longer period as the Council may allow,

the Council may issue a certificate of exemption stating that the person specified therein is exempt from the provisions of Part III of the Health Insurance Act 1970 in relation to that employment.

(3) Where an employee to whom a certificate of exemption has been issued—

- (a) if a casual or part-time employee, is ordinarily employed for more than forty-five hours in any month; or
- (b) if a temporary employee, is employed for a period exceeding two months or such longer period as the Council has allowed,

the certificate of exemption shall be revoked and the employee shall be insured under Part III of the Health Insurance Act 1970 as from the date of such revocation.

(4) This regulation applies to —

- (a) a casual employee whose employment is on a daily or hourly basis in pursuance of a contract of service; and
- (b) a temporary employee whose employment is on a full-time or part-time basis.

[Regulation 2 amended by 2002:26 s.3(9) effective 1 August 2005; and by 2004:22 effective 1 January 2006; Regulation 2 amended by 2009:49 s.15(6) effective 15 December 2009]

[Amended by:

2002 : 26

2004 : 22

2009 : 49]

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