

LAWS OF TRINIDAD AND TOBAGO

NATIONAL INSURANCE ACT

CHAPTER 32:01

Act
 35 of 1971
 Amended by
 27 of 1974
 27 of 1977
 23 of 1980
 11/1984
 13 of 1984

Current Authorised Pages

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Note
on
Commencement Date

The following are the relevant commencement dates:

- (a) 15th November 1971—G.N. 223/1971
Section 1 to section 27, the provisions of Part II (i.e. section 28 to section 35) save in their application to self-employed persons and the provisions of sections 53, 64 and 71 came into operation on 15th November 1971 [G.N. 223/1971].
- (b) 10th April 1972—G.N. 62/1972
Section 36 to section 38; section 41 to section 45; section 46(1)(d) and (f) to section 56 of Part III save in their application to employed persons employed by more than one person within the meaning of the said section 45; section 57, section 59 to section 63 and section 65 to section 70 of Part IV came into operation on 10th April 1972 [G.N. 62/1972].
- (c) 15th January 1973—G.N. 6/1973
Section 46(1)(a) and (b) came into operation on 15th January 1973. (See G.N. 6/1973 see also 27 of 1974).
- (d) 16th July 1973—G.N. 108/1973
Section 46(1)(g) came into operation on 16th July 1973 [G.N. 108/1973].
- (e) 10th December 1974—27 of 1974
Sections 39 and 40 came into operation on 10th December 1974 [27 of 1974].
- (f) 17th February 1975—G.N. 21/1975
Section 46(1)(e) came into operation on 17th February 1975 [G.N. 21/1975].

Note
on
Health Surcharge

Legal Notice 11/1984 the Provisional Collection of Taxes Order, had introduced section 38(a), dealing with surcharge contributions, but this new section was repealed by Act 13 of 1984, the National Insurance Amendment Act.

Act 13 of 1984, amended section 8(1) and section 21. It introduced section 21(2). This Act also introduced Part IIIA, that is sections 56A to 56r. It also amended section 64, by introducing subsections (4A) and (4B). It also introduced section 65A.

In 1987 however, Act 14 of 1987 the Finance Act, made provisions for the administration, computation, collection and recovery of the health surcharge to be undertaken by the Board of Inland Revenue, instead of the National Insurance Board, and in effect repealed Act 13 of 1984. The amendments which were made to this Chapter by LN 11/1984 and Act 13 of 1984 have not been published in this supplement.

For the same reason, LN 84/1984 which introduced the Health Surcharge Regulations is not being published.

Corrigenda

- (a) On page 7, at sub-section 2(2), in the first line, for the word "regulations", substitute the word "Regulations".
- (b) On page 11, at section 8, below the marginal note, place the reference [13 of 1984].
- (c) On page 15, at section 21 below the marginal note, place the reference [13 of 1984].
- (d) On page 16, at section 22(2), in the first line, for the word "regulations" substitute the word "Regulations".
- (e) On page 17, at section 27, in the second line, for the word "rules" substitute the word "Rules".
- (f) On page 22, at section 35, in the first line, for the word "regulations" substitute the word "Regulations".
- (g) On page 27, at section 46(5), in the first and third lines, for the word "regulations" substitute the word "Regulations".
- (h) On page 28, at section 47(2), in the sixth and seventh lines, for the word "regulations" substitute the word "Regulations".
- (i) On page 31, at section 57(1), in the fourth line, for the word "regulations" substitute the word "Regulations".
- (j) On page 33, at section 62(2), in the first and second lines, for the word "regulations" substitute the word "Regulations".
- (k) On page 34, at section 64, below the marginal note, place the reference [13 of 1984].

- (l) On page 35, at section 66, below the marginal note, place the reference [13 of 1984].
- (m) On page 36, at section 67(1), in the first line, for the word "regulations" substitute the word "Regulations".
- (n) On page 53 at item 2, for the word "Definitions" substitute the word "Interpretation".
- (o) On page 53, at item 6, for the word "person" substitute the word, "person's".
- (p) On page 54, at regulation 2, in the marginal note, for the word "Definitions" substitute the word "Interpretation", and delete the reference "No 35 of 1971".
- (q) On page 62/2, in the Arrangement of Regulations, at item 2, for the word "Definitions" substitute the word "Interpretation".
- (r) On page 63, at section 2, in the marginal note, for the word "Definitions" substitute the word "Interpretation".
- (s) On page 72, in the Arrangement of Sections, at item 2, for the word "Definitions" substitute the word "Interpretation".
- (t) On page 74, in the marginal note, in line with the heading—"National Insurance (Benefits) Regulations", insert the reference "142/1980".
- (u) On page 74, at regulation 2, in the marginal note, for the word "Definitions" substitute the word "Interpretation".
- (v) On page 74, at regulation 3, in the second line, for the word "regulations" substitute the word "Regulations".
- (w) On page 88, in the Arrangement of Regulations, at item 2, for the word "Definitions" substitute the word "Interpretation".
- (x) On page 88, at regulation 2, in the marginal note, for the word "Definitions", substitute the word "Interpretation".

CHAPTER 32:01
NATIONAL INSURANCE ACT
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CHAPTER 32:01

NATIONAL INSURANCE ACT

An Act respecting National Insurance.

Commencement*

35 of 1971.

Commence-
ment.

1. (1) This Act may be cited as the National Insurance Act. Short title.

* See Note on page 2 for commencement dates

1962 No. 1875
(U.K.).

(2) This Act shall have effect notwithstanding sections 1 and 2 of the Constitution (that is, the Constitution set out in the Second Schedule to the Trinidad and Tobago (Constitution) Order in Council 1962).

PART I

PRELIMINARY

Interpretation.
[23 of 1980].

2. (1) In this Act—

- “appointed day” means a day appointed by the President by Proclamation;
- “benefit” means any benefit which is payable under this Act;
- “Board of Management” or “Board” means the Board established by section 3;
- “Chairman” means the Chairman of the Board;
- “contribution” means a contribution under this Act;
- “Deputy Chairman” means the Deputy Chairman of the Board;
- “Director” means a duly appointed member of the Board;
- “employer” includes a person to whom another is apprenticed;
- “employed person” means a person in receipt of earnings in respect of employment and includes a self-employed person;
- “employment” includes any trade, business, profession, office, vocation or apprenticeship;
- “Executive Director” means the Executive Director of the Board;
- “insurable employment” means any employment other than uninsurable employment within the meaning of section 29(2);
- “insured person” means a person insured under this Act;
- “regulations” means regulations made by the appropriate authority under this Act;
- “retirement age” means the age of sixty-five years or any age less than sixty-five years but not less than sixty years at which an insured person ceases to be engaged in insurable employment;
- “rules” means rules made by the Board under this Act or the regulations;
- “Secretary” means the Secretary of the Board;

“standing orders” means standing orders made by the Board under section 5(8).

(2) For the purposes of this Act and the regulations—

(a) where it is a condition for title to benefit that—

(i) a woman is the widow of an insured person, the Executive Director may treat a single woman or widow who was living with a single man or widower as his wife at the date of his death as if she were in law his widow; or

(ii) a man is the widower of an insured person, the Executive Director may treat a single man or widower who was living with a single woman or widow as her husband at the date of her death as if he were in law her widower,

if, but only if the insured person nominated the woman or the man as the case may be as beneficiary for the purpose of entitlement to benefit;

(b) where the question of marriage or remarriage or of the date of marriage or remarriage arises in regard to the title or cessation of title to benefit, the Executive Director shall, in the absence of the subsistence of a lawful marriage or where there is any impediment to lawful marriage, decide whether or not the person concerned ought to be treated as if he were married or as if he had remarried, as the case may be, and if so from what date, and in determining the question the Executive Director shall have regard to the provisions of paragraph (a);

(c) unless the context otherwise requires the determination of the Executive Director under paragraph (a) or (b) shall have the effect of extending, as regards title or cessation of title to benefit payable to a man or woman, the meaning of the word “marriage” to include the association between a single woman or widow and a single man or widower as aforesaid; and the meaning of the words “wife”, “husband”, “widow”, “widower” and “spouse” shall be extended accordingly.

(3) In subsection (2) “single man” means a man who has never married, or whose marriage has been dissolved by a decree absolute of divorce or declared a nullity, and “single woman” shall be construed accordingly.

Establishment and incorporation of Board.

3. (1) A Board of Management is hereby established for the purposes of this Act, and is a body corporate.

(2) The Board shall consist of eleven members designated Directors, who shall be appointed by the Minister, as follows:

- (a) three members nominated by the Government;
- (b) three members nominated by the associations most representative of Business;
- (c) three members nominated by the associations most representative of Labour;
- (d) a person, who in the opinion of the Minister, is independent of the Government, Business and Labour, who shall be the Chairman;
- (e) the Executive Director as *ex officio* member.

(3) The Deputy Chairman shall be selected by the Board from among its members at the first meeting of the Board.

(4) In respect of each Director, the Minister shall in like manner designate an alternate member; and, subject to subsection (7)(a), any such alternate member may, with the approval of the Chairman, act in the stead of the respective Director at any one or more meetings of the Board.

(5) Appointment to the office of Director shall, subject to subsection (6), be for such period, being not more than two years, as is specified at the time of the appointment. A Director shall be eligible for re-appointment.

(6) A Director may at any time resign his office by instrument in writing addressed to the Chairman, who shall forthwith cause it to be forwarded to the Minister.

(7) The Minister shall revoke the appointment of a Director—

- (a) if he absents himself from three consecutive meetings of the Board except on leave granted by the Board;
- (b) if he is guilty of such behaviour as is likely to call in question the *bona fides* of the Board;
- (c) if he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit;
- (d) on the representation of the associations most representative of Business or Labour, as the case may

be, the Director is no longer a nominee of Business or Labour, as the case may be.

(8) Subsections (4), (5), (6) and (7) shall not apply to the Executive Director.

(9) The appointment of any person as a Director or Executive Director and the termination of office of any person as such whether by death, resignation, revocation, effluxion of time or otherwise, shall be notified in the *Gazette*.

4. (1) The Seal of the Board shall be kept in the custody either of the Executive Director or of the Secretary, as the Board may determine, and may be affixed to instruments pursuant to standing orders or to a resolution of the Board and in the presence of the Chairman or Deputy Chairman, and of the Executive Director and the Secretary. Custody and use of seal.

(2) The Seal of the Board shall be attested by the signature of the Chairman or Deputy Chairman, and the Secretary.

(3) All documents, other than those required by law to be under seal made by, and all decisions of, the Board may be signified under the hand of the Chairman or Deputy Chairman or the Secretary.

(4) Service upon the Board of any notice, order, or other document shall be executed by delivering the same or by sending it by registered post addressed to the Secretary at the office of the Board.

Procedure

5. (1) The Board shall meet at least once a month and at such other times as may be necessary or expedient for the transaction of business, and such meetings shall be held at such place and time and on such days as the Board may determine. Procedure and meetings of the Board.

(2) The Chairman may at any time call a special meeting of the Board and shall call a special meeting within seven days of the receipt of a requisition for that purpose addressed to him by any three Directors.

(3) The Chairman, or in his absence the Deputy Chairman, shall preside at all meetings of the Board.

(4) The Chairman, or in his absence the Deputy Chairman,

and four other Directors including at least one nominee each of Government, Business and Labour shall form a quorum.

(5) The Chairman shall have a casting vote only.

(6) Minutes in proper form of each meeting shall be kept by the Secretary and shall be confirmed by the Chairman, or the Deputy Chairman at a subsequent meeting. Certified copies of such minutes when so confirmed shall be forwarded to the Minister.

(7) The Board may co-opt any one or more persons to attend any particular meeting of the Board for the purpose of assisting or advising the Board, but no such co-opted person shall have any right to vote.

(8) Subject to this section, the Board may by standing orders regulate its own proceedings and procedures.

Appointment of committees.

6. (1) The Board may appoint committees to examine and report to it on any matter whatsoever arising out of or connected with any of its powers and duties under this Act.

(2) A committee appointed by the Board shall consist of at least one member of the Board together with such other persons, whether members of the Board or not, whose assistance or advice the Board may desire.

(3) Where persons, not being members of the Board, are members of a committee appointed under this section, the Board may by resolution declare the remuneration and allowances of such persons and such sums shall properly be so payable out of the funds and resources of the Board.

(4) The Board may by resolution reject the report of any such committee or adopt it either wholly or with such modifications, additions or adaptations as the Board may think fit.

Power of Board to delegate.

7. Subject to this Act and to the prior approval of the Minister, the Board may delegate to a Director or a committee, power and authority to carry out on its behalf such duties and functions and to exercise such powers as the Board may determine; but any such delegation shall be revocable at will and shall not preclude the Board from acting from time to time as occasion requires.

General Functions, Powers and Duties of the Board

8. (1) It is the duty of the Board to operate and manage the system of National Insurance established by this Act and, subject to this Act, the Board shall have and exercise such functions, powers and duties as are conferred upon it by this Act and by any other written law.

General functions, powers and duties.

(2) In the performance of its functions and duties and in the exercise of its powers the Board may do all lawful things that are necessary or expedient to secure the due execution of the purposes of this Act.

(3) For the efficient and proper performance of its functions and duties, the Board may establish local offices throughout Trinidad and Tobago.

9. In the exercise and performance of its functions, powers and duties under this or any other written law the Board shall act in accordance with any general directions of the Government, given to it by the Minister; but subject to this section, the Board shall, when exercising and performing its functions, powers and duties, be subject to the control or direction of no other person or authority.

Policy directions.

Miscellaneous

10. The Chairman, Deputy Chairman and the Directors other than the Executive Director shall be paid such salary and allowances as may be approved by the Minister.

Remuneration of Directors.

11. (1) A Director who is in any way, whether directly or indirectly, interested in a contract or proposed contract with the Board or any other matter whatsoever in which the Board is concerned, shall declare the nature of his interest at the first meeting of the Board at which it is practicable for him to do so.

Declaration of interest.

(2) A Director shall not take part in any deliberation or decision of the Board with respect to any contract or proposed contract with the Board or any other matter with which the Board is concerned, in which he has any pecuniary interest, whether directly or indirectly

(3) For the purposes of this section, a Director shall be treated as having an indirect pecuniary interest in a contract or proposed contract with the Board or in any other matter with

which the Board is concerned, if he is a director, shareholder, partner or employee of a company or other association of persons that is a party to such contract or proposed contract with the Board or has a pecuniary interest in such other matter with which the Board is concerned.

(4) Nothing in subsection (3) shall apply to any person who, but for the provisions of that subsection would not fall to be treated as having indirectly a pecuniary interest in a contract or other matter, if the total value of his shareholding or other interest does not exceed such amount of the total nominal value of the issued share capital of the company or association as the standing orders of the Board provide.

(5) A person who fails to comply with this section, is liable on summary conviction to a fine of five hundred dollars, unless he proves that he did not know that a contract, proposed contract or other matter in which he had a pecuniary interest was the subject of consideration at the meeting.

Execution of documents.

12. (1) Any document requiring to be executed by the Board shall be deemed to be duly executed—

- (a) if signed by the Chairman or the Deputy Chairman and the Executive Director or the Secretary; or
- (b) if signed, whether in Trinidad and Tobago or elsewhere, by a person or persons authorised by resolution of the Board so to sign, but in such case an extract of the resolution certified by the Chairman or Deputy Chairman and the Secretary shall be attached to and form part of the document.

(2) Any cheque, bill of exchange or order for the payment of money required to be executed by the Board shall be deemed to be duly executed if signed by a person or persons authorised by this Act or by resolution of the Board.

Financial year and annual report of Board.

13. (1) The financial year of the Board shall be the twelve month period ending on 30th June.

(2) Subject to subsection (3), the Board shall within three months of the end of each financial year make a report of its proceedings and of the operation of this Act in respect of that financial year to the Minister who shall within two months of the receipt of such report lay it before Parliament.

(3) The first report under this section shall be in respect of the period ending on 30th June 1973.

Personnel

14. (1) The Board may, subject to the approval of the President, appoint on such terms and conditions as it thinks fit, an Executive Director, a Deputy Executive Director, a Secretary, a Financial Comptroller and such other officers and employees as may be necessary and proper for the due and efficient performance by the Board of its duties under this Act.

Appointment of officers and other employees.

(2) An annual salary of eighteen thousand dollars or such greater amount as the Minister may determine shall not be assigned to any post without the prior approval of the Minister.

(3) The Executive Director shall be responsible for carrying out the decisions of the Board, and in the performance of his duties is subject to the control of the Board.

(4) A person shall not be disqualified from being appointed a Director by reason only of holding the office of Executive Director or Deputy Executive Director.

15. (1) An officer in the public service may be transferred to the service of the Board, and upon such transfer shall become a member of the pension scheme referred to in section 17, and, if such officer's transfer becomes effective before the establishment of that scheme, he shall become a member within one year of its establishment; and an officer in the service of the Board may be transferred to the public service.

Transfer of officers of Government to the Board.

(2) A transfer described in subsection (1) shall be on such terms as may be acceptable to the President, the Board and the Officer concerned, and the pension or superannuation rights accruing to the officer at the time of his transfer shall be preserved in the manner provided by Regulations made by the President in that behalf.

16. (1) Subject to subsection (2), any officer in the public service may, with the approval of the Minister and the appropriate Service Commission be transferred on secondment to the service of the Board or from the service of the Board to the public service.

Transfer on secondment. [23 of 1980].

(2) Where a transfer on secondment contemplated by subsection (1) is effected, the President or the Board as the case may require, shall make such arrangements as may be necessary to preserve the rights of the officer so transferred to any pension, gratuity or other allowance for which

he would have been eligible had he remained in the service of the Government or of the Board, as the case may be.

(3) A period of transfer on secondment shall not in any case exceed ten years.

Establishment
of a Pension
Scheme.

17. The Board shall within a period of three years of its establishment, by Rules confirmed by the Minister, provide for the establishment and maintenance of a pension scheme for the benefit of the officers and employees of the Board and officers transferred to it on secondment.

Content of
Pension
Scheme.

18. Without prejudice to the generality of section 17 the pension scheme may enable the Board to—

- (a) grant gratuities, pensions or superannuation allowances to, or to the widows, families and dependants of, their employees;
- (b) establish contributory superannuation schemes and establish and contribute to superannuation funds for the benefit of their employees;
- (c) enter into and carry into effect agreements with any insurance company or other association or company for securing to any such employee, widow, family or dependant such gratuities, pensions or allowances as are by this section authorised to be granted;
- (d) give donations or subscriptions to charitable institutions, sick funds, benevolent funds and other objects calculated to benefit their employees.

Public officers
to exercise
option.

19. (1) Public officers engaged in the establishment of the system of National Insurance shall on the first appointed day be given the option of continuing in the public service or of accepting appointments in the service of the Board.

(2) Public officers, who on or after the commencement of this Act, elect to accept appointments in the service of the Board shall—

- (a) be regarded as transferred to the service of the Board; and
- (b) have preserved to them their superannuation rights accruing at the time of their transfer to the Board; and
- (c) within a year of the establishment of the pension scheme become members of that scheme;

but all such rights shall be forfeited on dismissal by the Board, in such circumstances as they would have been forfeited on dismissal from the public service.

(3) A transfer described in subsection (2) shall be on such terms as may be acceptable to the President, the Board and the officer concerned, and the pension or superannuation rights accruing to the officer at the time of his transfer shall be preserved in the manner provided by regulations made by the President in that behalf.

(4) In the case of a person who has accepted an appointment in the service of the Board and who retires from or dies in that service before the establishment of the pension scheme under section 17, any superannuation benefits accruing at the time of his retirement or death may be paid to such person or his personal representative in accordance with regulations made by the Minister.

20. (1) All officers charged with the receipt, accounting for, or disbursement of moneys or with the custody or delivery of stores, or other property belonging to the Board shall be individually responsible for the due and efficient discharge of their respective duties and for the exercise of proper supervision of the accounts kept or controlled by them and of all property entrusted to their care, and for the due observance of all rules and regulations and of all orders and instructions prescribed for their guidance.

Responsibility
of Officers.

(2) The Board may require any officer or servant in its service to give security to its satisfaction for the due performance of his duties.

21. The funds and resources of the Board shall consist of—

Funds and
resources of the
Board.

- (a) such amounts as may be appropriated therefor by Parliament;
- (b) all sums from time to time received by or falling due to the Board in respect of contributions, income on investments, fees, fines and interest on dues;
- (c) sums borrowed by the Board for the purpose of meeting any of its obligations or discharging any of its functions; and
- (d) all other sums or property that may in any manner become payable to or vested in the Board in respect of any matter incidental to its powers and duties.

Application of
revenue.
[27 of 1977].

22. (1) The revenue of the Board for any financial year shall be applied in defraying the following commitments, that is to say—

- (a) the payment of benefits;
- (b) the salaries, fees, remuneration and gratuities of the officers, and employees, and technical and other advisers, of the Board (including payments for the maintenance of the Pension Scheme established under section 17);
- (c) the remuneration, fees and allowances of the Directors or of any committee of the Board;
- (d) any other expenditure authorised by the Board and properly chargeable to revenue account,

but the commitments described at (b), (c) and (d) shall not exceed nine and one half per cent of contribution revenue of the Board.

(2) The Board may make regulations for the apportionment and allocation of contributions in respect of the various commitments of the Board.

Authorised
Investments.

23. (1) Money standing to the credit of the Funds of the Board established under section 43, not immediately required to be expended in the meeting of any obligations or commitments may be invested from time to time in such proportions as the Board may approve, having regard to the several contingencies in relation to which benefits are provided under section 46, in such securities as are set out in the First Schedule.

First Schedule.

(2) The Minister of Finance may from time to time by Order amend the First Schedule.

Investment
Committee and
Investments.

24. (1) The Board shall appoint an Investment Committee consisting of—

- (a) the Chairman of the Board, as Chairman;
- (b) three persons nominated respectively by the Minister of Finance, the Directors who are nominees of Business and the Directors who are nominees of Labour;
- (c) the Financial Comptroller, referred to in section 14, who shall be an *ex officio* non-voting member.

(2) The investment committee shall, subject to section 23, determine the investment policy of the Board.

25. (1) All decisions, orders, rules and regulations relating to the financial operations of the Board and authorised by this Act shall be made by resolution of the Board at a meeting thereof and shall be recorded in the minutes of the Board. Accounting of the Board.

(2) The accounts of the Board shall be audited annually by auditors appointed by the Board or under the supervision of the Auditor General in accordance with the Exchequer and Audit Act. Ch. 69:01.

(3) As soon as the accounts of the Board have been audited the Board shall forward to the Minister a copy of the audited statements of accounts and any report thereon made by the auditors.

(4) The Minister shall cause a copy of every such statement and report to be laid before Parliament at the same time as the annual report referred to in section 13(2) is so laid.

26. (1) All moneys of the Board accruing from its operations under this Act shall be paid into the prescribed bank or banks and such moneys shall, as far as practicable, be paid into the bank from day to day, except such sums as the Financial Comptroller may be authorised by rules of the Board to retain to meet petty disbursements for immediate payment. Cash deposits and payments.

(2) All payments out of the funds of the Board except petty disbursements not exceeding such sums fixed by the rules, shall be made by the Financial Comptroller or on his behalf by any other officer appointed by the Board, in accordance with the rules.

(3) Cheques against any banking account required to be kept or withdrawals from any savings bank account and bills of exchange or orders for payments of money shall be signed by the Financial Comptroller or on his behalf by an officer appointed by the Board and countersigned by the Chairman of the Board or any member of the Board or any officer of the Board appointed by resolution of the Board for the purpose; and a copy of any such resolution shall be certified by the Chairman and forwarded to the bank or banks concerned.

27. For the purpose of regulating and controlling its financial procedures, the Board may make rules in respect of the following matters: Rules made by the Board.

- (a) the manner in which and the officers by whom payments are to be approved;
- (b) the bank or banks into which the moneys of the

- Board are to be paid, the title of any account with any such bank, and the transfer of one fund from one account to another;
- (c) the appointment of a Director or an officer of the Board to countersign cheques on behalf of the Chairman or in the absence of the Chairman;
 - (d) the sum to be retained by the Financial Comptroller to meet petty disbursements for immediate payments and the maximum sum that may be so disbursed for any one payment;
 - (e) the method to be adopted in making payments out of the funds of the Board; and
 - (f) generally as to all matters necessary for the proper keeping and control of the finances of the Board.

PART II

REGISTRATION

Interpretation.

28. In this Part—

“casual agricultural worker” means a person who habitually engages in chance agricultural employment on the land of another, such employment not being based on any contract so to employ that person;

“domestic worker” means a person employed otherwise than for the purpose of a trade or business, in such capacity as may be prescribed for the comfort or convenience of a member of a household or in or about a dwelling-house or such other premises as may be prescribed.

Persons to be registered.
[27 of 1974].

29. (1) There shall be registered for the purposes of the system of National Insurance every employer other than an employer who employs only domestic workers or casual agricultural workers, or both, and subject to subsection (2) every employed person and every unpaid apprentice.

(2) A person employed in any of the following employments shall be regarded as being engaged in uninsurable employment and shall not be registered for the purposes of this Act:

- (a) employment in the course of which services are rendered by the employed person to his employer for not more than ten hours a week and in respect of

which remuneration does not exceed the sum of five dollars a week;

- (b) employment of a married woman by her husband;
- (c) employment of any person who is not a citizen of Trinidad and Tobago and who by virtue of the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations (as applied in Trinidad and Tobago by the Privileges and Immunities (Diplomatic, Consular and International Organisations) Act, is exempt from the application of social security provisions in force in Trinidad and Tobago;
- (d) employment of any person by an international organisation of which Trinidad and Tobago or the Government of Trinidad and Tobago is a member, and where by reason of such employment such person participates in a scheme for social security benefits operated by the organisation; and for this purpose the term "international organisation" includes a regional organisation.

Ch. 17:01.

30. (1) Subject to this section, every employer shall in accordance with any special directions of the Board make application in the prescribed form—

Procedure for registration.

- (a) for registration as an employer; and
- (b) for registration of each employed person (and each unpaid apprentice) of whom he is the employer.

(2) Every employed person other than a self-employed person and every unpaid apprentice shall furnish his employer with the personal particulars necessary for the completion of any application for registration and shall be responsible for the correctness of such particulars.

(3) Nothing in this section shall apply to a domestic worker or a casual agricultural worker but every such worker shall, in respect of each employment as such, himself make an application for registration and shall give notice of any change in such employment.

31. Any officer in the service of the Board and authorised by the Executive Director in writing (hereinafter referred to as an "authorised officer") may for any purpose related to the administration of this Act require any employer or any person

Powers of inspection.

authorised by any employer, except a person engaged in a confidential professional relationship with such employer—

- (a) to give him information with respect to employed persons and unpaid apprentices in the employment of that employer;
- (b) to permit him to inspect any record of employed persons or unpaid apprentices on any paysheet.

Powers of entry.

32. (1) An authorised officer may at all reasonable times enter any premises or place where any business is carried on or anything is done in connection with any business or where there are any books, records or other documents relating to employed persons or unpaid apprentices, and—

- (a) examine such books, records and other documents or any other books, records or documents relating thereto;
- (b) search, if necessary with the assistance of any other person, any building, receptacle or place for books, records, documents, papers or things which may afford evidence as to the violation of any provision of this Act or the regulations;
- (c) if, during the course of the examination, it appears to the authorised officer that there has been a violation of this Act or the regulations, seize and take away any of the books, records or other documents relating to employed persons or unpaid apprentices and retain them until they are produced in any proceedings; but where such books, records or other documents are necessary for the continued operations of the business, reasonable access thereto shall be allowed to the employer;
- (d) require the employer or any person in the employment of that employer to give him all reasonable assistance with, and to answer all questions relating to, the examination.

(2) Admission to any premises shall not be demanded except upon the warrant of a magistrate for the purpose, but if it is shown to the satisfaction of a magistrate on sworn information in writing—

- (a) that admission to any premises has been refused, or that refusal is apprehended, or that an application for admission would defeat the object of the entry; and

- (b) that there is reasonable ground for entry into the premises for any purpose as is mentioned in subsection (1),

the magistrate may by warrant under his hand authorise entry on the premises, except that such a warrant shall not be issued unless the magistrate is satisfied either that notice of the intention to apply for a warrant has been given to the occupier, or that the giving of such notice would defeat the object of the entry.

(3) An authorised officer entering any premises by virtue of this section may take with him such other persons as may be necessary.

(4) Every warrant granted under this section shall continue in force until the purpose for which the entry is required has been satisfied.

(5) Any person who hinders or molests or interferes with any person doing anything that he is authorised by subsection (1) to do or prevents or attempts to prevent any person from doing any such thing, and any person who unless he is unable to do so fails or refuses to do anything he is required by or pursuant to this section to do, is liable on summary conviction to a fine of three thousand dollars and to imprisonment for two years.

33. Any person who in furnishing the particulars for any of the purposes of this Act makes any statement which he knows to be misleading, false or deceptive, or by any dishonest concealment of material facts, or by reckless making of any statement (dishonestly or otherwise) misleads or attempts to mislead any other person, is liable on summary conviction to a fine of three thousand dollars and to imprisonment for two years.

False
information—
penalty.

34. Any person who contravenes any of the provisions of this Part, except where the provision by or under which the offence is created provides the penalty to be imposed, is liable on summary conviction to a fine—

Penalty

- (a) in the case of an employer, of four thousand dollars and in the case of a continuing offence to a further fine of one hundred dollars for each day on which the offence continues after conviction;
- (b) in any other case, of five hundred dollars and in the case of a continuing offence to a further fine of twenty dollars for each day on which the offence continues after conviction.

Regulations.

35. The President may make regulations for the purpose of giving effect to this Part and in particular for prescribing anything required or permitted by this Part to be prescribed.

PART III

NATIONAL INSURANCE PROVISIONS

*Contributions*System of
National
Insurance.

36. (1) There is hereby established a system of compulsory national insurance under which subject to subsection (2) employed persons registered or eligible to be registered under Part II shall be insured against loss of earnings occasioned by any of the several contingencies in relation to which benefits are provided under section 46(1) and there shall be payable to or in respect of such persons in the prescribed circumstances, any benefit so payable.

(2) An employed person who has not yet attained the age of sixteen years or who has attained the age of sixty-five years shall not be insured against any contingency other than employment injury.

(3) In this section and in sections 37, 38, 41 and 45 the expression "employed person" does not include a self-employed person.

Insurance
against
employment
injury.

37. (1) Every employed person and every unpaid apprentice shall be insured in the manner provided by this Act and the regulations against personal injury caused on or after the appointed day by accident arising out of and in the course of that person's employment and there shall be payable in the prescribed circumstances to or in respect of every such person the type of benefit (hereinafter called "Employment Injury Benefit") specified in section 46(3).

(2) The contribution payable in respect of any employed person or any unpaid apprentice towards employment injury benefit shall be payable wholly by the employer of such person.

Contributions
to be paid partly
by employed
person and
partly by
employer
Second
Schedule.
[27 of 1974]

38. (1) Subject to section 37 and Table A of the Second Schedule contributions payable in respect of an employed person who has attained the age of sixteen years but has not yet attained

the age of sixty-five years, shall be paid partly by that employed person and partly by his employer.

(2) Payment of contribution in respect of an employed person referred to in subsection (1) shall be effected by his employer who shall deduct from the earnings of the employed person at the time that payment of such earnings is made, a sum equal in amount to the part of the contribution payable by the employed person.

39. Where an employer in accordance with section 38(2) deducts from the earnings of any person in his employment, the employer shall as against that person be acquitted and discharged of so much money as is represented by the deduction as if that sum had actually been paid to that person.

40. An employer who fails or neglects to pay or effect payment of contribution in respect of any person in his employment who is required to be insured under this Act, is liable on summary conviction to a fine of four thousand dollars and six months imprisonment and in the case of a continuing offence shall be liable in respect of each person for whom he neglected or failed to pay or effect payment of contribution, a further fine of one hundred dollars a day for each day that the offence continues after conviction.

Offence and
penalty.
[27 of 1974].

41. Rates of contribution shall be related to the amount of earnings of the employed person in respect of whom the contribution is payable—that is to say, the contribution payable in respect of an employed person shall be based on the assumed average weekly earnings of the earnings class into which such employed person falls as shown in Table A in the Second Schedule.

Rates of
contributions.

Second
Schedule.

42. (1) An insured person who is not liable to pay contributions by reason of the fact that he is no longer an employed person but who has not yet attained the age of sixty years shall, on making application to the Board within such time and in such manner as may be prescribed, be entitled to receive a certificate of voluntary insurance.

Voluntary
contributions.
[23 of 1980].

(2) The holder of a certificate of voluntary insurance may pay, subject to such conditions, within such time and in such a manner as the Board may determine, a contribution at the prescribed rate for any period for which he is not otherwise liable to pay a contribution.

(3) Any default in paying the contribution at the rates and within the time prescribed by the Board may result in the cancellation of the certificate of voluntary insurance.

Establishment
of funds.

43. There are hereby established—

- (a) the Employment Injury Benefit Fund;
- (b) the Short Term Benefits Fund; and
- (c) the Long Term Benefits Fund,

to be operated and managed by the Board for the purpose of providing moneys required for the payment of benefits under this Act and to which shall be credited contributions paid by employers, employed persons and the holders of certificates of voluntary insurance.

Board to make
regulations
with regard to
contributions.

44. The Board may make Regulations relating to contributions generally and in particular may by such Regulations—

- (a) fix the rates of voluntary contributions;
- (b) prescribe the days on which and the manner in which contributions shall be paid and collected;
- (c) provide for the exemption of employed persons from liability to pay contribution in certain circumstances;
- (d) provide for contributions to be credited to employed persons for periods for which they were exempted from liability to pay such contributions;
- (e) provide for treating for the purposes of a right to any benefit, contributions paid after the due dates as paid on such dates or on such later dates as may be prescribed or as not having been paid and for treating contributions payable by an employer on behalf of an employed person or unpaid apprentice but not so paid as paid where the failure to pay is shown not to have been with the consent or connivance of or attributable to any negligence on the part of the employed person or unpaid apprentice;
- (f) provide for the refund of contributions paid in error;
- (g) prescribe the conditions under which contributions paid at the wrong rate or on the wrong date may be treated as paid on account of contributions properly payable;
- (h) prescribe penalties for offences against the Regulations.

45. Where an employed person is employed by more than one person or where his earnings are paid jointly by more than one person during any period for which a contribution is payable or where such employed person works under the control and management of some person other than his immediate employer, the Board may make Regulations for determining who should be treated as the employer for the purposes of this Act and may by such Regulations provide for adjusting the rights between the employed person, the immediate employer or the person who, by virtue of the Regulations, is to be treated as the employer.

Persons to be treated as employers.

BENEFITS

46. (1) From the appointed day the benefits payable to or in respect of persons insured under section 36(1), shall be—
- Benefits. [27 of 1974 27 of 1977 23 of 1980].
- (a) sickness benefit, that is to say, periodical payments to an employed person who is rendered incapable of work;
 - (b) maternity benefit, that is to say, periodical payments in the case of the pregnancy or confinement of an employed woman and a grant payable during the week of the delivery;
 - (c) invalidity benefit, that is to say a payment or periodical payments to an insured person who after exhaustion of sickness benefit is likely to remain incapable of work for a period of not less than twelve months;
 - (d) funeral grant, that is to say, a payment on the death of an insured person;
 - (e) retirement pension, that is to say, periodical payments to an insured person who has attained retirement age, and who has made the prescribed number of contributions;
 - (f) retirement grant, that is to say, a lump sum payment in such amount as the Board may prescribe to an insured person who has attained retirement age but who does not qualify for retirement pension by reason of not having made the prescribed number of contributions;
 - (g) survivor's benefit, that is to say, a payment or periodical payments, more particularly described in subsection (2), made in respect of an insured person who dies—
 - (i) otherwise than by way of employment injury;

- (ii) in receipt of—
 - (A) invalidity benefit or retirement pension; or
 - (B) sickness benefit or maternity benefit but only on or after such date as the Board may prescribe;
 - (iii) while he is the holder of a certificate of voluntary insurance.
- (2) In this section “survivor benefit” means—
- (a) widow’s benefit or pension payable in prescribed circumstances to the widow of the deceased and a grant payable on the termination of the benefit by reason of the widow’s remarriage;
 - (b) widower’s benefit payable to the widower of the deceased, if but only if such deceased was at the date of her death wholly or mainly responsible for the maintenance of her husband because of his incapacity to work by reason of mental or physical disability and this benefit shall be so payable for the life of the widower or until the cesser of his incapacity or until he remarries and a grant payable on the termination of the benefit by reason of the widower’s remarriage;
 - (c) widow’s allowance payable to a widow who is ineligible to receive the benefit or pension referred to in paragraph (a) and a grant payable on the widow’s remarriage;
 - (d) child’s allowance, payable in respect of a child of the deceased;
 - (e) orphan’s allowance, payable in respect of a child of the deceased where such child has by reason of the death of the deceased been rendered an orphan; or
 - (f) parent’s pension, payable to a parent of the deceased where at the date of death of the deceased such parent was being wholly or mainly maintained by him.
- (3) Subject to this Act, employment injury benefit shall be paid to or in respect of persons insured under section 37 and such benefit may be in the nature of—
- (a) an injury benefit, payable where the insured person is rendered incapable of work;
 - (b) a disablement pension payable where the insured person suffers severe loss of physical or mental

faculty or where the loss of faculty is not severe, a disablement grant;

- (c) a death benefit payable where the insured person dies as a result of the injury, that is to say—
- (i) widow's benefit or pension payable as from the date of death of the insured person to his widow for her life or until she remarries, and a grant payable on the termination of the benefit by reason of the widow's remarriage;
 - (ii) widower's benefit, payable as from the date of death of an insured person to her widower if but only if such insured person was at the date of her death wholly or mainly responsible for the maintenance of her husband because of his incapacity to work by reason of mental or physical disability and this benefit shall be so payable for the life of the widower or until the cesser of his incapacity or until he remarries and a grant payable to the widower on the termination of the benefit by reason of his remarriage;
 - (iii) child's benefit payable weekly in respect of a child of an insured person;
 - (iv) parent's benefit, payable to the parent of an insured person where such parent was at the date of death of the insured person being wholly or mainly maintained by him.

(4) In addition to the benefits described in subsection (3), medical expenses shall be paid at rates fixed in accordance with subsection (6), to insured persons who suffer personal injury by accident arising out of or in the course of their employment.

(5) The Board may make regulations relating generally to the payment of medical expenses and in particular may by such regulations—

- (a) prescribe the conditions subject to which and the period in respect of which such expenses shall be paid;
- (b) provide for the appointment and prescribe the functions of medical referees.

(6) The Minister shall by Order fix the rates of payment and prescribe a maximum payment of medical expenses.

(7) In this Act references to loss of physical faculty shall be construed as including reference to disfigurement, whether or not accompanied by any actual loss of faculty.

(8) For the purposes of this Act, an accident arising in the course of an employed person's employment shall be deemed, in the absence of evidence to the contrary, also to have arisen out of the employment.

Industrial
disease.
[27 of 1977].

47. (1) Insurance against personal injury arising out of and in the course of employment shall include insurance against any prescribed disease and against any prescribed personal injury not so caused being a disease or injury caused by the nature of the employment.

(2) The Board on being satisfied that a disease or injury ought to be treated having regard to its cause and incidence as a risk to persons engaged in a particular employment and not as a risk common to all persons and that certain cases of such disease or injury may with reasonable certainty be attributed to the nature of such employment, may make regulations prescribing any such disease or injury and such regulations may provide for determining the time at which a person is to be treated as having developed any prescribed disease or injury and the circumstances in which any such disease or injury (in cases where the employed person has previously suffered therefrom), is to be treated as having been contracted or received afresh.

(3) The Minister may by Order add any disease or injury to or remove any disease or injury from the diseases and injuries prescribed by the regulations made under subsection (2) and may by such Order add other types of employment to or remove any type of employment from the types of employment specified in those regulations in respect of any such disease or injury.

Prescribed
disease benefit.

48. The benefit in respect of a prescribed disease or injury shall be payable under the same conditions as the benefit in respect of personal injury by accident arising out of and in the course of employment.

Benefits to be
inalienable.

49. An assignment of or charge on any benefit or an agreement to assign or charge any benefit shall be void and on the bankruptcy of a beneficiary the benefit shall not pass to any trustee or other person acting on behalf of the creditors of the beneficiary.

50. (1) Where in the determination of any claim for benefit it is found that such benefit is lost by reason only that an employer has failed or neglected to pay any contribution in respect of an insured person or to comply with any requirement relating to the payment or collection of contributions, then where the claim is by the insured person or a survivor of the insured person the Board shall pay to such insured person or survivor as the case may be a sum equal in amount to the benefit so lost and thereupon such sum shall become due to the Board by the employer and shall be recoverable in accordance with section 66.

Benefit lost by employer's default.

- (2) Proceedings under this section shall be brought—
- (a) within one year after the date on which the benefit would but for the employer's failure or neglect have been payable; and
 - (b) without prejudice to the institution of proceedings under any other provision of this Act or the Regulations in respect of the employer's failure or neglect.

51. An accident shall be deemed to arise out of or in the course of a person's employment although he is at the time of the accident acting in contravention of any statutory or other regulations applicable to his employment or of any orders given by or on behalf of his employer, or he is acting without instructions from his employer, if—

Accidents happening while acting in breach of regulations, etc.

- (a) the accident would have been deemed so to have arisen had the act not been done in contravention of the statutory or other regulations applicable to his employment or without instructions from his employer, as the case may be; and
- (b) the act is done for the purposes of and in connection with the employer's trade or business.

52. (1) An accident happening while a person is, with the express or implied permission of his employer, travelling as a passenger in any vehicle to or from his place of work shall, although he is under no obligation to his employer to travel in any vehicle, be deemed to arise out of and in the course of his employment if—

Accidents happening while travelling in employer's transport.

- (a) the accident would have been deemed so to have arisen had he been under such an obligation; and
- (b) at the time of the accident the vehicle—
 - (i) was being operated by or on behalf

- of his employer or some other person by whom it is provided in pursuance of arrangements made with the employer
- (ii) and was not being operated in the ordinary course of a public transport service.

(2) In this section references to a vehicle includes reference to a ship, vessel or aircraft.

Accident happening while meeting emergency.

53. An accident happening to a person in or about any premises at which he is for the time being employed for the purpose of his employer's trade or business or for the purpose of serving his apprenticeship shall be deemed to arise out of and in the course of his employment if it happens while he is taking steps, in an actual or supposed emergency at those premises, to rescue, succour or protect persons who are, or are thought to be or possibly to be, injured or imperilled, or to avert or to minimise serious damage to property.

Rates of benefit. [23 of 1980].

54. (1) Subject to subsection (2) rates of benefit payable to or in respect of an insured person shall be related to the rates of contribution paid in respect of such person—that is to say, the rates of the different benefits shall be fixed according to the earnings class into which an insured person falls as shown in Tables A, B1, B2, C and D respectively in the Third Schedule.

Third Schedule.

(2) In assessing the entitlement of an insured person to benefit (other than employment injury benefit) all rates of contribution paid in respect of such person shall be taken into account and an average rate of contribution determined therefrom. The earnings class to which this average rate corresponds shall be the earnings class in which benefit shall be paid the insured person.

(3) For the purposes of the payment of employment injury benefit, unpaid apprentices shall be taken as falling into the lowest earnings class.

Regulations in respect of benefits.

55. The Board shall make Regulations relating to benefits and in particular may by such Regulations prescribe—

Third Schedule.

- (a) the circumstances in which the rates of benefit as shown in the Tables set out in the Third Schedule may be varied;
- (b) the sums payable in lumpsum payments by way of grants;

- (c) the conditions subject to which and the periods for which any such benefit or description of benefit may be granted;
- (d) the time within which and the manner in which the several benefits and descriptions of benefits shall be claimed and paid and the information and evidence to be furnished by beneficiaries when applying for payment;
- (e) the circumstances in which and the time for which a person shall be disqualified for or disentitled to the receipt of benefit or a benefit may be forfeited or suspended, including the prevention of the receipt of two benefits for the same period and the adjustment of benefits in the case of any special circumstances;
- (f) penalties for offences against the regulations;
- (g) such other matters as may be necessary for the proper administration of benefits, including the obligations of persons claiming any benefit and of beneficiaries and employers.

56. Rates of contribution and rates of benefit as shown in the Tables in the Second and Third Schedules may be amended by order of the Board but only after actuarial review referred to in section 70.

Amendment of rates. Second and Third Schedules.

PART IV

MISCELLANEOUS

57. (1) Where it is desired to harmonise pension fund plans in operation on the appointed day for the payment of contributions, with the system of national insurance such harmonisation shall be effected in accordance with regulations made by the President in that behalf.

President to make regulations for harmonisation.

(2) Regulations under this section shall be subject to affirmative resolution of Parliament.

58. (1) The initial expenditure incurred in establishing the system of national insurance shall be defrayed out of moneys advanced by Parliament.

Initial expenditure and advances.

(2) Temporary insufficiency in the assets of the fund shall be met from moneys advanced by Parliament.

(3) All moneys advanced by Parliament shall be repaid by the Board as soon as may be practicable.

Determination
of claims and
questions.

59. All claims and questions arising under or in connection with this Act shall be determined by the Board.

Appeals
tribunals.
[27 of 1977].

60. (1) The President shall appoint persons to serve on appeals tribunals as follows:

- (a) a person who in the opinion of the President is independent of the Government, Business and Labour, as Chairman;
- (b) three persons nominated by the Government;
- (c) three persons nominated by the associations most representative of Business;
- (d) three persons nominated by the associations most representative of Labour;
- (e) the Chief Medical Officer.

(2) Persons appointed to serve on appeals tribunals, shall so serve for the period specified in their instrument of appointment but shall be eligible for re-appointment.

(3) Where a person appointed to serve on appeals tribunals—

- (a) absents himself from three consecutive meetings of any such tribunal, except on leave granted by the President;
- (b) behaves in such a manner as is likely to bring appeals tribunals into disrepute;
- (c) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit;
- (d) is on the representation of the associations most representative of Business and Labour, as the case may be, no longer a representative of Business or Labour, as the case may be,

the President shall revoke his appointment.

(4) Subsections (2) and (3) shall not apply to the Chief Medical Officer.

(5) Persons nominated for appointment to serve on appeals tribunals shall be selected equally from—

- (a) North Trinidad, that is to say, the counties of St. George, St. David, St. Andrew and Caroni;
- (b) South Trinidad, that is to say, the counties of Nariva, St. Patrick, Victoria and Mayaro; and
- (c) the Island of Tobago.

(6) Each appeals tribunal shall consist of the Chairman and three persons selected by him, one each from among persons nominated by the Government, Business and Labour respectively.

(7) Where an appeal involves questions of a medical nature the appeals tribunal shall consist of the persons referred to in subsection (6) and the Chief Medical Officer.

(8) The Chief Medical Officer shall advise the appeals tribunal on medical matters generally and in particular shall recommend to the tribunal which matters should be referred for the opinion of a panel of medical referees.

(9) Appeals tribunals shall, for the purposes of this Act, be assisted by a registrar and such other staff as may be allocated by the Minister from among the officers of his Ministry.

61. Members of appeals tribunals shall be paid such remuneration and allowances as the President may determine from moneys provided by Parliament.

President to determine remuneration of appeals tribunals. [27 of 1977].

62. (1) Appeals from decisions of the Board shall lie to the Appeals Tribunals on questions of fact only and to the High Court on questions of law or partly of law and partly of fact and from the High Court to the Court of Appeal.

Appeals from decisions of the Board. [27 of 1977].

(2) The President shall make regulations relating to appeals generally and may by such regulations prescribe the procedures in accordance with which appeals shall be heard and determined.

(3) Provision shall be made by rules of court for regulating appeals to the High Court and the Court of Appeal and for limiting the time within which such appeals may be brought.

63. (1) Any person who for the purpose of obtaining any benefit or other payment under this Act, whether for himself or some other person, or for any other purpose connected with this Act—

Offences.

- (a) knowingly makes any false statement or false representation; or

- (b) produces or furnishes or causes or knowingly allows to be produced or furnished, any document or information which he knows to be false in any material particular,

is liable on summary conviction to a fine of two thousand dollars and to imprisonment for a term of six months.

(2) Any person who contravenes any provision of this Act, except where the provision by or under which the offence is created provides the penalty to be imposed, is liable on summary conviction to a fine—

- (a) in the case of an employer, of four thousand dollars and in the case of a continuing offence to a further fine of one hundred dollars for each day that the offence continues after conviction;

- (b) in any other case, of five hundred dollars and in the case of a continuing offence a further fine of twenty dollars for each day that the offence continues after conviction.

(3) Where an offence under this Act which has been committed by a body corporate is proved to have been attributable to any negligence on the part of any director, manager, secretary or other officer of the body corporate, he as well as the body corporate shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(4) Nothing in this section shall be construed as preventing the Executive Director from recovering by means of civil proceedings any sums due to the Board.

General provisions as to prosecutions under this Act.

64. (1) Proceedings for an offence under this Act shall not be instituted except by or with the consent of the Executive Director or by some other officer authorised by him in that behalf.

(2) Any such other officer may, although not of counsel or a solicitor, prosecute or conduct the proceedings before a court of summary jurisdiction.

(3) Notwithstanding any other written law prescribing the period within which summary proceedings may be commenced, proceedings for an offence under this Act or the regulations may be commenced within twelve months from the date of the commission of the offence or within three months from the date on which knowledge of the commission of the offence first came to the Executive Director, whichever period last expires.

(4) For the purposes of subsection (3) a certificate signed by the Executive Director as to the date on which the commission of an offence first came to his knowledge, shall be *prima facie* evidence thereof.

(5) In any proceedings for an offence under this Act, the wife or husband of the accused shall be competent but not compellable to give evidence, whether for or against the accused.

65. (1) In any case where a person has been convicted of the offence of failing to pay contribution, he shall be liable to pay to the Board a sum equal to the amount which he failed to pay.

Recovery of contributions on prosecution.

(2) Where any person is charged with an offence as is mentioned in subsection (1) and a probation order is made under the Probation of Offenders Act that person shall be liable to pay to the Board a sum equal to the amount which he failed to pay as if the making of the order were a conviction.

Ch. 13:51.

(3) Any sum ordered to be paid to the Board under this section shall be recoverable as a civil debt.

(4) Any sum paid by an employer under this section shall be treated as a payment in satisfaction of the unpaid contribution and the insured person's portion of such contribution shall not be recoverable by the employer from the insured person.

(5) If an employer, being a body corporate, fails to pay to the Board any sum which such employer has been ordered to pay under this section, that sum or such part thereof as remains unpaid, shall be a debt due to the Board jointly and severally from any directors of the body corporate who knew, or could reasonably be expected to have known, of the failure to pay the contribution.

(6) Nothing in this section shall be construed as preventing the Executive Director from recovering any sums due to the Board by means of civil proceedings.

66. (1) All sums due to the Board under this Act shall be recoverable as debts due to the Executive Director and, without prejudice to any other remedy, may be recovered summarily as a civil debt.

Civil proceedings to recover sums due to Board.

(2) Proceedings for the summary recovery of such sums may, notwithstanding anything in any written law to the contrary, be brought at any time within three years from the time when the matter complained of arose.

(3) Proceedings for the summary recovery as civil debts of sums due to the Board may be instituted by any officer authorised in that behalf by the Executive Director and any such officer may, although not of counsel or a solicitor, conduct such proceedings.

Insured persons
outside
Trinidad and
Tobago.

67. (1) The Board may make regulations modifying in such manner, subject to subsection (2) as may be proper, the provisions of this Act in their application to persons who are or have been outside Trinidad and Tobago while insured under this Act.

(2) Regulations under this section shall provide that where an insured person is throughout any contribution period outside Trinidad and Tobago and is not in that period an employed person, he shall not be liable to pay any contribution as an insured person for that period.

Accidents in
course of illegal
conditions of
employment.

68. (1) Where a claim for employment injury benefit is made under this Act in respect of any accident or of any prescribed disease or injury, or an application is made thereunder for a declaration that any accident was an industrial accident, or for a corresponding declaration as to any prescribed disease or injury, the Board may direct that for the purposes of this Act the relevant employment shall, in relation to that accident, disease or injury, be treated as having been insurable employment, notwithstanding that, by reason of a contravention of or non-compliance with some provision contained in or having effect under any written law passed for the protection of persons in employment or any class of such persons, the contract purporting to govern the employment was void or the person employed was not lawfully employed therein at the time when or in the place where the accident happened or the disease or injury was contracted or received.

(2) In this section the expression "relevant employment" means, in relation to an accident, the employment out of and in the course of which the accident arises and, in relation to a prescribed disease or injury, the employment to the nature of which the disease or injury is attributable.

Reciprocal
agreements
with other parts
of
Commonwealth.

69. (1) For the purpose of giving effect to any agreement with the government of any other part of the Commonwealth, or the government of any foreign country, providing for reciprocity in matters relating to payments in respect of interruption of employment by sickness or invalidity, or payments in respect of the several benefits provided under this Act, the President may by Order published in the *Gazette* make provisions for modifying or

adapting this Act in its application to cases affected by the agreement.

(2) The modification of this Act which may be made by virtue of subsection (1) shall include provision—

- (a) for securing that acts, omissions and events having any effect for the purposes of the law of the country in respect of which the agreement is made shall have a corresponding effect for the purposes of this Act (but not so far as to confer a right to double benefit);
- (b) for determining, in cases where rights accrue both under this Act and under the law of that other country, which of those rights shall be available to the person concerned;
- (c) for making provisions as to administration and enforcement contained in this Act or the regulations applicable also for the law of that other country.

70. (1) For the purposes of assessing the balance between the rates of contributions and the rates of benefits, an actuarial review of the system of national insurance shall be undertaken within three years of the date on which the first contributions under this Act are payable and thereafter at five-yearly or such shorter intervals as the Board may determine and a report of every actuarial review so undertaken shall be forwarded to the Minister.

Actuarial review.

(2) In addition to the actuarial review referred to in subsection (1) the Minister may require an actuarial review to be undertaken at any time.

(3) Reports of every actuarial review shall be laid before Parliament by the Minister.

71. Regulations made by the Board shall be subject to negative resolution of Parliament and may prescribe in respect of any contravention of such regulations, a penalty of five hundred dollars or three months imprisonment or both.

Regulations subject to negative resolution.

72. No action or other legal proceedings of any kind whatever whether now pending or not shall be entertained in respect of or in consequence of any act or thing done or omitted to be done under or in pursuance of this Act by reason only that at the material time a Proclamation dated 6th April 1972 purported to have effect in relation to sections 46(1)(g) and 46(3).

Indemnity. [27 of 1974].

Section 23(1).

FIRST SCHEDULE**SECURITIES IN WHICH THE FUNDS OF THE
BOARD MAY BE INVESTED**

1. The Board may invest in securities of the following classes:

- (a) bonds, debentures, stocks, or other evidences of indebtedness of or guaranteed by the Government;
- (b) bonds or debentures of a corporation that are secured by the assignment to a trust corporation in Trinidad and Tobago of an annual payment that the Government has agreed to make, where such annual payment is sufficient to meet the interest falling due on the bonds or debentures outstanding and the principal amount of the bonds or debentures maturing for payment in the year in which the annual payment is made;
- (c) bonds, debentures or other evidences of indebtedness of a corporation incorporated in Trinidad and Tobago, that are fully secured by statutory charge upon its real estate or plant and equipment in Trinidad and Tobago, if interest in full has been paid regularly for a period of at least five years immediately preceding, upon its securities of that class then outstanding;
- (d) bonds, debentures and other securities guaranteed by the International Bank for Reconstruction and Development established by the Agreement for the International Bank for Reconstruction and Development;
- (e) bonds, debentures or other evidences of indebtedness of or guaranteed by a corporation carrying on business in Trinidad and Tobago and incorporated in Trinidad and Tobago or in any other country approved by the Minister of Finance;
- (f) preferred shares of a corporation as referred to in (e);
- (g) fully paid ordinary shares of any corporation as referred to in (e); but investment in any such ordinary shares shall not without the approval of the Minister of Finance, exceed twenty-five per cent of the total funds of the Board.

2. Mortgages and other titles for repayment of loans secured by any of the securities described at paragraphs 1, 3 and 4.

3. Real estates or leaseholds in Trinidad and Tobago.

4. Cash deposits in—

- (i) any Bank in Trinidad and Tobago;
- (ii) any trust or finance company in Trinidad and Tobago which is the subsidiary of any Bank in Trinidad and Tobago;
- (iii) any other trust or finance company or building society approved by the Minister of Finance.

SECOND SCHEDULE

Section 41.
[23 of 1980].

RATES OF CONTRIBUTIONS

TABLE A

Earnings Class	Weekly Earnings	Monthly Earnings	Assumed Average Weekly Earnings of Class	Employee's Weekly Contribution	Employer's Weekly Contribution	Total Weekly Contribution
I	\$ Under 50.00	\$ Under 220.00	\$ 40.00	\$ 1.10	\$ 2.20	\$ 3.30
II	50.00—64.99	220.00—279.99	57.00	1.60	3.20	4.80
III	65.00—84.99	280.00—369.99	75.00	2.10	4.20	6.30
IV	85.00—109.99	370.00—469.99	97.00	2.75	5.50	8.25
V	110.00—139.99	470.00—609.99	125.00	3.50	7.00	10.50
VI	140.00—179.99	610.00—779.99	160.00	4.50	9.00	13.50
VII	180.00—229.99	780.00—999.99	205.00	5.75	11.50	17.25
VIII	230.00 and over	1,000.00 and over	230.00	6.45	12.90	19.35

Contributions payable by an employer in respect of employment injury coverage for an employed person, who has not yet attained the age of sixteen years or who has attained the age of sixty-five years, or for an unpaid apprentice shall be \$1.00 per week.

[27 of 1974
23 of 1980].

THIRD SCHEDULE

Section 54 (1)

RATES OF BENEFITS

TABLE A

Rates of Sickness or Maternity Benefit

Earnings Class								Benefit Per Week
								\$
I	...	...	...	...	...	...	...	24.00
II	...	...	...	...	...	...	...	34.50
III	...	...	...	...	...	...	...	45.00
IV	...	...	...	...	...	...	...	58.50
V	...	...	...	...	...	...	...	75.00
VI	...	...	...	...	...	...	...	96.00
VII	...	...	...	...	...	...	...	123.00
VIII	...	...	...	...	...	...	...	138.00

A woman in receipt of maternity benefit shall in addition to the weekly payment receive during the week of the delivery a grant of \$50.00.

TABLE B1

Rates of Retirement or Invalidation Pension for Persons Qualifying on or after commencement of this Act

Earnings Class						Weekly	Monthly
						\$	\$
I	...	...	...	...	...	30.00	130.00
II	...	...	...	...	...	30.00	130.00
III	...	...	...	...	...	30.00	130.00
IV	...	...	...	...	...	39.00	169.00
V	...	...	...	...	...	47.00	204.00
VI	...	...	...	...	...	57.00	248.00
VII	...	...	...	...	...	72.00	313.00
VIII	...	...	...	...	...	78.00	338.00

TABLE B2

Rates of Retirement or Invalidation Pension for Persons Qualifying before commencement of this Act

Earnings Class on which Pension was fixed before 1st January, 1980	Before commencement of this Act		On or after commencement of this Act	
	Weekly	Monthly	Weekly	Monthly
		\$	\$	\$
I	6.00	25.00	30.00	130.00
II	8.00	33.00	30.00	130.00
III	10.00	43.00	30.00	130.00
IV	13.00	56.00	30.00	130.00
V	16.00	71.00	31.00	134.30
VI	20.00	88.00	39.00	169.00
VII	25.00	109.00	47.00	203.66
VIII	31.00	134.00	57.00	249.66

TABLE C
Rates of Survivor Benefit

Earnings Class	Widow (per week)	Dependent Child (per week)	Dependent Orphan (per week)	Dependent Parent (per week)
I	\$ c.	\$ c.	\$ c.	\$ c.
II	10.00	4.00	8.00	3.00
III	12.50	5.00	10.00	3.75
IV	15.50	6.20	12.40	4.65
V	19.50	7.80	15.60	5.85
VI	23.50	9.40	18.80	7.05
VII	28.50	11.40	22.80	8.55
VIII	36.00	14.40	28.80	10.80
	39.00	15.60	31.20	11.70

1. In addition to the weekly payments set out above there shall be payable a funeral grant of \$500.

2. Rates of Survivor Benefit shall be related to the rates of retirement and invalidity pension, that is to say the maximum amount of survivor benefit payable in respect of a deceased insured person shall not exceed the total amount of retirement or invalidity pension for which the deceased would have been eligible had he qualified for the receipt of retirement or invalidity pension.

TABLE D
Rates of Employment Injury Benefits

Earnings Class	Injury Pension Weekly Payments	Death Benefits—Weekly Payments			
	Insured Person	Widow or Widower	Dependent Child	Dependent Orphan	Dependent Parent
I	\$ c.	\$ c.	\$ c.	\$ c.	\$ c.
II	27.00	13.00	5.40	10.80	4.05
III	38.00	19.00	7.60	15.20	5.70
IV	50.00	25.00	10.00	20.00	7.50
V	65.00	32.50	13.00	26.00	9.75
VI	83.00	41.50	16.60	33.20	12.45
VII	107.00	53.50	21.40	42.80	16.05
VIII	137.00	68.50	27.40	54.80	20.55
	153.00	76.50	30.60	61.20	22.95

SUBSIDIARY LEGISLATION

NATIONAL INSURANCE (REGISTRATION)
REGULATIONS

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation.
2. Interpretation.

PART I

EMPLOYERS

3. Application for registration.
4. Certificate of registration.
5. Certificate to be kept in employer's custody.
6. Procedure on ceasing to be an employer.

PART II

EMPLOYED PERSONS (OTHER THAN SELF-EMPLOYED PERSONS)
AND UNPAID APPRENTICES

7. Application for registration.
8. Contribution card and identity card of employed persons issued to employer.
9. Custody of contribution card.
10. Insured person to have access to contribution card.
11. Identity card.
12. Termination of employment.

PART III

SELF-EMPLOYED PERSONS

13. Application for registration of self-employed persons.
14. Issue and custody of contribution card and identity card.
15. Termination of self-employment.

National Insurance (Registration) Regulations

[Subsidiary]

PART IV

GENERAL

SECTION

16. Loss, defacement or destruction of insurance certificate or contribution card.
17. Board to be informed of changes.
18. Offences.

SCHEDULE.

**NATIONAL INSURANCE (REGISTRATION)
REGULATIONS**

224/1971.

made under section 35

1. These Regulations may be cited as the National Insurance (Registration) Regulations. Citation.

2. (1) In these Regulations— Interpretation.

“Board” means the Board of Management established under section 3 of the Act;

“company” means a body corporate or an unincorporated association of persons, and includes a partnership, firm or agency;

“contribution card” means a card issued in accordance with these Regulations, for the purpose of paying contributions under the Act;

“identity card” means the card described in regulation 11 and issued upon the registration of an employed person or unpaid apprentice.

(2) For the purposes of the definition of the expression “domestic worker” in section 28 of the Act that expression shall include any person employed as maid, maid-servant, servant, cook, domestic, laundress, washer-woman, child-minder, nanny, governess, companion, gardener, yardboy, chauffeur, forester, game-keeper, watchman, butler, valet, groom, stable-boy or in a similar capacity.

[Subsidiary]

National Insurance (Registration) Regulations

(3) These Regulations shall be read and construed so as to apply to every employed person not engaged in uninsurable employment within the meaning of section 29(2) of the Act, and every unpaid apprentice.

(4) Without prejudice to any other case in which a company is engaged in or carrying on a trade or business in Trinidad and Tobago, a company shall be deemed to be engaged in or carrying on a trade or business in Trinidad and Tobago if it has an office or place of business, a branch or an agency in Trinidad and Tobago.

PART I

EMPLOYERS

Application for registration. Schedule. Form NI.1.

3. Every employer shall make application to the Board for registration in the form set out in the Schedule as Form NI.1.

Certificate of registration. Schedule. Form NI.2. Form NI.2A.

4. Upon being satisfied that an employer's application for registration is in order, the Board shall issue to such employer a certificate of registration in the form set out in the Schedule as Form NI.2 or Form NI.2A, as the case may be.

Certificate to be kept in employer's custody.

5. A certificate of registration shall be kept in the safe custody of the employer to whom it is issued and shall be produced for inspection at any reasonable time when so required by the Board or any of its authorised officers.

Procedure on ceasing to be an employer.

6. (1) Where an employer who is an individual ceases to be an employer he shall promptly so inform the Board and return his certificate of registration. Where such an employer dies or is declared a bankrupt, his personal representative or trustee in bankruptcy shall so inform the Board and return his certificate of registration to the Board within one month of the death or bankruptcy as the case may be.

(2) Where an employer who is not an individual ceases to be an employer by reason of a winding-up or liquidation or dissolution of partnership or any other cause, then—

(a) in the case of a body corporate, its secretary shall inform the Board when the name of the company is removed from the register of

National Insurance (Registration) Regulations

[Subsidiary]

companies under the provisions of the Companies Ordinance and shall return the certificate of registration issued under regulation 4 to the Board; and

Ch. 31 No. 1.
(1950 Ed.).

- (b) in the case of an unincorporated association of persons, the secretary or former partners shall so inform the Board and shall return the certificate of registration issued under regulation 4 to the Board.

(3) The Secretary of a company or the former partners of a dissolved partnership shall comply with the provisions of subregulation (2) within one month of the removal of the name of the company from the register of companies or the dissolution of the partnership as the case may be.

PART II

EMPLOYED PERSONS (OTHER THAN
SELF-EMPLOYED PERSONS) AND UNPAID APPRENTICES

7. (1) Every employer shall make application to the Board in the forms set out in the Schedule as Form NI.3 and Form NI.4 for the registration of each employed person (other than a domestic worker or a casual agricultural worker) and each unpaid apprentice of whom he is the employer.

Application
for
registration.
Schedule.
Form NI.3.
Form NI.4.

(2) Every domestic worker and every casual agricultural worker shall himself make application to the Board for registration in the form set out in the Schedule as Form NI.4.

Form NI.4.

8. (1) Upon being satisfied that the application for registration of an employed person or unpaid apprentice is in order the Board shall issue to the employer a contribution card and an identity card in respect of that employed person or unpaid apprentice as the case may be.

Contribution
card and
identity card
of employed
persons
issued to
employer.

(2) The employer shall retain the contribution card and hand over the identity card to the person in respect of whom it is issued.

9. (1) An employer on receiving a contribution card shall become responsible for its safe-keeping so long as the employment continues or until the contribution card is returned or delivered to the Board or retained by an authorised officer in accordance with any provision of the Act.

Custody of
contribution
card.

[Subsidiary]

National Insurance (Registration) Regulations

(2) An employer shall produce a contribution card for inspection whenever so required by an authorised officer who may, if he thinks fit, retain it. An authorised officer shall give a receipt for any contribution card retained by him.

Insured person to have access to contribution card.

10. Where an insured person wishes to inspect his contribution card while it is in the custody of his employer, the employer shall give him opportunity for so doing during or immediately before or after working hours; but an insured person shall not be entitled by virtue of this regulation to inspect his contribution card more than once in any month or to require his employer to produce the contribution card for inspection elsewhere than on the employer's premises.

Identity card.

11. (1) An identity card issued under Regulation 8 or Regulation 14 shall be in such form as the Board may determine and shall contain the name and registration number of the person in respect of whom it is issued as well as the national insurance number of that person.

(2) In this regulation "registration number" means the registration number shown on an identification card issued under the Representation of the People Act.

Ch. 2:01.

Termination of employment.

12. Where the employment of an employed person or unpaid apprentice in respect of whom a contribution card was issued to an employer is terminated, the employer shall deliver the contribution card to the nearest local office within two days (Sundays and public holidays excluded) of the termination of the employment; but where the employment is terminated by the insured person without any notice or intimation to the employer, the period of two days shall be extended to fourteen days.

PART III

SELF-EMPLOYED PERSONS

Application for registration of self-employed persons. Schedule. Form NI.5. Issue and custody of contribution card and identity card.

13. Every self-employed person shall make application to the Board for registration in the form set out in the Schedule as Form NI.5.

14. Upon being satisfied that the application for registration of a self-employed person is in order, the Board shall issue a contribution card and an identity card to the self-employed person who shall upon receiving such cards become responsible for their safe-keeping.

15. (1) Where a self-employed person dies, his survivor entitled to benefit or his personal representative shall so inform the Board and return the contribution card and the identity card of the deceased to the Board.

Termination of self-employment.

(2) Where a self-employed person ceases to be self-employed he shall return his contribution card to the Board stating the reason for so doing.

PART IV

GENERAL

16. Where an insurance certificate, or contribution card is lost, defaced or destroyed while in the custody of an employer or self-employed person or where any employed person loses his identity card, he shall report such loss, defacement or destruction to the Board and apply for the issue of a replacement. The Board shall issue a replacement under such terms and conditions as it may from time to time determine.

Loss, defacement or destruction of insurance certificate or contribution card.

17. (1) Where an employer changes his address or the name or nature of his business he shall forthwith inform the Board of such change.

Board to be informed of changes.

(2) Where an employed person or unpaid apprentice changes his name, his status or his address he shall forthwith inform his employer who shall forward such information to the Board.

(3) A self-employed person shall inform the Board within fourteen days of any change of address or of the name or nature of his business or of any change of his own name or status.

18. A person who wilfully loses, defaces or destroys any certificate of registration, contribution card or identity card or who fails to comply with any of these regulations is liable on summary conviction to a fine of one hundred dollars.

Offences.

SCHEDULE

FORM NI.1

THE NATIONAL INSURANCE (REGISTRATION) (NO. 2) REGULATIONS

APPLICATION FOR REGISTRATION AS AN EMPLOYER

Please complete in Block Letters.

Reference No.:

1. Full name, address and telephone number of establishment.

.....
.....

2. Nature of business

3. Number of—

(a) employed persons

male female

(b) unpaid apprentices

male female

4. Is address given above the principal place of business or a branch?

Principal

Branch

5. If you are a principal place of business, state full names, addresses, and reference numbers of your branches whose pay records you prepare or keep

.....
.....
.....

6. If you are a branch, do you prepare or keep your own pay records?

Yes

No

7. Where your pay records are prepared or kept by the principal place of business, state full name, address, and reference number of principal place of business

Company Seal (if any)

Date

Employer's authorised signature

Office held by Signatory

FORM NI.2

(Regulation 4).

THE NATIONAL INSURANCE (REGISTRATION) (NO. 2) REGULATIONS

CERTIFICATE OF REGISTRATION

Registration Number

This certifies that
of
has been registered under the National Insurance Act.

Date
Chairman, Board of Management

FORM NI.2A

(Regulation 4).

THE NATIONAL INSURANCE (REGISTRATION) (NO. 2) REGULATIONS

CERTIFICATE OF REGISTRATION

Registration Number

This certifies that
of
whose principal place of business is
of
has been registered under the National Insurance Act.

Date
Chairman, Board of Management

FORM NI.4

(Regulation 7).

THE NATIONAL INSURANCE (REGISTRATION) (NO. 2) REGULATIONS

APPLICATION TO REGISTER AS AN EMPLOYED PERSON
(other than a self-employed person and unpaid Apprentice)

Employer's Registration No. _____

Full Name of Person to be Registered—
(Please complete in Block Letters)

Surname Other Names

Date of Birth Identification Card No.

Place of Birth Occupation

Home Address

Father's Name

Mother's Maiden Name

Name and Address of Present Employer

.....

I am the applicant name herein and I declare the particulars set out to be true.

Date

Signature or Mark

Signature of Witness to Mark

Note—Return the complete form to your Employer if he gave it to you, otherwise take or send it to the nearest local National Insurance Office.

(Regulation 13).

FORM NI.5

THE NATIONAL INSURANCE (REGISTRATION) (NO. 2) REGULATIONS

APPLICATION TO REGISTER AS A SELF-EMPLOYED PERSON

Please complete in Block Letters.

Full name of person to be registered:—

Surname Other Names

Date of Birth Identification Card No.

Place of Birth

Nature of Business

Business Address

Home Address

Father's Name

Mother's Maiden Name

I am the applicant named herein and I declare the particulars set out to be true.

Date

Applicant's Signature or Mark

Signature of Witness to Mark



**NATIONAL INSURANCE (CONTRIBUTION)
REGULATIONS****ARRANGEMENT OF REGULATIONS****REGULATION**

1. Citation.
2. Interpretation.

EMPLOYED PERSONS' CONTRIBUTION

3. Contributions payable weekly.
4. Contributions to be paid when earnings are paid.
5. Contribution to be evidenced by national insurance stamps.
6. Employer to deduct portion of contribution from employed person's earnings.

VOLUNTARY CONTRIBUTION

7. Application for certificate of voluntary insurance.
8. Issue of certificate of voluntary insurance and contribution card.
9. Manner of payment of voluntary contribution.
10. Rate of voluntary contribution.
11. Time of payment of voluntary contribution.

CONTRIBUTION CREDITS

12. Age credits on the appointed day.
13. Purpose of age credits.
14. Other credits.

GENERAL

15. Failure to pay contribution or late payment thereof.
16. Contributions paid in error.
17. Offences.

FIRST SCHEDULE.**SECOND SCHEDULE.**

[Subsidiary]

National Insurance (Contribution) Regulations

63/1972.
[101/1976
141/1980].**NATIONAL INSURANCE (CONTRIBUTION)
REGULATIONS***made under section 44*

Citation.

1. These Regulations may be cited as the National Insurance (Contribution) Regulations.

Interpretation.

2. (1) In these Regulations—

“earnings” means wages or salary and includes overtime payments, cost of living allowances, long service payments, allowances for dependants, commission on sales, production or efficiency bonuses, danger or dirt money and payment for stand-by duty;

“voluntary contribution” means contribution payable by a holder of a certificate of voluntary insurance;

“week” means the period from midnight on Sunday to midnight the following Sunday and includes any part of a week.

EMPLOYED PERSONS' CONTRIBUTION

Contributions payable weekly.

3. Contribution shall be payable in respect of every employed person and every unpaid apprentice registered or eligible to be registered under Part II of the Act each week that such person is in employment (other than uninsurable employment) and such contribution shall be due every Monday.

Contribution to be paid when earnings are paid.

4. (1) Subject to subregulation (3), contribution shall be paid on the same day that earnings are paid.

(2) Where earnings are paid by the month, the contribution payable shall be calculated according to the number of Mondays in that month.

(3) Where, in the opinion of the Board, there exist circumstances which would result in extreme hardship or grave inconvenience for an employer to pay contribution in respect of persons in his employ on the same day that he pays earnings to such persons, the Board may, on the written request of such employer, authorise him to make contribution at some later date.

Contribution to be evidenced by national insurance stamps.

5. Payment of contribution shall be evidenced by the purchase of national insurance stamps issued by the Board and the affixation of such stamps to the contribution card of the person in respect of whom the contribution is paid.

National Insurance (Contribution) Regulations

[Subsidiary]

Stamps affixed to contribution cards shall be cancelled by having the date of affixation inscribed thereon.

6. (1) Where contribution in respect of an employed person is payable partly by that person and partly by his employer, the employer shall in accordance with regulation 5, purchase the requisite national insurance stamps and affix them to the contribution card of the employed person in respect of whom the contribution is paid, and shall deduct from the employed person's earnings at the time that payment of such earnings is made, a sum equal to the amount of the employed person's share of contribution.

Employer to deduct portion of contribution from employed person's earnings.

(2) Where under regulation 4(2) the Board authorises an employer to pay contribution on a date later than the date when earnings are paid, such authority may also provide for the deduction on such later date of the employed person's share of contribution from his earnings.

VOLUNTARY CONTRIBUTION

7. (1) Application for a certificate of voluntary insurance shall be made to the Board in the form set out in the First Schedule as Form NI.6.

Application for certificate of voluntary insurance. [101/1976].
First Schedule. Form NI. 6.

(2) A person who at any time between 10th April 1972 and the coming into operation of these Regulations was an insured person shall make application not later than six months from the coming into operation of these Regulations. In any other case application shall be made not later than eighteen months after the applicant ceases to be an employed person.

8. (1) The Board, on being satisfied that an application referred to in regulation 7 is in order, shall issue to the applicant a certificate of voluntary insurance and a new contribution card.

Issue of certificate of voluntary insurance and contribution card.

(2) A certificate of voluntary insurance shall be in the form set out in the First Schedule as Form NI.7.

First Schedule. Form NI. 7.

9. Voluntary contribution shall be payable in cash at any local office, either monthly or quarterly.

Manner of payment of voluntary contribution. [101/1976].

10. (1) Subject to subregulation (2) a person who holds a certificate of voluntary insurance shall pay voluntary contribution at the rate of the earnings class into which he falls. Such earnings class shall be based on his average weekly earnings for the period spent in insurable employment

Rate of voluntary contribution [141/1980].

[Subsidiary]

National Insurance (Contribution) Regulations

during the two years immediately preceding his application for such certificate, that is to say he shall pay as set out hereunder—

<i>Earnings Class</i>	<i>Monthly Rate</i>	<i>Quarterly Rate</i>
I	\$ 9.70	\$ 29.10
II	\$ 13.95	\$ 41.85
III	\$ 18.20	\$ 54.60
IV	\$ 23.65	\$ 70.95
V	\$ 30.35	\$ 91.05
VI	\$ 38.85	\$ 116.55
VII	\$ 49.75	\$ 149.25
VIII	\$ 55.80	\$ 167.40

(2) A person who began paying voluntary contribution before 1st January, 1980, shall as from 1st January, 1980, pay contribution at the rates for the earnings class shown in the second column below corresponding to the earnings class in which he paid contribution prior to 1st January, 1980 as set out in the first column below—

<i>Earnings Class fixed prior to 1st January, 1980</i>	<i>Earnings Class after 1st January, 1980</i>
I-V	I
VI	II
VII	III
VIII	IV

Time of payment of voluntary contribution.

11. Upon being notified by the Board of the voluntary contribution due, a holder of a certificate of voluntary insurance shall make the requisite payment to the Board at any time not later than 31st December of the year in which such voluntary contribution is due.

CONTRIBUTION CREDITS

Age credits on the appointed day.

12. All employed persons or unpaid apprentices registered or eligible to be registered under Part II of the Act, who are over the age of thirty-five years on the appointed day for the payment of contributions under the Act, shall be credited with twenty-five contributions for each year over the age of thirty-five years, subject to a maximum of six hundred contributions. Such age credits shall be as set out in the Table in the Second Schedule.

Second Schedule.

National Insurance (Contribution) Regulations

[Subsidiary]

13. Age credits shall be used for the computation of basic retirement pension only and only those credits necessary to establish an insured person's right to such a pension shall be taken into account, notwithstanding such person's right to a greater number of credits having regard to his age on the appointed day referred to in regulation 12.

Purpose of age credits.

14. No contribution shall be payable in respect of a person for any week in which such person is in receipt of sickness, maternity or employment injury benefit but contribution shall be credited to him in the same amount as would have been payable in respect of him, had he not been in receipt of benefit.

Other credits.

GENERAL

15. Where contribution is paid after the due date, or such later date as the Board may authorise, or where there is failure to pay contribution, the Board may, if satisfied that the employed person or unpaid apprentice in respect of whom such contribution was due, did not in any way consent to or connive at or by any negligence on his part cause, the late payment or failure to pay, treat such contribution as promptly and properly paid for the purpose of determining that person's right to benefit.

Failure to pay contribution or late payment thereof.

16. (1) Where contribution is paid in an amount less than the amount properly payable, the person liable shall within one month of being advised by the Board of the error, make an additional payment to rectify the error. Failure to make the required additional payment may be treated as a failure to pay contribution.

Contributions paid in error.

(2) Where benefit based on such lesser amount of contribution has been paid before the contribution payment has been rectified, such benefit shall be adjusted upon the additional payment being made to rectify the error.

(3) Where contribution is paid in an amount greater than the amount properly payable, the Board may on the written request of the person who made such payment make a refund but no such refund shall be made where benefit based on such erroneous contribution was paid.

(4) Where a refund of contribution is being made, the Board shall require the return of the contribution card of the person in respect of whom the erroneous contribution was made and shall issue a replacement therefor.

[Subsidiary]

National Insurance (Contribution) Regulations

Offences.

17. Where in accordance with the Act and these Regulations contribution is payable in respect of any employed person or unpaid apprentice, any employer who wilfully refuses or neglects to pay contribution for any week in respect of any such person in his employ, or any self-employed person who wilfully refuses or neglects to pay contribution for any week on his own behalf, is liable on summary conviction to a fine of five hundred dollars and to imprisonment for three months.

(Regulation 7).

FIRST SCHEDULE

FORM NI. 6

THE NATIONAL INSURANCE (CONTRIBUTION) REGULATIONS

APPLICATION FOR A CERTIFICATE OF VOLUNTARY INSURANCE

Please complete in Block Letters

Surname Other Names
Date of Birth *Identification Card No.
Place of Birth †National Insurance No.
Male or Female
Last Employer:
Name
Business Address
Employer Registration No.

I hereby declare that I am not an employed person.

Date:
Applicant's Signature or Mark
Signature of Witness to Mark

*"Identification Card No." means the registration number shown on the applicant's Identification Card issued under the Representation of the People Act.
†"National Insurance No." means the national insurance number shown on the applicant's identity card issued under Regulation 8 of the National Insurance (Registration) (No. 2) Regulations.

National Insurance (Contribution) Regulations

[Subsidiary]

FORM NI. 7

(Regulation 8(2)).

THE NATIONAL INSURANCE (CONTRIBUTION) REGULATIONS

CERTIFICATE OF VOLUNTARY INSURANCE

*Identification Card No.

†National Insurance No.

This certificate of voluntary insurance is hereby issued to.....

.....
of

The person named herein is liable to pay contribution at the rate of

.....
Chairman, Board of Management

*"Identification Card No." means the registration number shown on the applicant's Identification Card issued under the Representation of the People Act.

†"National Insurance No." means the national insurance number shown on the applicant's identity card issued under Regulation 8 of the National Insurance (Registration) (No. 2) Regulations.

SECOND SCHEDULE

(Regulation 12).
[141/1980].

TABLE OF AGE CREDITS

Age at last birthday (years)	Number of Credits	Age at last birthday (years)	Number of Credits
36	25	51	400
37	50	52	425
38	75	53	450
39	100	54	475
40	125	55	500
41	150	56	525
42	175	57	550
43	200	58	575
44	225	59	600
45	250		
46	275		
47	300		
48	325		
49	350		
50	375		

[Subsidiary]

95/1977.

NATIONAL INSURANCE (MEDICAL EXPENSES) REGULATIONS

made under section 46(5)

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation.
2. Interpretation
3. Medical Expenses.
4. Board to appoint medical referees.
5. Questions to be referred to medical referees.
6. Period for which medical expenses shall be paid.
7. Board to establish formulary.
8. Payment of hospital expenses.
9. Circumstances where Board is not liable to pay hospital expenses.
10. Medical expenses incurred outside Trinidad and Tobago.
11. Travel expenses.
12. Constant attendance allowance.
13. Conditions attaching to payment of medical expenses.

Citation.

1. These Regulations may be cited as the National Insurance (Medical Expenses) Regulations.

Interpretation.

2. In these Regulations—
“medical practitioner” means a person registered under the Medical Board Act.

Ch. 29:50.

Medical expenses.

3. For the purposes of the Act and these Regulations “medical expenses” includes doctor’s fees, hospital expenses, the cost of necessary para-medical treatment, the cost of medicines and the cost of travel incidental to an insured person receiving care and treatment.

Board to appoint medical referees.

4. (1) The Board shall appoint medical practitioners to be medical referees and for the purpose of considering any question referred by the Board medical referees shall be constituted into panels.

(2) A panel may comprise one or more medical referees.

Questions to be referred to medical referees.

5. The Board may refer to medical referees any medical question relating to an insured person in respect of whom a claim is made—

- (a) that he has suffered personal injury by accident arising out of and in the course of his employment; or
- (b) that he has developed a prescribed disease.

6. Medical expenses shall be paid from the date of the accident giving rise to the personal injury or the date of the development of the prescribed disease as the case may be for as long as the nature of the insured person's condition necessitates the incurrence of those expenses.

Period for which medical expenses shall be paid.

7. For the purpose of these Regulations, the Board may establish a formulary of pharmaceutical products and dressings that may be prescribed by a medical practitioner for a person entitled to benefit under section 46(3) of the Act.

Board to establish formulary.

8. (1) Hospital expenses of an insured person may be paid by the Board direct to Government where such expenses are incurred at a hospital operated by the Government or to a private hospital where such expenses are incurred at the hospital.

Payment of hospital expenses.

(2) For the purposes of this regulation the Board may make arrangements with Government on the one hand or with a private hospital on the other for the payment of hospital expenses and may in accordance with such arrangements—

- (a) pay to Government or to the private hospital as the case may be, the actual expenses incurred by the insured person; or
- (b) make grants to Government or to the private hospital as the case may be in such amounts and at such times as may be agreed to cover the expenses of insured persons generally.

9. Where the Board has made arrangements for the hospitalisation of insured persons at a hospital, it shall not be liable to pay the hospital expenses of an insured person who is admitted to some other hospital, save where facilities under the arrangements of the Board were not immediately available to the insured person and delay may have caused serious risk to his life or grave detriment to his health.

Circumstances where Board is not liable to pay hospital expenses.

10. Medical expenses incurred outside Trinidad and Tobago shall be paid by the Board only if the Board is satisfied that treatment required by the insured person was not available locally and that having regard to all other circumstances of the case the insured person was justified in seeking care and treatment abroad.

Medical expenses incurred outside Trinidad and Tobago.

Travel
expenses.

11. Where an insured person is required to attend any place for the purpose of receiving care and treatment he shall be paid reasonable expenses for getting to and from that place and where having regard to the condition of that insured person, his medical practitioner certifies that he should be accompanied, reasonable expenses shall be paid for the insured person's escort.

Constant
attendance
allowance.

12. Where in the opinion of the Board, it is necessary that an insured person should have constant attendance and care, the Board shall make weekly payments for this purpose.

Conditions
attaching to
payment of
medical
expenses.

13. An insured person in respect of whom medical expenses are paid by the Board, shall—

- (a) remain under the care of the medical practitioner from whom he first received care and treatment for the injury or the prescribed disease, unless in the opinion of the Board care and treatment should be continued by another medical practitioner in which case he should attend that other medical practitioner;
 - (b) follow the instructions of his medical practitioner;
 - (c) refrain from doing anything which might retard his recovery;
 - (d) submit himself, if so required by the Board, to be examined by a panel of medical referees;
 - (e) be admitted to hospital where his medical practitioner considers care and treatment in hospital, advisable.
-

**THE NATIONAL INSURANCE (EMPLOYMENT INJURY)
(PAYMENT OF MEDICAL EXPENSES) ORDER**

226/1979.

made under section 46(6)

1. This Order may be cited as the National Insurance (Employment Injury) (Payment of Medical Expenses) Order and is deemed to have come into operation on 1st July 1976.

Citation and commencement.

2. Subject to paragraph 3 the rates of payment for medical expenses to insured persons who suffer personal injury by accident arising out of or in the course of their employment shall be as set out in the Schedule.

Rates of payment.

3. The aggregate payment of medical expenses shall not exceed the sum of ten thousand dollars.

Maximum payment.

SCHEDULE

RATES OF PAYMENT FOR MEDICAL EXPENSES

PART I

	Office visits to doctor	HOME OR PRIVATE HOSPITAL VISIT BY DOCTOR		
		Between 6.00 a.m. and 5.29 p.m.	Between 5.30 p.m. and 11.29 p.m.	Between 11.30 p.m. and 5.59 a.m.
	\$	\$	\$	\$
(i) General Practitioner ..	10.00	20.00	30.00	40.00
Specialist	25.00	40.00	60.00	80.00
(ii) Psychiatrist				
Initial Consultation ..	30.00			
Follow up Consultation ..	25.00			

PART II

(iii) Drugs, dressing, pharmaceuticals for persons not hospitalised on production of evidence satisfactory to the Board ..	..	up to \$100.00
(iv) Private Hospitals .. .. .	..	\$50.00 per day including cost of investigations, drugs and x-rays
(v) Operations		
Minor operations .. .. .	..	\$100.00-\$200.00
Intermediate operations .. .. .	..	\$200.00-\$400.00
Major operations .. .. .	..	\$400.00
(vi) Rates of constant Attendance Allowances		
	<i>Earning Class</i>	<i>Rate per week</i>
		\$ c.
	I	4.00
	II	6.25
	III	8.25
	IV	11.00
	V	14.25
	VI	18.50
	VII	23.75
	VIII	30.00

94/1977.

**NATIONAL INSURANCE (PRESCRIBED DISEASES)
REGULATIONS**

made under section 47(2)

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation.
2. Definitions.
3. Prescribed disease: person insured against.

- (a) that he has suffered personal injury by accident arising out of and in the course of his employment; or
 (b) that he has developed a prescribed disease.

6. Medical expenses shall be paid from the date of the accident giving rise to the personal injury or the date of the development of the prescribed disease as the case may be for as long as the nature of the insured person's condition necessitates the incurrence of those expenses.

Period for which medical expenses shall be paid.

7. For the purpose of these Regulations, the Board may establish a formulary of pharmaceutical products and dressings that may be prescribed by a medical practitioner for a person entitled to benefit under section 46(3) of the Act.

Board to establish formulary.

8. (1) Hospital expenses of an insured person may be paid by the Board direct to Government where such expenses are incurred at a hospital operated by the Government or to a private hospital where such expenses are incurred at that hospital.

Payment of hospital expenses.

(2) For the purposes of this regulation the Board may make arrangements with Government on the one hand or with a private hospital on the other for the payment of hospital expenses and may in accordance with such arrangements—

- (a) pay to Government or to the private hospital as the case may be, the actual expenses incurred by the insured person; or
 (b) make grants to Government or to the private hospital as the case may be in such amounts and at such times as may be agreed to cover the expenses of insured persons generally.

9. Where the Board has made arrangements for the hospitalisation of insured persons at a hospital, it shall not be liable to pay the hospital expenses of an insured person who is admitted to some other hospital, save where facilities under the arrangements of the Board were not immediately available to the insured person and delay may have caused serious risk to his life or grave detriment to his health.

Circumstances where Board is not liable to pay hospital expenses.

10. Medical expenses incurred outside Trinidad and Tobago shall be paid by the Board only if the Board is satisfied that treatment required by the insured person was not available locally and that having regard to all other circumstances of the case

Medical expenses incurred outside Trinidad and Tobago.

[Subsidiary]

National Insurance (Prescribed Diseases) Regulations

the insured person was justified in seeking care and treatment abroad.

Travel expenses.

11. Where an insured person is required to attend any place for the purpose of receiving care and treatment he shall be paid reasonable expenses for getting to and from that place and where having regard to the condition of that insured person, his medical practitioner certifies that he should be accompanied, reasonable expenses shall be paid for the insured person's escort.

Constant attendance allowance.

12. Where in the opinion of the Board, it is necessary that an insured person should have constant attendance and care, the Board shall make weekly payments for this purpose.

Conditions attaching to payment of medical expenses.

13. An insured person in respect of whom medical expenses are paid by the Board, shall—

- (a) remain under the care of the medical practitioner from whom he first received care and treatment for the injury or the prescribed disease, unless in the opinion of the Board care and treatment should be continued by another medical practitioner in which case he should attend that other medical practitioner;
- (b) follow the instructions of his medical practitioner;
- (c) refrain from doing anything which might retard his recovery;
- (d) submit himself, if so required by the Board, to be examined by a panel of medical referees;
- (e) be admitted to hospital where his medical practitioner considers care and treatment in hospital, advisable.

94/1977.

NATIONAL INSURANCE (PRESCRIBED DISEASES) REGULATIONS

made under section 47(2).

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation.
2. Definitions.
3. Prescribed disease: person insured against.

REGULATION

4. Resulting conditions of prescribed disease.
5. Presumption as to cause of prescribed disease.
6. Presumption as to cause of pneumoconiosis.
7. Date of development.
8. Determination of date of development.
9. Recrudescence.
10. Diagnosis and recrudescence questions to be referred to medical panel.
11. Determination of diagnosis or recrudescence questions by Board.
12. Procedure on receipt of report.

SCHEDULE.

1. These Regulations may be cited as the National Insurance (Prescribed Diseases) Regulations. Citation.

2. In these Regulations— Definitions.

“the Act” means the National Insurance Act;

“benefit” means benefit payable under section 46(3) of the Act;

“medical referees” means medical referees appointed by the Board under the National Insurance (Medical Expenses) Regulations. 95/1977.

3. For the purposes of the Act, a disease or injury set out in the first column of the Schedule is a prescribed disease and a person insured under section 37(1) of the Act who is or was engaged in insurable employment of a type set out in the second column of the Schedule against that prescribed disease, is insured against that prescribed disease. Prescribed disease: person insured against.

4. Where a person insured against a prescribed disease, is suffering from a condition which has resulted from that prescribed disease, the provisions of the Act and these Regulations shall apply to him as if he were suffering from that prescribed disease. Resulting conditions of prescribed disease.

5. Subject to regulation 6 where an insured person develops a prescribed disease against which he is insured, it is presumed, unless the contrary is proved, that the disease was caused by the nature of his employment if he is engaged in insurable employment of a type set out in the second column of the Schedule against that disease or was so engaged at any time within one Presumption as to cause of prescribed disease. Schedule.

month immediately preceding the date on which, in accordance with these Regulations, he is treated as having developed the disease.

Presumption as to cause of pneumoconiosis. Schedule.

6. (1) Where an insured person, insured against pneumoconiosis develops that disease, it is presumed, unless the contrary is proved, that the disease was caused by the nature of his employment if he was engaged in insurable employment of a type set out in the second column of the Schedule against that disease for a period or periods amounting in the aggregate to not less than two years.

(2) For the purposes of subregulation (1), employment which would have been insurable employment had it taken place on or after the appointed day shall be taken into account in computing the period of not less than two years.

Date of development.

7. Where a person insured against a prescribed disease is found to be or to have been suffering from or to have died as the result of that disease, then for the purposes of a claim for benefit in respect of that person, the disease shall be treated as having developed on a date, (in these Regulations referred to as "the date of development") determined in accordance with regulations 8 and 9.

Determination of date of development.

8. (1) The date of development of a prescribed disease determined in accordance with subregulation (2) and regulation 9 shall be treated as the date of development for the purpose of the first and any subsequent claim made in respect of that prescribed disease by or in respect of an insured person insured against that disease.

(2) Where the claim for the purposes of which the date of development is to be determined is—

- (a) a claim for injury benefit, the date of development shall be the first day on which the claimant was incapable of working as a result of the disease on or after the appointed day;
- (b) a claim for disablement benefit, the date of development shall be the day on which the claimant first suffered loss of faculty as a result of the disease on or after the appointed day;
- (c) a claim for death benefit, the date of development shall be the date of death.

9. (1) Where a person after being awarded benefit in respect of a prescribed disease recovers wholly or partially from the attack of the disease, and thereafter suffers from another attack of the same disease or dies as a result of the disease then—

Recrudescence.

(a) if the further attack commences or the death occurs during an injury benefit period or during a period taken into account by an assessment of disablement relating to such a previous award (either of which periods is hereinafter referred to as a "relevant period"), the disease shall be treated as recrudescence of the attack to which the relevant period relates, unless it is otherwise determined in the manner referred to in paragraph (b);

(b) if the further attack commences or the death occurs otherwise than during a relevant period, or if it is determined in the manner provided in regulations 10, 11 and 12 that the disease was in fact contracted afresh, it shall be treated as having been so contracted.

(2) For the purpose of subregulation (1), a further attack of a prescribed disease shall be deemed to have commenced on the date which would be treated as the date of development under regulation 8 if no previous claim had been made in respect of that disease.

(3) Where, under this regulation, a disease is treated as having been contracted afresh, the provisions of regulation 8 shall apply as though no previous claim had been made in respect of that disease and the date of development shall be determined accordingly.

(4) Where, under this regulation, a disease is treated as a recrudescence during a period taken into account by a previous assessment of disablement, any assessment of disablement in respect of the recrudescence shall be by way of review of such previous assessment.

10. (1) In this regulation and in regulations 11 and 12 any question arising in connection with a claim for award of injury benefit or disablement benefit—

Diagnosis and recrudescence questions to be referred to medical panel.

(a) whether a person is suffering or has suffered from a prescribed disease, is referred to as a diagnosis question;

(b) whether a prescribed disease has been contracted

[Subsidiary]

National Insurance (Prescribed Diseases) Regulations

afresh, in any case where that question arises, is referred to as a recrudescence question.

(2) Subject to the provisions of regulation 11 where a diagnosis or recrudescence question arises in any case the Board shall forthwith refer that question for examination and report by a panel of medical referees.

(3) Where in the consideration of a diagnosis or recrudescence question the Board is of the opinion that there arises a disablement question, it shall refer the diagnosis or recrudescence question as well as the disablement question to a panel of medical referees.

(4) Where in the consideration of a diagnosis question the Board is of the opinion that there arises a recrudescence question, it shall refer the diagnosis question as well as the recrudescence question to a panel of medical referees.

Determination
of diagnosis or
recrudescence
questions by
Board.

11. (1) The Board may in its discretion determine a diagnosis or recrudescence question without referring it as provided in regulation 10(2) if it is satisfied that such reference can be dispensed with having regard to—

- (a) a medical report signed by a medical practitioner from whom the claimant or beneficiary is receiving or has received treatment for a condition due to a prescribed disease; or
- (b) the decision in any similar diagnosis or recrudescence question which was determined on the consideration of any previous claim or question arising in respect of the same disease suffered by the same person (including the date and terms of any medical report on which such previous decision was based and of any medical certificate submitted by the claimant or beneficiary).

Reference to a panel of medical referees for a report shall not be dispensed with on the grounds specified in paragraph (a) except where a diagnosis question is determined in favour of the claimant or beneficiary or where a recrudescence question arises in connection with a diagnosis question which has been so determined under this regulation.

(2) Where the Board is of the opinion that a claim or question submitted to it or any part thereof can be disposed of without determining any diagnosis or recrudescence question, it may make an award or determine that an award cannot be made or

may determine the question submitted to it accordingly without referring such diagnosis or recrudescence question for a report or before so referring it.

(3) Where during a period taken into account by an assessment of disablement relating to an award of disablement benefit in respect of a prescribed disease the beneficiary either—

- (a) applies for a review of such assessment; or
- (b) makes a further claim for disablement benefit in respect of a fresh attack of the disease,

any recrudescence question arising on such application or further claim shall be referred to a panel of medical referees together with any disablement question which arises.

(4) The provisions of regulation 10(2) and this regulation shall apply to an appeals tribunal as they apply to the Board save that an appeals tribunal shall instead of itself referring a diagnosis or recrudescence question to a panel of medical referees in accordance with regulation 10, direct the Board to refer the question.

12. (1) Upon the receipt of the report of a panel of medical referees on a diagnosis or recrudescence question, the Board shall as soon as possible consider the report and determine the question.

Procedure on
receipt of
report.

(2) Where the question referred was a diagnosis question, the Board may—

- (a) determine the question in favour of the claimant or beneficiary;
- (b) determine the question adversely to the claimant or beneficiary.

(3) Where the question referred was a recrudescence question, the Board—

- (a) if satisfied having regard to the report that the disease ought to be treated as having been contracted afresh, shall so treat it and shall determine the question accordingly;
- (b) if not so satisfied, shall treat the disease as a recrudescence of the previous attack or as not having developed on or after the declared day, as the case may require, and shall determine the question accordingly.

SCHEDULE

(Description of Disease or Injury and Nature of Employment)

1. *Poisoning by lead or a compound of lead*
The use or handling of, or exposure to the fumes, dust or vapour of lead or a compound of lead, or a substance containing lead.
2. *Poisoning by manganese or a compound of manganese*
The use or handling of, or exposure to the fumes, dust or vapour of, manganese or a compound of manganese, or a substance containing manganese.
3. *Poisoning by phosphorus or phosphine or poisoning due to the anti-cholinesterase action of organic phosphorus compound*
The use or handling of, or exposure to the fumes, dust or vapour of, phosphorus or a compound of phosphorus, or a substance containing phosphorus.
4. *Poisoning by arsenic or a compound of arsenic*
The use or handling of, or exposure to the fumes, dust or vapour of, arsenic or a compound of arsenic, or a substance containing arsenic.
5. *Poisoning by mercury or a compound of mercury*
The use or handling of, or exposure to the fumes, dust or vapour of, mercury or a compound of mercury, or a substance containing mercury.
6. *Poisoning by carbon bisulphide*
The use or handling of, or exposure to fumes or vapour of, carbon bisulphide or a compound of carbon bisulphide, or a substance containing carbon bisulphide.
7. *Poisoning by benzene or a homologue*
The use or handling of, or exposure to the fumes of, or vapour containing, benzene or any of its homologues.
8. *Poisoning by a nitro- or amino- or chloro-derivative of benzene or of a homologue of benzene or poisoning by nitrochlorbenzene*
The use or handling of, or exposure to the fumes of, or vapour containing, a nitro- or amino- or chloro-derivative of benzene or a homologue of benzene or nitrochlorbenzene.
9. *Poisoning by beryllium or a compound of beryllium*
The use or handling of, or exposure to the fumes, dust or vapour of, beryllium, or a substance containing beryllium.
10. *Poisoning by diethylene dioxide (dioxan)*
The use or handling of, or exposure to the fumes of, or vapour containing, diethylene dioxide (dioxan).
11. *Poisoning by dinitrophenol or a homologue or by substituted dinitrophenol or by the salts of such substances*
The use or handling of, or exposure to the fumes of, or vapour containing, dinitrophenol or a homologue or substituted dinitrophenol or the salts of such substances.
12. *Poisoning by tri-cresyl phosphate*
The use or handling of, or exposure to the fumes of, or vapour containing, tri-cresyl phosphate.
13. *Poisoning by tri-phenyl phosphate*
The use or handling of, or exposure to the fumes of, or vapour containing, tri-phenyl phosphate.
14. *Poisoning by methyl bromide*
The use or handling of, or exposure to the fumes of, or vapour containing methyl bromide.
15. *Poisoning by chlorinated naphthalene*
The use or handling of, or exposure to the fumes of, or dust or vapour containing chlorinated naphthalene.
16. *Poisoning by nitrous fumes*
The use or handling of nitric acid or exposure to nitrous fumes.

17. *Poisoning by gonioma kamassi (African hox wood)*
The manipulation of gonioma kamassi or any process in or incidental to the manufacture of articles therefrom.
18. *Poisoning by tetrachlorethane*
The use or handling of, or exposure to the fumes of, or vapour containing tetrachlorethane.
19. *Poisoning by cadmium*
Exposure to cadmium fumes.
20. *Poisoning by acrylamide monomer*
The use or handling of, or exposure to acrylamide monomer.
21. *Poisoning by chromates or chromic acid*
Chromium plating, tanning of leather involving the use of chromates or chromic acid.
22. *Anthrax*
The handling of wool, hair, bristles, hides or skins or other animal products or residues, or contact with animals infected with anthrax.
23. *Primary neoplasm of the epithelial lining of the urinary bladder (papilloma of the bladder), or of the epithelial lining of the renal pelvis or of the epithelial lining of the ureter*
 - (a) Work in a building in which any of the following substances is produced for commercial purposes:
 - (i) alpha-naphthylamine or beta-naphthylamine;
 - (ii) diphenyl substituted by at least one nitro or primary amino group or by at least one nitro and primary amino group;
 - (i) any of the substances mentioned in sub-paragraph (ii) above if further ring substituted by halogeno, methyl or methoxy groups, but not by any other groups;
 - (iv) the salts of any of the substances mentioned in sub-paragraphs (i) to (ii) above;
 - (v) auramine or magenta;
 - (b) the use or handling of any of the substances mentioned in sub-paragraphs (i) to (iv) of paragraph (a), for work in a process in which any such substances is used or handled or is liberated;
 - (c) the maintenance or cleaning of any plant or machinery used in any such process as is mentioned in paragraph (b), or the cleaning of clothing used in any such building as is mentioned in paragraph (a) if such clothing is cleaned within the works of which the building forms a part or in a laundry maintained and used solely in connection with such works.
24. *Tuberculosis*
Close and frequent contact with a source of tuberculosis infection by reason of employment:
 - (a) in the medical treatment or nursing of a person or persons suffering from tuberculosis, or in a service ancillary to such treatment or nursing;
 - (b) in attendance upon a person or persons suffering from tuberculosis, where the need for such attendance arises by reason of physical or mental infirmity;
 - (c) as a research worker engaged in research in connection with tuberculosis;
 - (d) as a laboratory worker, pathologist or person taking part or assisting at post-mortem examinations of human remains where the occupation involves working with material which is a source of tuberculosis infection.
25. *Glanders*
Contact with equine animals or their carcasses.
26. (a) *Infection by Leptospire icterohaemorrhagiae*
Work in places which are, or are liable to be infected by rats.
 - (b) *Infection by Leptospire caniola*
Work at dog kennels or the care or handling of dogs.
27. *Ankylostomiasis*
Work in or about a mine.

28. *Inflammation, ulceration or malignant disease of the skin or subcutaneous tissues or of the bones, or blood dyscrasia, or cataract, due to electromagnetic radiations (other than radiant heat), or to ionising particles*
Exposure to electro-magnetic radiations other than radiant heat, or to ionising particles.
29. *Heat cataract*
Frequent or prolonged exposure to rays from molten or red-hot material.
30. *Decompression sickness*
Subjection to compressed or rarefied air.
31. *Cramp of the hand or forearm due to repetitive movements*
Prolonged periods of handwriting, typing or other repetitive movements of the fingers, hand or arm.
32. *Subcutaneous callulitis of the hand (Beat hand)*
Manual labour causing severe or prolonged friction or pressure on the hand.
33. *Bursitis or subcutaneous cellulitis arising at or about the knee due to severe or prolonged external friction or pressure at or about the knee (Beat knee)*
Manual labour causing severe or prolonged external friction or pressure at or about the knee.
34. *Bursitis or subcutaneous cellulitis arising at or about the elbow due to severe prolonged external friction or pressure at or about the elbow (Beat elbow)*
Manual labour causing severe or prolonged external friction or pressure at or about the elbow.
35. *Traumatic inflammation of the tendons of the hand or forearm or of the associated tendon sheaths.*
Manual labour, or frequent or repeated movements of the hand or wrist.
36. *Miner's nystagmus*
Work in or about the mine.
37. *Inflammation or ulceration of the mucous membrane of the upper respiratory passages or mouth produced by dust, liquid or vapour*
Exposure to dust, liquid, or vapour.
38. *Non-infective dermatitis of external origin (including chrome ulceration of the skin but excluding dermatitis due to ionising particles or electro-magnetic radiations other than radiant heat)*
Exposure to dust, liquid, or vapour or any other external agent capable of irritating the skin (including friction or heat) by excluding ionising particles or electro-magnetic radiations other than radiant heat).
39. *Pulmonary disease due to the inhalation of the dust of mouldy hay or other mouldy vegetable produce and characterised by symptoms and signs attributable to a reaction in the peripheral part of the broncho-pulmonary system, and giving rise to a defect in gas exchange (Farmer's lung)*
Exposure to the dust of mouldy hay or other mouldy vegetable produce by reason of employment:
 - (a) in agriculture, horticulture or forestry; or
 - (b) loading or unloading or handling in storage such hay or other vegetable produce; or
 - (c) handling bagasse.
40. *Primary malignant neoplasm of the mesothelium (diffuse mesothelioma of the pleura) or of the peritoneum*
 - (a) The working or handling of asbestos or any admixture of asbestos;
 - (b) the manufacture or repair of asbestos textiles or other articles containing or composed of asbestos;
 - (c) the cleaning of any machinery or plant used in any of the foregoing operations and of any chambers, fixtures and appliances for the collection of asbestos dust;
 - (d) substantial exposure to the dust arising from any of the foregoing operations.
41. *Adeno-carcinoma of the nasal cavity or associated air sinuses*
Attendance for work in or about a building where wooden furniture is manufactured.

42. *Infection by brucella abortus*
Contact with bovine animals infected by brucella abortus their carcasses or parts thereof or their untreated products, or with laboratory specimens or vaccines of or containing brucella abortus, by reason of employment—
- (a) as a farm worker;
 - (b) as a veterinary worker;
 - (c) as a slaughterhouse worker;
 - (d) as a laboratory worker; or
 - (e) in any other work relating to the care, treatment, examination or handling of such animals, carcasses or parts thereof or products.
43. *Pathological manifestations due to—*
- (a) *Radium or other radio-active substances*
Any process involving exposure to the action of radium, radio-active substances or X-rays.
 - (b) *X-rays*
Any process involving exposure to the action of radium, radio-active substances or X-rays.
 - (c) *Ulceration of the corneal surface of the eye*
Any process involving the use or handling of, or exposure to, tar, pitch, bitumen, mineral oil (including kerosene), soot or any compound, product or residue of any of these substances.
 - (d) *Localised new growth of the skin, papillomatous or Keratotic*
Any process involving the use or handling of, or exposure to, tar, pitch, bitumen, mineral oil (including kerosene), soot or any compound, product or residue of any of these substances.
44. *Berylliosis*
Any occupation involving the making of fluorescent lamps.
45. *Asbestosis*
Any occupation involving the processing, use or handling of, or exposure to asbestos or to a compound of asbestos or any substance containing asbestos.
46. *Bauxite Pulmonary Fibrosis (Shaver's disease)*
The making of synthetic abrasives and any occupation involving the liberation of fumes caused by the fusion of the ore known as bauxite with silica or any of its compounds.
47. *Mica Pneumoconiosis*
Any occupation involving the processing, use or handling of silica aluminium compounds.
48. *Talc Pneumoconiosis*
Any occupation or process involving the use of finely powdered hydrous silicate.
49. *Silicosis*
All occupations involving exposure to risk concerned.
50. *Toxic anaemia*
All occupations involving exposure to risk concerned.
51. *Toxic jaundice due to poisonous substances*
All occupations involving exposure to risk concerned.
52. *Lead Tetra-ethyl poisoning*
All occupations involving exposure to risk concerned.
53. *Chrome or its toxic compound*
All occupations involving exposure to risk concerned.
54. *Disease caused by ionising radiations*
All occupations involving exposure to risk concerned.
55. *Primary epitheliomatous cancer of the skin caused by tar, pitch, bitumen, mineral oil, or the compounds, products or the residues of those substances*
All occupations involving exposure to risk concerned.

56. *Bagassosis*
Any occupation involving the processing, use or handling of or exposure to bagasse or a compound of bagasse or a substance containing bagasse.
57. *Pneumoconiosis*
Any occupation involving—
(a) the mining, quarrying or working of silica rock or the working of dried quartzose sand or any dry deposit or dry residue of silica or any dry admixture containing such materials (including any occupation in which any of the aforesaid operations are carried out incidentally to the mining or quarrying of other minerals or to the manufacture of articles containing crushed or ground silica rock);
(b) the handling of any of the materials specified in the foregoing sub-paragraph in or incidental to any of the operations mentioned therein, or substantial exposure to the dust arising from such operations.
58. *Byssinosis*
Processes in which large quantities of cotton dust are present.
59. *Disease caused by the toxic halogen derivatives of hydrocarbon of the Aliphatic series*
Petroleum production from crude oil. Work which involves exposure to any of the derivatives of hydrocarbon used in the production of paints, protective coatings, plastics, synthetic rubber, resins, pesticides, synthetic detergent and petrochemicals.
60. *Dystrophy of the cornea (including ulceration of the corneal surface) of the eye*
Workers employed in foundry work, in the field of engineering, building construction, and in the chemical industry.
61. *Localised new growth of the skin, papillomatous or kerototic*
Work which involves exposure to skin injury due to actinic radiation, ionising radiation, contact with coal tar, shale oil, impure paraffin.
62. *Squamous-celled carcinoma of the skin*
Work which involves exposure of the skin to organic chemicals (particularly in the petroleum and other related industries, for example, tar, pitch, asphalt) and radiation.

NATIONAL INSURANCE (BENEFITS) REGULATIONS

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77/1972.
[45/1973
9/1974
102/1976
96/1977].

NATIONAL INSURANCE (BENEFITS) REGULATIONS

made under section 55

Citation.

1. These regulations may be cited as the National Insurance (Benefits) Regulations.

Definitions.

2. In these Regulations "the Act" means the National Insurance Act.

PART I

CLAIMS

Submission of claim.

3. A person claiming benefit under the Act shall submit a claim to the Board in accordance with these regulations.

Claims to be made on claim forms.
[96/1977].

4. (1) Claims shall be made to the Board on claim forms obtainable at any local office.

(2) Each claim shall be supported by documentary evidence as to the nature of the contingency for which benefit is being claimed and, where the claimant is not himself the insured person in respect of whom the claim is being made, the relationship between the claimant and the insured person, as follows:

- (a) a claim for sickness benefit, maternity benefit, invalidity benefit or employment injury benefit shall be supported by relevant medical certificates;
- (b) a claim for funeral grant shall be supported by the death certificate of the insured person and a receipt or bill from the funeral undertaker showing that the funeral expenses were paid by or are being demanded from the claimant;
- (c) a claim for retirement pension or retirement grant shall be supported by the birth certificate of the claimant;

- (d) a claim for survivor benefit or death benefit shall be supported by the death certificate of the insured person and
- (i) subject to regulation (5) by the marriage certificate of the insured person and the claimant in any case where the claim is made by the widow or widower, together with the birth certificate of the claimant where such claimant is the widow, and a medical certificate relating to the claimant's incapacity to work and stating the date of the commencement of such incapacity where the claimant is the widower;
 - (ii) by the marriage certificate of the insured person and the other parent of any child of the insured person as well as the birth certificate of such child where the claim is made in respect of a child of the insured person and where such child has been rendered an orphan by reason of the death of the insured person, the death certificate of the other parent of such child;
 - (iii) by the birth certificate of the insured person where the claim is made by the parent of the insured person, and by such other proof as the Board may require to establish the dependency of the claimant on the insured person.

(3) There shall be submitted with every claim the identity card of the insured person in respect of whom benefit is being claimed.

(4) In this regulation "identity card" means the identity card described in regulation 11 of the National Insurance (Registration) (No. 2) Regulations. 224/1971.

5. (1) In determining a claim for survivor benefit or death benefit in which the claimant is relying on being treated by the Executive Director as the spouse of the insured person under section 2(2) of the Act, in the absence of the subsistence of a lawful marriage, or where there was any impediment to lawful marriage, the requirement of supporting the claim by a marriage certificate shall not apply.

Claim for survivor benefit or death benefit where no valid marriage existed.

(2) In any claim for child's allowance or orphan's allowance where the insured person's name does not appear on the birth

certificate of the person for whom benefit is being claimed, the Board may require such other evidence as it considers necessary to establish paternity of such person and his dependence on the insured person.

(3) No benefit shall be paid in respect of a claim to which subregulation (1) refers unless such claim is advertised once a week for a period of three weeks in at least one daily newspaper in circulation in Trinidad and Tobago and no objection has been raised to such claim by any person who is the lawful spouse of either the insured person or the claimant.

(4) An advertisement under this regulation shall contain the names, respective ages and last known address of the insured person and the claimant and the name and address of the last employer of the insured person.

Contribution card to be returned to Board.

6. Any person having custody of the contribution card of an insured person shall return such contribution card to the Board in any case where a contingency in respect of which benefit is payable arises in respect of the insured person and the insured person suffers loss of earnings thereby.

Time for submission of claim. [45/1973 96/1977].

7. (1) Any claim other than a claim for funeral grant shall be submitted not later than six months after the contingency upon which the claim is based first arose. A claim for funeral grant shall be submitted within twelve months of the death of the insured person in respect of which the benefit is claimed.

(2) Save in exceptional circumstances submission of claims after the periods referred to in subregulation (1) shall result in loss of benefit.

(3) The Board shall not entertain any claim for sickness benefit or injury benefit submitted before the fourth day of the insured person's incapacity caused by sickness or employment injury but so long as incapacity continues for more than three days—

- (a) sickness benefit shall be calculated and paid as from the fourth day; and
- (b) injury benefit shall be calculated and paid as from the first day.

Defective claim.

8. Where a claim submitted to the Board is not signed by the claimant or is not supported by the necessary documentary evidence or is for any other reason defective, such claim shall be

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returned to the claimant for rectification and where within one month of being so returned, it is re-submitted to the Board duly rectified it shall be treated as if it were correctly made on the day it was first submitted.

9. A claim for a benefit to which the claimant is not entitled may nonetheless be entertained for some other benefit in respect of the contingency referred to in such claim to which the claimant is entitled.

Claim may be entertained for other benefit.

PART II

PAYMENT OF BENEFIT

10. (1) Benefit other than employment injury benefit shall be paid only upon the death of an insured person or where an insured person suffers loss of earnings consequent upon any contingency for which such benefit is payable under the Act.

Circumstances for paying benefit. [102/1976 96/1977].

(2) Employment injury benefit shall be paid to or in respect of an insured person who suffers injury by accident arising out of and in the course of employment or develops a prescribed disease against which he is insured whether or not there is consequential loss of earnings.

11. Where a person is the holder of a certificate of voluntary insurance only the benefits listed hereunder shall be payable in respect of him—

Benefits payable in respect of a holder of a certificate of voluntary insurance.

- (a) retirement pension;
- (b) retirement grant;
- (c) survivor's benefit; and
- (d) funeral grant.

12. The following benefits shall be payable by way of lumpsum payments:

Method of paying.

- (a) funeral grant;
- (b) retirement grant;
- (c) disablement grant;
- (d) maternity grant; and
- (e) re-marriage grant.

All other benefits shall be paid by periodical payments.

13. Benefit payable by periodical payments shall be paid weekly on such day as the Board may from time to time determine.

Periodical payments payable weekly.

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Period for
which benefit
is paid.
[9/1974
96/1977
142/1980].

14. The maximum periods for which benefits payable by periodical payments shall be paid are as follows:

- (a) sickness benefit for a period of twenty-six weeks at the end of which period the Board shall arrange for a medical re-examination of the recipient of such benefit to determine his eligibility for invalidity benefit and where such eligibility cannot be determined sickness benefit shall continue to be paid for a further period not exceeding twenty-six weeks;
- (b) maternity benefit payable for thirteen weeks—six weeks immediately before the week of the delivery, and six weeks immediately following the week of the delivery;
- (c) invalidity benefit payable until the cesser of the insured person's incapacity;
- (d) retirement pension payable for the life of the recipient;
- (e) survivor benefit, that is to say—
 - (i) widow's benefit or pension payable to a widow—
 - A. for life or until she remarries in any case where such widow had at the date of her husband's death already attained the age of fifty-five years or where though not yet having attained that age is mentally or physically disabled or had at least one child eligible to receive child's allowance and would attain the age of fifty years before such child became ineligible by reason of age to receive child's allowance; or
 - B. until the widow's youngest child becomes ineligible by reason of age to receive child's allowance or until she remarries, whichever is the sooner, in any other case;
 - (ii) widower's benefit payable until the cesser of the widower's incapacity or until he remarries, whichever is the sooner;
 - (iii) widow's allowance payable for a period not exceeding fifty-two weeks to a widow

- ineligible to receive widow's benefit or pension but where such widow remarries within that period such allowance shall cease upon her remarriage;
- (iv) child's allowance or orphan's allowance payable until the child or orphan, as the case may be, attains the age of sixteen years, but where such child or orphan continues in full-time education after that age the allowance shall be payable until he attains the age of nineteen years; a recipient of child's allowance or orphan's allowance who is unable to work by reason of mental or physical disability shall receive such allowance until the cesser of his disability;
- (v) parent's pension payable for the life of the parent or until he remarries.
- (f) employment injury benefit, that is to say—
- (i) injury benefit payable for a period of fifty-two weeks at the end of which period the Board shall arrange for a medical re-examination of the recipient of such benefit and an assessment of his disability in order to determine his eligibility for disablement pension or disablement grant;
- (ii) disablement pension payable until the cesser of the insured person's disablement;
- (iii) death benefit, that is to say—
- A. widow's benefit or pension payable for the life of the widow or until she remarries;
- B. widower's benefit payable until the cesser of the widower's incapacity or until he remarries, whichever is the sooner;
- C. child's benefit payable for the same period, subject to the same condition and in the same manner as benefit referred to in paragraph (e)(ii);

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D. parent's benefit payable for the same period, subject to the same conditions and in the same manner as benefit referred to in paragraph (e)(iii).

Restriction on receipt of more than one benefit. [96/1977].

15. (1) Subject to this regulation, no person may receive more than one benefit during the same period.

(2) The receipt of benefit in respect of a deceased insured in no way affects the eligibility of the recipient to benefit in his own right as an insured person.

(3) A person in receipt of injury benefit may receive—
 (a) retirement pension;
 (b) disablement pension.

(4) A person in receipt of disablement pension or disablement grant may receive—
 (a) retirement pension;
 (b) retirement grant;
 (c) sickness benefit;
 (d) maternity benefit;
 (e) invalidity benefit;
 (f) injury benefit.

SOME SPECIFIC BENEFITS

Retirement pension. [142/1960].

16. (1) An insured person who on attaining retirement age has made a minimum of seven hundred and fifty contributions (including credits) shall be paid a retirement pension.

(2) The rate of pension payable to an insured person who has made more than seven hundred and fifty contributions shall be increased over the basic pension rate for every twenty-five of such additional contributions (not including age credits) as follows:

<i>Earnings class</i>			<i>Increment on basic weekly rates</i>
			\$
I24
II30
III37
IV42
V47
VI55
VII64
VIII69.

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(3) An insured person who on attaining the age of sixty years has made a minimum of seven hundred and fifty contributions may be paid an optional retirement pension. Such optional pension shall cease if at any time after submitting the claim therefor the earnings of the insured person exceed sixty dollars a month.

(4) Optional retirement pension shall be a proportionate part of the basic retirement pension calculated according to the age of the insured person, as follows:

<i>Age of insured person</i>	<i>Proportion of retirement Pension</i>
64 	0.925
63 	0.850
62 	0.775
61 	0.700
60 	0.625

17. (1) An insured person who on attaining retirement age has not made seven hundred and fifty contributions shall be eligible for retirement grant. Retirement grant. [142/1980].

(2) Subject to a minimum payment of two hundred dollars, retirement pay grant shall be payable to an insured person who becomes eligible for such benefit within the three-year period commencing on 10th April 1972, in an amount equal to five times the total contribution paid in respect of such person and to an insured person who becomes eligible after such three-year period in an amount equal to three times the total contribution so paid.

18. (1) Subject to subregulation (3) an insured person rendered temporarily incapable of work by reason of sickness caused otherwise than by employment injury shall be eligible for sickness benefit. Sickness benefit.

(2) An insured person who is required to abstain from work because he is under observation as a suspected carrier of a contagious disease or because he has had contact with a case of infectious disease, shall for the purposes of this regulation be treated as a person rendered temporarily incapable of work by reason of illness.

(3) Sickness benefit shall be paid only if the insured person was—

(a) in insurable employment at the time when the incapacity commenced and was in such employ-

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ment for not less than ten contribution weeks during the period of thirteen contribution weeks immediately preceding the contribution week in which the period of incapacity began, or

- (b) in receipt of maternity benefit at the time when the incapacity commenced or immediately before the incapacity commenced.

Rate of sickness benefit.

19. (1) The daily rate of sickness benefit shall be one-seventh of the amount payable in accordance with regulation 27.

(2) Where two or more periods of incapacity during which sickness benefit is payable are treated as one continuous period the daily rate payable in respect of the first period shall be the daily rate payable in respect of any later period.

Two or more periods of sickness benefit to be treated as one.

20. Where sickness benefit is paid during two periods separated by an interval during which maternity benefit is paid or where sickness benefit is paid during two or more periods separated by intervals not exceeding ten weeks, then those periods shall for the purpose of this regulation be treated as a single period.

Sickness benefit disqualification.

21. The Board may disqualify any person from receiving sickness benefit, where such person—

- (a) causes his incapacity by reason of his own misconduct;
- (b) refuses or fails without reasonable cause to comply with any requirement of the Board; or
- (c) engages in any work, during the period of his incapacity for which remuneration is or would ordinarily be payable.

Maternity benefit.

22. (1) Subject to subregulation (2) an insured person who is pregnant shall be eligible for maternity benefit.

(2) Maternity benefit shall be paid only if the insured person, during the period of thirteen contribution weeks immediately preceding the contribution week calculated as the sixth week before the expected week of her confinement—

- (a) was in insurable employment for a period of not less than ten contribution weeks; or
- (b) was in receipt of sickness benefit for any period and either resumed insurable employment thereafter or continued receiving sickness benefit

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during the last contribution week in the period of thirteen contribution weeks.

(3) For the purposes of this regulation where a confinement does not result in the birth of a living child, maternity benefit shall be paid if and only if the pregnancy lasted not less than twenty-eight weeks.

23. An insured person shall be disqualified from receiving maternity benefit, if during the period when such benefit is payable she engages in any work for which remuneration is or would ordinarily be payable.

Maternity benefit disqualification.

24. Invalidity benefit shall be paid to an insured person who after having received sickness benefit for a period of not less than twenty-six weeks, is medically re-examined and declared eligible to receive invalidity benefit.

Invalidity benefit. [142/1980].

25. A person in receipt of invalidity benefit may from time to time be required by the Board to be medically examined.

Board may require medical examination.

26. A person who refuses or fails without reasonable cause to submit himself to be medically examined when so required by the Board under regulation 25 may be disqualified from receiving invalidity benefit.

Invalidity benefit disqualification.

27. Sickness benefit, maternity benefit and invalidity benefit shall be paid in the full amount as shown in Tables A and B in the Third Schedule to the Act only if actual loss of earnings is equal to or exceeds the rate of benefit shown in such Tables; in any other case the amount paid as benefit shall be equal to the actual loss of earnings.

Amount of sickness, maternity or invalidity benefit payable. Third Schedule.

28. (1) An insured person otherwise entitled to employment injury benefit may be disqualified by the Board from receiving such benefit for a period not exceeding six weeks where—

Employment injury benefit disqualification. [96/1977].

- (a) in the opinion of the Board his incapacity resulted from his own serious and wilful misconduct;
- (b) without reasonable cause he behaves in a manner likely to retard his recovery or refuses to answer reasonable enquiries of the Board calculated to ascertain whether he is so behaving;
- (c) he absents himself from his place of residence without indicating to the Board where he may be found;

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(d) he engages in work for which remuneration is or would ordinarily be payable.

(2) An insured person who refuses to submit himself for a medical examination when so directed by the Board may be disqualified from receiving employment injury benefit.

Disablement pension.

29. A percentage of injury benefit shall be paid an insured person as disablement pension and the percentage so paid shall be equal to the percentage of that person's disablement, as assessed.

Disablement grant.

30. (1) Disablement grant is payable in every case where the disablement of an insured person entitled to employment injury benefit or benefit in respect of a prescribed disease is assessed at less than twenty per cent.

(2) Where disablement is assessed at three per cent or less than three per cent, not less than three per cent shall be paid by way of grant.

(3) Disablement grant shall be calculated as follows:

$$\text{Ratio of degree of} \quad \text{Number of weeks} \quad \text{Half the assumed} \\ \text{disablement to 100} \quad \text{of disablement} \quad \text{average weekly} \\ \text{X} \quad \text{X} \quad \text{earnings in that} \\ \text{(not exceeding 365)} \quad \text{relevant earnings} \\ \text{class}$$

Assessment of disablement.

31. (1) The extent of disablement shall be assessed and stated in the form of a percentage and in assessing disablement the period for which it is estimated the disablement would last should also be stated.

(2) In the assessment of disablement, a percentage over nineteen per cent which is not a multiple of ten shall be treated:

- (a) where it is a multiple of five, as being the next highest percentage which is a multiple of ten;
- (b) where it is not a multiple of five, as being the nearer percentage which is a multiple of ten.

(3) The Board may at any time review an assessment of disablement made by a panel of medical referees and the later assessment if different from the earlier shall be taken into consideration in determining disablement pension or disablement grant as the case may be.

Disablement assessed at one hundred per cent in certain circumstances.

32. Where an insured person entitled to, or in receipt of disablement pension is admitted to hospital for necessary care, his disablement shall be assessed at one hundred per cent during his period of hospitalisation.

33. Where an insured person dies from accident arising out of and in the course of his employment or from a prescribed disease and no claim for death benefit in respect of his death is received within twelve months of his death, the Board shall deposit to the estate of that insured person a sum equal in amount to fifty-two weeks injury benefit at the rate payable in the earnings class of that insured person.

Injury benefit to be paid to estate of deceased insured person.

34. (1) For the proper administration of employment injury benefit an employer shall be required to furnish the Board with information relating to any accident arising out of and in the course of employment whereby personal injury is caused to any insured person employed by him.

Employer to furnish Board with information relating to accidents.

(2) The Board shall determine the nature of the information to be furnished as well as the form and manner in which such information shall be furnished.

35. An employer who fails to comply with regulation 34 is liable on summary conviction to a fine of five hundred dollars and to three months imprisonment.

Offence and Penalty.

36. (1) The earnings class into which an insured person falls for the purpose of receiving benefit other than employment injury benefit shall be the earnings class determined by the average of the ten highest contributions paid in respect of him during the thirteen contribution weeks immediately preceding the commencement of his incapacity or in the case of a claim for maternity benefit during the thirteen contribution weeks immediately preceding the sixth week before the expected week of confinement.

Determination of earnings class for payment of benefit. [96/1977].

(2) The earnings class into which an insured person falls for the purpose of receiving employment injury benefit shall be the earnings class which corresponds to the amount of contribution paid in respect of that insured person for the week during which the injury was received or the disease discovered.

37. In any case, where the earnings of an insured person are subject to fluctuation, loss of earnings shall be determined on the average weekly earnings of the insured person during the ten contribution weeks in which his earnings were highest in the thirteen contribution weeks immediately preceding the period during which benefit is to be paid.

Determination of loss of earnings where earnings are not fixed.

[Subsidiary]

National Insurance (Benefits) Regulations

Employer to certify insured person's absence, etc.

38. The employer of an insured person shall certify to the Board as far as possible at the same time as the insured person's claim is submitted, the insured person's absence from work and the amount of his loss of earnings. The certificate of the employer shall be in such form as the Board may from time to time determine.

Identity card to be presented.

39. No payment of benefit shall be made unless the identity card of the insured person in respect of whom the benefit is payable is presented.

Board may accept other evidence.

40. Where having regard to the special circumstances of any case, grave hardship or unreasonable delay may result if the documentary evidence required by these Regulations were to be insisted upon, the Board may accept such other evidence as it may deem fit and proper and may require a claimant to attend and give such information as may be necessary for the determination of his claim.

Commencement of payment of benefits. [9/1974]. Quantum of remarriage grant. [9/1974].

41. Sickness benefit and maternity benefit shall be payable as from the contribution week commencing 15th January 1973.

42. (1) Where a person in receipt of widow's benefit or pension or widower's benefit remarries, there shall be paid to that person a remarriage grant equal in amount to fifty-two weeks of such benefit.

(2) Where a person in receipt of widow's allowance remarries, there shall be paid to that person a remarriage grant equal in amount to the unpaid portion of widow's allowance which would have been payable to her but for her remarriage.

Orphan's allowance.

43. Where the surviving parent of a child who receives child's allowance dies and such parent was at the date of his death an insured person, there shall be paid in respect of that child orphan's allowance based either on the rate of child's allowance received by that child by reason of the death of his first parent to die or on the rate of child's allowance which the child would otherwise receive by reason of the death of his last parent to die, whichever is the higher.

Child's or orphan's allowance to be paid to person responsible for upkeep and maintenance.

44. Child's allowance or orphan's allowance shall be paid to the person or institution responsible for the upkeep and maintenance of the child or orphan, as the case may be, but where the child or orphan has attained the age of eighteen years the allowance shall be paid directly to him.

45. For the purpose of the payment of widow's pension or child's allowance "child" shall include a child *en ventre sa mere* and a claim for such pension or allowance shall where appropriate be supported by relevant medical certificates. "Child" to include child *en ventre sa mere*.

46. A nomination by an insured person of some other person to be treated as his spouse for the purpose of the payment of survivor benefit, shall be made on the form set out in the Schedule hereto, obtainable from the Board. Nomination by insured. Schedule.

47. (1) Survivor benefit shall be payable as from the contribution week commencing 16th July 1973 in respect of insured persons who die on or before that date. In the case of an insured person who dies after 16th July 1973 survivor benefit shall be calculated as from the first day of the contribution week during which such person dies. Commencement date of survivor benefit.

(2) Where at the date of his death otherwise than by employment injury an insured person was not in receipt of sickness or invalidity benefit or was not the holder of a certificate of voluntary insurance, survivor benefit shall be paid if but only if the insured person had while engaged in insurable employment made a minimum of ten contributions.

SCHEDULE

(Regulation 46).

THE NATIONAL INSURANCE (BENEFITS) (AMENDMENT) REGULATIONS

NOMINATION OF BENEFICIARY

I,

Surname		Other Name(s)		N.I. Number					
.....						

.....
Address

hereby nominate as beneficiary
Name of Beneficiary

I hereby revoke all former nominations made by me.

.....
Date Signature or Mark of Insured Person

Witness to Mark where claimant cannot sign

Name
Occupation
Address
.....
Date

49/1972.
[48/1972
42/1973].

**NATIONAL INSURANCE (HARMONISATION OF
PENSION FUND PLANS) REGULATIONS**

made under section 57

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation.
2. Definitions.
3. Method of modification for harmonisation.
4. Conditions of modification to facilitate harmonisation.
5. Proposals to be submitted to Supervisor of Insurance.
6. Appeals.

Citation.

1. These Regulations may be cited as the National Insurance (Harmonisation of Pension Fund Plans) Regulations.

Definitions.

2. In these Regulations—

“employed person” does not include a self-employed person;
“pension fund plan” or “plan” means a pension fund plan registered under Part VI of the Insurance Act.

Ch. 84:01.

Method of
modification for
harmonisation.
[42/1973].

3. A pension fund plan may be modified for the purpose of harmonisation with the system of national insurance only by agreement between the employer and employed persons on whose behalf the plan was established and who are members of the plan.

Conditions of
modification to
facilitate
harmonisation.

4. (1) Modification of pension fund plans may be allowed to facilitate harmonisation but only on the following conditions:

- (a) all accrued benefits in the plan up to the date of harmonisation shall be preserved;
- (b) benefits under the modified plan plus retirement pension payable under the system of national insurance shall not be less than the benefits payable under the plan, had it not been modified;
- (c) where before modification the plan includes a provision for commutation of pension, such provision may be retained upon modification, but the commuted sum payable to a member of the plan shall not exceed twenty-five per cent of the commuted value of the pension payable to him under the plan as

modified, plus twenty-five per cent of an amount equal to the commuted value of retirement pension so payable under the system of national insurance.

5. (1) Proposals for harmonisation shall be submitted by the Trustees of the plan (or where there are no trustees by the management committee thereof) to the Supervisor of Insurance who shall approve such proposals on being satisfied that the conditions set out in regulation 4 have been observed and that the rights and interests of members are adequately preserved, whereupon he shall notify the members of his approval and forward the proposals to the Board of Inland Revenue for approval by the authority.

Proposals to be submitted to Supervisor of Insurance.

(2) Where the Supervisor of Insurance rejects any proposals for harmonisation he shall so notify the Trustees of the plan and shall state the reasons for his rejection.

(3) The Board of Inland Revenue shall notify their decision to the Trustees of the plan and where such decision is a rejection of the proposals submitted, shall state the reasons therefor.

6. An appeal shall lie from a decision of the Supervisor of Insurance to a Judge in Chambers as if the decision were made under the provisions of the Insurance Act, and from a decision of the Board of Inland Revenue to the Tax Appeal Board established under the Tax Appeal Board Act within twenty-eight days of being notified of the decision of the Board.

Appeals.

*24 of 1966.

Ch. 4:50.

* Act 24 of 1966 has been repealed by Act 6 of 1980 but up to the date of the revision of these Regulations (31st December 1980) Act 6 of 1980 had not yet been brought into operation.

NATIONAL INSURANCE (APPEALS) REGULATIONS**ARRANGEMENT OF REGULATIONS**

REGULATION

1. Citation.
2. Interpretation.
3. Who may appeal.
4. Places for hearing of appeals to be specified by Notification.
5. Appeals tribunals.
6. Quorum of appeals tribunal.
7. Convening of tribunals.
8. Notice of appeal.
9. Form of notice of appeal.
10. Notice regarding availability of forms to be displayed in every office.
11. Officer liable to disciplinary action.
12. Receptacles for lodging appeals.
13. Time limit for appeals.
14. Board to receive copy of appeal.
15. Board to advise Chairman.
16. Notice of hearing.
17. Public or private hearing of appeal.
18. Voting power of members.
19. Functions of Chief Medical Officer in medical appeals tribunal.
20. Chief Medical Officer to report to tribunal.
21. Tribunal to be guided by the Chief Medical Officer.
22. Chairman may refer matter to Chief Medical Officer before convening tribunal.
23. Documents required at hearing of appeal.
24. Documents to be numbered.
25. Medical documents.
26. Chairman to direct Registrar.
27. Board not to disclose possibility of proceedings arising from appellant's dishonesty.
28. Decisions of tribunal.
29. Copies of tribunal's decision to be sent to appellant, etc.
30. Board to comply with tribunal's directive.
31. Representation by Counsel.
32. Rules of evidence.

SCHEDULE

NATIONAL INSURANCE (APPEALS) REGULATIONS

131/1980.

made under section 62

1. These Regulations may be cited as the National Insurance (Appeals) Regulations.

Citation.

2. In these Regulations—

Interpretation.

“area” means each of the areas of North Trinidad, South Trinidad and the Island of Tobago as described in section 60(5) of the Act;

“Chairman” means the Chairman appointed by the President under section 60(1)(a) of the Act;

“medical appeal tribunal” means an appeal tribunal among the members of which is the Chief Medical Officer;

“member” means a member of an appeals tribunal.

3. Where a person claiming benefit under the Act is aggrieved by the decision of the Board in respect of his claim he may appeal on questions of fact only in accordance with these Regulations.

Who may appeal.

4. The Minister shall by Notification specify the places in each area designated for the hearing of appeals.

Places for hearing of appeals to be specified by Notification.

5. (1) An appeal shall be heard by the appeals tribunal sitting in the area in which the appellant resides.

Appeals tribunals.

(2) An appeal involving questions of a medical nature shall be heard by a medical appeals tribunal sitting in the area in which the appellant resides.

6. (1) The quorum of an appeals tribunal consists of the Chairman and two other members.

Quorum of appeals tribunal.

(2) The quorum of a medical appeals tribunal consists of the Chairman, the Chief Medical Officer and two other members.

7. (1) In convening an appeals tribunal the Chairman shall select members living in the following area—

Convening of tribunals.

(a) North Trinidad, where the appeals tribunal is to sit in North Trinidad;

(b) South Trinidad, where the appeals tribunal is to sit in South Trinidad;

(c) the Island of Tobago, where the appeals tribunal is to sit in Tobago.

[Subsidiary]

(National Insurance (Appeals) Regulations)

(2) Where a member selected by the Chairman from the area in which the tribunal is to sit is unable to attend, and the formation of a quorum is thereby rendered impossible, the Chairman may select in such member's stead a member from another area and nominated in the same manner as the member originally selected, to serve on the tribunal.

Notice of appeal.

8. (1) Notice of appeal shall be in writing, signed by the appellant and shall contain the grounds of appeal.

Form I.

(2) Where a notice of appeal is submitted on the prescribed form set out in the Schedule as Form I it shall be lodged in triplicate at any office of the Board or of the Ministry responsible for National Insurance.

(3) Where a notice of appeal is submitted otherwise than on the prescribed form it shall be sent by registered post to the Chairman at his office.

Form of notice of appeal.

9. The prescribed form of notice of appeal shall be available upon request and free of charge from any office of the Board.

Notice regarding availability of forms to be displayed in every office.

10. There shall be displayed in a conspicuous place in every office of the Board a notice to the effect that forms of notice of appeal are available at that office upon request and free of charge.

Officer liable to disciplinary action.

11. An officer of the Board who in any way hinders a person desirous of appealing against a decision of the Board from obtaining the prescribed form of notice of appeal is liable to have disciplinary action taken against him.

Receptacles for lodging appeals.

12. (1) There shall be provided at each office of the Board or the Ministry responsible for National Insurance suitable receptacles conspicuously marked for the lodgement of notices of appeal.

(2) The Registrar shall ensure that receptacles for the lodgement of notices of appeal are cleared in the afternoon of the last working day of each week.

Time limit for appeals.

13. (1) Subject to this regulation, notice of appeal given after the expiration of six months from the date of the decision of the Board giving rise to the appeal, shall not be considered by the tribunal.

(2) The limitation referred to in subregulation (1) shall not apply to appeals in respect of decisions of the Board prior to the coming into operation of these Regulations.

(3) Where a notice of appeal is received out of time, it shall be acknowledged by the Registrar who shall request the appellant to furnish reasons for its late submission.

(4) Where an appellant furnishes reasons for the late submission of his appeal the Chairman shall decide whether or not the late appeal shall be considered.

(5) No appeal shall lie against a decision of the Chairman under subregulation (4).

14. The Registrar shall ensure that a copy of every appeal lodged or received is served on the Board, in accordance with section 4(4) of the Act.

Board to receive copy of appeal.

15. The Board shall, where a copy of a notice of appeal has been served on it, advise the Chairman not later than three weeks after such service, whether it has reconsidered its decision which gave rise to the appeal or whether it intends to join issue with the appellant.

Board to advise Chairman.

16. (1) The Registrar shall give not less than twenty-one days written notice of the time and place of the hearing of an appeal to members of the appeals tribunal, the appellant and the Board.

Notice of hearing.

(2) The appeals tribunal may determine an appeal in the absence of the appellant or other interested person to whom the required notice of hearing has been given, where no reasonable explanation is submitted for his absence.

17. (1) Though hearings before an appeals tribunal are in public the Chairman may at the request of an appellant decide that the hearing be in private.

Public or private hearing of appeal.

(2) Where an appellant requests that hearing be in private, only members of the appeals tribunal and their clerk may be present when the request is being considered.

(3) Where an appellant requests that a hearing be in private, the Chairman may decide that part of the hearing be heard in private and part in public.

18. Every member of an appeals tribunal other than the Chief Medical Officer in a medical appeals tribunal, may vote.

Voting power of members.

19. (1) Before an appeal involving questions of a medical nature is determined, the Chief Medical Officer shall advise the Chairman either orally or in writing on—

Functions of Chief Medical Officer in medical appeals tribunal.

- (a) whether or not the appeals tribunal should obtain further expert medical advice;
- (b) who should furnish this advice; and
- (c) whether the appellant's doctor or the Board's medical adviser should be invited to attend.

(2) Where evidence of a medical nature is given to a medical appeals tribunal the Chief Medical Officer shall evaluate this evidence and explain it to the other members.

Chief Medical Officer to report to tribunal.

20. Where a medical practitioner gives evidence before a medical appeals tribunal all questions of a medical nature shall be put to him by the Chief Medical Officer who shall submit to the medical appeals tribunal a report on the medical issues involved.

Tribunal to be guided by the Chief Medical Officer.

21. In any appeal involving questions of a medical nature the medical appeals tribunal shall be guided on the medical issues by the advice and explanations given by the Chief Medical Officer.

Chairman may refer matter to Chief Medical Officer before convening tribunal.

22. Where it is convenient to do so, the Chairman may forward to the Chief Medical Officer for advice any documents related to the medical issues in any appeal and may consider the reply of the Chief Medical Officer even before convening a tribunal to deal with the appeal.

Documents required at hearing of appeal.

23. The Registrar shall ensure that all documents required at the hearing are available and shall prepare a sufficient number for use at the hearing.

Documents to be numbered.

24. Documents for use at a hearing shall be numbered by the Registrar, and copies of a document shall bear the same number as the original document.

Medical documents.

25. The Chief Medical Officer shall advise the Chairman on which medical documents shall be treated in a confidential manner and may where he considers it appropriate advise non-disclosure of any medical report relating to the appellant.

Chairman to direct Registrar.

26. Where the Chief Medical Officer advises the Chairman as is contemplated by regulation 25, the Chairman shall direct the Registrar with respect to the medical document in accordance with the advice of the Chief Medical Officer and the Registrar shall comply with such direction.

27. The Board shall not at the hearing of an appeal disclose that proceedings on any charge involving dishonesty on the part of the appellant are being contemplated.

Board not to disclose possibility of proceedings arising from appellant's dishonesty.

28. (1) The determination of an appeal by an appeals tribunal shall be recorded on the prescribed form set out in the Schedule as Form 2.

Decisions of tribunal.

Form 2.

(2) An appeals tribunal shall in recording its decision set out the reasons therefor and its findings on the questions of fact material to the appeal.

(3) The form on which the determination of an appeal is recorded shall be signed by all the members of the appeals tribunal who heard the appeal.

29. Copies of the determination of an appeal as recorded in accordance with regulation 28 shall be forwarded forthwith by the Registrar to the appellant, the Board and the Minister.

Copies of tribunal's decision to be sent to appellant, etc.

30. Where an appeals tribunal in recording its decision or findings issues a directive to the Board, the Board shall comply with such directive within one month of the date of the document on which the determination of the appeal is recorded.

Board to comply with tribunal's directive.

31. At a hearing before an appeals tribunal the appellant and the Board may be represented by Counsel or Solicitor or any person qualified or competent to represent either party to the hearing, and may call and question witnesses.

Representation by Counsel.

32. An appeals tribunal is not bound by the strict rules governing the admissibility of evidence, but where the appellant or other witnesses are available to give evidence, on question of fact in issue they must be called, and a statement intended to support such evidence is inadmissible in such event.

Rules of evidence.

SCHEDULE

FORM I

[Regulation 8(2)]

THE NATIONAL INSURANCE (APPEALS) REGULATIONS, 1980

N.B.—This form must be filed in Triplicate.

NOTICE OF APPEAL

Name and Registration Number of insured person in respect of whom claim was made

.....

Date of Board's decision on Claim

.....

Name of Appellant

.....

Address of Appellant

.....

GROUNDS OF APPEAL

.....

.....

.....

.....

Date

.....

Signature of Appellant

THE NATIONAL INSURANCE (APPEALS) REGULATIONS, 1980

DECISION OF APPEALS TRIBUNAL

Name and Registration Number of insured person in respect of whom claim was made to the Board

.....

.....

Name of Appellant

DECISION

.....

.....

.....

.....

Date

Signed

Members of Appeals Tribunal

.....
Chairman

.....
Member

.....
Member

.....
Member