
4th Session Third Parliament Trinidad and Tobago
23 Elizabeth II



TRINIDAD AND TOBAGO
Act No. 27 of 1974

[L.S.]

AN ACT to amend the National Insurance Act, 1971 and to provide for the commencement of sections 44(1)(g) and 44(3) of that Act and to give indemnity for certain things done under the said Act.

[Assented to 10th December, 1974]

WHEREAS it is enacted *inter alia* by subsection (1) of Preamble section 5 of the Constitution that an Act of Parliament to which that section applies may expressly declare that it shall have effect notwithstanding sections 1 and 2 of the

Constitution and, if any such Act does so declare, it shall have effect accordingly :

And whereas it is provided by subsection (2) of the said section 5 of the Constitution that an Act of Parliament to which that section applies is one the Bill for which has been passed by both Houses of Parliament and at the final vote thereon in each House has been supported by the votes of not less than three-fifths of all the members of that House :

And whereas it is necessary and expedient that the provisions of this Act shall have effect notwithstanding sections 1 and 2 of the Constitution :

Enactment

NOW, THEREFORE, BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Trinidad and Tobago, and by the authority of the same, as follows :

Short title

1. (1) This Act may be cited as the National Insurance (Amendment, Commencement and Indemnity) Act, 1974.

(2) This Act shall have effect notwithstanding sections 1 and 2 of the Constitution.

Act at variance
with Ch. 1.
of the
Constitution

Act No. 35
of 1971
amended

2. The National Insurance Act, 1971, is hereby amended—

(a) in section 29 by repealing and replacing subsection (1) as follows—

“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.”;

(b) by renumbering section 38 as section 38(1) and by inserting immediately thereafter the following subsection—

“(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.”;

- (c) by inserting the following new section immediately after section 38—

“Discharge
of lia-
bility

38A. 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.

Offence
and
penalty

38B. 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 guilty of an offence and liable on summary conviction to a fine of two thousand dollars or six months imprisonment or both 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 fifty dollars a day for each day that the offence continues after conviction.”

- (d) by substituting for paragraph 1 of Table C of the Third Schedule the following—

“In addition to the weekly payments set out above there shall be payable as from 10th April, 1972 a funeral grant of \$300.00.”.

3. It is hereby deemed that section 44(1)(g) of the National Insurance Act, 1971 came into operation on 16th July, 1973 and section 44(3) of the said Act shall come into operation on a day appointed by the Governor-General by Proclamation published in the *Gazette*.

Commencement
of sections
44(1)(g) and
44(3) of the
Act of 1971

Indemnity

4. 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 the National Insurance Act, 1971 by reason only that at the material time a Proclamation dated 6th April, 1972 purported to have effect in relation to sections 44(1)(g) and 44(3) of the said Act.

Act to be certified

5. (1) The Clerk of the Senate and the Clerk of the House of Representatives shall certify whether this Act is one the Bill for which has been passed by the Senate and the House, respectively, and at the final vote thereon in the Senate and in the House, respectively has been supported in the Senate, by the votes of not less than three-fifths of all the members of the Senate, and in the House, by the votes of not less than three-fifths of all the members of the House.

(2) The certificates of the Clerk of the Senate and the Clerk of the House of Representatives under subsection (1) duly signed and authenticated by them shall be conclusive evidence that this Act is one the Bill for which has been passed by both Houses of Parliament and at the final vote thereon in each House has been supported by the votes of not less than three-fifths of all the members of that House, as provided for in section 5(2) of the Constitution.

Passed in the House of Representatives this 11th day of October, 1974.

G. R. LATOUR
Clerk of the House

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed by the House of Representatives and at the final vote thereon in the House has been supported by the votes of not less than three-fifths of all the members of the House, that is to say by the votes of 29 members of the House.

G. R. LATOUR
Clerk of the House

Passed in the Senate this 3rd day of December, 1974.

J. E. CARTER
Clerk of the Senate

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed by the Senate and at the final vote thereon in the Senate has been supported by the votes of not less than three-fifths of all the members of the Senate, that is to say by the votes of 16 Senators.

J. E. CARTER
Clerk of the Senate