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Second Session Eighth Parliament Republic of
Trinidad and Tobago



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 9 of 2004

[L.S.]

AN ACT to amend the National Insurance Act,
Chap. 32:01

[Assented to 27th February, 2004]

ENACTED by the Parliament of Trinidad and Tobago as Enactment
follows:—

1. This Act may be cited as the National Insurance Short title
(Amendment) Act, 2004.

Interpretation
Chap. 32:01

2. In this Act “the Act” means the National Insurance Act.

Section 2 amended

3. Section 2 of the Act is amended—

- (a) in the definition of “paid apprentice”, by deleting the word “eighty” and substituting the words “one hundred”; and
- (b) in the definition of “unpaid apprentice”, by deleting the word “eighty” and substituting the words “one hundred”.

Section 21 amended

4. Section 21(b) of the Act is amended by deleting the words “fines and interest on dues;” and substituting the words “penalties, fines, interest on dues and any other sums due to the Board;”.

Section 22 amended

5. Section 22(1)(d) of the Act is amended by inserting after the words “which are properly chargeable to”, the words “the Board’s”.

Section 28 amended

6. Section 28 of the Act is amended by deleting the definition of “domestic worker” and substituting the following definition:

“domestic worker” means a person employed otherwise than for the purpose of a trade or business who performs services for the comfort or convenience of a household or in or about a dwelling-house or such other premises occupied by or under the control of the employer and includes such employed persons as may be prescribed.”.

Section 29 amended

7. Section 29 of the Act is amended—

- (a) in subsection (2)(a), by deleting the word “eighty” and substituting the words “one hundred”; and
- (b) in subsection (3), by deleting the words “2nd May, 1999”, “3rd May, 1999” and “eighty” and substituting the words “29th February, 2004”, “1st March, 2004” and “one hundred”, respectively; and

(c) by inserting after subsection (3), the following subsection:

“ (4) Notwithstanding any provision of this Act or any other written law to the contrary, the Board may register a person who is sixteen years and over where it deems it necessary to do so.”.

8. Section 30 of the Act is amended—

Section 30 amended

(a) in subsection (1)—

(i) by deleting the words “prescribed form” and substituting the words “form determined by the Board”; and

(ii) in paragraph (b), by inserting after the words “each employed person”, the words “, including a domestic worker or casual agricultural worker,”;

(b) in subsection (4), by deleting the words “on the prescribed form” and substituting the words “in the form determined by the Board”; and

(c) by repealing subsection (5) and substituting the following subsection:

“ (5) A domestic worker or a casual agricultural worker may—

(a) within three months from the date of his first employment, make an application for registration in the form determined by the Board;

(b) within twenty-eight days from the date of any employment, inform his employer of his National Insurance Registration Number; and

- (c) notify the Board of any change in employer or employment.”.

Section 30A repealed
and substituted

9. Section 30A of the Act is repealed and the following section substituted:

“National Insurance Registration Card 30A. Every employed person or unpaid apprentice upon registration shall be issued with a National Insurance Registration Card, in such form and containing such information, as the Board may determine.”.

Section 32 amended

10. Section 32(5) of the Act is amended by—

- (a) deleting the words “hinders or” and substituting the words “threatens, hinders,”;
- (b) inserting a comma before the word “unless” and after the words “to do so”; and
- (c) deleting the words “or pursuant to”.

Section 38 amended

11. Section 38(1) of the Act is amended by deleting the words “Table A” and substituting the words “Tables A1, A2 and A3”.

Section 39A amended

12. Section 39A of the Act is amended by deleting the words “as a contribution under this Act and deducted by the employer from the salary or wages of his employees” and substituting the words “that is deducted from his salary or wages and from an employer as a contribution under this Act”.

Section 41 amended

13. Section 41 of the Act is amended by—

- (a) renumbering section 41 as section 41(1);
- (b) deleting the words “Table A” and substituting the words “Tables A1, A2 and A3”; and

(c) inserting after subsection (1), the following subsection:

“ (2) The rates of contribution listed—

(a) in Table A1 are effective from 1st March, 2004 to 2nd January, 2005;

(b) in Table A2 are effective from 3rd January, 2005 to 1st January, 2006; and

(c) in Table A3 are effective from 2nd January, 2006.”.

14. Section 45 of the Act is repealed and the following section substituted:

“Board to
total
contributions
paid by
persons

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 contribution year in 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 shall total all contributions paid for the employed person in that year and place the employed person in the highest class that such total contribution would permit for the number of weeks worked.”.

Section 45 repealed
and substituted

15. Section 45A(1) of the Act is amended by deleting paragraph (b) and substituting the following paragraph:

“(b) the amount of the debt due to the Board, including penalty and interest on the entire sum at the rate as specified in section 39B.”.

Section 45A amended

Section 46 amended

16. Section 46 of the Act is amended—

(a) in subsection (1)(b), by deleting the words “periodical payments” and substituting the words “a lump sum payment”;

(b) in subsection (2)—

(i) by deleting the words “survivor benefit” and substituting the words “survivor’s benefit”;

(ii) by deleting paragraphs (a), (b) and (c) and substituting the following paragraphs:

“(a) widow’s pension payable to the widow of the deceased for life or until she remarries, whichever is sooner, and where the widow remarries, a grant is payable on the termination of the benefit, by reason of the widow’s remarriage; and

(b) widower’s pension payable to the widower of the deceased for life or until he remarries, whichever is sooner, and where the widower remarries, a grant is payable on the termination of the benefit, by reason of the widower’s remarriage;”;

(iii) in paragraph (e), by deleting the words “the deceased” wherever they occur and substituting in each place, the words “two deceased insured parents”; and

(iv) in paragraph (f), by deleting the words “a parent” and “such parents was” and substituting the words “parents” and “such parents were”, respectively; and

(c) in subsection (3)(c)—

(i) by deleting subparagraphs (i) and (ii) and substituting the following subparagraphs:

“ (i) widow’s pension payable as from the date of death of the insured person to his widow for life or until she remarries, whichever is sooner, and where the widow remarries, a grant is payable on the termination of the benefit, by reason of the widow’s remarriage;

(ii) widower’s pension payable as from the date of death of the insured person to her widower for life or until he remarries, whichever is sooner, and where the widower remarries, a grant is payable on the termination of the benefit, by reason of the widower’s remarriage;”;

(ii) in subparagraph (iv), by deleting the words “a parent” and “such parent was” and substituting the words “parents” and “such parents were”, respectively.

Section 54 amended **17.** Section 54 of the Act is amended in subsection (1) by—

- (a) inserting after the words “subsection (2)”, the words “and section 54A”; and
- (b) deleting the words “A1, B1, C1, D1” and substituting the words “A3, B3, C3 and D3”.

Section 54A amended **18.** Section 54A of the Act is amended—

- (a) by repealing subsection (1) and substituting the following subsection:

“ (1) An insured person who is eligible to receive or is in receipt of sickness or maternity benefit during the period 3rd May, 1999 to 29th February, 2004 and continues to receive benefit on or after 1st March, 2004, shall be paid at the rate of benefit in accordance with Table A1 in the Third Schedule.”;

- (b) by repealing subsection (2) and substituting the following subsections:

“ (2) Where an insured person qualifies for retirement pension, invalidity pension or survivor’s benefit on or after 1st March, 2004 and payment is to commence on or after that day, the rate of contribution which is to be used to determine the average rate in accordance with section 54(2) of the Act shall—

- (i) where contributions were paid prior to 11th August, 1980 be converted to rates in effect on 1st March, 2004 in accordance with Table C1 of the Second Schedule;

- (ii) where contributions were paid on or after 11th August, 1980 to 2nd May, 1999, be converted to rates in effect on 1st March, 2004 in accordance with Table C2 of the Second Schedule;
- (iii) where contributions were paid on or after 3rd May, 1999 to 29th February, 2004, be converted to rates in effect on 1st March, 2004 in accordance with Table C3 of the Second Schedule;
- (iv) where contributions are paid on or after 1st March, 2004, to 2nd January, 2005, be converted to rates in effect on 3rd January, 2005 in accordance with Table A2 of the Second Schedule; and
- (v) where contributions are paid on or after 3rd January, 2005 to 1st January, 2006, be converted to rates in effect on 2nd January, 2006 in accordance with Table A3 of the Second Schedule.

(2A) Where an insured person qualifies for sickness benefit or maternity benefit on or after 1st March, 2004 and payment is to commence on or after that day, the rate of contribution which is to be used to determine the average rate in

accordance with section 54(2) of the Act shall—

- (i) where contributions were paid prior to 1st March, 2004, be converted in accordance with the rates shown in Table C4 of the Second Schedule;
 - (ii) where contributions were paid on or after 1st March, 2004 to 2nd January, 2005, be converted to rates in effect on 3rd January, 2005 in accordance with Table C5 of the Second Schedule; and
 - (iii) where contributions were paid on or after 3rd January, 2005 to 1st January, 2006, be converted to rates in effect on 2nd January, 2006 in accordance with Table C6 of the Second Schedule.”;
- (c) by inserting after subsection (4), the following subsections:
- “ (4A) Persons who qualified for the receipt of retirement pension, invalidity pension or survivor’s benefit on or after 1st March, 2004—
 - (a) shall be paid such benefit in accordance with Part I of Tables B3 and C3 of the Third Schedule, with effect from 1st March, 2004; and
 - (b) shall be paid the increments to those benefits and such increments shall be calculated at the increased rates in accordance with Part II of the Tables in paragraph (a).

(4B) Notwithstanding the benefit rates in respect of retirement pension shown in Parts I and II of Table B3 of the Third Schedule of the Act, the Board shall pay with effect from 1st March, 2004, the sum of one thousand dollars monthly, as a pension to each person qualifying for a retirement pension of less than one thousand dollars under the Act.

(4C) Subsection (4B) applies only to insured persons who have paid seven hundred and fifty or more contributions in Trinidad and Tobago.

(4D) Persons who qualified for the receipt of retirement pension, invalidity pension or survivor's benefit prior to 1st March, 2004 and continue to be eligible to receive such benefit on or after 1st March, 2004, shall be paid increased benefits in accordance with Tables B3 and C3.”;

(d) by inserting after subsection (5), the following subsections:

“ (5A) Persons who qualified for the receipt of disablement pension or death benefit prior to 1st March, 2004 and continue to be eligible to receive such benefit on or after 1st March, 2004 shall be paid increased benefit in accordance with Table D3 from 1st March, 2004.

(5B) Persons who qualified for employment injury benefit including disablement grants, medical expenses and constant care and attention allowance prior to 1st March, 2004 and

continue to be eligible to receive such benefits on or after 1st March, 2004, shall be paid such benefits in accordance with Table D1 and the National Insurance (Employment Injury) Payment of Medical Expenses (Amendment) Order, 1999.

(5c) Persons who qualify for the receipt of injury, death or disablement benefit on or after 1st March, 2004, shall be paid increased benefits in accordance with Table D3.

(6) Notwithstanding the rates of benefit with respect to a surviving child shown in Tables C1, C2(A), C2(B), C3, D1, D2 and D3 of the Third Schedule, with effect from 1st March, 2004, the Board shall pay to a child qualifying for death or survivor's benefit which is less than three hundred and twenty dollars monthly, death or survivor's benefit, as the case may be, in the sum of three hundred and twenty dollars monthly.

(7) Notwithstanding the rates of benefit with respect to an orphan shown in Tables C1, C2(A), C2(B) and C3 of the Third Schedule, with effect from 1st March, 2004, the Board shall pay to an orphan qualifying for survivor's benefit which is less than six hundred and forty dollars monthly, survivor's benefit in the sum of six hundred and forty dollars monthly.”.

19. The Second Schedule to the Act is amended by inserting the following Tables:

“CONTRIBUTION RATES
Table A1: Earnings Classes and Contributions from 1/3/04
(Based on 8.7% contribution rate)

Earnings Class	Weekly Earnings	Monthly Earnings	Assumed Average Weekly Earnings	Employee's Weekly Contribution	Employer's Weekly Contribution	Total Weekly Contribution	Class Z Weekly
Class I	100–159.99	433–692.99	130	3.77	7.54	11.31	0.87
Class II	160–219.99	693–952.99	190	5.51	11.02	16.53	1.28
Class III	220–289.99	953–1256.99	255	7.40	14.80	22.20	1.71
Class IV	290–359.99	1257–1559.99	325	9.43	18.86	28.29	2.18
Class V	360–439.99	1560–1906.99	400	11.60	23.20	34.80	2.69
Class VI	440–529.99	1907–2296.99	485	14.07	28.14	42.21	3.26
Class VII	530–619.99	2297–2686.99	575	16.68	33.36	50.04	3.86
Class VIII	620–709.99	2687–3076.99	665	19.29	38.58	57.87	4.47
Class IX	710–809.99	3077–3509.99	760	22.04	44.08	66.12	5.11
Class X	810–909.99	3510–3942.99	860	24.94	49.88	74.82	5.78
Class XI	910–1009.99	3943–4376.99	960	27.84	55.68	83.52	6.45
Class XII	1010 and over	4377 and over	1010	29.29	58.58	87.87	6.79

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, shall be as set out in Class Z, and for an unpaid apprentice shall be \$1.00 per week.

**Table A2: Earnings Classes and Contributions from 3/1/05
(Based on 9.9% contribution rate)**

Earnings Class	Weekly Earnings	Monthly Earnings	Assumed Average Weekly Earnings	Employee's Weekly Contribution	Employer's Weekly Contribution	Total Weekly Contribution	Class Z Weekly
Class I	100–159.99	433–692.99	130	4.03	8.06	12.09	0.87
Class II	160–219.99	693–952.99	190	5.89	11.78	17.67	1.28
Class III	220–289.99	953–1256.99	255	7.91	15.82	23.73	1.71
Class IV	290–359.99	1257–1559.99	325	10.08	20.16	30.24	2.18
Class V	360–439.99	1560–1906.99	400	12.40	24.80	37.20	2.69
Class VI	440–529.99	1907–2296.99	485	15.04	30.08	45.12	3.26
Class VII	530–619.99	2297–2686.99	575	17.83	35.66	53.49	3.86
Class VIII	620–709.99	2687–3076.99	665	20.62	41.24	61.86	4.47
Class IX	710–809.99	3077–3509.99	760	23.56	47.12	70.68	5.11
Class X	810–909.99	3510–3942.99	860	26.66	53.32	79.98	5.78
Class XI	910–1009.99	3943–4376.99	960	29.76	59.52	89.28	6.45
Class XII	1010 and over	4377 and over	1010	31.31	62.62	93.93	6.79

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, shall be as set out in Class Z, and for an unpaid apprentice shall be \$1.00 per week.

**Table A3: Earnings Classes and Contributions from 2/1/06
(Based on 9.9% contribution rate)**

Earnings Class	Weekly Earnings	Monthly Earnings	Assumed Average Weekly Earnings	Employee's Weekly Contribution	Employer's Weekly Contribution	Total Weekly Contribution	Class Z Weekly
Class I	100–159.99	433–692.99	130	4.29	8.58	12.87	0.87
Class II	160–219.99	693–952.99	190	6.27	12.54	18.81	1.28
Class III	220–289.99	953–1256.99	255	8.42	16.84	25.26	1.71
Class IV	290–359.99	1257–1559.99	325	10.73	21.46	32.19	2.18
Class V	360–439.99	1560–1906.99	400	13.20	26.40	39.60	2.69
Class VI	440–529.99	1907–2296.99	485	16.01	32.02	48.03	3.26
Class VII	530–619.99	2297–2686.99	575	18.98	37.96	56.94	3.86
Class VIII	620–709.99	2687–3076.99	665	21.95	43.90	65.85	4.47
Class IX	710–809.99	3077–3509.99	760	25.08	50.16	75.24	5.11
Class X	810–909.99	3510–3942.99	860	28.38	56.76	85.14	5.78
Class XI	910–1009.99	3943–4376.99	960	31.68	63.36	95.04	6.45
Class XII	1010 and over	4377 and over	1010	33.33	66.66	99.99	6.79

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, shall be as set out in Class Z, and for an unpaid apprentice shall be \$1.00 per week.

Table C1: Conversion Rates: Earnings Prior to 11/8/80

Earnings Class Prior to 11/8/80	Earnings Class After 1/3/04
I	I
II	I
III	I
IV	I
V	I
VI	I
VII	II
VIII	III

Table C2: Conversion Rates: Earnings from 11/8/80 to 2/5/99

Earnings Class Prior to 11/8/80 to 2/5/99	Earnings Class After 1/3/04
I	I
II	I
III	I
IV	I
V	II
VI	III
VII	IV
VIII	V

Table C3: Conversion Rates: Earnings from 3/5/99 to 29/2/04

Earnings Class Prior to 3/5/99 to 29/2/04	Earnings Class After 1/3/04
I	I
II	II
III	III
IV	IV
V	V
VI	VI
VII	VII
VIII	VIII
IX	IX
X	X
XI	XI
XII	XII

Table C4: Conversion Rates: Earnings Prior to 1/3/04

Earnings Class before 1/3/04	(Joint) Contribution Value After 1/3/04
I	9.09
II	13.44
III	17.85
IV	22.62
V	28.29
VI	34.38
VII	40.44
VIII	46.53
IX	53.07
X	60.03
XI	67.02
XII	70.47

Table C5: Conversion Rates: Earnings Prior to 3/1/05

Earnings Class before 3/1/05	Earnings Class after 3/1/05
I	I
II	II
III	III
IV	IV
V	V
VI	VI
VII	VII
VIII	VIII
IX	IX
X	X
XI	XI
XII	XII

Table C6: Conversion Rates: Earnings Prior to 2/1/06

Earnings Class before 2/1/06	Earnings Class after 2/1/06
I	I
II	II
III	III
IV	IV
V	V
VI	VI
VII	VII
VIII	VIII
IX	IX
X	X
XI	XI
XII	XII

20. The Third Schedule to the Act is amended by inserting the following Tables:

Third Schedule
amended

BENEFIT RATE SCHEDULES

Table A3: Sickness and Maternity Benefit Rates

Earnings Class	Weekly Benefit	Monthly Benefit
Class I	78.00	339.00
Class II	115.00	500.00
Class III	153.00	661.00
Class IV	193.00	838.00
Class V	242.00	1048.00
Class VI	294.00	1274.00
Class VII	346.00	1499.00
Class VIII	398.00	1725.00
Class IX	454.00	1967.00
Class X	513.00	2225.00
Class XI	573.00	2483.00
Class XII	603.00	2612.00

PART I
Table B3: Basic Retirement and Invalidity Pension Rates

Earnings Class	New Basic Pension (Weekly)	New Basic Pension (Monthly)
Class I	62.00	268.67
Class II	80.60	349.27
Class III	95.48	413.75
Class IV	110.36	478.23
Class V	124.00	537.34
Class VI	146.94	636.74
Class VII	172.98	749.58
Class VIII	199.02	862.42
Class IX	226.92	983.32
Class X	256.68	1112.28
Class XI	286.44	1241.24
Class XII	301.32	1305.72

PART II

Table B3: Rates for Increment Retirement and Invalidity Pension

Earnings Class	New Increment (Weekly)	New Increment (Monthly)
Class I	0.92	3.99
Class II	1.28	5.55
Class III	1.62	7.02
Class IV	1.94	8.41
Class V	2.28	9.88
Class VI	2.77	12.01
Class VII	3.26	14.13
Class VIII	3.77	16.34
Class IX	4.28	18.55
Class X	4.86	21.06
Class XI	5.41	23.45
Class XII	5.69	24.66

PART I

Table C3: Survivors Pension Rates

Earnings Class	WEEKLY BENEFIT				MONTHLY BENEFIT			
	Widow/ Widower	Child	Dependent Parents	Dependent Orphan	Widow/ Widower	Child	Dependent Parents	Dependent Orphan
Class I	37.20	18.60	18.60	37.20	161.20	80.60	80.60	161.20
Class II	48.36	24.18	24.18	48.36	209.56	104.78	104.78	209.56
Class III	57.29	28.65	28.65	57.29	248.26	124.15	124.15	248.26
Class IV	66.22	33.11	33.11	66.22	286.96	143.48	143.48	286.96
Class V	74.40	37.20	37.20	74.40	322.40	161.20	161.20	322.40
Class VI	88.17	44.09	44.09	88.17	382.07	191.06	191.06	382.07
Class VII	103.79	51.90	51.90	103.79	449.76	224.90	224.90	449.76
Class VIII	119.42	59.71	59.71	119.42	517.49	258.75	258.75	517.49
Class IX	136.16	68.08	68.08	136.16	590.03	295.02	295.02	590.03
Class X	154.01	77.01	77.01	154.01	667.38	333.71	333.71	667.38
Class XI	171.87	85.94	85.94	171.87	744.77	372.41	372.41	744.77
Class XII	180.80	90.40	90.40	180.80	783.47	391.74	391.74	783.47

PART II

Table C3: Rates for Increments Survivors Pension

Earnings Class	WEEKLY BENEFIT				MONTHLY BENEFIT			
	Widow/ Widower	Child	Dependent Parents	Dependent Orphan	Widow/ Widower	Child	Dependent Parents	Dependent Orphan
Class I	0.56	0.28	0.28	0.56	2.43	1.22	1.22	2.43
Class II	0.77	0.39	0.39	0.77	3.34	1.67	1.67	3.34
Class III	0.98	0.49	0.49	0.98	4.25	2.13	2.13	4.25
Class IV	1.17	0.59	0.59	1.17	5.07	2.54	2.54	5.07
Class V	1.37	0.69	0.69	1.37	5.94	2.97	2.97	5.94
Class VI	1.67	0.84	0.84	1.67	7.24	3.62	3.62	7.24
Class VII	1.96	0.98	0.98	1.96	8.50	4.25	4.25	8.50
Class VIII	2.27	1.14	1.14	2.27	9.84	4.92	4.92	9.84
Class IX	2.57	1.29	1.29	2.57	11.14	5.57	5.57	11.14
Class X	2.92	1.46	1.46	2.92	12.66	6.33	6.33	12.66
Class XI	3.25	1.63	1.63	3.25	14.09	7.05	7.05	14.09
Class XII	3.42	1.71	1.71	3.42	14.82	7.41	7.41	14.82

Table D3: Employment Injury/Death Benefit

Earnings Class	Injury Pension Weekly Payments	Injury Pension Monthly Payments	DEATH BENEFIT WEEKLY AND MONTHLY BENEFIT					
			Weekly Widow/ Widower	Monthly Widow/ Widower	Weekly Dependent Child	Monthly Dependent Child	Weekly Dependent Parents	Monthly Dependent Parents
Class I	86.81	376.18	52.00	225.00	26.00	113.00	26.00	113.00
Class II	128.14	555.28	77.00	334.00	38.00	165.00	38.00	165.00
Class III	169.48	734.42	102.00	442.00	51.00	221.00	51.00	221.00
Class IV	214.95	931.45	129.00	559.00	64.00	278.00	64.00	278.00
Class V	268.69	1164.33	161.00	698.00	81.00	351.00	81.00	351.00
Class VI	326.56	1415.10	196.00	850.00	98.00	425.00	98.00	425.00
Class VII	384.43	1665.87	231.00	1001.00	115.00	499.00	115.00	499.00
Class VIII	442.31	1916.68	265.00	1149.00	133.00	577.00	133.00	577.00
Class IX	504.31	2185.35	303.00	1313.00	151.00	655.00	151.00	655.00
Class X	570.45	2471.95	342.00	1482.00	171.00	741.00	171.00	741.00
Class XI	636.58	2758.52	382.00	1656.00	191.00	828.00	191.00	828.00
Class XII	669.65	2901.82	402.00	1742.00	201.00	871.00	201.00	871.00"

Legal Notice
No. 159 of 2003 revoked

21. The National Insurance (Rates of Benefit) Order, 2003 is revoked.

Passed in the House of Representatives this 21st day of January, 2004.

D. DOLLY
Acting Clerk of the House

Passed in the Senate this 10th day of February, 2004.

N. JAGGASSAR
Acting Clerk of the Senate

Senate Amendments agreed to by the House of Representatives this 27th day of February, 2004.

D. DOLLY
Acting Clerk of the House