

GOVERNMENT NOTICE No. 77

P ✓  
No 7.1971 (232)

TRINIDAD AND TOBAGO

THE NATIONAL INSURANCE ACT, 1971

REGULATIONS

MADE BY THE BOARD OF MANAGEMENT UNDER SECTION 53 OF THE NATIONAL INSURANCE ACT, 1971

Am by 45/73 (198)  
9/7403,  
102/76 (269),  
96/47 (236)

THE NATIONAL INSURANCE (BENEFITS) REGULATIONS, 1972

1. These regulations may be cited as the National Insurance (Benefits) Citation Regulations, 1972.

2. In these Regulations:—

Definitions

"the Act" means the National Insurance Act, 1971.

PART I

Claims

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

Claim to be submitted to the Board

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

Claims to be made on claim forms and supported by evidence

(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 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.

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

Claim for  
survivor  
benefit  
where no  
valid  
marriage  
existed  
between  
claimant  
and insured  
person

5. (1) In determining a claim for survivor 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.

(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 paragraph (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.

Contribu-  
tion 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

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 paragraph (1) shall result in loss of benefit.

(3) The Board shall not entertain any claim for sickness benefit or employment injury benefit submitted before the fourth day of the insured person's incapacity caused by sickness or employment injury.

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 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.

Defective claim

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 to which claimant is entitled

## PART II

### *Payment of Benefit*

10. (1) 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 benefit is payable under the Act.

Benefit payable upon death or on loss of earnings

(2) Benefit may not be claimed for any period of incapacity for which there is no resultant loss of earnings to the insured person.

11. 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.

12. 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

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

Period for which benefit is paid

- (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;
- (b) maternity benefit payable for thirteen weeks—six weeks immediately before the week of the delivery, 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 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 one year to a widow ineligible to receive widow's benefit or pension, so however that where such widow remarries within that period such allowance shall cease on 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, so however that 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.

Restriction  
on receipt  
of two  
benefits

14. (1) Subject to paragraph (2) no person may receive more than one benefit during the same period.

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

#### *Some Specific Benefits*

Retirement  
pension

15. (1) An insured person who on attaining the age of sixty-five years 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 rate</i>	
				\$	c.
I	...	...	...	...	07
II	...	...	...	...	10
III	...	...	...	...	12
IV	...	...	...	...	14
V	...	...	...	...	16
VI	...	...	...	...	19
VII	...	...	...	...	22
VIII	...	...	...	...	27

(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	...	...	...	...	.925
63	...	...	...	...	.850
62	...	...	...	...	.775
61	...	...	...	...	.700
60	...	...	...	...	.625

16. (1) An insured person who on attaining the age of sixty-five years has Retirement not made seven hundred and fifty contributions shall be eligible for retirement grant grant.

(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.

17. (1) A recipient of benefit who fails or neglects to inform the Board of Offence any change in his status or circumstances that affects his eligibility for such benefit is guilty of an offence and liable on summary conviction to a fine of five hundred dollars or three months imprisonment or both.

(2) A person convicted under paragraph (1) shall refund all monies received by way of benefit from the date of the change in his status or circumstances where such change rendered him ineligible to continue to receive such benefit.

Made this 17th day of April, 1972.

M. DE SOUZA  
*Chairman, Board of Management*

Laid in the House of Representatives this 21st day of April, 1972.

G. R. LATOUR  
*Clerk of the House*

Laid in the Senate this 18th day of April, 1972.

J. E. CARTER  
*Clerk of the Senate*