

LEGAL NOTICE NO. 73

REPUBLIC OF TRINIDAD AND TOBAGO

THE NATIONAL INSURANCE ACT, CHAP. 32:01

REGULATIONS

MADE BY THE BOARD UNDER SECTIONS 55 AND 71 OF THE NATIONAL
INSURANCE ACT

THE NATIONAL INSURANCE (BENEFITS) (AMENDMENT)
REGULATIONS, 1999

1. These Regulations may be cited as the National Insurance Citation
(Benefits) (Amendment) Regulations, 1999.

2. These Regulations shall come into force on 3rd May, 1999. Commence-
ment

3. The National Insurance (Benefits) Regulations are amended: National
Insurance
(Benefits)
Regulations
amended
(a) by deleting regulation 2 and substituting the following:

"Definitions

2. In these Regulations:

"date of confinement" means date
on which child is born;

"invalid" means a person likely to
remain incapable of work for a
period of not less than twelve
months as a result of a specific
disease or bodily or mental
disablement;

"paid apprentice" means a person
who enters into a contract of
apprenticeship or training for
which remuneration of eighty
dollars or more per week is
paid by the employer;

"the Act" means the National
Insurance Act;

"unpaid apprentice" means a
person who enters into a
contract of apprenticeship or
training for which
remuneration less than eighty
dollars per week is paid by the
employer;

“year” means the fifty two week period immediately prior to the commencement of the incapacity”;

(b) in regulation 4 by substituting for the words “identity card” wherever these words occur the words “National Insurance Registration Card”;

(c) by deleting regulation 7 and substituting the following:

“Time limit
for sub-
mission
of claims

7. (1) The time limit for the submission of claims are as follows:

- (a) in the case of sickness benefit not later than six months from the date of commencement of loss of earnings as a result of the incapacity;
- (b) in the case of maternity benefit and maternity grant not later than six months from the date of confinement;
- (c) in the case of funeral grant, not later than six months from the date of death of the deceased insured;
- (d) in the case of invalidity benefit not later than six months from the first day the insured person is certified an invalid;
- (e) in the case of injury benefit not later than six months from the date of the accident or development of the prescribed disease;
- (f) in the case of disablement benefit not later than six months from the expiration of payment of injury benefit or from the date on which the accident occurred;
- (g) in the case of medical expenses not later than six months from the date on which the expenses were incurred.
- (h) in the case of retirement pension, retirement grant, survivor’s benefit and death benefit not later than twelve months from the date of retirement, or the death of the deceased insured.

(2) A person who fails to submit a claim for benefit within the prescribed time shall be disqualified from receiving:

- (a) in the case of sickness, injury or maternity benefit in respect of any period more than six months before the date on which the claim is received by the Board;
- (b) in the case of disablement pension, medical expenses or invalidity benefit in respect of any period more than six months before the date on which the claim is received by the Board;
- (c) in the case of funeral grant, disablement grant or maternity grant, the grant.

(3) Notwithstanding subregulation (2) in any case where the claimant proves that:

- (a) on the date the contingency arose he was entitled to the benefit; and
- (b) throughout the period between the date the contingency arose and the date on which the claim was received by the Board good cause is shown as to the reason for the delay in submitting the claim,

he shall not be disqualified under this subregulation from a benefit to which he would have been entitled had he made the claim within the prescribed time.

(4) Notwithstanding subregulation (3), if a person fails to make a claim for sickness benefits, invalidity benefits, maternity benefits, injury benefits, disablement grant, medical expenses, or funeral grant within twelve months from the date on which the contingency arose, such person may be disqualified from receiving such benefits.

(5) Notwithstanding subregulation (3) a claim for survivor's benefit or death benefit made on behalf of the children of the deceased insured person submitted outside the time limit set out in regulation 7(1) may be entertained and paid from the date on which the claim is received by the Board.

(6) Notwithstanding subregulation (3), a claim for survivor's benefit or death benefit made by a widow or widower of the deceased insured though outside the time limits may be entertained and paid from the date on which the claim is received by the Board if any person treated as the spouse of the deceased insured under section 2(2) is already in receipt of survivor's or death benefits, whereupon all payments to the said spouse shall cease.

(7) 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 sickness benefit or injury benefit as the case may be, shall be calculated and paid as from the first day.”;

(d) in subregulation 10(1) by inserting after the words “employment injury benefit” the words “invalidity benefit and maternity grant”;

(e) in regulation 13 by deleting the word “weekly” and substituting the word “monthly”;

(f) in regulation 14 by—

(i) deleting paragraph (a) and substituting the following new paragraph:

“(a) sickness benefit for a period of fifty two weeks.”;

(ii) deleting paragraph (b) and substituting the following:

“(b) maternity benefit payable for a period starting not earlier than six weeks before the expected date of delivery and continuing until the expiration of thirteen weeks provided always that the total benefit period shall not exceed the twelfth week following the expected date of delivery.”;

(iii) inserting in paragraph (c) after the word “incapacity” the words “or he attains the age of sixty, whichever is the earlier”;

- (iv) inserting after paragraph (c) the following new paragraph:

“(cc)(A) Where the insured invalidity does not cease at age sixty, the insured shall from age 60 be paid a retirement pension whether he has made 750 contributions or not, and—

(i) if less than 750 contributions have been made in respect of the insured, the retirement pension payable shall be the same amount as that of the invalidity pension paid;

(ii) if more than 750 contributions have been made in respect of the insured, the retirement pension payable shall be calculated and paid in accordance with the provisions of the Act;

(iii) if more than 750 contributions have been made in respect of the insured, the retirement pension payable shall be calculated and paid in accordance with the provisions of the Act;

(B) an insured person who qualified for invalidity pension prior to 3rd May, 1999 and whose incapacity does not cease at age sixty, shall from age sixty be paid retirement pension in the same amount as that paid as invalidity pension”;

- (v) by deleting subregulation (e)(iv) and substituting the following:

“(iv)(a) child’s allowance or orphan’s allowance payable subject to paragraphs (b) and (c) until the child attains the age of sixteen years;

(b) where the child or orphan is in full time education until he attains the age of nineteen;

(c) where the child or orphan is unable to work by reason of mental or physical disability, during the period in which the disability continues provided that the disability occurs before he attains nineteen years of age.”;

(g) by deleting regulation 16 and substituting the following:

^{“Retirement pension} 16. (1) An insured person who on attaining retirement age has made a minimum of 750 contributions (including credits) shall be paid a retirement pension.

(2) The rate of pension payable to an insured person who qualified for pension on or after 3rd May, 1999 and has made more than 750 contributions shall be increased over the basic pension rate for every 25 of such additional contributions (not including age credits) which the insured has over the initial 750 contributions, as follows:

Earnings Class in which Basic Pension is Paid	Increment on Basic Weekly Rate
I	\$0.43
II	\$0.60
III	\$0.76
IV	\$0.91
V	\$1.07
VI	\$1.30
VII	\$1.53
VIII	\$1.77
IX	\$2.01
X	\$2.28
XI	\$2.54
XII	\$2.67

(3) The rate of pension payable to an insured person who is in receipt of retirement pension prior to 3rd May, 1999 which is increased with effect from 3rd May, 1999 shall be further increased for every twenty-five additional contributions (not including age credits) which the insured had over the initial seven hundred and fifty contributions as follows:

Earnings Class on which Pension is Based on 3rd May, 1999	Increment on Increased Weekly Rates
I	\$0.43
II	\$0.43
III	\$0.43
IV	\$0.43
V	\$0.60
VI	\$0.76
VII	\$0.91
VIII	\$1.07

(4) The Board shall suspend the payment of retirement pension to an insured person who is less than sixty five years but not less than sixty years who engages in insurable employment for the duration of such employment.”;

(h) in regulation 22(2) by deleting the word “only”;

(i) by inserting after regulation 22 the following new regulation—

“Maternity grant

22A. Subject to the provisions of these regulations a maternity grant shall be payable where confinement results in the birth of a living child or where confinement does not so result, the pregnancy lasted not less than 28 weeks, provided always that the insured satisfied the requirements set out in regulation 22(2)(a) or (b).”;

(j) by deleting regulation 24 and substituting the following:

^{“Invalidity benefit} 24. Subject to the provisions of these Regulations invalidity benefit shall be paid to an insured person who—

- (a) is an invalid;
- (b) is under sixty years of age;
- (c) has made a minimum of one hundred and fifty contributions, fifty of which must have been made during the three years immediately preceding the commencement of the incapacity;
- (d) has made two hundred and fifty contributions in the seven years immediately preceding incapacity; or
- (e) has made seven hundred and fifty contributions or more.

^{Supplemental invalidity} 24A. The rate of pension payable to an insured person who qualifies for invalidity pension on or after 3rd May, 1999 and 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 exclusive of age credit which the insured has over his initial seven hundred and fifty contributions as follows:

Earnings Class on which Basic Pension is Paid	Increment on Increased Weekly Rates
I	\$0.43
II	\$0.60
III	\$0.76
IV	\$0.91
V	\$1.07
VI	\$1.30
VII	\$1.53
VIII	\$1.77
IX	\$2.01
X	\$2.28
XI	\$2.54
XII	\$2.67 ”

(k) by deleting regulation 26 and substituting the following new regulation:

"Invalidity benefit disqualification" 26. An insured person entitled to receive invalidity benefit may be disqualified from receiving such benefit if—

(a) he fails without good cause to comply with a notice issued in writing by the Executive Director requiring him to attend for and submit himself to a medical examination; or

(b) works in employment for which remuneration is or would ordinarily be payable.”;

(l) in regulation 27 by deleting the words “invalidity benefit”;

(m) in regulation 28 by inserting after subregulation (2), the following:

“ (3) Benefits to an injured person who without reasonable cause fails to submit himself for medical re-examination as deemed necessary by the Board shall cease.”;

(n) by deleting regulation 36 and substituting the following new regulation:

“Determination of earnings class for payment of benefit” 36. (1) The earnings class into which an insured person falls for the purpose of receiving sickness or maternity 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.

(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 immediately prior to the week during which the injury was received or the disease discovered.

(3) The earnings class into which an insured person falls for the purpose of receiving retirement pension or invalidity benefit shall be the earnings class which corresponds to the average of all rates of contributions paid in respect of such person.

(4) The earnings class into which a person falls for the purpose of receiving survivor's benefit shall be the earnings class which corresponds to the average of all rates of contributions paid in respect of the deceased in respect of whom the claim is made.”;

(o) in regulation 39 by substituting for the words “identity card” the words “the National Insurance Registration Card”;

(p) by deleting regulation 43 and substituting the following:

“Orphan's
allowance

43. (1) Where either the biological or step-parent of a child who is in receipt of child's allowance dies and such parent was at the date of his or her death an insured person, the child allowance shall cease and 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 higher.

(2) In the event that the child's biological or step-parent being insured persons die simultaneously such child be eligible to receive orphan's allowance in the class of either the biological or step-parent whichever is higher.”;

(q) by deleting regulation 45 and substituting the following:

“Child
includes
adopted child,
step-child and
child *en*
ventre sa
mere

45. (1) For the purpose of the payment of widow's pension or child's allowance—

(a) “child” includes:

- (i) an unmarried child;
- (ii) an adopted child who is not married; or
- (iii) a step-child who is not married and who at the date of the parent's death

was living with or wholly or mainly maintained by the deceased at the time of death;

(iv) a child en ventre sa mere; and

(b) "marriage" includes a co-habitational relationship.

(2) A claim for such pension or allowance shall where appropriate be supported by a relevant medical certificate.";

(r) by deleting in regulation 46 the words "set out in the Schedule hereto, obtainable from the Board" and substituting the words "obtainable at any local office of the Board" and deleting in the marginal note the word "Schedule";

(s) in regulation 47 by—

(i) deleting subregulation (2) and substituting the following:

" (2) Subject to the provisions of these Regulations survivor benefit shall be paid on the death of an insured person who had made a minimum of fifty contributions.";

(ii) inserting the following:

"Increase of survivor's benefit

47A. The rate of survivor's benefit payable in respect of an insured person who dies on or after 3rd May, 1999 shall be increased above the basic rate for every twenty-five contributions which the deceased pensioner had in excess of seven hundred and fifty contributions (not including age credits) as follows:

Earnings Class in which Benefit is Paid	INCREMENT ON BASIC WEEKLY RATES			
	Widow/ Widower \$	Children \$	Orphans \$	Dependants \$
I	0.26	0.13	0.26	0.13
II	0.36	0.18	0.36	0.18
III	0.46	0.23	0.46	0.23
IV	0.55	0.27	0.55	0.27
V	0.64	0.32	0.64	0.32
VI	0.78	0.39	0.78	0.39
VII	0.92	0.46	0.92	0.46
VIII	1.06	0.53	1.06	0.53
IX	1.21	0.60	1.21	0.60
X	1.37	0.68	1.37	0.68
XI	1.52	0.76	1.52	0.76
XII	1.60	0.80	1.60	0.80

(t) by inserting after regulation 47 the following:

^{“Payment on death} 48. (1) Subject to subregulation (2) on the death of a person who has made a claim for benefit or who is alleged to have been entitled to benefit, the Executive Director may appoint such person as he thinks fit to proceed with or to make a claim for the benefit.

(2) Subject to subregulation (5) a sum payable by way of benefit which is payable under an award on a claim proceeded with or made under subregulation (1) may be paid to such persons or distributed amongst such persons claiming as personal representatives or next of kin of the deceased.

(3) In respect of sums payable under subregulation (2) to persons specified in that subregulation the receipt by a person who has attained the age of 16 shall be good discharge to the Board for any sums so paid.

(4) Subject to subregulation (2), a sum payable by way of benefit to the deceased, payment of which he had not obtained at the date of his death, may be paid or distributed to or amongst such persons as are mentioned in subregulation (2).

(5) The Board may dispense with strict proof of the title of a person claiming in accordance with the provisions of this regulation.

Funeral grant 49. Subject to the provisions of these Regulations a funeral grant shall be payable on the death of any insured person who—

- (a) had made a minimum of twenty-five contributions while engaged in insurable employment; or
- (b)(i) at the time of death was in receipt of employment injury benefit; or
- (ii) would have been entitled to receive employment injury benefit but for the fact of death.

Maximum
rate of
survivor
benefit

50. (1) Notwithstanding any thing in these Regulations the aggregate of survivor benefit payable to the spouse, children and dependant parents of a deceased insured shall not exceed the total amount of the retirement or invalidity pension for which the deceased would have been eligible had he qualified for the receipt of retirement or invalidity pension.

(2) Where the survivor's benefit available for distribution is insufficient to enable payment to be made in accordance with the rates set out in the Schedule the Board shall pay survivor's benefit in accordance with the following order of priority—

- (a) spouse;
- (b) children or orphans;
- (c) dependant parent,

provided that the total benefit payable does not exceed the maximum pension available for payment.

Rate of grant

51. The amount payable by way of grant shall be—

- (a) in the case of maternity, 1000.00 dollars, and
- (b) in the case of funeral, 2000.00 dollars.”.

Dated this 20th day of April, 1999.

E. BAYLEY
Chairman
National Insurance Board

Laid in the House of Representatives this 23rd day of April 1999.

D. DOLLY
Clerk of the House

Laid in the Senate this 27th day of April, 1999.

N. COX
Clerk of the Senate