

LEGAL NOTICE NO. 66

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, 2004

1. These Regulations may be cited as the National Insurance Citation
(Benefits) (Amendment) Regulations, 2004.

2. In these Regulations “the Regulations” means the National Interpretation
Insurance (Benefits) Regulations. Chap. 32:01

3. Regulation 2 of the Regulations is amended by— Regulation 2
amended

(a) deleting the definition of “date of confinement” and
substituting the following definition:

“ “date of delivery” means the date on which a child is
born;”; and

(b) inserting in alphabetical sequence, the following definitions:

“ “immediate family” means the mother, father, child,
brother or sister of an insured person;

Chap. 29:50 “medical practitioner” means a person registered
under the Medical Board Act;

“para-medical practitioner” means a person who is not
a medical practitioner but supplements and
supports medical work and includes a chiropractor,
physiotherapist, dental technician or psychologist;”.

4. Regulation 4 of the Regulations is amended— Regulation 4
amended

(a) in subregulation (2)—

(i) in paragraph (a), by deleting the words “by
relevant medical certificates” and substituting the
words—

“by—

(i) relevant medical certificates from a
medical practitioner; or

(ii) relevant certificates from a para-medical practitioner to whom the insured was referred by a medical practitioner and written proof of the referral”; and

(ii) in paragraph (d)—

(A) in subparagraph (i), by deleting the words “, 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”; and

(B) in subparagraph (ii), by inserting after the word “other” wherever it occurs and substituting in each place, the word “insured”; and

(b) by revoking subregulation (4) and substituting the following subregulation:

“(4) In this regulation “National Insurance Registration Card” means the card referred to in section 30A of the Act.”.

Regulation 5
amended

5. Regulation 5(3) of the Regulations is amended by deleting the words “who is the lawful spouse of either the insured person or the claimant.” and substituting the words—

“who—

(a) is the lawful spouse of either the insured person or the claimant;

(b) is the immediate family of the deceased insured; or

(c) may be eligible for the benefit under the Act.”.

Regulation 6
revoked

6. Regulation 6 of the Regulations is revoked.

Regulation 7
amended

7. Regulation 7 of the Regulations is amended—

(a) in subregulation (1)—

(i) by deleting the word “six” wherever it occurs and substituting in each place, the word “three”; and

(ii) in paragraph (b), by deleting the word “confinement” and substituting the word “delivery”; and

(b) in subregulation (4), by deleting the word “may” and substituting the word “shall”.

8. Regulation 10(1) of the Regulations is amended by inserting after the words “injury benefit”, the words “maternity benefit”.

Regulation 10
amended

9. Regulation 12 of the Regulations is amended by deleting paragraphs (d) and (e) and substituting the following paragraphs:

Regulation 12
amended

“(d) remarriage grant;
(e) maternity grant; and
(f) maternity benefit.”.

10. Regulation 14 of the Regulations is amended—

Regulation 14
amended

(a) by deleting paragraph (b);
(b) by deleting paragraph (cc) and substituting the following paragraphs:

“(ca) where the invalidity of the insured does not cease at the age of sixty years, the insured shall, from the age of sixty years, be paid a retirement pension, whether or not he has made seven hundred and fifty contributions and—

(i) where less than seven hundred and fifty contributions have been made in respect of the insured, the retirement pension payable shall be in the same earnings class as that in which invalidity benefit was paid; or

(ii) where more than seven hundred and fifty contributions have been made in respect of the insured, the retirement pension payable shall be calculated and paid in accordance with the Act; and

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

(c) by deleting paragraph (e) and substituting the following paragraph:

“(e) survivor’s benefit, that is to say—

- (i) widow’s pension payable to a widow for life or until she remarries, whichever is sooner;
- (ii) widower’s pension payable to a widower for life or until he remarries, whichever is sooner;
- (iii) child’s allowance or orphan’s allowance, payable—
 - (A) until the child or orphan attains the age of nineteen years; or
 - (B) where the child or orphan is unable to work by reason of mental or physical disability, for the period during which the disability continues provided that the disability occurs before he attains the age of nineteen years; or
- (iv) parent’s pension payable to the parent for life or until the parent remarries; and

(d) by deleting paragraph (f)(iii) and substituting the following subparagraph:

“(iii) death benefit, that is to say—

- (A) widow’s benefit payable to a widow for life or until she remarries, whichever is sooner;
- (B) widower’s benefit payable to a widower for life or until he remarries, whichever is sooner;
- (C) child’s allowance payable for the same period, subject to the same conditions and in the same manner as the benefit referred to in paragraph (e)(iii); and
- (D) parent’s benefit payable to the parent for life or until the parent remarries, whichever is sooner.”.

11. Regulation 16(4) of the Regulations is revoked and the following Regulation 16 amended subregulations substituted:

“(4) The rate of pension payable to an insured person who—

(a) is in receipt of retirement pension prior to 1st March, 2004; and

(b) qualified for a retirement pension on or after 1st March, 2004,

and 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, which the insured has over the initial seven hundred and fifty contributions in accordance with Part II of Table B3 of the Third Schedule to the Act.

(5) With effect from 1st March, 2004, a recipient of retirement pension who resumes insurable employment before he attains the age of sixty-five years, shall continue to receive such retirement pension and not be required to pay contributions.

(6) The employer of a recipient of retirement pension referred to in subregulation (5), shall be required to pay contributions on behalf of the recipient in class Z so as to cover him for payment of injury benefit for the duration of his employment.”.

12. Regulation 21 of the Regulations is amended—

Regulation 21 amended

(a) by renumbering regulation 21 as regulation 21(1); and

(b) by inserting after regulation 21(1), as renumbered, the following subregulation:

“(2) A person in receipt of sickness benefit may be required by the Board to be medically examined.”.

13. Regulation 22 of the Regulations is amended—

Regulation 22 amended

(a) in subregulation (2), by deleting the word “confinement” and substituting the word “delivery”; and

(b) in subregulation (3), by deleting the word “twenty-eight” and substituting the word “twenty-six”.

14. Regulation 22A of the Regulations is amended by deleting the Regulation 22A amended word “28” and substituting the word “twenty-six”.

Regulation
24A amended

15. Regulation 24A is amended by—

- (a) renumbering regulation 24A as 24A(1); and
- (b) inserting after regulation 24A(1) as renumbered the following subregulation:

“(2) With effect from 1st March, 2004, the rate of pension payable to an insured person who—

- (a) is in receipt of invalidity pension on or after 3rd May, 1999; or
- (b) qualifies for invalidity pension on or after 1st March, 2004 and 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 credits), which the insured has over his initial seven hundred and fifty contributions,

shall be in accordance with Part II of Table B3 of the Third Schedule to the Act.”.

Regulation 27
amended

16. Regulation 27 of the Regulations is amended by deleting the words “, maternity benefit and”.

Regulation
27A inserted

17. The Regulations are amended by inserting after regulation 27, the following regulation:

“Amount of maternity benefit payable Table A3 Third Schedule to Act 27A. Maternity benefit shall be—

- (a) 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 in accordance with the rates stipulated in Table A3 of the Third Schedule to the Act; and
- (b) paid in a lump sum.”.

Regulation 30
amended

18. Regulation 30(3) of the Regulations is amended by deleting the words “that relevant earnings class” and substituting the words “the relevant earnings class at the date of the injury”.

19. Regulation 31 of the Regulations is amended by inserting after subregulation (3), the following subregulation: Regulation 31
amended

“(4) Where an insured person already in receipt of a disablement benefit submits a subsequent claim for disablement benefit arising out of a new injury and the person’s disablement from the new injury is assessed at twenty per cent or more—

(a) the Board shall require the insured to be reassessed to take into account all the injuries suffered, to arrive at a total permanent partial disability for the insured; and

(b) the current disablement benefit of the insured shall be revised to reflect the new assessment.”.

20. Regulation 36 of the Regulations is amended—

Regulation 36
amended

(a) in subregulation (1), by deleting the word “confinement” and substituting the word “delivery”;

(b) by revoking subregulation (2) and substituting the following subregulation:

“(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 the insured person for—

(a) the week immediately prior to the week during which the injury was received or the disease discovered; or

(b) the week during which the injury was received or the disease discovered,

whichever is higher.”; and

(c) in subregulation (4), by inserting after the word “made”, the words “or the earning class in which retirement pension or invalidity benefit was being paid, where the insured person was in receipt of either benefit”.

Regulation 45
amended

21. Regulation 45(1) of the Regulations is amended—

(a) by deleting the words “widow’s pension or”; and

(b) in paragraph (a)—

(i) in subparagraph (iv), by deleting the word “and”;
and

(ii) by inserting after subparagraph (iv), the following
subparagraphs:

“(v) a disabled child whose disability commences
before the child attains nineteen years of
age; and

(vi) an orphan of whom only one of the deceased
parents was an insured; and”.

Regulation 47
amended

22. Regulation 47 of the Regulations is amended by inserting after
subregulation (2), the following subregulation:

“(3) Child allowance payable for a child *en ventre sa mere*,
shall be payable as from the first day of the contribution week
of the date of delivery.”.

Regulation
47A amended

23. Regulation 47A of the Regulations is amended by—

(a) renumbering regulation 47A as 47A(1); and

(b) inserting after regulation 47A(1) as renumbered the
following subregulation:

“(2) With effect from 1st March, 2004, the rate of
survivor’s benefit payable in respect of—

(a) an insured person who died on or after
3rd May, 1999 and such benefit continues to
be payable on or after 1st March, 2004; or

(b) an insured person who dies on or after
1st March, 2004 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,

shall be in accordance with Part II of Table C3 of the
Third Schedule to the Act.”.

24. Regulation 50 of the Regulations is revoked and the following regulation substituted: Regulation 50
revoked and
substituted

"Maximum
rate of
parent benefit 50. (1) Notwithstanding anything to the contrary in these Regulations, the aggregate of survivor's benefit payable to the dependent parents of a deceased insured, shall not exceed the total amount of the dependent parents benefit rate stipulated in the Schedule.

(2) Where one parent of the deceased insured dies, the surviving parent shall receive the total amount of the dependent parents benefit in the Schedule."

25. The Regulations are amended by inserting after regulation 51 the following regulation: Regulation 52
inserted

"Transition 52. (1) A person whose benefit entitlement expired prior to 1st March, 2004 shall not be entitled to have any claim, made under regulation 14(e)(i) to (iv) and (f)(iii), reviewed under the new qualifying criteria.

(2) A person in receipt of benefits on or after 1st March, 2004 shall continue to be eligible for such benefits after 1st March, 2004, upon such terms and conditions as are applicable from 1st March, 2004.

Dated this 1st day of March, 2004.

K. HENRY
Chairman,
National Insurance Board

Laid in the House of Representatives this 2nd day of April, 2004.

J. SAMPSON-JACENT
Clerk of the House

Laid in the Senate this 6th day of April, 2004.

D. DOLLY
Clerk of the Senate