

NATIONAL INSURANCE ACT

CHAPTER 32:01

Act

35 of 1971

Amended by

27 of 1974

27 of 1977

23 of 1980

11/1984

*13 of 1984

*14 of 1987

**18 of 1993

9 of 1999

9 of 2004

30 of 2007

*See Note on Health Surcharge on page 3

**See Note on Act No. 18 of 1993 on page 3

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Note on Commencement Date

The following are the relevant commencement dates:

- (a) 15th November 1971—GN 223/1971
Section 1 to section 27, the provisions of Part II (i.e., section 28 to section 35) save in their application to self-employed persons and the provisions of sections 58, 64 and 71 came into operation on 15th November 1971 [GN 223/1971].
- (b) 10th April 1972—GN 62/1972
Section 36 to section 38; section 41 to section 45; section 46 (1)(d) and (f) to section 56 of Part III save in their application to employed persons employed by more than one person within the meaning of the said section 45; section 57; section 59 to section 63 and section 65 to section 70 of Part IV came into operation on 10th April 1972 [GN 62/1972].
- (c) 15th January 1973—GN 6/1973
Section 46 (1)(a) and (b) came into operation on 15th January 1973.
(See GN 6/1973 see also 27 of 1974).
- (d) 16th July 1973—GN 108/1973
Section 46 (1)(g) came into operation on 16th July 1973 [GN 108/1973].
- (e) 10th December 1974—27 of 1974
Sections 39 and 40 came into operation on 10th December 1974 [27 of 1974].

- (f) 17th February 1975—GN 21/1975
Section 46(1)(e) came into operation on 17th February 1975 [GN 21/1975].

Note on Health Surcharge

Legal Notice 11/1984 the Provisional Collection of Taxes Order, had introduced section 38 (a), dealing with surcharge contributions, but this new section was repealed by Act No. 13 of 1984, the National Insurance Amendment Act.

Act No. 13 of 1984, amended section 8(1) and section 21. It introduced section 21(2). This Act also introduced Part IIIA, that is sections 56A to 56I. It also amended section 64, by introducing subsections (4A) and (4B). It also introduced section 65A.

In 1987, however, Act No. 14 of 1987 the Finance Act, made provisions for the administration, computation, collection and recovery of the health surcharge to be undertaken by the Board of Inland Revenue, instead of the National Insurance Board, and in effect repealed Act No. 13 of 1984. The amendments which were made to this Chapter by LN 11/1984 and Act No. 13 of 1984 have not been published in this Act.

For the same reason, LN 84/1984 which introduced the Health Surcharge Regulations is not being published.

Note on Act No. 18 of 1993

See sections 62 and 65 of, and the Third Schedule to, Act No. 18 of 1993.

Note on LN No. 31 of 2006

Legal Notice No. 213 of 1999 repealed subclause (g) of Clause 1 of the First Schedule. However, Legal Notice No. 31 of 2006 sought to amend the said subclause (g) which is an anomaly.

Note on LN No. 32 of 2006

Legal Notice No. 32 of 2006 purports to amend Clause 1 of the Second Schedule, but the Second Schedule consists only of Tables and does not include any clauses.

Note on Act No. 30 of 2007

Section 2 of Act No. 30 of 2007 provides that the amendments to sections 2, 29, 30, 35, 38, 39, 41, 46 and 54 shall come into effect from 7th January 2008.

CHAPTER 32:01

NATIONAL INSURANCE ACT

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CHAPTER 32:01

NATIONAL INSURANCE ACT

35 of 1971.

An Act respecting National Insurance.

Commencement.

COMMENCEMENT*

Short title.

1. (1) This Act may be cited as the National Insurance Act.

(2) This Act shall have effect notwithstanding sections 1 and 2 of the Constitution [that is, the Constitution set out in the Second Schedule to the Trinidad and Tobago (Constitution) Order in Council 1962].

1962 No. 1875
(U.K.).

PART I

PRELIMINARY

Interpretation.
[23 of 1980
9 of 1999
9 of 2004
30 of 2007].

2. (1) In this Act—

“appointed day” means a day appointed by the President by Proclamation;

“benefit” means any benefit which is payable under this Act;

“Board” means the National Insurance Board of Trinidad and Tobago established by section 3;

“Chairman” means the Chairman of the Board;

“contribution” means a contribution under this Act;

“contribution year” means the period of fifty-two weeks or fifty-three weeks beginning with the first Monday in July in any year and ending on the Sunday immediately before the first Monday in July of the succeeding year;

“Deputy Chairman” means the Deputy Chairman of the Board;

“Director” means a duly appointed member of the Board;

“due date” means the last day of the month;

“employer” means a person who employs at least one person under a contract of service or to whom another person is apprenticed;

“employed person” means a paid apprentice, a self-employed person or anyone who is employed under a contract of service;

*See Note on page 2 for commencement dates.

“employment” includes any trade, business, profession, office, vocation or apprenticeship;

“Executive Director” means the Executive Director of the Board;

“insurable employment” means any employment other than that which is provided for in section 29(2);

“insured person” means a person insured under this Act;

“invalid” means a person who is unable to engage in any kind of gainful occupation or is unable to perform any work for wage or profit for a period of not less than twelve months as a result of mental or bodily disease or injury;

“paid apprentice” means a person who enters into a contract of apprenticeship or training for which remuneration of one hundred and twenty dollars or more per week is paid by the employer;

“parent” means a biological or legally adoptive parent;

“Regulations” means Regulations made by the appropriate authority under this Act;

“retirement age” means the age of sixty-five years or any age less than sixty-five years but not less than sixty years at which an insured person ceases to be engaged in insurable employment;

“Rules” means Rules made by the Board under this Act or the Regulations;

“Secretary” means the Secretary of the Board;

“Standing Orders” means Standing Orders made by the Board under section 5(8);

“termination of employment” means the day on which the employment actually comes to an end, whether such termination is in accordance with the terms of the contract or not and whether or not the employment is to be resumed at a later date;

“unpaid apprentice” means a person who enters into a contract of apprenticeship or training for which remuneration less than one hundred and twenty dollars per week is paid by the employer.

- (2) For the purposes of this Act and the Regulations—
- (a) where it is a condition for title to benefit that—
- (i) a woman is the widow of an insured person, the Executive Director may treat a single woman or widow who was living with a

single man or widower as his wife at the date of his death as if she were in law his widow; or

- (ii) a man is the widower of an insured person, the Executive Director may treat a single man or widower who was living with a single woman or widow as her husband at the date of her death as if he were in law her widower,

if the insured person nominated the woman or the man as the case may be as beneficiary for the purpose of entitlement to benefit;

- (aa) (i) where no nomination of a person as a beneficiary has been made the Executive Director may treat the single woman or widow or single man or widower referred to in paragraph (2)(a)(i) or (2)(a)(ii) as the wife or husband of the insured as the case may be, provided that she or he lived with the insured person as his wife or her husband for a minimum period of three years immediately preceding death;
- (ii) for the purposes of this paragraph the Executive Director may require such evidence as he considers necessary to satisfy himself of the period referred to in subparagraph (i);
- (b) where the question of marriage or remarriage or of the date of marriage or remarriage arises in regard to the title or cessation of title to benefit, the Executive Director shall, in the absence of the subsistence of a lawful marriage or where there is any impediment to lawful marriage, decide whether or not the person concerned ought to be treated as if he were married or as if he had remarried, as the case may be, and if so from what date, and in determining the question the Executive Director shall have regard to the provisions of paragraphs (a) and (aa)(i);

(c) unless the context otherwise requires the determination of the Executive Director under paragraphs (a) and (aa)(i) or (b) shall have the effect of extending, as regards title or cessation of title to benefit payable to a man or woman, the meaning of the word “marriage” to include the association between a single woman or widow and a single man or widower as aforesaid; and the meaning of the words “wife”, “husband”, “widow”, “widower” and “spouse” shall be extended accordingly.

(3) In this Act “single man” means a man who has never married, or whose marriage has been dissolved by a decree absolute of divorce or declared a nullity, and “single woman” shall be construed accordingly.

(4) For the purposes of this Act, where it is a condition for entitlement to the special maternity grant that a woman is the spouse of an insured man, the Executive Director may treat—

- (i) a single woman or widow who was living with a single man or widower as his wife at the date of delivery as if she were in law his spouse; and
- (ii) the single woman or widow referred to in paragraph (i) as the spouse of the insured where she lived with the insured man as his spouse for a minimum period of three years immediately preceding the date of delivery;

(5) For the purposes of subsection (4), the Executive Director may require such evidence as he considers necessary to determine whether the woman referred to in subsection (4) satisfies the conditions of that subsection.

3. (1) There is hereby established for the purposes of this Act, a National Insurance Board of Trinidad and Tobago (hereinafter referred to as “the Board”) which shall be a body corporate.

Establishment and incorporation of the Board. [9 of 1999].

(2) The Board shall consist of eleven members designated Directors, who shall be appointed by the Minister, as follows:

- (a) three members nominated by the Government;

- (b) three members nominated by the associations most representative of Business;
- (c) three members nominated by the associations most representative of Labour;
- (d) a person, who in the opinion of the Minister, is independent of the Government, Business and Labour, who shall be the Chairman;
- (e) the Executive Director as *ex officio* member.

(3) The Deputy Chairman shall be selected by the Board from among its members at the first meeting of the Board.

(4) In respect of each Director, the Minister shall in like manner designate an alternate member; and, subject to subsection (7)(a), any such alternate member may, with the approval of the Chairman, act in the stead of the respective Director at any one or more meetings of the Board.

(5) Appointment to the office of Director shall, subject to subsection (6), be for such period, being not more than two years, as is specified at the time of the appointment. A Director shall be eligible for reappointment.

(6) A Director may at any time resign his office by instrument in writing addressed to the Chairman, who shall forthwith cause it to be forwarded to the Minister.

(7) The Minister shall revoke the appointment of a Director—

- (a) if he absents himself from three consecutive meetings of the Board except on leave granted by the Board;
- (b) if he is guilty of such behaviour as is likely to call in question the *bona fides* of the Board;
- (c) if he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit;
- (d) on the representation of the associations most representative of Business or Labour, as the case may be, the Director is no longer a nominee of Business or Labour, as the case may be.

(8) Subsections (4), (5), (6) and (7) shall not apply to the Executive Director.

(9) The appointment of any person as a Director or Executive Director and the termination of office of any person as such whether by death, resignation, revocation, effluxion of time or otherwise, shall be notified in the *Gazette*.

(10) All things done or omitted to be done by the Board of Management before the coming into force of this Act shall for all purposes be deemed to have been done or omitted to be done for and on behalf of the National Insurance Board of Trinidad and Tobago.

4. (1) The Seal of the Board shall be kept in the custody either of the Executive Director or of the Secretary, as the Board may determine, and may be affixed to instruments pursuant to Standing Orders or to a resolution of the Board and in the presence of the Chairman or Deputy Chairman, and of the Executive Director and the Secretary.

Custody and use
of seal

(2) The Seal of the Board shall be attested by the signature of the Chairman or Deputy Chairman, and the Secretary.

(3) All documents, other than those required by law to be under seal made by, and all decisions of, the Board may be signified under the hand of the Chairman or Deputy Chairman or the Secretary.

(4) Service upon the Board of any notice, order, or other document shall be executed by delivering the same or by sending it by registered post addressed to the Secretary at the office of the Board.

4A. (1) No action, suit, prosecution or other proceedings shall be brought or instituted against any member of the Board in respect of any act done *bona fide* in pursuance or execution or intended execution of this Act.

Exemption from
liability.
[9 of 1999].

(2) Where any member of the Board is exempt from liability by reason only of the provisions of this section, the Board shall be liable to the extent that it would be as if the said member was a servant or agent of the Board.

PROCEDURE

Procedure and meetings of the Board.

5. (1) The Board shall meet at least once a month and at such other times as may be necessary or expedient for the transaction of business, and such meetings shall be held at such place and time and on such days as the Board may determine.

(2) The Chairman may at any time call a special meeting of the Board and shall call a special meeting within seven days of the receipt of a requisition for that purpose addressed to him by any three Directors.

(3) The Chairman, or in his absence the Deputy Chairman, shall preside at all meetings of the Board.

(4) The Chairman, or in his absence the Deputy Chairman, and four other Directors including at least one nominee each of Government, Business and Labour shall form a quorum.

(5) The Chairman shall have a casting vote only.

(6) Minutes in proper form of each meeting shall be kept by the Secretary and shall be confirmed by the Chairman, or the Deputy Chairman at a subsequent meeting. Certified copies of such minutes when so confirmed shall be forwarded to the Minister.

(7) The Board may co-opt any one or more persons to attend any particular meeting of the Board for the purpose of assisting or advising the Board, but no such co-opted person shall have any right to vote.

(8) Subject to this section, the Board may by Standing Orders regulate its own proceedings and procedures.

Appointment of committees.

6. (1) The Board may appoint committees to examine and report to it on any matter whatsoever arising out of or connected with any of its powers and duties under this Act.

(2) A committee appointed by the Board shall consist of at least one member of the Board together with such other persons, whether members of the Board or not, whose assistance or advice the Board may desire.

(3) Where persons, not being members of the Board, are members of a committee appointed under this section, the Board may by resolution declare the remuneration and allowances of

such persons and such sums shall properly be so payable out of the funds and resources of the Board.

(4) The Board may by resolution reject the report of any such committee or adopt it either wholly or with such modifications, additions or adaptations as the Board may think fit.

7. Subject to this Act and to the prior approval of the Minister, the Board may delegate to a Director or a committee, power and authority to carry out on its behalf such duties and functions and to exercise such powers as the Board may determine; but any such delegation shall be revocable at will and shall not preclude the Board from acting from time to time as occasion requires.

Power of Board to delegate.

GENERAL FUNCTIONS, POWERS AND DUTIES OF THE BOARD

8. (1) It is the duty of the Board to operate and manage the system of National Insurance established by this Act and, subject to this Act, the Board shall have and exercise such functions, powers and duties as are conferred upon it by this Act and by any other written law.

General functions, powers and duties. [13 of 1984 9 of 1999].

(1A) The Board may exercise and perform such powers and functions as may be approved by the Minister by Order subject to affirmative resolution of Parliament.

(2) In the performance of its functions and duties and in the exercise of its powers the Board may do all lawful things that are necessary or expedient to secure the due execution of the purposes of this Act.

(3) For the efficient and proper performance of its functions and duties, the Board may establish local offices throughout Trinidad and Tobago.

9. In the exercise and performance of its functions, powers and duties under this or any other written law the Board shall act in accordance with any general directions of the Government, given to it by the Minister; but subject to this section, the Board shall, when exercising and performing its functions, powers and duties, be subject to the control or direction of no other person or authority.

Policy directions.

MISCELLANEOUS

Remuneration
of Directors.

10. The Chairman, Deputy Chairman and the Directors other than the Executive Director shall be paid such salary and allowances as may be approved by the Minister.

Declaration
of interest.

11. (1) A Director who is in any way, whether directly or indirectly, interested in a contract or proposed contract with the Board or any other matter whatsoever in which the Board is concerned, shall declare the nature of his interest at the first meeting of the Board at which it is practicable for him to do so.

(2) A Director shall not take part in any deliberation or decision of the Board with respect to any contract or proposed contract with the Board or any other matter with which the Board is concerned, in which he has any pecuniary interest, whether directly or indirectly.

(3) For the purposes of this section, a Director shall be treated as having an indirect pecuniary interest in a contract or proposed contract with the Board or in any other matter with which the Board is concerned, if he is a director, shareholder, partner or employee of a company or other association of persons that is a party to such contract or proposed contract with the Board or has a pecuniary interest in such other matter with which the Board is concerned.

(4) Nothing in subsection (3) shall apply to any person who, but for the provisions of that subsection would not fall to be treated as having indirectly a pecuniary interest in a contract or other matter, if the total value of his shareholding or other interest does not exceed such amount of the total nominal value of the issued share capital of the company or association as the Standing Orders of the Board provide.

(5) A person who fails to comply with this section, is liable on summary conviction to a fine of five hundred dollars, unless he proves that he did not know that a contract, proposed contract or other matter in which he had a pecuniary interest was the subject of consideration at the meeting.

Execution of
documents.

12. (1) Any document requiring to be executed by the Board shall be deemed to be duly executed—

- (a) if signed by the Chairman or the Deputy Chairman and the Executive Director or the Secretary; or

(b) if signed, whether in Trinidad and Tobago or elsewhere, by a person or persons authorised by resolution of the Board so to sign, but in such case an extract of the resolution certified by the Chairman or Deputy Chairman and the Secretary shall be attached to and form part of the document.

(2) Any cheque, bill of exchange or order for the payment of money required to be executed by the Board shall be deemed to be duly executed if signed by a person or persons authorised by this Act or by resolution of the Board.

13. (1) The financial year of the Board shall be the twelve-month period ending on 30th June.

Financial year and annual report of Board. [9 of 1999].

(2) Subject to subsection (3), the Board shall within three months of the end of each financial year make a report of its proceedings and of the operation of this Act in respect of that financial year to the Minister who shall, within two months of the receipt of such report, lay it before Parliament.

(2A) The report referred to in subsection (2) shall include the—

- (a) number of contributors and beneficiaries in the National Insurance Scheme;
- (b) contribution income collected;
- (c) fixed expenditure incurred in respect of the administration of the National Insurance System;
- (d) composition of the investment portfolio;
- (e) yield on investments; and
- (f) statement of any financial or commercial arrangement with subsidiaries or associated companies.

(3) The first report under this section shall be in respect of the period ending on 30th June 1973.

PERSONNEL

14. (1) The Board may appoint on such terms and conditions as it thinks fit an Executive Director, a Secretary, a Chief Financial Officer and such other officers and employees as may be necessary and proper for the due and efficient performance by the Board of its duties under this Act.

Appointment of officers and other employees. [9 of 1999].

(2) Subject to the approval of the Minister, the Executive Director shall receive a salary and allowances as may be determined by the Board; and no other officer or employee shall receive salary or allowance higher than that of the Executive Director.

(3) The Executive Director shall be responsible for carrying out the decisions of the Board, and in the performance of his duties is subject to the control of the Board.

(4) A person shall not be disqualified from being appointed a Director by reason only of holding the office of Executive Director or Deputy Executive Director.

Transfer of officers of Government to the Board.

15. (1) An officer in the public service may be transferred to the service of the Board, and upon such transfer shall become a member of the pension scheme referred to in section 17, and, if such officer's transfer becomes effective before the establishment of that scheme, he shall become a member within one year of its establishment; and an officer in the service of the Board may be transferred to the public service.

(2) A transfer described in subsection (1) shall be on such terms as may be acceptable to the President, the Board and the Officer concerned, and the pension or superannuation rights accruing to the officer at the time of his transfer shall be preserved in the manner provided by Regulations made by the President in that behalf.

Transfer on secondment. [23 of 1980].

16. (1) Subject to subsection (2), any officer in the public service may, with the approval of the Minister and the appropriate Service Commission be transferred on secondment to the service of the Board or from the service of the Board to the public service.

(2) Where a transfer on secondment contemplated by subsection (1) is effected, the President or the Board as the case may require, shall make such arrangements as may be necessary to preserve the rights of the officer so transferred to any pension, gratuity or other allowance for which he would have been eligible had he remained in the service of the Government or of the Board, as the case may be.

(3) A period of transfer on secondment shall not in any case exceed ten years.

Establishment of a Pension Scheme.

17. The Board shall within a period of three years of its establishment, by Rules confirmed by the Minister, provide for

the establishment and maintenance of a pension scheme for the benefit of the officers and employees of the Board and officers transferred to it on secondment.

18. Without prejudice to the generality of section 17 the pension scheme may enable the Board to—

Content of
Pension
Scheme.

- (a) grant gratuities, pensions or superannuation allowances to, or to the widows, families and dependants of, their employees;
- (b) establish contributory superannuation schemes and establish and contribute to superannuation funds for the benefit of their employees;
- (c) enter into and carry into effect agreements with any insurance company or other association or company for securing to any such employee, widow, family or dependant such gratuities, pensions or allowances as are by this section authorised to be granted;
- (d) give donations or subscriptions to charitable institutions, sick funds, benevolent funds and other objects calculated to benefit their employees.

19. (1) Public officers engaged in the establishment of the system of National Insurance shall on the first appointed day be given the option of continuing in the public service or of accepting appointments in the service of the Board.

Public officers
to exercise
option.

(2) Public officers, who on or after the commencement of this Act, elect to accept appointments in the service of the Board shall—

- (a) be regarded as transferred to the service of the Board; and
- (b) have preserved to them their superannuation rights accruing at the time of their transfer to the Board; and
- (c) within a year of the establishment of the pension scheme become members of that scheme,

but all such rights shall be forfeited on dismissal by the Board, in such circumstances as they would have been forfeited on dismissal from the public service.

(3) A transfer described in subsection (2) shall be on such terms as may be acceptable to the President, the Board and the officer concerned, and the pension or superannuation rights accruing to the officer at the time of his transfer shall be preserved in the manner provided by Regulations made by the President in that behalf.

(4) In the case of a person who has accepted an appointment in the service of the Board and who retires from or dies in that service before the establishment of the pension scheme under section 17, any superannuation benefits accruing at the time of his retirement or death may be paid to such person or his personal representative in accordance with Regulations made by the Minister.

Responsibility
of officers.

20. (1) All officers charged with the receipt, accounting for, or disbursement of moneys or with the custody or delivery of stores, or other property belonging to the Board shall be individually responsible for the due and efficient discharge of their respective duties and for the exercise of proper supervision of the accounts kept or controlled by them and of all property entrusted to their care, and for the due observance of all rules and regulations and of all orders and instructions prescribed for their guidance.

(2) The Board may require any officer or servant in its service to give security to its satisfaction for the due performance of his duties.

Funds and
resources of
the Board.
[13 of 1984
9 of 2004].

21. The funds and resources of the Board shall consist of—

- (a) such amounts as may be appropriated therefor by Parliament;
- (b) all sums from time to time received by or falling due to the Board in respect of contributions, income on investments, fees, penalties, fines, interest on dues and any other sums due to the Board;
- (c) sums borrowed by the Board for the purpose of meeting any of its obligations or discharging any of its functions; and
- (d) all other sums or property that may in any manner

become payable to or vested in the Board in respect of any matter incidental to its powers and duties.

22. (1) The revenue of the Board for any financial year shall be applied in defraying the following commitments, that is to say:

- (a) the payment of benefits;
- (b) the salaries, fees, remuneration and gratuities of the officers, and employees, and technical and other advisers, of the Board;
- (c) the remuneration, fees and allowances of the Directors or of any committee of the Board;
- (d) any other expenditure or losses or write-off identified by the Board and subject to the approval of the Minister of Finance which are properly chargeable to the Board's Revenue Account,

Application of revenue. [27 of 1977 9 of 1999 9 of 2004].

but the commitments described at (b), (c) and (d) shall not exceed the amount fixed by the Minister not exceeding the recommendations of the actuary arising out of the periodic review of the National Insurance System.

(2) The Board may make Regulations for the apportionment and allocation of contributions in respect of the various commitments of the Board.

23. (1) Money standing to the credit of the Funds of the Board established under section 43, not immediately required to be expended in the meeting of any obligations or commitments may be invested from time to time in such proportions as the Board may approve, having regard to the several contingencies in relation to which benefits are provided under section 46, in such securities as are set out in the First Schedule.

Authorised investments.

First Schedule.

(2) The Minister of Finance may from time to time by Order amend the First Schedule.

24. (1) There shall be an Investment Committee consisting of—

Investment Committee. [9 of 1999].

- (a) the Chairman of the Board as Chairman;
- (b) the Executive Director;

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- (c) the Chief Financial Officer who shall be an *ex officio* non-voting member;
- (d) three other members of the Board nominated respectively by the Minister, the Directors who are nominees of Business and the Directors who are nominees of Labour;
- (e) three other persons not members of the Board nominated respectively by the Minister, the Directors who are nominees of Business and the Directors who are nominees of Labour.

(2) Subject to section 23 the Investment Committee shall advise on the investment policy of the Board and carry out such other duties and responsibilities as may be delegated by the Board.

(3) Subject to subsection (4) the Investment Committee shall meet as often as necessary and may regulate the procedure of the meeting and shall be able to act notwithstanding any vacancy.

(4) The quorum of the Investment Committee shall be four members including three persons representing the Government, Business and Labour respectively.

(5) In the event of his inability to attend any meeting of the Investment Committee the Chairman may nominate the Deputy Chairman of the Board to preside in his stead.

Accounting of
the Board.

25. (1) All decisions, Orders, Rules and Regulations relating to the financial operations of the Board and authorised by this Act shall be made by resolution of the Board at a meeting thereof and shall be recorded in the minutes of the Board.

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(2) The accounts of the Board shall be audited annually by auditors appointed by the Board or under the supervision of the Auditor General in accordance with the Exchequer and Audit Act.

(3) As soon as the accounts of the Board have been audited the Board shall forward to the Minister a copy of the audited statements of accounts and any report thereon made by the auditors.

(4) The Minister shall cause a copy of every such statement and report to be laid before Parliament at the same time as the annual report referred to in section 13(2) is so laid.

26. (1) All moneys of the Board accruing from its operations under this Act shall be paid into the prescribed bank or banks and such moneys shall, as far as practicable, be paid into the bank from day to day, except such sums as the Financial Comptroller may be authorised by Rules of the Board to retain to meet petty disbursements for immediate payment.

Cash deposits
and payments.
[9 of 1999].

(2) All payments out of the funds of the Board except petty disbursements not exceeding such sums fixed by the Rules, shall be made by the Chief Financial Officer or on his behalf by any other officer appointed by the Board, in accordance with the Rules.

(3) Cheques against any banking account required to be kept or withdrawals from any savings bank account and bills of exchange or orders for payments of money shall be signed by the Chief Financial Officer or on his behalf by an officer appointed by the Board and countersigned by the Chairman of the Board or any member of the Board or any officer of the Board appointed by resolution of the Board for the purpose; and a copy of any such resolution shall be certified by the Chairman and forwarded to the bank or banks concerned.

27. For the purpose of regulating and controlling its financial procedures, the Board may make Rules in respect of the following matters:

Rules made by
the Board.

- (a) the manner in which and the officers by whom payments are to be approved;
- (b) the bank or banks into which the moneys of the Board are to be paid, the title of any account with any such bank, and the transfer of one fund from one account to another;
- (c) the appointment of a Director or an officer of the Board to countersign cheques on behalf of the Chairman or in the absence of the Chairman;
- (d) the sum to be retained by the Chief Financial Officer to meet petty disbursements for immediate

- payments and the maximum sum that may be so disbursed for any one payment;
- (e) the method to be adopted in making payments out of the funds of the Board; and
- (f) generally as to all matters necessary for the proper keeping and control of the finances of the Board.

PART II

REGISTRATION

Interpretation.
[9 of 2004].

28. In this Part—

“casual agricultural worker” means a person who habitually engages in chance agricultural employment on the land of another, such employment not being based on any contract so to employ that person;

“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.

Persons to
be registered.
[27 of 1974
9 of 1999
9 of 2004
30 of 2007].

29. (1) Every employer and subject to subsection (2), every employed person and every unpaid apprentice, shall be registered for the purposes of the system of National Insurance.

(2) A person employed in any of the following employments shall be regarded as being engaged in uninsurable employment and shall not be registered for the purposes of this Act:

- (a) employment in respect of which remuneration is less than one hundred and twenty dollars a week;
- (b) *(Repealed by Act No. 9 of 1999).*
- (c) employment of any person who is not a citizen of Trinidad and Tobago and who by virtue of the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations (as applied in Trinidad and Tobago by the Privileges and Immunities (Diplomatic, Consular and

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International Organisations) Act, is exempt from the application of social security provisions in force in Trinidad and Tobago;

- (d) employment of any person by an international organisation of which Trinidad and Tobago or the Government of Trinidad and Tobago is a member, and where by reason of such employment such person participates in a scheme for social security benefits operated by the organisation; and for this purpose the term “international organisation” includes a regional organisation.

(3) Notwithstanding subsection (2)(a), a person who is employed at 6th January 2008 and continues in such employment on and after 7th January 2008 and earns less than one hundred and twenty dollars per week shall be regarded as an employed person or an insured person for the purposes of this Act and such employed person shall in accordance with the Act pay contributions as specified in Class I in the Second Schedule.

Second
Schedule.

(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.

(5) The Board may reject or revoke the registration of any person purporting to be an employer or an insured person under this Act, where the registration is as a result of fraud committed against the Board, misrepresentation, or mistake.

30. (1) Subject to this section, every employer shall make an application in the Form determined by the Board—

Registration
and penalty.
[9 of 1999
9 of 2004
30 of 2007].

- (a) for registration as an employer within fourteen days of employing his first employee;
- (b) for registration of each employed person including a domestic worker or casual agricultural worker and each unpaid apprentice of whom he is the employer within fourteen days of employment if such employed person or unpaid apprentice does not provide a National Insurance Registration Number within seven days of employment.

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(2) Every employed person other than a self-employed person and every unpaid apprentice shall furnish his employer with the personal particular necessary for the completion of any application for registration within seven days of employment and shall be responsible for the correctness of such particulars.

(3) Every employer shall inform each employed person and each unpaid apprentice of whom he is the employer within twenty-one days of employment whether or not he had applied for registration of such employee or apprentice.

(4) Where the employer fails to apply for registration of an employee or an unpaid apprentice as required under subsection (1)(b) and informs the employee accordingly as required under subsection (3), the employee or the unpaid apprentice shall apply for registration in the form determined by the Board within twenty-eight days from the date of employment.

(5) *(Deleted by Act No. 30 of 2007).*

(6) An employer who fails to apply for registration in accordance with subsection (1) or fails to comply with subsection (3) shall be liable on summary conviction to a fine of five thousand dollars.

(7) An employed person or unpaid apprentice who fails to apply for registration in accordance with subsection (4) or who fails to provide the employer with the complete and correct information required for registration shall be liable on summary conviction to a fine of five hundred dollars.

National
Insurance
Registration
Card.
[9 of 1999
9 of 2004].

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.

Powers of
inspection.

31. Any officer in the service of the Board and authorised by the Executive Director in writing (hereinafter referred to as an "authorised officer") may for any purpose related to the administration of this Act require any employer or any person authorised by any employer, except a person engaged in a confidential professional relationship with such employer—

(a) to give him information with respect to employed persons and unpaid apprentices in the employment of that employer;

- (b) to permit him to inspect any record of employed persons or unpaid apprentices on any paysheet.

32. (1) An authorised officer may at all reasonable times enter any premises or place where any business is carried on or anything is done in connection with any business or where there are any books, records or other documents relating to employed persons or unpaid apprentices, and—

Powers of entry.
[9 of 1999
9 of 2004].

- (a) examine such books, records and other documents or any other books, records or documents relating thereto;
- (b) search, if necessary with the assistance of any other person, any building, receptacle or place for books, records, documents, papers or things which may afford evidence as to the violation of any provision of this Act or the Regulations;
- (c) if, during the course of the examination, it appears to the authorised officer that there has been a violation of this Act or the Regulations, seize and take away any of the books, records or other documents relating to employed persons or unpaid apprentices and retain them until they are produced in any proceedings; but where such books, records or other documents are necessary for the continued operations of the business, reasonable access thereto shall be allowed to the employer;
- (d) require the employer or any person in the employment of that employer to give him all reasonable assistance with, and to answer all questions relating to, the examination;
- (e) access any computer and associated apparatus used in connection with the production, delivery or maintenance of records relating to the records of employees, their remuneration and such other particulars as may be relevant to the National Insurance System.

(2) Admission to any premises shall not be demanded except upon the warrant of a Magistrate for the purpose, but if it is shown to the satisfaction of a Magistrate on sworn information in writing—

- (a) that admission to any premises has been refused, or that refusal is apprehended, or that an application for admission would defeat the object of the entry; and
- (b) that there is reasonable ground for entry into the premises for any purpose as is mentioned in subsection (1),

the Magistrate may by warrant under his hand authorise entry on the premises, except that such a warrant shall not be issued unless the Magistrate is satisfied either that notice of the intention to apply for a warrant has been given to the occupier, or that the giving of such notice would defeat the object of the entry.

(3) An authorised officer entering any premises by virtue of this section may take with him such other persons as may be necessary.

(4) Every warrant granted under this section shall continue in force until the purpose for which the entry is required has been satisfied.

(5) Any person who threatens, hinders, molests or interferes with any person doing anything that he is authorised by subsection (1) to do or prevents or attempts to prevent any person from doing any such thing, and any person who, unless he is unable to do so, fails or refuses to do anything he is required by this section to do, is liable on summary conviction to a fine of three thousand dollars and to imprisonment for two years.

Furnishing
of data.
[9 of 1999].

32A. (1) Any employee of the Board on being designated by the Executive Director to so do may furnish or disclose any information pertaining to the National Insurance Contribution records of any insured person under this Act to any Governmental Department, Agency or Statutory Body.

(2) Every Director, Officer or other employee of the Board whose services are utilised by the Board shall not communicate to any person not legally entitled thereto any

information relating to the affairs of any person having any dealing with the Board or relating to the affairs of the Board or any information furnished by an employer to the Board under any regulation made under this Act.

(3) Any person who acts in contravention of this section shall be liable upon summary conviction to a fine of ten thousand dollars and to imprisonment for one year.

33. Any person who in furnishing the particulars for any of the purposes of this Act makes any statement which he knows to be misleading, false or deceptive, or by any dishonest concealment of material facts, or by reckless making of any statement (dishonestly or otherwise) misleads or attempts to mislead any other person, is liable on summary conviction to a fine of three thousand dollars and to imprisonment for two years.

False information—penalty.

34. Any person who contravenes any of the provisions of this Part, except where the provision by or under which the offence is created provides the penalty to be imposed, is liable on summary conviction to a fine—

Penalty.

(a) in the case of an employer, of four thousand dollars and in the case of a continuing offence to a further fine of one hundred dollars for each day on which the offence continues after conviction;

(b) in any other case, of five hundred dollars and in the case of a continuing offence to a further fine of twenty dollars for each day on which the offence continues after conviction.

35. The Board may make Regulations for the purpose of giving effect to this Part and in particular for prescribing anything required or permitted by this Part to be prescribed.

Regulations. [30 of 2007].

PART III
NATIONAL INSURANCE PROVISIONS

CONTRIBUTIONS

36. (1) There is hereby established a system of compulsory national insurance under which subject to subsection (2)

System of National Insurance. [9 of 1999].

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employed persons registered or eligible to be registered under Part II shall be insured under this Act in respect of the several contingencies in relation to which benefits are provided under section 46(1) and there shall be payable to or in respect of such persons in the prescribed circumstances, any benefit so payable.

(2) An employed person who has not yet attained the age of sixteen years or who has attained the age of sixty-five years shall not be insured against any contingency other than employment injury.

(3) In this section and in sections 37, 38, 41 and 45 the expression “employed person” does not include a self-employed person.

Insurance against employment injury.

37. (1) Every employed person and every unpaid apprentice shall be insured in the manner provided by this Act and the Regulations against personal injury caused on or after the appointed day by accident arising out of and in the course of that person’s employment and there shall be payable in the prescribed circumstances to or in respect of every such person the type of benefit (hereinafter called “Employment Injury Benefit”) specified in section 46(3).

(2) The contribution payable in respect of any employed person or any unpaid apprentice towards employment injury benefit shall be payable wholly by the employer of such person.

Contributions to be paid partly by employed person and partly by employer. Second Schedule. [27 of 1974 9 of 2004 30 of 2007].

38. (1) Subject to section 37 and Tables A1, A2, A3, A4, A5 and A6 of the Second Schedule, contributions payable in respect of an employed person who has attained the age of sixteen years but has not yet attained the age of sixty-five years, shall be paid partly by that employed person and partly by his employer.

(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.

(3) Where an employer fails to make a deduction in accordance with subsection (2), he shall not make that deduction at any time thereafter and shall be liable to the Board for the total outstanding sum.

38A. (1) Every employer shall issue his employee within thirty days of termination of employment of such employee a certificate setting out—

Certificate and penalty. [9 of 1999].

- (a) the employee's total insurable wages for the contribution year;
- (b) the total amount of contributions deducted from those wages;
- (c) the total amount of contributions paid to the Board; and
- (d) the number of contribution weeks covered by those contributions.

(2) A copy of the certificate issued to the employee shall be forwarded to the Board on the same day the certificate is issued to the employee.

(3) An employer who fails to issue the certificate referred to in this section to an employee or fails to forward a copy of such certificate to the Board is liable on summary conviction to a fine of four thousand dollars and to imprisonment for six months.

39. 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.

Discharge of liability.

39A. The amount of money due and payable by an employee or by an employer as a contribution under this Part shall—

Statutory trust. [9 of 1999, 9 of 2004, 30 of 2007].

- (a) be deemed to be held in trust for the Board by the employer;
- (b) not be subject to attachment in respect to any debt or liability of the employer; and
- (c) form no part of the assets of the employer in the event of liquidation, assignment or bankruptcy of the employer or his business.

Interest.
[9 of 1999
30 of 2007].

39B. Where any employer fails to pay the amount of contributions payable by him to the Board under the provisions of this Act by the fifteenth day after the due date, he shall be liable to pay—

- (a) a penalty of twenty-five per cent of the outstanding sum; or
- (b) penalty of one hundred per cent of the outstanding sum, where the period for which the contributions were retained, is in excess of five years; and
- (c) interest on the entire sum (penalty and outstanding sum at the rate of fifteen per cent per annum from the sixteenth day of the following month until payment).

Offence and
penalty.
[27 of 1974].

40. 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 liable on summary conviction to a fine of four thousand dollars and six months imprisonment 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 one hundred dollars a day for each day that the offence continues after conviction.

Rates of
contributions.
[9 of 2004
30 of 2007].

41. (1) Rates of contribution shall be related to the amount of earnings of the employed person in respect of whom the contribution is payable—that is to say, the contribution payable in respect of an employed person shall be based on the assumed average weekly earnings of the earnings class into which such employed person falls as shown in Tables A1, A2, A3, A4, A5 and A6 in the Second Schedule.

Second
Schedule.

- (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;
 - (c) in Table A3 are effective from 2nd January 2006 to 6th January 2008.
 - (d) in Table A4 are effective from 7th January 2008 to 3rd January 2010;

- (e) in Table A5 are effective from 4th January 2010 to 1st January 2012; and
- (f) in Table A6 are effective from 2nd January 2012.

42. (1) An insured person who is not liable to pay contributions by reason of the fact that he is no longer an employed person but who has not yet attained the age of sixty years shall, on making application to the Board within such time and in such manner as may be prescribed, be entitled to receive a certificate of voluntary insurance.

Voluntary contributions.
[23 of 1980].

(2) The holder of a certificate of voluntary insurance may pay, subject to such conditions, within such time and in such a manner as the Board may determine, a contribution at the prescribed rate for any period for which he is not otherwise liable to pay a contribution.

(3) Any default in paying the contribution at the rates and within the time prescribed by the Board may result in the cancellation of the certificate of voluntary insurance.

43. There are hereby established—

- (a) the Employment Injury Benefit Fund;
- (b) the Short Term Benefits Fund; and
- (c) the Long Term Benefits Fund,

Establishment of funds.

to be operated and managed by the Board for the purpose of providing moneys required for the payment of benefits under this Act and to which shall be credited contributions paid by employers, employed persons and the holders of certificates of voluntary insurance.

44. The Board may make Regulations relating to contributions generally and in particular may by such Regulations—

- (a) fix the rates of voluntary contributions;
- (b) prescribe the days on which and the manner in which contributions shall be paid and collected;
- (c) provide for the exemption of employed persons from liability to pay contribution in certain circumstances;
- (d) provide for contributions to be credited to

Board to make Regulations with regard to contributions.

employed persons for periods for which they were exempted from liability to pay such contributions;

- (e) provide for treating for the purposes of a right to any benefit, contributions paid after the due dates as paid on such dates or on such later dates as may be prescribed or as not having been paid and for treating contributions payable by an employer on behalf of an employed person or unpaid apprentice but not so paid as paid where the failure to pay is shown not to have been with the consent or connivance of or attributable to any negligence on the part of the employed person or unpaid apprentice;
- (f) provide for the refund of contributions paid in error;
- (g) prescribe the conditions under which contributions paid at the wrong rate or on the wrong date may be treated as paid on account of contributions properly payable;
- (h) prescribe penalties for offences against the Regulations.

Board to total contributions paid by persons. [9 of 2004].

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.

Garnishment. [9 of 1999 9 of 2004].

45A. (1) Where the Board believes that any person is indebted to or liable to make a payment to another person and that other person is indebted to the Board for unpaid National Insurance Contributions under this Act, the Executive Director may deliver to the first-mentioned person a demand for payment stating—

- (a) the name of the person indebted to the Board;
- (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;

- (c) where the first-mentioned person is the employer of the person indebted to the Board, the amount demanded for each pay period, being an amount not exceeding one-third of the sum payable to the employee during that period, expressed either as a dollar amount or a percentage of remuneration.

(2) Every person who received a demand for payment under subsection (1) relating to one of his employees shall pay to the Board at the same time as he would pay that employee the amount demanded by the Executive Director or the amount of the employee's indebtedness to the Board whichever is the lesser, and shall continue to do so on each occasion that the employee is entitled to be paid until the employee's indebtedness to the Board is satisfied.

(3) Every person who receives a demand for payment under subsection (1) relating to some person other than one of his employees shall, if he is indebted to or liable to make a payment to that other person, pay to the Board the amount of his indebtedness or the amount which he is liable to pay to that person or the amount of that person's indebtedness to the Board whichever is the lesser.

(4) Every person who has discharged any liability to a person indebted to the Board under this Act after receiving a demand for payment under subsection (1) without complying with subsection (2) or (3) is liable to pay to the Board an amount equal to the liability discharged or which he was required under subsection (2) or (3) to pay to the Board whichever is the lesser.

(5) The payment of an amount to the Board under subsection (2) or (3) operates as a discharge of any liability of the person making the payment to the person to whom the payment would have been paid, to the extent of the amount paid to the Board.

(6) This section shall have effect notwithstanding the Truck Act.

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BENEFITS

Benefits.
[27 of 1974
27 of 1977
23 of 1980
9 of 1999
9 of 2004
30 of 2007].

46. (1) From the appointed day the benefits payable to or in respect of persons insured under section 36(1), shall be—

- (a) sickness benefit, that is to say, periodical payments to an employed person who is rendered incapable of work;
- (b) maternity benefit, that is to say, a lump sum payment in the case of the pregnancy or confinement of an employed woman;
- (bb) maternity grant that is to say, a payment in the case of the pregnancy or confinement of an insured woman;
- (bc) maternity allowance, that is to say, a payment in the case of the pregnancy or confinement of an employed woman;
- (bd) special maternity grant, that is to say, a lump sum payment paid in the case of the pregnancy or confinement of the spouse of an insured man where the spouse of an insured man where the spouse would not otherwise qualify for maternity benefit.
- (c) invalidity benefit, that is to say, a payment or periodic payments to an insured person who is likely to remain incapable of work for a period of not less than twelve months where such incapacity is caused otherwise than by way of employment injury;
- (d) funeral grant, that is to say, a payment on the death of an insured person;
- (e) retirement pension, that is to say, periodical payments to an insured person who has attained retirement age, and who has made the prescribed number of contributions;
- (f) retirement grant, that is to say, a lump sum payment, in such amount as the Board may prescribe, to an insured person who has attained retirement age but who does not qualify for retirement pension by reason of not having made the prescribed number of contributions;

- (g) survivor's benefit, that is to say, a payment or periodical payments more particularly described in subsection (2) made in respect of an insured person who dies otherwise than by way of employment injury;
 - (h) a claim for survivor's benefit shall not be paid where it is made in respect of a deceased insured person who was paid a retirement grant or had attained retirement age and would have been entitled to a retirement grant had he made a claim for benefit or would have been paid a retirement grant in respect of his claim for retirement benefit had he survived.
- (2) In this section "survivor's benefit" means—
- (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;
 - (c) ***(Repealed by Act No. 9 of 2004);***
 - (d) child's allowance, payable in respect of a child of the deceased;
 - (e) orphan's allowance, payable in respect of a child of two deceased insured parents where such child has by reason of the death of two deceased insured parents been rendered an orphan; or
 - (f) parent's pension, payable to parents of the deceased where at the date of death of the deceased such parents were being wholly or mainly maintained by him.

(3) Subject to this Act, employment injury benefit shall be paid to or in respect of persons insured under section 37 and such benefit may be in the nature of—

- (a) an injury benefit, payable where the insured person is rendered incapable of work;
- (b) a disablement pension payable where the insured person suffers severe loss of physical or mental faculty or where the loss of faculty is not severe, a disablement grant;
- (c) a death benefit payable where the insured person dies as a result of the injury, that is to say—
 - (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;
 - (iii) child's benefit payable periodically in respect of a child of an insured person;
 - (iv) parent's benefit, payable to parents of an insured person where such parents were at the date of death of the insured person being wholly or mainly maintained by him.

(4) In addition to the benefits described in subsection (3), medical expenses shall be paid at rates fixed in accordance with subsection (6), to insured persons who suffer personal injury by accident arising out of or in the course of their employment.

(5) The Board may make Regulations relating generally to the payment of medical expenses and in particular may by such Regulations—

- (a) prescribe the conditions subject to which and the period in respect of which such expenses shall be paid;

(b) provide for the appointment and prescribe the functions of medical referees.

(6) The Minister shall by Order fix the rates of payment and prescribe a maximum payment of medical expenses.

(7) In this Act references to loss of physical faculty shall be construed as including reference to disfigurement, whether or not accompanied by any actual loss of faculty.

(8) For the purposes of this Act, an accident arising in the course of an employed person's employment shall be deemed, in the absence of evidence to the contrary, also to have arisen out of the employment.

47. (1) Insurance against personal injury arising out of and in the course of employment shall include insurance against any prescribed disease and against any prescribed personal injury not so caused being a disease or injury caused by the nature of the employment. Industrial disease. [27 of 1977].

(2) The Board on being satisfied that a disease or injury ought to be treated having regard to its cause and incidence as a risk to persons engaged in a particular employment and not as a risk common to all persons and that certain cases of such disease or injury may with reasonable certainty be attributed to the nature of such employment, may make Regulations prescribing any such disease or injury and such Regulations may provide for determining the time at which a person is to be treated as having developed any prescribed disease or injury and the circumstances in which any such disease or injury (in cases where the employed person has previously suffered therefrom), is to be treated as having been contracted or received afresh.

(3) The Minister may by Order add any disease or injury to or remove any disease or injury from the diseases and injuries prescribed by the Regulations made under subsection (2) and may by such Order add other types of employment to or remove any type of employment from the types of employment specified in those Regulations in respect of any such disease or injury.

48. The benefit in respect of a prescribed disease or injury shall be payable under the same conditions as the benefit in Prescribed disease benefit.

respect of personal injury by accident arising out of and in the course of employment.

Benefits to be inalienable.

49. An assignment of or charge on any benefit or an agreement to assign or charge any benefit shall be void and on the bankruptcy of a beneficiary the benefit shall not pass to any trustee or other person acting on behalf of the creditors of the beneficiary.

Recovery of excess payment. [9 of 1999].

49A. Where any person is paid any benefits in excess of the amount to which that person is entitled under this Act the Board shall be entitled to recover without prejudice to any other remedy, such excess by means of deductions from any other benefits payable to such person.

Benefit lost by employer's default.

50. (1) Where in the determination of any claim for benefit it is found that such benefit is lost by reason only that an employer has failed or neglected to pay any contribution in respect of an insured person or to comply with any requirement relating to the payment or collection of contributions, then where the claim is by the insured person or a survivor of the insured person the Board shall pay to such insured person or survivor as the case may be a sum equal in amount to the benefit so lost and thereupon such sum shall become due to the Board by the employer and shall be recoverable in accordance with section 66.

- (2) Proceedings under this section shall be brought—
- (a) within one year after the date on which the benefit would but for the employer's failure or neglect have been payable; and
 - (b) without prejudice to the institution of proceedings under any other provision of this Act or the Regulations in respect of the employer's failure or neglect.

Accidents happening while acting in breach of regulations, etc.

51. An accident shall be deemed to arise out of or in the course of a person's employment although he is at the time of the accident acting in contravention of any statutory or other regulations, applicable to his employment or of any orders given by or on behalf of his employer, or he is acting without instructions from his employer, if—

- (a) the accident would have been deemed so to have arisen had the act not been done in contravention

of the statutory or other regulations applicable to his employment or without instructions from his employer, as the case may be; and

- (b) the act is done for the purposes of and in connection with the employer's trade or business.

52. (1) An accident happening while a person is, with the express or implied permission of his employer, travelling as a passenger in any vehicle to or from his place of work shall, although he is under no obligation to his employer to travel in any vehicle, be deemed to arise out of and in the course of his employment if—

Accidents happening while travelling in employer's transport.

- (a) the accident would have been deemed so to have arisen had he been under such an obligation; and
- (b) at the time of the accident the vehicle—
- (i) was being operated by or on behalf of his employer or some other person by whom it is provided in pursuance of arrangements made with the employer; and
 - (ii) was not being operated in the ordinary course of a public transport service.

(2) In this section references to a vehicle includes reference to a ship, vessel or aircraft.

53. An accident happening to a person in or about any premises at which he is for the time being employed for the purpose of his employer's trade or business or for the purpose of serving his apprenticeship shall be deemed to arise out of and in the course of his employment if it happens while he is taking steps, in an actual or supposed emergency at those premises, to rescue, succour or protect persons who are, or are thought to be or possibly to be, injured or imperilled, or to avert or to minimise serious damage to property.

Accident happening while meeting emergency.

54. (1) Subject to subsection (2) and section 54A rates of benefit payable to or in respect of an insured person shall be related to the rates of contribution paid in respect of such person— that is to say, the rates of the different benefits shall be fixed

Rates of benefit. [23 of 1980 9 of 1999 9 of 2004 30 of 2007].

according to the earnings class into which an insured person falls as shown in—

- (a) Tables A3, B3, C3 and D3 up to 6th January 2008; and
- (b) Tables A4, B4, C4 and D4 from 7th January 2008,

Third Schedule. respectively, in the Third Schedule.

(2) In assessing the entitlement of an insured person to benefit (other than employment injury benefit) rates of contribution paid in respect of such person shall be taken into account and an average rate of contribution determined therefrom. The earnings class to which this average rate corresponds shall be the earnings class in which benefit shall be paid the insured person.

(3) For the purposes of the payment of employment injury benefit, unpaid apprentices shall be taken as falling into the lowest earnings class.

Benefit in accordance with earnings class. [9 of 1999 9 of 2004 30 of 2007].
Table A1.
Third Schedule.

54A. (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.

(2) Where an insured person qualifies for retirement pension, invalidity pension or survivor's benefit during the period 1st March 2004 to 6th January 2008 and payment is to commence during that period, 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

Table C1.
Second
Schedule.

Table C2.
Second
Schedule.

converted to rates in effect on 1st March 2004 in accordance with Table C3 of the Second Schedule;

Table C3.
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

Table A2.
Second
Schedule.

- (v) where contributions are paid on or after 3rd January 2005 to 6th January 2008, be converted to rates in effect on 2nd January 2006 in accordance with Table A3 of the Second Schedule.

Table A3.
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;

Table C4.
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

Table C5.
Second
Schedule.

- (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.

Table C6.
Second
Schedule.

(3) Persons who qualified for the receipt of retirement, invalidity or survivor benefit prior to 11th August 1980 and who continue to be eligible to receive such benefit on or after 3rd May 1999 shall be paid increased benefit in accordance with Tables B2(A) and C2(A) from 3rd May 1999.

Tables B2(A),
C2(A).

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(4) Persons who qualified for the receipt of retirement, invalidity, or survivor benefit after 11th August 1980 and who continue to be eligible to receive such benefits on or after 3rd May 1999 shall be paid increased benefit in accordance with Tables B2(B) and C2(B) from 3rd May 1999.

Tables B2(B),
C2(B).

(4A) Persons who qualified for the receipt of retirement pension, invalidity pension or survivor's benefit from 1st March 2004 to 6th January 2008—

(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

Tables B3, C3.
Third Schedule.

(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 to 6th January 2008, 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.

Table B3.
Third Schedule.

(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.

(5) Persons who qualified for the receipt of injury disablement or death benefit prior to 3rd May 1999 and continue to be eligible to receive such benefit on or after 3rd May 1999 shall be paid increased benefit in accordance with Table D2 from 3rd May 1999.

Table D2.

(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.

Table D3.

(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.

Table D1.
30/2004.

(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 to 6th January 2008, 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.

Third Schedule.

(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 to 6th January 2008, 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.

Third Schedule.

54B. (1) An insured person who is eligible to receive or is in receipt of sickness or maternity benefit during the period 1st March 2004 to 6th January 2008 and continues to receive the benefit on or after 7th January 2008, shall be paid at the rate of benefit in accordance with Table A3 in the Third Schedule.

Benefits in accordance with earnings class from 7th January 2008. [30 of 2007].

Table A3.
Third Schedule.

(2) Where an insured qualifies for retirement pension, invalidity pension or survivor's benefit on or after 7th January 2008, 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 where contributions—

- (a) were paid prior to 11th August 1980 be converted to rates in effect on 7th January 2008, in accordance with Table C1(A) of the Second Schedule;

Table C1(A).
Second
Schedule.

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- Table C2(A).
Second
Schedule.
- Table C3(A).
Second
Schedule.
- Table A5.
Second
Schedule.
- Table A6.
Second
Schedule.
- (b) were paid on or after 11th August 1980 to 2nd May 1999, be converted to rates in effect on 7th January 2008 in accordance with Table C2(A) of the Second Schedule;
- (c) were paid on or after 3rd May 1999 to 6th January 2008, be converted to rates in effect on 7th January 2008 in accordance with Table C3(A) of the Second Schedule;
- (d) are paid on or after 7th January 2008 to 3rd January 2010, be converted to rates in effect on 4th January 2010 in accordance with Table A5 of the Second Schedule; and
- (e) are paid on or after 4th January 2010 to 1st January 2012, be converted to rates in effect on 2nd January 2012 in accordance with Table A6 of the Second Schedule.

(3) Where an insured person qualifies for sickness benefit or maternity benefit on or after 7th January 2008 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, where contributions were paid—

- Table C4(A).
Second
Schedule.
- Table C5(A).
Second
Schedule.
- Table C6(A).
Second
Schedule.
- (a) prior to 7th January 2008, be converted in accordance with the rates shown in Table C4(A) of the Second Schedule;
- (b) on or after 7th January 2008 to 3rd January 2010, be converted to rates in effect on 4th January 2010 in accordance with Table C5(A) of the Second Schedule; and
- (c) on or after 4th January 2010 to 1st January 2012, be converted to rates in effect on 2nd January 2012, in accordance with Table C6(A) of the Second Schedule.

(4) Persons who qualified for the receipt of retirement pension, invalidity pension or, survivor's benefit on or after 7th January 2008 shall be paid—

- Tables B4, C4.
Third Schedule.
- (a) such benefit in accordance with Part I of Tables B4 and C4 of the Third Schedule, with effect from 7th January 2008; and

(b) the increments to those benefits and the increments shall be calculated at the increased rates in accordance with Part II of the Tables in paragraph (a).

(5) Notwithstanding the benefit rates in respect of retirement pension shown in Parts I and II of Table B4 of the Third Schedule of the Act, the Board shall pay with effect from 7th January 2008 the sum of two thousand dollars monthly, as a pension to each person qualifying for or in receipt of a retirement pension of less than two thousand dollars under the Act.

Table B4.
Third Schedule.

(6) Subsection (5) applies only to insured persons who have paid seven hundred and fifty or more contributions in Trinidad and Tobago.

(7) Persons who qualified for the receipt of retirement pension, invalidity pension or survivor's benefit prior to 7th January 2008 and continue to be eligible to receive the benefit on or after 7th January 2008, shall be paid increased benefits in accordance with Tables B4 and C4.

Tables B4, C4.

(8) Persons who qualified for the receipt of disablement pension or death benefit prior to 7th January 2008 and continue to be eligible to receive the benefit on or after 7th January 2008, shall be paid increased benefits in accordance with Table D4 from 7th January 2008.

Table D4.

(9) Persons who qualified for employment injury benefit including disablement grants, medical expenses and constant care and attention allowance prior to 7th January 2008 and continue to be eligible to receive such benefits on or after 7th January 2008, shall be paid increased benefits in accordance with Table D3 and the National Insurance (Employment Injury) Payment of Medical Expenses (Amendment) Order, 2004.

Table D3.

(10) Persons who qualify for the receipt of injury, death or disablement benefit on or after 7th January 2008, shall be paid increased benefits in accordance with Table D4.

Table D4.

(11) Notwithstanding the rates of benefit with respect to a surviving child shown in Tables C1, C2(A), C2(B), C3, C4, D1, D2, D3 and D4 of the Third Schedule, the Board shall with effect from 7th January 2008, pay to a child qualifying for death or

Tables C1,
C2(A), C2(B),
C3, C4, D1,
D2, D3, D4.
Third Schedule.

survivor's benefit which is less than four hundred dollars monthly, death or survivor's benefit, as the case may be, in the sum of four hundred dollars monthly.

Tables C1,
C2(A), C2(B),
C3 and C4.
Third Schedule.

(12) Notwithstanding the rates of benefit with respect to an orphan shown in Tables C1, C2(A), C2(B), C3 and C4 of the Third Schedule, with effect from 7th January 2008, the Board shall pay to an orphan qualifying for survivor's benefit which is less than eight hundred dollars monthly, survivor's benefit in the sum of eight hundred dollars monthly.

Tables C1,
C2(A), C2(B),
C3, C4, D1, D2,
D3 and D4.
Third Schedule.

(13) Notwithstanding the benefit rates in respect of widow's pension and widower's pension shown in Parts I and II of Tables C1, C2(A), C2(B), C3, C4, D1, D2, D3 and D4 of the Third Schedule of the Act, the Board shall with effect from 7th January 2008, pay the sum of four hundred dollars monthly, as a pension to each person qualifying for a widow's or widower's pension of less than four hundred dollars monthly under the Act.

Tables C1,
C2(A), C2(B),
C3, C4, D1, D2,
D3 and D4.
Third Schedule.

(14) Notwithstanding the benefits the rates in respect of parent's pension shown in Parts I and II of Tables C1, C2(A), C2(B), C3, C4, D1, D2, D3 and D4 of the Third Schedule of the Act, the Board shall with effect from 7th January 2008, pay the sum of two hundred dollars monthly, as a pension to each person qualifying for a parent's pension of less than two hundred dollars monthly under the Act.

Regulations
in respect
of benefits.

Third Schedule.

55. The Board shall make Regulations relating to benefits and in particular may by such Regulations prescribe—

- (a) the circumstances in which the rates of benefit as shown in the Tables set out in the Third Schedule may be varied;
- (b) the sums payable in lump sum payments by way of grants;
- (c) the conditions subject to which and the periods for which any such benefit or description of benefit may be granted;
- (d) the time within which and the manner in which the several benefits and descriptions of benefits shall be claimed and paid and the information and evidence to be furnished by beneficiaries when applying for payment;

- (e) the circumstances in which and the time for which a person shall be disqualified for or disentitled to the receipt of benefit or a benefit may be forfeited or suspended, including the prevention of the receipt of two benefits for the same period and the adjustment of benefits in the case of any special circumstances;
- (f) penalties for offences against the Regulations;
- (g) such other matters as may be necessary for the proper administration of benefits, including the obligations of persons claiming any benefit and of beneficiaries and employers.

56. Rates of contribution and rates of benefit as shown in the Tables in the Second and Third Schedules may be amended by Order of the Board but only after actuarial review referred to in section 70.

Amendment of rates. Second and Third Schedules.

PART IV

MISCELLANEOUS

57. (1) Where it is desired to harmonise existing pension fund plans with the system of National Insurance such harmonisation shall be effected in accordance with Regulations made by the President in that behalf.

President to make Regulations for harmonisation. [9 of 1999].

(2) Regulations under this section shall be subject to affirmative resolution of Parliament.

58. (1) The initial expenditure incurred in establishing the system of National Insurance shall be defrayed out of moneys advanced by Parliament.

Initial expenditure and advances.

(2) Temporary insufficiency in the assets of the fund shall be met from moneys advanced by Parliament.

(3) All moneys advanced by Parliament shall be repaid by the Board as soon as may be practicable.

59. All claims and questions arising under or in connection with this Act shall be determined by the Board.

Determination of claims and questions.

Appeals
tribunals.
[27 of 1977].

60. (1) The President shall appoint persons to serve on appeals tribunals as follows:

- (a) a person who in the opinion of the President is independent of the Government, Business and Labour, as Chairman;
- (b) three persons nominated by the Government;
- (c) three persons nominated by the associations most representative of Business;
- (d) three persons nominated by the associations most representative of Labour;
- (e) the Chief Medical Officer.

(2) Persons appointed to serve on appeals tribunals, shall so serve for the period specified in their instrument of appointment but shall be eligible for reappointment.

(3) Where a person appointed to serve on appeals tribunals—

- (a) absents himself from three consecutive meetings of any such tribunal, except on leave granted by the President;
- (b) behaves in such a manner as is likely to bring appeals tribunals into disrepute;
- (c) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit;
- (d) is on the representation of the associations most representative of Business and Labour, as the case may be, no longer a representative of Business or Labour, as the case may be,

the President shall revoke his appointment.

(4) Subsections (2) and (3) shall not apply to the Chief Medical Officer.

(5) Persons nominated for appointment to serve on appeals tribunals shall be selected equally from—

- (a) North Trinidad, that is to say, the counties of St. George, St. David, St. Andrew and Caroni;

- (b) South Trinidad, that is to say, the counties of Nariva, St. Patrick, Victoria and Mayaro; and
- (c) the Island of Tobago.

(6) Each appeals tribunal shall consist of the Chairman and three persons selected by him, one each from among persons nominated by the Government, Business and Labour respectively.

(7) Where an appeal involves questions of a medical nature the appeals tribunal shall consist of the persons referred to in subsection (6) and the Chief Medical Officer.

(8) The Chief Medical Officer shall advise the appeals tribunal on medical matters generally and in particular shall recommend to the tribunal which matters should be referred for the opinion of a panel of medical referees.

(9) Appeals tribunals shall, for the purposes of this Act, be assisted by a registrar and such other staff as may be allocated by the Minister from among the officers of his Ministry.

61. Members of appeals tribunals shall be paid such remuneration and allowances as the President may determine from moneys provided by Parliament.

President to determine remuneration of appeals tribunals. [27 of 1977].

62. (1) Appeals from decisions of the Board shall lie to the Appeals Tribunals on questions of fact only and to the High Court on questions of law or partly of law and partly of fact and from the High Court to the Court of Appeal.

Appeals from decisions of the Board. [27 of 1977].

(2) The President shall make Regulations relating to appeals generally and may by such Regulations prescribe the procedures in accordance with which appeals shall be heard and determined.

(3) Provision shall be made by Rules of Court for regulating appeals to the High Court and the Court of Appeal and for limiting the time within which such appeals may be brought.

63. (1) Any person who for the purpose of obtaining any benefit or other payment under this Act, whether for himself or some other person, or for any other purpose connected with this Act—

Offences. [9 of 1999].

- (a) knowingly makes any false statement or false representation; or

- (b) produces or furnishes or causes or knowingly allows to be produced or furnished, any document or information which he knows to be false in any material particular,

is liable on summary conviction to a fine of two thousand dollars and to imprisonment for a term of six months.

(2) Any person who contravenes any provision of this Act, except where the provision by or under which the offence is created provides the penalty to be imposed, is liable on summary conviction to a fine—

- (a) in the case of an employer, of four thousand dollars and in the case of a continuing offence to a further fine of one hundred dollars for each day that the offence continues after conviction;
- (b) in any other case, of five hundred dollars and in the case of a continuing offence a further fine of twenty dollars for each day that the offence continues after conviction.

(3) Where an offence under this Act which has been committed by a body corporate is proved to have been attributable to any negligence on the part of any director, manager, secretary or other officer of the body corporate, he as well as the body corporate shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(4) Nothing in this section shall be construed as preventing the Board from recovering any sums due to it by means of civil proceedings.

General provisions as to prosecutions under this Act. [13 of 1984 30 of 2007].

64. (1) Proceedings for an offence under this Act shall not be instituted except by or with the consent of the Executive Director or by some other officer authorised by him in that behalf.

(2) Any such other officer may, although not of an Attorney-at-law, prosecute or conduct the proceedings before a Court of summary jurisdiction.

(3) Notwithstanding any other written law prescribing the period within which summary proceedings may be commenced, proceedings for an offence under this Act or the Regulations may

be commenced within twelve months from the date of the commission of the offence or within three months from the date on which personal knowledge of the commission of the offence first came to the Executive Director, whichever period last expires.

(4) For the purposes of subsection (3) a certificate signed by the Executive Director as to the date on which the commission of an offence first came to his knowledge, shall be *prima facie* evidence thereof.

(5) In any proceedings for an offence under this Act, the wife or husband of the accused shall be competent but not compellable to give evidence, whether for or against the accused.

65. (1) In any case where a person has been convicted of the offence of failing to pay contribution, he shall be liable to pay to the Board a sum equal to the amount which he failed to pay together with the applicable penalty and interest.

Recovery of contributions on prosecution. [9 of 1999 30 of 2007].

(2) Where any person is charged with an offence as is mentioned in subsection (1) and a probation order is made under the Probation of Offenders Act that person shall be liable to pay to the Board a sum equal to the amount which he failed to pay as if the making of the order were a conviction.

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(3) Any sum ordered to be paid to the Board under this section shall be recoverable as a civil debt.

(4) Any sum paid by an employer under this section shall be treated as a payment in satisfaction of the unpaid contribution and the insured person's portion of such contribution shall not be recoverable by the employer from the insured person.

(5) *(Deleted by Act No. 9 of 1999).*

(6) Nothing in this section shall be construed as preventing the Board from recovering any sums due to it by means of civil proceedings.

65A. (1) Where an employer being a body corporate fails to pay the Board any sum which such employer has been ordered to pay by the Courts, every director and manager of such body corporate, at the time the body corporate was required to pay

Liability of body corporate. [9 of 1999].

that amount, is jointly and severally liable together with the body corporate to pay the amount, interest and penalties thereto to the Board.

(2) No director or manager shall be liable for the debt where he exercised a degree of care, diligence and skill to prevent the failure to pay, which a prudent person would have exercised in comparable circumstances.

(3) Nothing in this section shall be construed as preventing the Board from recovering any sums due to it by means of civil proceedings.

Civil proceedings to recover sums due to Board. [13 of 1984 9 of 1999].

66. (1) All sums due to the Board including sums due and payable as National Insurance Contributions under this Act shall be recoverable as debts due to the Board and without prejudice to any other remedy may be recovered summarily as a civil debt.

(2) Proceedings for the summary recovery of such sums may, notwithstanding anything in any written law to the contrary, be brought at any time within three years from the time when the matter complained of arose.

(3) Proceedings for the summary recovery as civil debts of sums due to the Board may be instituted by any officer authorised in that behalf by the Executive Director and any such officer may, although not of an Attorney-at-law, conduct such proceedings.

Insured persons outside Trinidad and Tobago.

67. (1) The Board may make Regulations modifying in such manner, subject to subsection (2) as may be proper, the provisions of this Act in their application to persons who are or have been outside Trinidad and Tobago while insured under this Act.

(2) Regulations under this section shall provide that where an insured person is throughout any contribution period outside Trinidad and Tobago and is not in that period an employed person, he shall not be liable to pay any contribution as an insured person for that period.

68. (1) Where a claim for employment injury benefit is made under this Act in respect of any accident or of any prescribed disease or injury, or an application is made thereunder for a declaration that any accident was an industrial accident, or for a corresponding declaration as to any prescribed disease or injury, the Board may direct that for the purposes of this Act the relevant employment shall, in relation to that accident, disease or injury, be treated as having been insurable employment, notwithstanding that, by reason of a contravention of or non-compliance with some provision contained in or having effect under any written law passed for the protection of persons in employment or any class of such persons, the contract purporting to govern the employment was void or the person employed was not lawfully employed therein at the time when or in the place where the accident happened or the disease or injury was contracted or received.

Accidents in course of illegal conditions of employment.

(2) In this section the expression “relevant employment” means, in relation to an accident, the employment out of and in the course of which the accident arises and, in relation to a prescribed disease or injury, the employment of the nature of which the disease or injury is attributable.

69. (1) For the purpose of giving effect to any agreement with the government of any other part of the Commonwealth, or the government of any foreign country, providing for reciprocity in matters relating to payments in respect of interruption of employment by sickness or invalidity, or payments in respect of the several benefits provided under this Act, the President may by Order published in the *Gazette* make provisions for modifying or adapting this Act in its application to cases affected by the agreement.

Reciprocal agreements with other parts of Commonwealth.

(2) The modification of this Act which may be made by virtue of subsection (1) shall include provision—

(a) for securing that acts, omissions and events having any effect for the purposes of the law of

the country in respect of which the agreement is made shall have a corresponding effect for the purposes of this Act (but not so far as to confer a right to double benefit);

- (b) for determining, in cases where rights accrue both under this Act and under the law of that other country, which of those rights shall be available to the person concerned;
- (c) or making provisions as to administration and enforcement contained in this Act or the Regulations applicable also for the law of that other country.

Actuarial
review.

70. (1) For the purposes of assessing the balance between the contributions and the rates of benefits, an actuarial review of the system of national insurance shall be undertaken within three years of the date on which the first contributions under this Act are payable and thereafter at five-yearly or such shorter intervals as the Board may determine and a report of every actuarial review so undertaken shall be forwarded to the Minister.

(2) In addition to the actuarial review referred to in subsection (1) the Minister may require an actuarial review to be undertaken at any time.

(3) Reports of every actuarial review shall be laid before Parliament by the Minister.

Regulations
subject to
negative
resolution.
[9 of 1999].

71. Regulations made by the Board shall be subject to negative resolution of Parliament and may prescribe in respect of any contravention of such Regulations, a penalty of one thousand dollars or six months imprisonment.

Indemnity.
[27 of 1974].

72. 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 this Act by reason only that at the material time a Proclamation dated 6th April 1972 purported to have effect in relation to section 46(1)(g) and 46(3).

73. Every pending proceeding commenced by the Executive Director before the commencement of this Act in any Court for the recovery of any sums due to the Board under the Act may be continued and completed by the Board.

Pending proceedings.
[9 of 1999].

74. This Act shall bind the State.

Act to bind State.
[9 of 1999].

Section 23(1).
[75/1995
213/1999
*31/2006
78/2007].

FIRST SCHEDULE**SECURITIES IN WHICH THE FUNDS OF THE BOARD MAY BE INVESTED**

1. The Board may invest in securities of the following classes:
 - (a) bonds, debentures, stocks or other evidence of indebtedness of, or guaranteed by the Government of—
 - (i) the Republic of Trinidad and Tobago;
 - (ii) any Commonwealth Country;
 - (iii) the United States of America, or a State thereof;
 - (iv) any other country, or State thereof, approved by the Minister with responsibility for Finance,
provided that, with respect to sub-subparagraphs (ii), (iii) and (iv), the country or State and the particular security shall carry an investment grade rating by an internationally recognised rating agency or by any other rating agency approved by the Minister with responsibility for finance;
 - (b) bonds or debentures of a corporation that are secured by the assignment to a trust corporation in Trinidad and Tobago of an annual payment that the Government has agreed to make, where such annual payment is sufficient to meet the interest falling due on the bonds or debentures outstanding and the principal amount of the bonds or debentures maturing for payment in the year in which the annual payment is made;
 - (c) bonds, debentures or other evidences of indebtedness of a corporation incorporated in Trinidad and Tobago, that are fully secured by statutory charge upon its real estate or plant and equipment in Trinidad and Tobago, and upon its securities of that class then outstanding, provided that all interest and principal payments as well as other statutory charges are fully paid up to date;
 - (d) bonds, debentures and other securities guaranteed by the International Bank for Reconstruction and Development established by the Agreement for the International Bank for Reconstruction and Development;
 - (e) fully paid ordinary shares, preferred shares, bonds, debentures or other evidence of indebtedness of, or guaranteed by,

*See Note on page 3.

a corporation incorporated in any country or State referred to in subparagraph (a)(i) to (iv), provided that—

- (i) subject to paragraph 1B, an investment in ordinary shares shall not, without the approval of the Minister with responsibility for finance, exceed thirty per cent of the total funds of the Board; and
 - (ii) where an investment in ordinary shares is to be made in a country or State referred to in subparagraph (a)(ii) to (iv), the country or State and the particular country shall carry and investment grade rating by an internationally recognised rating agency or by any other rating agency approved by the Minister with responsibility for finance.
- (f) unit certificates, shares or other evidence of participation in financial assets whose portfolio is regulated by authorities in a country or State listed in subparagraph (a)(i) to (iv).

1A. Notwithstanding the provisions of paragraph 1, the Board may invest in any other security as may be approved by the Minister with responsibility for finance.

1B. Investments in countries outside of Trinidad and Tobago shall not altogether exceed ten per cent of the total investment portfolio of the Board.

1C. For the purposes of this Schedule, an investment in securities of the Government of the Republic of Trinidad and Tobago denominated in a foreign currency shall not be treated as an investment in a country outside of Trinidad and Tobago.

2. Mortgages and other titles for repayment of loans secured by any of the securities described at paragraphs 1, 3 and 4.

3. Real estates or leaseholds in Trinidad and Tobago.

4. Cash deposits in—

- (a) any financial institution licensed under the Financial Institutions Act; Ch. 79:09.
- (b) any building society approved by the Minister of Finance;
- (c) any bank in a country referred to in paragraph 1(a)(i) to (iv), except in the case of Trinidad and Tobago, approved by the Minister with responsibility for finance.

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[54/1999
9 of 1999
9 of 2004
*32/2006].

SECOND SCHEDULE
RATES OF CONTRIBUTIONS

TABLE A
Rates of Contribution

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	\$ 80.00-\$ 129.99	\$ 347.00-\$ 562.99	\$ 105.00	\$ 2.93	\$ 5.86	\$ 8.79	\$ 0.60
Class II	\$ 130.00-\$ 179.99	\$ 563.00-\$ 779.99	\$ 155.00	\$ 4.33	\$ 8.66	\$ 12.99	\$ 0.88
Class III	\$ 180.00-\$ 229.99	\$ 780.00-\$ 996.99	\$ 205.00	\$ 5.75	\$ 11.50	\$ 17.25	\$ 1.17
Class IV	\$ 230.00-\$ 289.99	\$ 997.00-\$ 1256.00	\$ 260.00	\$ 7.28	\$ 14.56	\$ 21.84	\$ 1.48
Class V	\$ 290.00-\$ 359.99	\$ 1257.00-\$ 1559.99	\$ 325.00	\$ 9.10	\$ 18.20	\$ 27.30	\$ 1.85
Class VI	\$ 360.00-\$ 429.99	\$ 1560.00-\$ 1862.99	\$ 395.00	\$ 11.07	\$ 22.14	\$ 33.21	\$ 2.25
Class VII	\$ 430.00-\$ 499.99	\$ 1863.00-\$ 2166.99	\$ 465.00	\$ 13.02	\$ 26.04	\$ 39.06	\$ 2.65
Class VIII	\$ 500.00-\$ 569.99	\$ 2167.00-\$ 2469.99	\$ 535.00	\$ 14.98	\$ 29.96	\$ 44.94	\$ 3.05
Class IX	\$ 570.00-\$ 649.99	\$ 2470.00-\$ 2816.99	\$ 610.00	\$ 17.08	\$ 34.16	\$ 51.24	\$ 3.48
Class X	\$ 650.00-\$ 729.99	\$ 2817.00-\$ 3162.99	\$ 690.00	\$ 19.32	\$ 38.64	\$ 57.96	\$ 3.93
Class XI	\$ 730.00-\$ 809.99	\$ 3163.00-\$ 3509.99	\$ 770.00	\$ 21.57	\$ 43.14	\$ 64.71	\$ 4.39
Class XII	\$ 810 & Over	\$ 3510.00 & Over	\$ 810.00	\$ 22.68	\$ 45.36	\$ 68.04	\$ 4.62

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 age sixty-five shall be as set out in Class Z, or for an unpaid apprentice shall be \$1.00 per week.

*See Note at page 3.

TABLE A 1
CONTRIBUTION RATES
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	\$ 100.00-\$ 159.99	\$ 433.00-\$ 692.99	\$ 130.00	\$ 3.77	\$ 7.54	\$ 11.31	\$ 0.87
Class II	\$ 160.00-\$ 219.99	\$ 693.00-\$ 952.99	\$ 190.00	\$ 5.51	\$ 11.02	\$ 16.53	\$ 1.28
Class III	\$ 220.00-\$ 289.99	\$ 953.00-\$ 1256.99	\$ 255.00	\$ 7.40	\$ 14.80	\$ 22.20	\$ 1.71
Class IV	\$ 290.00-\$ 359.99	\$ 1257.00-\$ 1559.99	\$ 325.00	\$ 9.43	\$ 18.86	\$ 28.29	\$ 2.18
Class V	\$ 360.00-\$ 439.99	\$ 1560.00-\$ 1906.99	\$ 400.00	\$ 11.60	\$ 23.20	\$ 34.80	\$ 2.69
Class VI	\$ 440.00-\$ 529.99	\$ 1907.00-\$ 2296.99	\$ 485.00	\$ 14.07	\$ 28.14	\$ 42.21	\$ 3.26
Class VII	\$ 530.00-\$ 619.99	\$ 2297.00-\$ 2686.99	\$ 575.00	\$ 16.68	\$ 33.36	\$ 50.04	\$ 3.86
Class VIII	\$ 620.00-\$ 709.99	\$ 2687.00-\$ 3076.99	\$ 665.00	\$ 19.29	\$ 38.58	\$ 57.87	\$ 4.47
Class IX	\$ 710.00-\$ 809.99	\$ 3077.00-\$ 3509.99	\$ 760.00	\$ 22.04	\$ 44.08	\$ 66.12	\$ 5.11
Class X	\$ 810.00-\$ 909.99	\$ 3510.00-\$ 3942.99	\$ 860.00	\$ 24.94	\$ 49.88	\$ 74.82	\$ 5.78
Class XI	\$ 910.00-\$ 1009.99	\$ 3943.00-\$ 4376.99	\$ 960.00	\$ 27.84	\$ 55.68	\$ 83.52	\$ 6.45
Class XII	\$ 1010 & Over	\$ 4377.00 & Over	\$ 1010.00	\$ 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 A 2
CONTRIBUTION RATES
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	\$ 100.00-\$ 159.99	\$ 433.00-\$ 692.99	\$ 130.00	\$ 4.03	\$ 8.06	\$ 12.09	\$ 0.87
Class II	\$ 160.00-\$ 219.99	\$ 693.00-\$ 952.99	\$ 190.00	\$ 5.89	\$ 11.78	\$ 17.67	\$ 1.28
Class III	\$ 220.00-\$ 289.99	\$ 953.00-\$ 1256.99	\$ 255.00	\$ 7.91	\$ 15.82	\$ 23.73	\$ 1.71
Class IV	\$ 290.00-\$ 359.99	\$ 1257.00-\$ 1559.99	\$ 325.00	\$ 10.08	\$ 20.16	\$ 30.24	\$ 2.18
Class V	\$ 360.00-\$ 439.99	\$ 1560.00-\$ 1906.99	\$ 400.00	\$ 12.40	\$ 24.80	\$ 37.20	\$ 2.69
Class VI	\$ 440.00-\$ 529.99	\$ 1907.00-\$ 2296.99	\$ 485.00	\$ 15.04	\$ 30.08	\$ 45.12	\$ 3.26
Class VII	\$ 530.00-\$ 619.99	\$ 2297.00-\$ 2686.99	\$ 575.00	\$ 17.83	\$ 35.66	\$ 53.49	\$ 3.86
Class VIII	\$ 620.00-\$ 709.99	\$ 2687.00-\$ 3076.99	\$ 665.00	\$ 20.62	\$ 41.24	\$ 61.86	\$ 4.47
Class IX	\$ 710.00-\$ 809.99	\$ 3077.00-\$ 3509.99	\$ 760.00	\$ 23.56	\$ 47.12	\$ 70.68	\$ 5.11
Class X	\$ 810.00-\$ 909.99	\$ 3510.00-\$ 3942.99	\$ 860.00	\$ 26.66	\$ 53.32	\$ 79.98	\$ 5.78
Class XI	\$ 910.00-\$ 1009.99	\$ 3943.00-\$ 4376.99	\$ 960.00	\$ 29.76	\$ 59.52	\$ 89.28	\$ 6.45
Class XII	\$ 1010 & Over	\$ 4377.00 & Over	\$ 1010.00	\$ 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
CONTRIBUTION RATES
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	\$ 100.00-\$ 159.99	\$ 433.00-\$ 692.99	\$ 130.00	\$ 4.29	\$ 8.58	\$ 12.87	\$ 0.87
Class II	\$ 160.00-\$ 219.99	\$ 693.00-\$ 952.99	\$ 190.00	\$ 6.27	\$ 12.54	\$ 18.81	\$ 1.28
Class III	\$ 220.00-\$ 289.99	\$ 953.00-\$ 1256.99	\$ 255.00	\$ 8.42	\$ 16.84	\$ 25.26	\$ 1.71
Class IV	\$ 290.00-\$ 359.99	\$ 1257.00-\$ 1559.99	\$ 325.00	\$ 10.73	\$ 21.46	\$ 32.19	\$ 2.18
Class V	\$ 360.00-\$ 439.99	\$ 1560.00-\$ 1906.99	\$ 400.00	\$ 13.20	\$ 26.40	\$ 39.60	\$ 2.69
Class VI	\$ 440.00-\$ 529.99	\$ 1907.00-\$ 2296.99	\$ 485.00	\$ 16.01	\$ 32.02	\$ 48.03	\$ 3.26
Class VII	\$ 530.00-\$ 619.99	\$ 2297.00-\$ 2686.99	\$ 575.00	\$ 18.98	\$ 37.96	\$ 56.94	\$ 3.86
Class VIII	\$ 620.00-\$ 709.99	\$ 2687.00-\$ 3076.99	\$ 665.00	\$ 21.95	\$ 43.90	\$ 65.85	\$ 4.47
Class IX	\$ 710.00-\$ 809.99	\$ 3077.00-\$ 3509.99	\$ 760.00	\$ 25.08	\$ 50.16	\$ 75.24	\$ 5.11
Class X	\$ 810.00-\$ 909.99	\$ 3510.00-\$ 3942.99	\$ 860.00	\$ 28.38	\$ 56.76	\$ 85.14	\$ 5.78
Class XI	\$ 910.00-\$ 1009.99	\$ 3943.00-\$ 4376.99	\$ 960.00	\$ 31.68	\$ 63.36	\$ 95.04	\$ 6.45
Class XII	\$ 1010 & Over	\$ 4377.00 & Over	\$ 1010.00	\$ 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.

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[Section 54A
(2)].

RATES OF CONTRIBUTIONS—Continued

TABLE B

EARNINGS CLASS IN WHICH CONTRIBUTIONS HAVE BEEN MADE PRIOR TO 11TH AUGUST 1980 AND VALUE OF CONTRIBUTIONS BEFORE 1980		EARNINGS CLASS ON OR AFTER 3RD MAY 1999 AND VALUE OF CONTRIBUTIONS	
I	0.90	I	8.79
II	1.50	I	8.79
III	1.95	I	8.79
IV	2.55	I	8.79
V	3.45	I	8.79
VI	4.35	I	8.79
VII	5.55	II	12.99
VIII	7.35	III	17.25

TABLE C

EARNINGS CLASS IN WHICH CONTRIBUTIONS HAVE BEEN MADE ON OR AFTER 11TH AUGUST 1980 AND VALUE OF CONTRIBUTIONS MADE AFTER 11TH AUGUST 1980		EARNINGS CLASS ON OR AFTER 3RD MAY 1999 AND VALUE OF CONTRIBUTIONS	
I	3.30	I	8.79
II	4.80	I	8.79
III	6.30	I	8.79
IV	8.25	I	8.79
V	10.50	II	12.99
VI	13.50	III	17.25
VII	17.25	IV	21.84
VIII	19.35	V	27.30

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

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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 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 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 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

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[27 of 1974
23 of 1980
136/1990
53/1999
9 of 2004].

THIRD SCHEDULE

RATES OF BENEFITS

TABLE A 1

**Rates of Sickness and Maternity Benefit (weekly) for Persons
Qualifying on or after May 03, 1999**

EARNINGS CLASS	BENEFIT
CLASS I	\$ 63.00
CLASS II	\$ 93.00
CLASS III	\$ 123.00
CLASS IV	\$ 156.00
CLASS V	\$ 195.00
CLASS VI	\$ 237.00
CLASS VII	\$ 279.00
CLASS VIII	\$ 321.00
CLASS IX	\$ 366.00
CLASS X	\$ 414.00
CLASS XI	\$ 462.00
CLASS XII	\$ 486.00

TABLE A 2

**Rates of Sickness and Maternity Benefit
for Persons who Qualified before May 03, 1999**

EARNINGS CLASS IN WHICH BENEFITS ARE PAID	WEEKLY RATE ON OR AFTER MAY 03, 1999
CLASS I	\$ 63.00
CLASS II	\$ 63.00
CLASS III	\$ 63.00
CLASS IV	\$ 63.00
CLASS V	\$ 93.00
CLASS VI	\$ 123.00
CLASS VII	\$ 156.00
CLASS VIII	\$ 195.00

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

RATES OF BENEFITS—Continued

TABLE B1

**Rates of Invalidity or Retirement Pension (weekly) for
Persons Qualifying on or after May 03, 1999**

EARNINGS CLASS	NEW BASIC PENSION
CLASS I	\$ 50.00
CLASS II	\$ 65.00
CLASS III	\$ 77.00
CLASS IV	\$ 89.00
CLASS V	\$ 100.00
CLASS VI	\$ 118.50
CLASS VII	\$ 139.50
CLASS VIII	\$ 160.50
CLASS IX	\$ 183.00
CLASS X	\$ 207.00
CLASS XI	\$ 231.00
CLASS XII	\$ 243.00

TABLE B2 (A)

**Rates of Retirement or Invalidation Pension for Persons who
Qualified before August 11, 1980**

EARNINGS CLASS OF BENEFIT AWARDED PRIOR TO 11.8.80	ON OR AFTER MAY 03, 1999
	NEW WEEKLY PENSIONS RATES
CLASS I & II	\$ 50.00
CLASS III & IV	\$ 50.00
CLASS V	\$ 50.00
CLASS VI	\$ 50.00
CLASS VII	\$ 65.00
CLASS VIII	\$ 77.00

TABLE B2 (B)

**Rates of Retirement or Invalidation Pension for Persons who
Qualified after August 11, 1980**

EARNINGS CLASS OF BENEFIT AWARDED AFTER 11.8.80	ON OR AFTER MAY 03, 1999
	NEW WEEKLY PENSIONS RATES
CLASS I	\$ 50.00
CLASS II	\$ 50.00
CLASS III	\$ 50.00
CLASS IV	\$ 50.00
CLASS V	\$ 65.00
CLASS VI	\$ 77.00
CLASS VII	\$ 89.00
CLASS VIII	\$ 100.00

TABLE B3
PART I
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

TABLE B3
PART II
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

TABLE C1

Rates of Survivor Benefit (weekly) for Persons Qualifying on or after May 03, 1999

EARNINGS CLASS	WIDOW/ WIDOWER	CHILD	ORPHAN	DEPENDENT PARENTS
CLASS I	\$ 30.00	\$ 15.00	\$ 30.00	\$ 15.00
CLASS II	\$ 39.00	\$ 19.50	\$ 39.00	\$ 19.50
CLASS III	\$ 46.20	\$ 23.10	\$ 46.20	\$ 23.10
CLASS IV	\$ 53.40	\$ 26.70	\$ 53.40	\$ 26.70
CLASS V	\$ 60.00	\$ 30.00	\$ 60.00	\$ 30.00
CLASS VI	\$ 71.10	\$ 35.55	\$ 71.10	\$ 35.55
CLASS VII	\$ 83.70	\$ 41.85	\$ 83.70	\$ 41.85
CLASS VIII	\$ 96.30	\$ 48.15	\$ 96.30	\$ 48.15
CLASS IX	\$ 109.80	\$ 54.90	\$ 109.80	\$ 54.90
CLASS X	\$ 124.20	\$ 62.10	\$ 124.20	\$ 62.10
CLASS XI	\$ 138.60	\$ 69.30	\$ 138.60	\$ 69.30
CLASS XII	\$ 145.80	\$ 72.90	\$ 145.80	\$ 72.90

1. Rates of Survivor Benefit shall be related to the rates of retirement and invalidity pension, that is to say, the maximum amount of survivor benefit payable in respect of a deceased insured person shall not exceed the total amount of retirement or invalidity pension for which the deceased would have been eligible had he qualified for the receipt of retirement or invalidity pension.

TABLE C2 (A)

Rates of Survivor Benefit for Persons who Qualified before August 11, 1980

EARNINGS CLASS OF BENEFIT AWARDED PRIOR TO 11.8.80	WEEKLY RATES ON OR AFTER MAY 03, 1999			
	WIDOW	CHILD	ORPHAN	DEP. PARENTS
CLASS I & II	\$ 30.00	\$ 15.00	\$ 30.00	\$ 15.00
CLASS III & IV	\$ 30.00	\$ 15.00	\$ 30.00	\$ 15.00
CLASS V	\$ 30.00	\$ 15.00	\$ 30.00	\$ 15.00
CLASS VI	\$ 30.00	\$ 15.00	\$ 30.00	\$ 15.00
CLASS VII	\$ 39.00	\$ 19.50	\$ 39.00	\$ 19.50
CLASS VIII	\$ 46.20	\$ 23.10	\$ 46.20	\$ 23.10

TABLE C2 (B)

Rates of Survivor Benefit for Persons who Qualified after August 11, 1980

EARNINGS CLASS OF BENEFIT AWARDED AFTER 11.8.80	WEEKLY RATES ON OR AFTER MAY 03, 1999			
	WIDOW	CHILD	ORPHAN	DEP. PARENTS
CLASS I	\$ 30.00	\$ 15.00	\$ 30.00	\$ 15.00
CLASS II	\$ 30.00	\$ 15.00	\$ 30.00	\$ 15.00
CLASS III	\$ 30.00	\$ 15.00	\$ 30.00	\$ 15.00
CLASS IV	\$ 30.00	\$ 15.00	\$ 30.00	\$ 15.00
CLASS V	\$ 39.00	\$ 19.50	\$ 39.00	\$ 19.50
CLASS VI	\$ 46.20	\$ 23.10	\$ 46.20	\$ 23.10
CLASS VII	\$ 53.40	\$ 26.70	\$ 53.40	\$ 26.70
CLASS VIII	\$ 60.00	\$ 30.00	\$ 60.00	\$ 30.00

TABLE C3
 PART I
 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

TABLE C3
PART II
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	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	\$ 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	\$ 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	\$ 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	\$ 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	\$ 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	\$ 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	\$ 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	\$ 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	\$ 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	\$ 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	\$ 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	\$ 14.82	\$ 7.41	\$ 7.41	\$ 14.82

TABLE D1

**Rates of Employment Injury Benefit for Persons Qualifying
 on or after May 03, 1999**

EARNINGS CLASS	INJURY PENSION—WEEKLY PAYMENTS	DEATH BENEFIT—WEEKLY PAYMENTS			
	Insured Person	Widow/ Widower	Child	Orphan	Parent
CLASS I	\$ 70.00	\$ 42.00	\$ 21.00	\$ 42.00	\$ 21.00
CLASS II	\$ 103.33	\$ 62.00	\$ 31.00	\$ 62.00	\$ 31.00
CLASS III	\$ 136.67	\$ 82.00	\$ 41.00	\$ 82.00	\$ 41.00
CLASS IV	\$ 173.33	\$ 104.00	\$ 52.00	\$ 104.00	\$ 52.00
CLASS V	\$ 216.67	\$ 130.00	\$ 65.00	\$ 130.00	\$ 65.00
CLASS VI	\$ 263.33	\$ 158.00	\$ 79.00	\$ 158.00	\$ 79.00
CLASS VII	\$ 310.00	\$ 186.00	\$ 93.00	\$ 186.00	\$ 93.00
CLASS VIII	\$ 356.67	\$ 214.00	\$ 107.00	\$ 214.00	\$ 107.00
CLASS IX	\$ 406.67	\$ 244.00	\$ 122.00	\$ 244.00	\$ 122.00
CLASS X	\$ 460.00	\$ 276.00	\$ 138.00	\$ 276.00	\$ 138.00
CLASS XI	\$ 513.33	\$ 308.00	\$ 154.00	\$ 308.00	\$ 154.00
CLASS XII	\$ 540.00	\$ 324.00	\$ 162.00	\$ 324.00	\$ 162.00

TABLE D2

Rates of Employment Injury Benefit for Persons Qualifying before May 03, 1999

EARNINGS CLASS OF BENEFIT AWARDED PRIOR TO MAY 03, 1999	ON OR AFTER MAY 03, 1999				
	INJURY PENSION WEEKLY PAYMENT	DEATH BENEFITS WEEKLY PAYMENTS			
		Insured Person	Widow/ Widower	Child	Orphan
CLASS I	\$ 70.00	\$ 42.00	\$ 21.00	\$ 42.00	\$ 21.00
CLASS II	\$ 70.00	\$ 42.00	\$ 21.00	\$ 42.00	\$ 21.00
CLASS III	\$ 70.00	\$ 42.00	\$ 21.00	\$ 42.00	\$ 21.00
CLASS IV	\$ 70.00	\$ 42.00	\$ 21.00	\$ 42.00	\$ 21.00
CLASS V	\$ 103.33	\$ 62.00	\$ 31.00	\$ 62.00	\$ 31.00
CLASS VI	\$ 136.67	\$ 82.00	\$ 41.00	\$ 82.00	\$ 41.00
CLASS VII	\$ 173.33	\$ 104.00	\$ 52.00	\$ 104.00	\$ 52.00
CLASS VIII	\$ 216.67	\$ 130.00	\$ 65.00	\$ 130.00	\$ 65.00

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

SUBSIDIARY LEGISLATION

**NATIONAL INSURANCE (REGISTRATION)
REGULATIONS**

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1. Citation.
2. Interpretation.
3. Application.

PART I

EMPLOYERS

4. Application for registration of employer.
5. Certificate of registration.
6. Certificate to be kept in employer's custody.
7. Procedure on ceasing to be an employer.

PART II

**EMPLOYED PERSONS (OTHER THAN SELF-EMPLOYED
PERSONS) AND UNPAID APPRENTICES**

8. Registration of certain employed persons and unpaid apprentices.

PART III

SELF-EMPLOYED PERSONS

9. Registration of self-employed persons.
10. Termination of self-employment.

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11. Board to supply forms.
12. National Insurance Registration Card.

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13. Loss, etc., of insurance certificate or National Insurance Registration Card.
14. Board to be informed of changes.
15. Offences.

[Subsidiary]

27/2004.

**NATIONAL INSURANCE (REGISTRATION)
REGULATIONS**

made under section 35

Citation. **1.** These Regulations may be cited as the National Insurance (Registration) Regulations.

Interpretation. **2.** (1) In these Regulations—
 “Board” means the National Insurance Board of Trinidad and Tobago established under section 3 of the Act;
 “company” means a body corporate or an unincorporated association of persons and includes a partnership, firm or agency;
 “National Insurance Registration Card” means the card referred to in section 30A of the Act.

(2) For the purposes of the definition of “domestic worker” in section 28 of the Act, “domestic worker” includes any person employed as maid, maid-servant, servant, cook, domestic, laundress, washer-woman, child-minder, nanny, governess, companion, gardener, yardboy, chauffeur, forester, game-keeper, watchman, butler, valet, groom, stable-boy or in a similar capacity.

(3) Without prejudice to any other case in which a company is engaged in or carrying on a trade or business in Trinidad and Tobago, a company shall be deemed to be engaged in or carrying on a trade or business in Trinidad and Tobago, where it has an office, a place of business, a branch or an agency in Trinidad and Tobago.

Application. **3.** These Regulations apply to every employed person not engaged in uninsurable employment within the meaning of section 29(2) of the Act, and to every unpaid apprentice.

PART I

EMPLOYERS

Application for registration of employer. **4.** An employer shall apply to the Board for registration in such form as the Board may determine.

5. Where the Board is satisfied that an employer's application for registration is in order, the Board shall issue to the employer, a certificate of registration in such form as the Board may determine. Certificate of registration.
6. A certificate of registration shall be — Certificate to be kept in employer's custody.
- (a) kept in the safe custody of the employer to whom it is issued; and
 - (b) produced for inspection at any reasonable time where so required by the Board or any of its authorised officers.
7. (1) Where an employer who is an individual— Procedure on ceasing to be an employer.
- (a) ceases to be an employer, he shall promptly so inform the Board and return his certificate of registration to the Board, within one month of his ceasing to be an employer; or
 - (b) dies or is declared a bankrupt, his personal representative or trustee in bankruptcy shall so inform the Board and return his certificate of registration to the Board, within one month of the death or bankruptcy of the employer, as the case may be.
- (2) Where an employer who is not an individual ceases to be an employer by reason of a winding up or liquidation or dissolution of partnership or any other cause and the employer is—
- (a) a body corporate, the secretary of the body corporate shall inform the Board when the name of the body corporate is removed from the Register of Companies referred to in the Companies Act and return its certificate of registration to the Board; and Ch. 81:01.
 - (b) an unincorporated association of persons, the secretary or former partners of the unincorporated association of persons shall so inform the Board and return its certificate of registration to the Board.
- (3) The secretary of the body corporate or the secretary or former partners of the unincorporated association of persons

shall comply with subregulation (2) within one month of the removal of the name of the body corporate from the Register of Companies or the dissolution of the partnership, as the case may be.

PART II

EMPLOYED PERSONS (OTHER THAN SELF-EMPLOYED PERSONS) AND UNPAID APPRENTICES

Registration of certain employed persons and unpaid apprentices.

8. (1) An employer shall apply to the Board for the registration of each employed person, including a domestic worker and a casual agricultural worker, and each unpaid apprentice, of whom he is the employer, in such form as the Board may determine.

(2) A domestic worker and a casual agricultural worker may make an application to the Board for registration within three months of employment, in such form as the Board may determine.

(3) Where the Board is satisfied that the application for registration under subregulation (1) is in order, the Board shall—

- (a) issue to the person in respect of whom registration is sought, a National Insurance Registration Card, to be delivered to the person by the employer; and
- (b) give to the employer, a record of the registration number of the person, to be retained by the employer.

(4) Where the Board is satisfied that the application for registration of a domestic worker or a casual agricultural worker under subregulation (2), is in order, the Board shall issue to the domestic worker or a casual agricultural worker, as the case may be, a National Insurance Registration Card.

PART III

SELF-EMPLOYED PERSONS

Registration of self-employed persons.

9. (1) A self-employed person shall apply to the Board for registration in such form as the Board may determine.

(2) Where the Board is satisfied that the application for registration of a self-employed person is in order, the Board shall

issue to the self-employed person, a National Insurance Registration Card.

10. (1) Where a self-employed person dies, his survivor entitled to benefit or his personal representative shall so inform the Board and return the National Insurance Registration Card of the deceased to the Board within one month of his death.

Termination of self-employment.

(2) Where a self-employed person ceases to be self-employed, he shall so inform the Board and state the reason that he has ceased to be self-employed.

**PART IV
GENERAL**

11. Forms for registration shall be supplied by the Board at no cost to an applicant.

Board to supply forms.

12. (1) A National Insurance Registration Card shall contain the name, registration number and National Insurance Registration Number of the person to whom it is issued.

National Insurance Registration Card.

(2) In this regulation “registration number” means the registration number shown on —

- (a) an identification card issued under the Representation of the People Act; or
- (b) a valid Trinidad and Tobago driver’s permit.

Ch. 2:01.

13. (1) Where a certificate of registration or a National Insurance Registration Card is lost, defaced or destroyed while in the custody of an employer, self-employed person, employed person or unpaid apprentice, the employer, self-employed person, employed person or unpaid apprentice, shall report such loss, defacement or destruction to the Board and apply for the issue of a replacement.

Loss, etc., of insurance certificate or National Insurance Registration Card.

(2) The Board shall issue a replacement under such terms and conditions as it may determine.

14. (1) An employer who changes his address or the name or nature of his business, shall forthwith inform the Board of the change.

Board to be informed of changes.

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(2) An employed person, including a domestic worker and a casual agricultural worker, or unpaid apprentice who changes his name, status or address, shall forthwith inform his employer of the change and the employer shall forward the information to the Board.

(3) A self-employed person shall inform the Board within fourteen days of any change of address or of the name or nature of his business or of any change of his name or status.

Offences.

15. A person who wilfully loses, defaces or destroys any certificate of registration or National Insurance Registration Card or who fails to comply with any of these Regulations is liable on summary conviction to a fine of one hundred dollars.

**NATIONAL INSURANCE (CONTRIBUTION)
REGULATIONS**

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation.
2. Interpretation.

EMPLOYED PERSONS' CONTRIBUTION

3. Payment of contributions.
4. Postponement of payment of contribution.
5. Employer to keep record of contributions.
6. Particulars to be furnished by the employer.

VOLUNTARY CONTRIBUTION

7. Application for certificate of voluntary insurance.
8. Issue of certificate of voluntary insurance and contribution card.
9. Manner of payment of voluntary contribution.
10. Rate of voluntary contribution.
11. Time of payment of voluntary contribution.

CONTRIBUTION CREDITS

12. Age credits on the appointed day.
13. Purpose of age credits.
14. Other credits.

GENERAL

15. Failure to pay contribution or late payment thereof.
16. Contributions paid in error.
17. Offences.

FIRST SCHEDULE.

SECOND SCHEDULE.

THIRD SCHEDULE.

[Subsidiary]

63/1972.
[101/1976
141/1980
105/1991
72/1999
68/2004].

NATIONAL INSURANCE (CONTRIBUTION) REGULATIONS

made under section 44

Citation.

1. These Regulations may be cited as the National Insurance (Contribution) Regulations.

Interpretation.

2. (1) In these Regulations—

“the Act” means the National Insurance Act;

“earnings” means wages or salary and includes overtime payments, cost of living allowances, long service payments, allowances for dependants, commission on sales, production or efficiency bonuses, danger or dirt money and payment for stand-by duty;

“voluntary contribution” means contribution payable by a holder of a certificate of voluntary insurance;

“week” means the period from midnight on Sunday to midnight the following Sunday and includes any part of a week.

EMPLOYED PERSONS’ CONTRIBUTION

Payment of
contributions.
[105/1991
72/1999].

3. (1) Subject to section 38 of the Act, an employer shall pay contribution in respect of an employed person and an unpaid apprentice registered or eligible to be registered under Part II of the Act, for each week that that person or apprentice is in his employ.

(2) For the purposes of subregulation (1), the number of weeks in a month shall be calculated according to the number of Mondays in that month.

(3) Contributions payable under subregulation (1) shall be paid to the local office of the Board or in such other manner as the Board authorises in any particular case or class of cases on or before the due date.

Postponement
of payment
of contribution.
[105/1991].

4. Where, in the opinion of the Executive Director, there exist circumstances which would result in extreme hardship or grave inconvenience for an employer to pay contribution in respect of persons in his employ on or before the last day of the calendar month, the Executive Director may, on the written request of that employer, authorise him to pay contribution at some later date.

5. (1) An employer shall keep at his place of business a record showing the following particulars in respect of each employed person and unpaid apprentice in his employ:

Employer to keep record of contributions. [105/1991 72/1999].

- (a) his full name;
- (b) his national insurance number;
- (c) his salary or wage and the period to which the salary or wage relates;
- (d) the contribution paid for each week of the period to which his salary or wage relates; and
- (e) the total contributions paid to which his salary or wages relates, and such record shall be available for inspection during normal working hours.

(2) An employer who contravenes subregulation (1) commits an offence, and is liable on summary conviction to a fine of five hundred dollars and to imprisonment for three months.

(3) An employer shall permit an employed person, an unpaid apprentice or such person as an employed person or unpaid apprentice may authorise in writing for the purpose, to inspect, during normal working hours, such records of contributions as pertain to that employed person or unpaid apprentice.

6. (1) Every employer shall submit to the Board at the end of March in every year or where the employer registers for the first time, at the end of the month in which he registers as an employer and thereafter at the end of March in every year, the following information in a form approved by the Board:

Particulars to be furnished by the employer. [72/1999 68/2004].

- (a) the names and national insurance numbers of employees in their employ during the month;
- (b) the monthly or weekly salary or wage of the respective employees;
- (c) the contribution class in which earnings are paid and the number and value of contributions due in respect of each employee for every week in the said month; and
- (d) any other information required by the Board.

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(2) Every employer shall submit to the Board on or before the last working day of every month, all changes to the particulars of his employees submitted to the Board in respect of the previous month.

(3) Where an employer fails to submit the information as required under subregulation (1) or (2) by the 15th of the month in which it is due he shall pay a penalty of one thousand dollars and thereafter twenty dollars for each day of the month until the information is submitted.

(4) Where the information submitted is incomplete or incorrect the Board may impose a penalty not exceeding one thousand dollars.

(5) The Board may request an employer to submit the information referred to in subregulation 6 (1) by way of electronic media.

VOLUNTARY CONTRIBUTION

Application for certificate of voluntary insurance. [101/1976 72/1999].

7. (1) Application for a certificate of voluntary insurance shall be made to the Board in the form obtainable from the Board.

(2) A person who at any time between 10th April 1972 and the coming into operation of these Regulations was an insured person shall make application not later than six months from the coming into operation of these Regulations. In any other case application shall be made not later than eighteen months after the applicant ceases to be an employed person.

Issue of certificate of voluntary insurance and contribution card.

8. (1) The Board, on being satisfied that an application referred to in regulation 7 is in order, shall issue to the applicant a certificate of voluntary insurance and a new contribution card.

(2) A certificate of voluntary insurance shall be in such form as the Board may determine.

Manner of payment of voluntary contribution. [101/1976].

9. Voluntary contribution shall be payable in cash at any local office, either monthly or quarterly.

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10. (1) Subject to subregulation (2) a person who holds a certificate of voluntary insurance shall pay voluntary contribution at the rate of the earnings class into which he falls. Such earnings class shall be based on his average weekly earnings for the period spent in insurable employment during the two years immediately preceding his application for such certificate, that is to say he shall pay as set out hereunder—

Rate of voluntary contribution. [72/1999 68/2004].

Earnings Class	Monthly Rate \$	Quarterly Rate \$
I	32.33	96.99
II	47.71	143.13
III	63.09	189.27
IV	79.99	239.97
V	100.01	300.03
VI	121.55	364.65
VII	143.09	429.27
VIII	164.62	493.86
IX	187.68	563.04
X	212.29	636.87
XI	236.90	710.70
XII	249.21	747.63

(2) A person who began paying voluntary contribution before 3rd May 1999 shall as from 3rd May 1999 pay contribution at the rates for the earnings class shown in the second column below corresponding to the earnings class in which he paid contribution prior to 3rd May 1999 as set out in the first column below—

Earnings Class Fixed Prior to 3rd May 1999	Earnings Class Fixed on or After 3rd May 1999
I-IV	I
V	II
VI	III
VII	IV
VIII	V

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(3) With effect from 1st March 2004, a person who began paying voluntary contributions prior to 1st March 2004, or on or after 1st March 2004, shall pay contributions for the period 1st March 2004 to 2nd January 2005, at the rate for the earnings class into which he falls, in accordance with the Table shown hereunder as follows:

Earnings Classes and Voluntary Contributions from 1/3/04
(based on 7.4% contribution rate)

Earnings Class	Weekly Earnings \$	Monthly Earnings \$	Assumed Average Weekly Earnings \$	Voluntary Weekly \$	Voluntary Monthly \$	Voluntary Quarterly \$
Class I	100–159.99	433–692.99	130	9.62	41.69	125.06
Class II	160–219.99	693–952.99	190	14.06	60.93	182.78
Class III	220–289.99	953–1256.99	255	18.88	81.78	245.32
Class IV	290–359.99	1257–1559.99	325	24.06	104.21	312.66
Class V	360–439.99	1560–1906.99	400	29.60	128.27	384.80
Class VI	440–529.99	1907–2296.99	485	35.90	155.53	466.58
Class VII	530–619.99	2297–2686.99	575	42.56	184.39	553.16
Class VIII	620–709.99	2687–3076.99	665	49.22	213.25	639.74
Class IX	710–809.99	3077–3509.99	760	56.24	243.71	731.12
Class X	810–909.99	3510–3942.99	860	63.64	275.77	827.32
Class XI	910–1009.99	3943–4376.99	960	71.04	307.84	923.52
Class XII	1010 and over	4377 and over	1010	74.74	323.87	971.62

(4) With effect from 3rd January 2005, a person who began paying voluntary contributions prior to 3rd January 2005, or on or after 3rd January 2005, shall pay contributions for the period 3rd January 2005 to 1st January 2006, at the rate for the earnings class into which he falls, in accordance with the Table shown hereunder as follows:

Earnings Classes and Voluntary Contributions from 3/1/05
 (based on 7.9% contribution rate)

Earnings Class	Weekly Earnings \$	Monthly Earnings \$	Assumed Average Weekly Earnings \$	Voluntary Weekly \$	Voluntary Monthly \$	Voluntary Quarterly \$
Class I	100–159.99	433–692.99	130	10.27	44.51	133.51
Class II	160–219.99	693–952.99	190	15.01	65.05	195.13
Class III	220–289.99	953–1256.99	255	20.15	87.30	261.89
Class IV	290–359.99	1257–1559.99	325	25.68	111.26	333.78
Class V	360–439.99	1560–1906.99	400	31.60	136.94	410.80
Class VI	440–529.99	1907–2296.99	485	38.32	166.03	498.10
Class VII	530–619.99	2297–2686.99	575	45.43	196.84	590.53
Class VIII	620–709.99	2687–3076.99	665	52.54	227.65	682.96
Class IX	710–809.99	3077–3509.99	760	60.04	260.18	780.52
Class X	810–909.99	3510–3942.99	860	67.94	294.40	883.22
Class XI	910–1009.99	3943–4376.99	960	75.84	328.64	985.92
Class XII	1010 and over	4377 and over	1010	79.79	345.75	1037.27

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National Insurance (Contribution) Regulations

(5) With effect from 2nd January 2006, a person who began paying voluntary contributions prior to 2nd January 2006, or on or after 2nd January 2006, shall pay contributions at the rate for the earnings class into which he falls, in accordance with the Table shown hereunder as follows:

Earnings Classes and Voluntary Contributions from 2/1/06
(based on 8.4% contribution rate)

Earnings Class	Weekly Earnings \$	Monthly Earnings \$	Assumed Average Weekly Earnings \$	Voluntary Weekly \$	Voluntary Monthly \$	Voluntary Quarterly \$
Class I	100–159.99	433–692.99	130	10.92	47.32	141.96
Class II	160–219.99	693–952.99	190	15.96	69.16	207.48
Class III	220–289.99	953–1256.99	255	21.43	92.83	278.47
Class IV	290–359.99	1257–1559.99	325	27.31	118.30	354.91
Class V	360–439.99	1560–1906.99	400	33.60	145.60	436.80
Class VI	440–529.99	1907–2296.99	485	40.75	176.54	529.63
Class VII	530–619.99	2297–2686.99	575	48.31	209.30	627.91
Class VIII	620–709.99	2687–3076.99	665	55.87	242.06	726.19
Class IX	710–809.99	3077–3509.99	760	63.84	276.64	829.92
Class X	810–909.99	3510–3942.99	860	72.24	313.04	939.12
Class XI	910–1009.99	3943–4376.99	960	80.64	349.44	1048.32
Class XII	1010 and over	4377 and over	1010	84.84	367.64	1102.92

11. Upon being notified by the Board of the voluntary contribution due, a holder of a certificate of voluntary insurance shall make the requisite payment to the Board at any time not later than 31st December of the year in which such voluntary contribution is due.

Time of payment of voluntary contribution.

CONTRIBUTION CREDITS

12. All employed persons or unpaid apprentices registered or eligible to be registered under Part II of the Act, who are over the age of thirty-five years on the appointed day for the payment of contributions under the Act, shall be credited with twenty-five contributions for each year over the age of thirty-five years, subject to a maximum of six hundred contributions. Such age credits shall be as set out in the Table in the Second Schedule.

Age credits on the appointed day.

Second Schedule.

13. Age credits shall be used for the computation of basic retirement pension only and only those credits necessary to establish an insured person's right to such a pension shall be taken into account, notwithstanding such person's right to a greater number of credits having regard to his age on the appointed day referred to in regulation 12.

Purpose of age credits.

14. No contribution shall be payable in respect of a person for any week in which such person is in receipt of sickness, maternity, invalidity or employment injury benefit but contribution shall be credited to him in the same amount as would have been payable in respect of him, had he not been in receipt of benefit.

Other credits. [72/1999].

GENERAL

15. Where contribution is paid after the due date, or such later date as the Board may authorise, or where there is failure to pay contribution, the Board may, if satisfied that the employed person or unpaid apprentice in respect of whom such contribution was due, did not in any way consent to or connive at or by any negligence on his part cause, the late payment or failure to pay, treat such contribution as promptly and properly paid for the purpose of determining that person's right to benefit.

Failure to pay contribution or late payment thereof.

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[Subsidiary]

National Insurance (Contribution) Regulations

Contributions
paid in error.
[68/2004].

16. (1) Where contribution is paid in an amount less than the amount properly payable, the person liable shall within one month of being advised by the Board of the error, make an additional payment to rectify the error. Failure to make the required additional payment may be treated as a failure to pay contribution.

(2) Where benefit based on such lesser amount of contribution has been paid before the contribution payment has been rectified, such benefit shall be adjusted upon the additional payment being made to rectify the error.

(3) Where contribution is paid in an amount greater than the amount properly payable, the Board may on the written request of the person who made such payment make a refund but no such refund shall be made where benefit based on such erroneous contribution was paid.

(4) Where an employer applies for a refund of contributions, the Board shall require the employer to submit evidence of overpayment of contributions in respect of the person for whom the erroneous contributions were made.

Offences.

17. Where in accordance with the Act and these Regulations contribution is payable in respect of any employed person or unpaid apprentice, any employer who wilfully refuses or neglects to pay contribution for any week in respect of any such person in his employ, or any self-employed person who wilfully refuses or neglects to pay contribution for any week on his own behalf, is liable on summary conviction to a fine of five hundred dollars and to imprisonment for three months.

FIRST SCHEDULE

(Regulation 7).

FORM NI. 6

THE NATIONAL INSURANCE (CONTRIBUTION) REGULATIONS

**APPLICATION FOR A CERTIFICATE OF
VOLUNTARY INSURANCE**

Please complete in Block Letters

Surname Other Names

Date of Birth *Identification Card No.

Place of Birth †National Insurance No.

Male or Female

Last Employer:

Name

Business Address

.....

Employer Registration No.

I hereby declare that I am not an employed person.

Date:

Applicant's Signature or Mark

.....
Signature of Witness to Mark

*"Identification Card No." means the registration number shown on the applicant's Identification Card issued under the Representation of the People Act (Ch. 2:01).

†"National Insurance No." means the national insurance number shown on the applicant's identity card issued under regulation 8 of the National Insurance (Registration) (No. 2) Regulations.

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National Insurance

[Subsidiary]

National Insurance (Contribution) Regulations

[Regulation 8(2)].

FORM NI. 7

THE NATIONAL INSURANCE (CONTRIBUTION) REGULATIONS

CERTIFICATE OF VOLUNTARY INSURANCE

*Identification Card No.

†National Insurance No.

This certificate of voluntary insurance is hereby issued to
.....
of

The person named herein is liable to pay contribution at the rate of
.....

.....
Chairman, Board of Management

*"Identification Card No." means the registration number shown on the applicant's Identification Card issued under the Representation of the People Act (Ch. 2:01).

†"National Insurance No." means the national insurance number shown on the applicant's identity card issued under regulation 8 of the National Insurance (Registration) (No. 2) Regulations.

SECOND SCHEDULE

(Regulation 12).
[183/1980].

TABLE OF AGE CREDITS

Age at last birthday (years)	Number of Credits	Age at last birthday (years)	Number of Credits
36	25	46	275
37	50	47	300
38	75	48	325
39	100	49	350
40	125	50	375
41	150	51	400
42	175	52	425
43	200	53	450
44	225	54	475
45	250		

FORM 2

SUMMARY OF CONTRIBUTIONS DUE/IN ARREARS

(Prepare in duplicate)

SECTION "A" NAME OF BUSINESS OR COMPANY ADDRESS TELEPHONE NUMBER <input style="width: 50px; height: 15px;" type="text"/>	(OFFICIAL USE) I.O. CODE <input style="width: 40px; height: 15px;" type="text"/> Employer Reg. No. <input style="width: 40px; height: 15px;" type="text"/>
CONTRIBUTIONS DUE FOR THE PERIOD <input style="width: 20px; height: 15px;" type="text"/> <input style="width: 20px; height: 15px;" type="text"/> <input style="width: 20px; height: 15px;" type="text"/> TO <input style="width: 20px; height: 15px;" type="text"/> <input style="width: 20px; height: 15px;" type="text"/> <input style="width: 20px; height: 15px;" type="text"/> TOTAL NUMBER OF EMPLOYEES FOR THE ABOVE PERIOD <input style="width: 40px; height: 15px;" type="text"/> TOTAL NUMBER OF UNPAID APPRENTICES FOR THE ABOVE PERIOD <input style="width: 40px; height: 15px;" type="text"/> TOTAL NUMBER OF CONTRIBUTIONS DUE <input style="width: 40px; height: 15px;" type="text"/>	

SECTION "B"

TOTAL NUMBER OF CONTRIBUTIONS BEING PAID:

1 CLASS	2 VALUE		3 Number of Contributions	4 TOTAL VALUE	
	\$	¢.		\$	¢.
I	3	30			
II	4	80			
III	6	30			
IV	8	25			
V	10	50			
VI	13	50			
VII	17	25			
VIII	19	35			
Z	1	00			
SUB TOTAL:					
ARREARS:					
TOTAL:					

SECTION "C"

METHOD OF PAYMENT:

1 HOW PAID	2 CASH	
	\$	¢.
\$ 100 x		
20 x		
10 x		
5 x		
1 x		
SILVER		
COPPER		
CHEQUES		
TOTAL		

TOTAL AMOUNT DUE: \$.....
 TOTAL AMOUNT PAID: \$.....
 BALANCE OUTSTANDING \$

SECTION "D" (CERTIFICATE OF DECLARANT)

I/We solemnly and sincerely declare that the information given is a correct reflection of contributions due and payable for all insured persons for the period stated.

NAME POSITION

SIGNATURE DATE
 YYY MM DD

[Subsidiary]

**NATIONAL INSURANCE (MEDICAL EXPENSES)
REGULATIONS**

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation.
 2. Interpretation.
 3. Medical expenses.
 4. Board to appoint medical referees.
 5. Questions to be referred to medical referees.
 6. Period for which medical expenses shall be paid.
 7. Board to establish formulary.
 8. Payment of hospital expenses.
 9. Circumstances where Board is not liable to pay hospital expenses.
 10. Medical expenses incurred outside Trinidad and Tobago.
 11. Travel expenses.
 12. Constant attendance allowance.
 13. Conditions attaching to payment of medical expenses.
-

**NATIONAL INSURANCE (MEDICAL EXPENSES)
REGULATIONS**

95/1977.
[67/2004].

made under section 46(5)

1. These Regulations may be cited as the National Insurance (Medical Expenses) Regulations. Citation.

2. In these Regulations—
“medical practitioner” means a person registered under the Medical Board Act. Interpretation.
Ch. 29:50.

3. For the purposes of the Act and these Regulations “medical expenses” includes doctor’s fees, hospital expenses, the cost of necessary para-medical treatment, the cost of medicines and the cost of travel incidental to an insured person receiving care and treatment. Medical expenses.

4. (1) The Board shall appoint medical practitioners to be medical referees and for the purpose of considering any question referred by the Board medical referees shall be constituted into panels. Board to appoint medical referees.

(2) A panel may comprise one or more medical referees.

5. The Board may refer to medical referees any medical question relating to an insured person in respect of whom a claim is made— Questions to be referred to medical referees.

- (a) that he has suffered personal injury by accident arising out of and in the course of his employment; or
- (b) that he has developed a prescribed disease.

6. Medical expenses shall be paid from the date of the accident giving rise to the personal injury or the date of the development of the prescribed disease as the case may be for as long as the nature of the insured person’s condition necessitates the incurrence of those expenses and provided that the insured person can show proof that he met those expenses. Period for which medical expenses shall be paid.
[67/2004].

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[Subsidiary]

National Insurance (Medical Expenses) Regulations

Board to establish formulary.

7. For the purpose of these Regulations, the Board may establish a formulary of pharmaceutical products and dressings that may be prescribed by a medical practitioner for a person entitled to benefit under section 46(3) of the Act.

Payment of hospital expenses.

8. (1) Hospital expenses of an insured person may be paid by the Board direct to Government where such expenses are incurred at a hospital operated by the Government or to a private hospital where such expenses are incurred at the hospital.

(2) For the purposes of this regulation the Board may make arrangements with Government on the one hand or with a private hospital on the other for the payment of hospital expenses and may in accordance with such arrangements—

- (a) pay to Government or to the private hospital as the case may be, the actual expenses incurred by the insured person; or
- (b) make grants to Government or to the private hospital as the case may be in such amounts and at such times as may be agreed to cover the expenses of insured persons generally.

Circumstances where Board is not liable to pay hospital expenses.

9. Where the Board has made arrangements for the hospitalisation of insured persons at a hospital, it shall not be liable to pay the hospital expenses of an insured person who is admitted to some other hospital, save where facilities under the arrangements of the Board were not immediately available to the insured person and delay may have caused serious risk to his life or grave detriment to his health.

Medical expenses incurred outside Trinidad and Tobago.

10. Medical expenses incurred outside Trinidad and Tobago shall be paid by the Board only if the Board is satisfied that treatment required by the insured person was not available locally and that having regard to all other circumstances of the case the insured person was justified in seeking care and treatment abroad.

Travel expenses.

11. Where an insured person is required to attend any place for the purpose of receiving care and treatment he shall be paid

reasonable expenses for getting to and from that place and where having regard to the condition of that insured person, his medical practitioner certifies that he should be accompanied, reasonable expenses shall be paid for the insured person's escort.

12. Where in the opinion of the Board, it is necessary that an insured person should have constant attendance and care, the Board shall make weekly payments for this purpose.

Constant attendance allowance.

13. An insured person in respect of whom medical expenses are paid by the Board, shall—

Conditions attaching to payment of medical expenses.

- (a) remain under the care of the medical practitioner from whom he first received care and treatment for the injury or the prescribed disease, unless in the opinion of the Board care and treatment should be continued by another medical practitioner in which case he should attend that other medical practitioner;
- (b) follow the instructions of his medical practitioner;
- (c) refrain from doing anything which might retard his recovery;
- (d) submit himself, if so required by the Board, to be examined by a panel of medical referees;
- (e) be admitted to hospital where his medical practitioner considers care and treatment in hospital, advisable.

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[Subsidiary]

226/1979.
[70/1999
30/2004].

**NATIONAL INSURANCE (EMPLOYMENT INJURY)
(PAYMENT OF MEDICAL EXPENSES) ORDER**

made under section 46(6)

Citation and commencement.

1. This Order may be cited as the National Insurance (Employment Injury) (Payment of Medical Expenses) Order and is deemed to have come into operation on 1st July 1976.

Rates of payment.

2. Subject to paragraph 3 the rates of payment for medical expenses to insured persons who suffer personal injury by accident arising out of or in the course of their employment shall be as set out in the Schedule.

Schedule.

Maximum payment. [70/1999 30/2004].

3. The aggregate payment of medical expenses shall not exceed the sum of eighteen thousand dollars.

SCHEDULE

PART I

RATES OF PAYMENT FOR MEDICAL EXPENSES

	OFFICE VISITS TO DOCTOR	EMERGENCY VISITS
	BETWEEN 8.00 A.M. and 6.00 P.M.	BETWEEN 6.00 P.M. and 8.00 A.M.
GENERAL PRACTITIONER Specialist	\$ 30.00 \$ 75.00	\$ 60.00 \$ 100.00
PSYCHIATRIST Initial Consultation Follow-up Consultation to a Maximum of 15	\$ 90.00 \$ 75.00	
DRUGS, DRESSINGS AND PHARMACEUTICALS	UP TO \$ 500.00	
PRIVATE HOSPITALS	\$ 150.00 per day including cost of investigations, drugs and X-rays, etc.	
OPERATIONS Minor Intermediate Major	up to \$ 400.00 up to \$ 800.00 up to \$ 1,600.00	

PART II

**RATES OF CONSTANT ATTENDANCE AND CARE
ALLOWANCES FOR PERSONS QUALIFYING ON OR
AFTER 3RD MAY 1999**

EARNINGS CLASS	CONSTANT CARE ALLOWANCES WEEKLY RATES
I	\$ 10.37
II	\$ 17.00
III	\$ 22.55
IV	\$ 29.33
V	\$ 37.20
VI	\$ 45.53
VII	\$ 53.74
VIII	\$ 63.43
IX	\$ 73.18
X	\$ 83.66
XI	\$ 94.88
XII	\$ 106.16

A person who qualifies for the receipt of constant attendance and care allowance in respect of an accident which occurred on or after 3rd May 1999 shall be paid an allowance as set out in this Table.

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[Subsidiary] *National Insurance (Employment Injury) (Payment of Medical Expenses) Order*

PART III

**RATES OF CONSTANT ATTENDANCE ALLOWANCES
FOR PERSONS QUALIFYING BEFORE 3RD MAY 1999**

EARNINGS CLASS OF ALLOWANCE AWARDED BEFORE 3RD MAY 1999	WEEKLY RATES ON OR AFTER 3RD MAY 1999
I	\$ 10.37
II	\$ 10.37
III	\$ 10.37
IV	\$ 10.37
V	\$ 17.00
VI	\$ 22.55
VII	\$ 29.33
VIII	\$ 37.20

A person who qualified for receipt of constant attendance allowance before 3rd May 1999 in respect of an accident which occurred before 3rd May 1999 and continues to be eligible to receive such allowance on or after 3rd May 1999 shall be paid an increased allowance in accordance with this Table.

PART IV

[30/2004].

**RATES OF PAYMENT FOR MEDICAL EXPENSES ON
 OR AFTER 1ST MARCH 2004**

EXPENSES DETAILS	RATES PAYABLE ON OR AFTER 1ST MARCH 2004
<i>(a)</i> Doctor's Visits	
(i) General Practitioner	
• Office Visit	\$37.50 per visit (8.00 a.m. to 6.00 p.m.)
• Visit by doctor to site	\$74.50 per visit (6.00 p.m. to 8.00 a.m.)
• Emergency Visit	N/A
(ii) Specialist Visit	
• Office Visit	\$93.00 per visit (8.00 a.m. to 6.00 p.m.)
• Visit by doctor to site	\$124.00 per visit (6.00 p.m. to 8.00 a.m.)
(iii) Psychiatrist	
• Initial consultation	\$112.00 per hour
• Follow-up	\$93.00 per visit to maximum of 15 visits
<i>(b)</i> Drugs and Dressing	Up to \$620.00 per injury
<i>(c)</i> Hospital Expenses	\$186.00 per day including cost of investigation, drugs and x-rays
<i>(d)</i> Operations	
• Minor	Up to \$496.00
• Intermediate	Up to \$992.00
• Major	Up to \$1,984.00

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[Subsidiary] National Insurance (Employment Injury) (Payment of Medical Expenses) Order

[30/2004].

* PART V

**RATES OF CONSTANT ATTENDANCE AND CARE
ALLOWANCE FOR PERSONS QUALIFYING ON OR
AFTER 1ST MARCH 2004**

EARNINGS CLASS	WEEKLY BENEFIT	MONTHLY BENEFIT
Class I	\$ 12.86	\$ 55.73
Class II	\$ 21.08	\$ 91.35
Class III	\$ 27.96	\$ 121.16
Class IV	\$ 36.36	\$ 157.56
Class V	\$ 46.13	\$ 199.90
Class VI	\$ 56.45	\$ 244.62
Class VII	\$ 66.63	\$ 288.73
Class VIII	\$ 78.65	\$ 340.82
Class IX	\$ 90.73	\$ 393.17
Class X	\$ 103.74	\$ 449.54
Class XI	\$ 117.65	\$ 509.82
Class XII	\$ 131.63	\$ 570.40

* Part IV and Part V came into operation on 1st March 2004.

**NATIONAL INSURANCE (PRESCRIBED DISEASES)
REGULATIONS**

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation.
2. Interpretation.
3. Prescribed disease: person insured against.
4. Resulting conditions of prescribed disease.
5. Presumption as to cause of prescribed disease.
6. Presumption as to cause of pneumoconiosis.
7. Date of development.
8. Determination of date of development.
9. Recrudescence.
10. Diagnosis and recrudescence questions to be referred to medical panel.
11. Determination of diagnosis or recrudescence questions by Board.
12. Procedure on receipt of report.

SCHEDULE.

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[Subsidiary]

94/1977.

**NATIONAL INSURANCE (PRESCRIBED DISEASES)
REGULATIONS**

made under section 47(2)

Citation.

1. These Regulations may be cited as the National Insurance (Prescribed Diseases) Regulations.

Interpretation.

2. In these Regulations—

“the Act” means the National Insurance Act;

“benefit” means benefit payable under section 46(3) of the Act;

“medical referees” means medical referees appointed by the

95/1977.

Board under the National Insurance (Medical Expenses) Regulations.

Prescribed disease: person insured against. Schedule.

3. For the purposes of the Act, a disease or injury set out in the first column of the Schedule is a prescribed disease and a person insured under section 37(1) of the Act who is or was engaged in insurable employment of a type set out in the second column of the Schedule against that prescribed disease, is insured against that prescribed disease.

Resulting conditions of prescribed disease.

4. Where a person insured against a prescribed disease, is suffering from a condition which has resulted from that prescribed disease, the provisions of the Act and these Regulations shall apply to him as if he were suffering from that prescribed disease.

Presumption as to cause of prescribed disease.

5. Subject to regulation 6 where an insured person develops a prescribed disease against which he is insured, it is presumed, unless the contrary is proved, that the disease was caused by the nature of his employment if he is engaged in insurable employment of a type set out in the second column of the Schedule against that disease or was so engaged at any time within one month immediately preceding the date on which, in accordance with these Regulations, he is treated as having developed the disease.

Schedule.

Presumption as to cause of pneumoconiosis.

6. (1) Where an insured person, insured against pneumoconiosis develops that disease, it is presumed, unless the

contrary is proved, that the disease was caused by the nature of his employment if he was engaged in insurable employment of a type set out in the second column of the Schedule against that disease for a period or periods amounting in the aggregate to not less than two years. Schedule.

(2) For the purposes of subregulation (1), employment which would have been insurable employment had it taken place on or after the appointed day shall be taken into account in computing the period of not less than two years.

7. Where a person insured against a prescribed disease is found to be or to have been suffering from or to have died as the result of that disease, then for the purposes of a claim for benefit in respect of that person, the disease shall be treated as having developed on a date, (in these Regulations referred to as “the date of development”) determined in accordance with regulations 8 and 9. Date of development.

8. (1) The date of development of a prescribed disease determined in accordance with subregulation (2) and regulation 9 shall be treated as the date of development for the purpose of the first and any subsequent claim made in respect of that prescribed disease by or in respect of an insured person insured against that disease. Determination of date of development.

(2) Where the claim for the purposes of which the date of development is to be determined is—

- (a) a claim for injury benefit, the date of development shall be the first day on which the claimant was incapable of working as a result of the disease on or after the appointed day;
- (b) a claim for disablement benefit, the date of development shall be the day on which the claimant first suffered loss of faculty as a result of the disease on or after the appointed day;
- (c) a claim for death benefit, the date of development shall be the date of death.

Recrudescence.

9. (1) Where a person after being awarded benefit in respect of a prescribed disease recovers wholly or partially from the attack of the disease, and thereafter suffers from another attack of the same disease or dies as a result of the disease then—

- (a) if the further attack commences or the death occurs during an injury benefit period or during a period taken into account by an assessment of disablement relating to such a previous award (either of which periods is hereinafter referred to as a “relevant period”), the disease shall be treated as recrudescence of the attack to which the relevant period relates, unless it is otherwise determined in the manner referred to in paragraph (b);
- (b) if the further attack commences or the death occurs otherwise than during a relevant period, or if it is determined in the manner provided in regulations 10, 11 and 12 that the disease was in fact contracted afresh, it shall be treated as having been so contracted.

(2) For the purpose of subregulation (1), a further attack of a prescribed disease shall be deemed to have commenced on the date which would be treated as the date of development under regulation 8 if no previous claim had been made in respect of that disease.

(3) Where, under this regulation, a disease is treated as having been contracted afresh, the provisions of regulation 8 shall apply as though no previous claim had been made in respect of that disease and the date of development shall be determined accordingly.

(4) Where, under this regulation, a disease is treated as a recrudescence during a period taken into account by a previous assessment of disablement, any assessment of disablement in respect of the recrudescence shall be by way of review of such previous assessment.

10. (1) In this regulation and in regulations 11 and 12 any question arising in connection with a claim for award of injury benefit or disablement benefit—

Diagnosis and recrudescence questions to be referred to medical panel.

- (a) whether a person is suffering or has suffered from a prescribed disease, is referred to as a diagnosis question;
- (b) whether a prescribed disease has been contracted afresh, in any case where that question arises, is referred to as a recrudescence question.

(2) Subject to the provisions of regulation 11 where a diagnosis or recrudescence question arises in any case the Board shall forthwith refer that question for examination and report by a panel of medical referees.

(3) Where in the consideration of a diagnosis or recrudescence question the Board is of the opinion that there arises a disablement question, it shall refer the diagnosis or recrudescence question as well as the disablement question to a panel of medical referees.

(4) Where in the consideration of a diagnosis question the Board is of the opinion that there arises a recrudescence question, it shall refer the diagnosis question as well as the recrudescence question to a panel of medical referees.

11. (1) The Board may in its discretion determine a diagnosis or recrudescence question without referring it as provided in regulation 10(2) if it is satisfied that such reference can be dispensed with having regard to—

Determination of diagnosis or recrudescence questions by Board.

- (a) a medical report signed by a medical practitioner from whom the claimant or beneficiary is receiving or has received treatment for a condition due to a prescribed disease; or
- (b) the decision in any similar diagnosis or recrudescence question which was determined on the consideration of any previous claim or question arising in respect of the same disease

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[Subsidiary]

National Insurance (Prescribed Diseases) Regulations

suffered by the same person (including the date and terms of any medical report on which such previous decision was based and of any medical certificate submitted by the claimant or beneficiary).

Reference to a panel of medical referees for a report shall not be dispensed with on the grounds specified in paragraph (a) except where a diagnosis question is determined in favour of the claimant or beneficiary or where a recrudescence question arises in connection with a diagnosis question which has been so determined under this regulation.

(2) Where the Board is of the opinion that a claim or question submitted to it or any part thereof can be disposed of without determining any diagnosis or recrudescence question, it may make an award or determine that an award cannot be made or may determine the question submitted to it accordingly without referring such diagnosis or recrudescence question for a report or before so referring it.

(3) Where during a period taken into account by an assessment of disablement relating to an award of disablement benefit in respect of a prescribed disease the beneficiary either—

- (a) applies for a review of such assessment; or
- (b) makes a further claim for disablement benefit in respect of a fresh attack of the disease,

any recrudescence question arising on such application or further claim shall be referred to a panel of medical referees together with any disablement question which arises.

(4) The provisions of regulation 10(2) and this regulation shall apply to an appeals tribunal as they apply to the Board save that an appeals tribunal shall instead of itself referring a diagnosis or recrudescence question to a panel of medical referees in accordance with regulation 10, direct the Board to refer the question.

12. (1) Upon the receipt of the report of a panel of medical referees on a diagnosis or recrudescence question, the Board shall as soon as possible consider the report and determine the question.

Procedure on
receipt of report.

(2) Where the question referred was a diagnosis question, the Board may—

- (a) determine the question in favour of the claimant or beneficiary;
- (b) determine the question adversely to the claimant or beneficiary.

(3) Where the question referred was a recrudescence question, the Board—

- (a) if satisfied having regard to the report that the disease ought to be treated as having been contracted afresh, shall so treat it and shall determine the question accordingly;
- (b) if not so satisfied, shall treat the disease as a recrudescence of the previous attack or as not having developed on or after the declared day, as the case may require, and shall determine the question accordingly.

SCHEDULE

(Description of Disease or Injury and Nature of Employment)

1. *Poisoning by lead or a compound of lead*
The use or handling of, or exposure to the fumes, dust or vapour of lead or a compound of lead, or a substance containing lead.
2. *Poisoning by manganese or a compound of manganese*
The use or handling of, or exposure to the fumes, dust or vapour of, manganese or a compound of manganese, or a substance containing manganese.
3. *Poisoning by phosphorus or phosphine or poisoning due to the anti-cholinesterase action of organic phosphorus compound*
The use or handling of, or exposure to the fumes, dust or vapour of, phosphorus or a compound of phosphorus, or a substance containing phosphorus.
4. *Poisoning by arsenic or a compound of arsenic*
The use or handling of, or exposure to the fumes, dust or vapour of, arsenic or a compound of arsenic, or a substance containing arsenic.
5. *Poisoning by mercury or a compound of mercury*
The use or handling of, or exposure to the fumes, dust or vapour of, mercury or a compound of mercury, or a substance containing mercury.
6. *Poisoning by carbon bisulphide*
The use or handling of, or exposure to fumes or vapour of, carbon bisulphide or a compound of carbon bisulphide, or a substance containing carbon bisulphide.
7. *Poisoning by benzene or a homologue*
The use or handling of, or exposure to the fumes of, or vapour containing, benzene or any of its homologues.
8. *Poisoning by a nitro- or amino- or chloro-derivative of benzene or of a homologue of benzene or poisoning by nitrochlorobenzene*
The use or handling of, or exposure to the fumes of, or vapour containing, a nitro- or amino- or chloro-derivative of benzene or a homologue of benzene or nitrochlorobenzene.
9. *Poisoning by beryllium or a compound of beryllium*
The use or handling of, or exposure to the fumes, dust or vapour of, beryllium, or a substance containing beryllium.
10. *Poisoning by diethylene dioxide (dioxan)*
The use or handling of, or exposure to the fumes of, or vapour containing, diethylene dioxide (dioxan).

11. *Poisoning by dinitrophenol or a homologue or by substituted dinitrophenol or by the salts of such substances*
The use or handling of, or exposure to the fumes of, or vapour containing, dinitrophenol or a homologue or substituted dinitrophenol or the salts of such substances.
12. *Poisoning by tri-cresyl phosphate*
The use or handling of, or exposure to the fumes of, or vapour containing, tri-cresyl phosphate.
13. *Poisoning by tri-phenyl phosphate*
The use or handling of, or exposure to the fumes of, or vapour containing, tri-phenyl phosphate.
14. *Poisoning by methyl bromide*
The use or handling of, or exposure to the fumes of, or vapour containing methyl bromide.
15. *Poisoning by chlorinated naphthalene*
The use or handling of, or exposure to the fumes of, or dust or vapour containing chlorinated naphthalene.
16. *Poisoning by nitrous fumes*
The use or handling of nitric acid or exposure to nitrous fumes.
17. *Poisoning by gonioma kamassi (African hox wood)*
The manipulation of gonioma kamassi or any process in or incidental to the manufacture of articles therefrom.
18. *Poisoning by tetrachlorethane*
The use or handling of, or exposure to the fumes of, or vapour containing tetrachlorethane.
19. *Poisoning by cadmium*
Exposure to cadmium fumes.
20. *Poisoning by acrylamide monomer*
The use or handling of, or exposure to acrylamide monomer.
21. *Poisoning by chromates or chromic acid*
Chromium plating, tanning of leather involving the use of chromates or chromic acid.
22. *Anthrax*
The handling of wool, hair, bristles, hides or skins or other animal products or residues, or contact with animals infected with anthrax.

23. *Primary neoplasm of the epithelial lining of the urinary bladder (papilloma of the bladder), or of the epithelial lining of the renal pelvis or of the epithelial lining of the ureter*

- (a) Work in a building in which any of the following substances is produced for commercial purposes:
 - (i) alpha-naphthylamine or beta-naphthylamine;
 - (ii) diphenyl substituted by at least one nitro or primary amino group or by at least one nitro and primary amino group;
 - (iii) any of the substances mentioned in subparagraph (ii) above if further ring substituted by halogeno, methyl or methoxy groups, but not by any other groups;
 - (iv) the salts of any of the substances mentioned in subparagraphs (i) to (ii) above;
 - (v) auramine or magenta;
- (b) the use or handling of any of the substances mentioned in subparagraphs (i) to (iv) of paragraph (a), for work in a process in which any such substances is used or handled or is liberated;
- (c) the maintenance or cleaning of any plant or machinery used in any such process as is mentioned in paragraph (b), or the cleaning of clothing used in any such building as is mentioned in paragraph (a) if such clothing is cleaned within the works of which the building forms a part or in a laundry maintained and used solely in connection with such works.

24. *Tuberculosis*

Close and frequent contact with a source of tuberculosis infection by reason of employment:

- (a) in the medical treatment or nursing of a person or persons suffering from tuberculosis, or in a service ancillary to such treatment or nursing;
- (b) in attendance upon a person or persons suffering from tuberculosis, where the need for such attendance arises by reason of physical or mental infirmity;
- (c) as a research worker engaged in research in connection with tuberculosis;
- (d) as a laboratory worker, pathologist or person taking part or assisting at post-mortem examinations of human remains where the occupation involves working with material which is a source of tuberculosis infection.

25. *Glanders*
Contact with equine animals or their carcasses.
26. (a) *Infection by Leptospire icterohaemorrhagiae*
Work in places which are, or are liable to be infected by rats.
- (b) *Infection by Leptospire caniola*
Work at dog kennels or the care or handling of dogs.
27. *Ankylostomiasis*
Work in or about a mine.
28. *Inflammation, ulceration or malignant disease of the skin or subcutaneous tissues or of the bones, or blood dyscrasia, or cataract, due to electromagnetic radiations (other than radiant heat), or to ionising particles*
Exposure to electromagnetic radiations other than radiant heat, or to ionising particles.
29. *Heat cataract*
Frequent or prolonged exposure to rays from molten or red-hot material.
30. *Decompression sickness*
Subjection to compressed or rarefied air.
31. *Cramp of the hand or forearm due to repetitive movements*
Prolonged periods of handwriting, typing or other repetitive movements of the fingers, hand or arm.
32. *Subcutaneous cellulitis of the hand (Beat hand)*
Manual labour causing severe or prolonged friction of pressure on the hand.
33. *Bursitis or subcutaneous cellulitis arising at or about the knee due to severe or prolonged external friction or pressure at or about the knee (Beat knee)*
Manual labour causing severe or prolonged external friction or pressure at or about the knee.
34. *Bursitis or subcutaneous cellulitis arising at or about the elbow due to severe prolonged external friction or pressure at or about the elbow (Beat elbow)*
Manual labour causing severe or prolonged external friction or pressure at or about the elbow.
35. *Traumatic inflammation of the tendons of the hand or forearm or of the associated tendon sheaths*
Manual labour, or frequent or repeated movements of the hand or wrist.
36. *Miner's nystagmus*
Work in or about the mine.
37. *Inflammation or ulceration of the mucous membrane of the upper respiratory passages or mouth produced by dust, liquid or vapour*
Exposure to dust, liquid, or vapour.

38. *Non-infective dermatitis of external origin (including chrome ulceration of the skin but excluding dermatitis due to ionising particles or electro-magnetic radiations other than radiant heat)*
Exposure to dust, liquid, or vapour or any other external agent capable of irritating the skin (including friction or heat by excluding ionising particles or electromagnetic radiations other than radiant heat).
39. *Pulmonary disease due to the inhalation of the dust of mouldy hay or other mouldy vegetable produce and characterised by symptoms and signs attributable to a reaction in the peripheral part of the broncho-pulmonary system, and giving rise to a defect in gas exchange (Farmer's lung)*
Exposure to the dust of mouldy hay or other mouldy vegetable produce by reason of employment—
(a) in agriculture, horticulture or forestry; or
(b) loading or unloading or handling in storage such hay or other vegetable produce; or
(c) handling bagasse.
40. *Primary malignant neoplasm of the mesothelium (diffuse mesothelioma of the pleura) or of the peritoneum*
(a) The working or handling of asbestos or any admixture of asbestos;
(b) the manufacture or repair of asbestos textiles or other articles containing or composed of asbestos;
(c) the cleaning of any machinery or plant used in any of the foregoing operations and of any chambers, fixtures and appliances for the collection of asbestos dust;
(d) substantial exposure to the dust arising from any of the foregoing operations.
41. *Adeno-carcinoma of the nasal cavity or associated air sinuses*
Attendance for work in or about a building where wooden furniture is manufactured.
42. *Infection by brucella abortus*
Contact with bovine animals infected by brucella abortus their carcasses or parts thereof or their untreated products, or with laboratory specimens or vaccines of or containing brucella abortus, by reason of employment—
(a) as a farm worker;
(b) as a veterinary worker;
(c) as a slaughterhouse worker;
(d) as a laboratory worker; or
(e) in any other work relating to the care, treatment, examination or handling of such animals, carcasses or parts thereof or products.

43. *Pathological manifestations due to—*
- (a) *Radium or other radio-active substances*
Any process involving exposure to the action of radium, radio-active substances or X-rays.
 - (b) *X-rays*
Any process involving exposure to the action of radium, radio-active substances or X-rays.
 - (c) *Ulceration of the corneal surface of the eye*
Any process involving the use or handling of, or exposure to, tar, pitch, bitumen, mineral oil (including kerosene), soot or any compound, product or residue of any of these substances.
 - (d) *Localised new growth of the skin, papillomatous or Keratotic*
Any process involving the use or handling of, or exposure to, tar, pitch, bitumen, mineral oil (including kerosene), soot or any compound, product or residue of any of these substances.
44. *Berylliosis*
Any occupation involving the making of fluorescent lamps.
45. *Asbestosis*
Any occupation involving the processing, use or handling of, or exposure to asbestos or to a compound of asbestos or any substance containing asbestos.
46. *Bauxite Pulmonary Fibrosis (Shaver's disease)*
The making of synthetic abrasives and any occupation involving the liberation of fumes caused by the fusion of the ore known as bauxite with silica or any of its compounds.
47. *Mica Pneumoconiosis*
Any occupation involving the processing, use or handling of silica aluminium compounds.
48. *Talc Pneumoconiosis*
Any occupation or process involving the use of finely powdered hydrous silicate.
49. *Silicosis*
All occupations involving exposure to risk concerned.
50. *Toxic anaemia*
All occupations involving exposure to risk concerned.
51. *Toxic jaundice due to poisonous substances*
All occupations involving exposure to risk concerned.
52. *Lead Tetra-ethyl poisoning*
All occupations involving exposure to risk concerned.

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53. *Chrome or its toxic compound*
All occupations involving exposure to risk concerned.
54. *Disease caused by ionising radiations*
All occupations involving exposure to risk concerned.
55. *Primary epitheliomatous cancer of the skin caused by tar, pitch, bitumen, mineral oil, or the compounds, products or the residues of those substances*
All occupations involving exposure to risk concerned.
56. *Baggassosis*
Any occupation involving the processing, use or handling of or exposure to bagasse or a compound of bagasse or a substance containing bagasse.
57. *Pneumoconiosis*
Any occupation involving—
- (a) the mining, quarrying or working of silica rock or the working of dried quartzose sand or any dry deposit or dry residue of silica or any dry admixture containing such materials (including any occupation in which any of the aforesaid operations are carried out incidentally to the mining or quarrying of other minerals or to the manufacture of articles containing crushed or ground silica rock);
 - (b) the handling of any of the materials specified in the foregoing subparagraph in or incidental to any of the operations mentioned therein, or substantial exposure to the dust arising from such operations.
58. *Byssinosis*
Processes in which large quantities of cotton dust are present.
59. *Disease caused by the toxic halogen derivatives of hydrocarbon of the Aliphatic series*
Petroleum production from crude oil. Work which involves exposure to any of the derivatives of hydrocarbon used in the production of paints, protective coatings, plastics, synthetic rubber, resins, pesticides, synthetic detergent and petrochemicals.
60. *Dystrophy of the cornea (including ulceration of the corneal surface) of the eye*
Workers employed in foundry work, in the field of engineering, building construction, and in the chemical industry.

61. *Localised new growth of the skin, papillomatous or kerototic*
Work which involves exposure to skin injury due to actinic radiation, ionising radiation, contact with coal tar, shale oil, impure paraffin.
 62. *Squamous-celled carcinoma of the skin*
Work which involves exposure of the skin to organic chemicals (particularly in the petroluem and other related industries, for example, tar, pitch, asphalt) and radiation.
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NATIONAL INSURANCE (BENEFITS) REGULATIONS

*77/1972.

made under section 55

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

2. In these Regulations—

Definitions.
[66/2004].

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

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

“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;

“medical practitioner” means a person registered under the Medical Board Act;

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“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;

“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.

PART I

CLAIMS

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

*These Regulations were amended by—45/1973; 9/1974; 102/1976; 96/1977; 142/1980; 73/1999; 183/2003; 66/2004.

Claims to be made on claim forms. [96/1977 73/1999 66/2004].

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

(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—
 - (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;
- (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 or death 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;
 - (ii) by the marriage certificate of the insured person and the other insured 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 insured 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 National Insurance Registration Card of the insured person in respect of whom benefit is being claimed.

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

5. (1) In determining a claim for survivor benefit or death 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.

Claim for survivor benefit or death benefit where no valid marriage existed. [66/2004].

(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 subregulation (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—

- (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.

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(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.

6. (Revoked by LN 66/2004).

Time limit for submission of claims. [73/1999 66/2004].

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

- (a) in the case of sickness benefit not later than three 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 three months from the date of delivery;
- (c) in the case of funeral grant, not later than three months from the date of death of the deceased insured;
- (d) in the case of invalidity benefit not later than three months from the first day the insured person is certified an invalid;
- (e) in the case of injury benefit not later than three months from the date of the accident or development of the prescribed disease;
- (f) in the case of disablement benefit not later than three 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 three 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 shall 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

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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.

Defective claim.

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.

Claim may be entertained for other benefit.

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.

PART II

PAYMENT OF BENEFIT

Circumstances for paying benefit. [102/1976 96/1977 73/1999 66/2004].

10. (1) Benefit other than employment injury benefit, maternity benefit, invalidity benefit and maternity grant 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 such benefit is payable under the Act.

(2) Employment injury benefit shall be paid to or in respect of an insured person who suffers injury by accident arising out of and in the course of employment or develops a prescribed disease against which he is insured whether or not there is consequential loss of earnings.

11. Where a person is the holder of a certificate of voluntary insurance only the benefits listed hereunder shall be payable in respect of him—

Benefits payable in respect of a holder of a certificate of voluntary insurance.

- (a) retirement pension;
- (b) retirement grant;
- (c) survivor's benefit; and
- (d) funeral grant.

12. The following benefits shall be payable by way of lump sum payments:

Method of paying [66/2004].

- (a) funeral grant;
- (b) retirement grant;
- (c) disablement grant;
- (d) remarriage grant;
- (e) maternity grant; and
- (f) maternity benefit.

All other benefits shall be paid by periodical payments.

13. Benefit payable by periodical payments shall be paid monthly on such day as the Board may from time to time determine.

Periodical payments payable monthly. [73/1999].

14. 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 fifty-two weeks;
- (b) ***(Repealed by LN 66/2004)***;
- (c) invalidity benefit payable until the cesser of the insured person's incapacity or he attains the age of sixty, whichever is the earlier;
- (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

[9/1974
96/1977
142/1980
73/1999
66/2004].

- 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;
- (d) retirement pension payable for the life of the recipient;
- (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
- (f) employment injury benefit, that is to say—
- (i) injury benefit payable for a period of fifty-two weeks at the end of which period the Board shall arrange for a medical re-examination of the recipient of

such benefit and an assessment of his disability in order to determine his eligibility for disablement pension or disablement grant;

- (ii) disablement pension payable until the cesser of the insured person's disablement;
- (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.

15. (1) Subject to this regulation, no person may receive more than one benefit during the same period.

Restriction on receipt of more than one benefit. [96/1977].

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

- (3) A person in receipt of injury benefit may receive—
- (a) retirement pension;
 - (b) disablement pension.

(4) A person in receipt of disablement pension or disablement grant may receive—

- (a) retirement pension;
- (b) retirement grant;
- (c) sickness benefit;
- (d) maternity benefit;
- (e) invalidity benefit;
- (f) injury benefit.

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SOME SPECIFIC BENEFITS

Retirement
pension.
[73/1999
66/2004].

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 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.

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(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.

Retirement
grant.
[142/1980].

17. (1) An insured person who on attaining retirement age has not made seven hundred and fifty contributions shall be eligible for retirement 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.

Sickness
benefit.

18. (1) Subject to subregulation (3) an insured person rendered temporarily incapable of work by reason of sickness caused otherwise than by employment injury shall be eligible for sickness benefit.

(2) An insured person who is required to abstain from work because he is under observation as a suspected carrier of a contagious disease or because he has had contact with a case of infectious disease, shall for the purposes of this regulation be treated as a person rendered temporarily incapable of work by reason of illness.

(3) Sickness benefit shall be paid only if the insured person was—

(a) in insurable employment at the time when the incapacity commenced and was in such employment for not less than ten contribution

weeks during the period of thirteen contribution weeks immediately preceding the contribution week in which the period of incapacity began; or
(b) in receipt of maternity benefit at the time when the incapacity commenced or immediately before the incapacity commenced.

19. (1) The daily rate of sickness benefit shall be one-seventh of the amount payable in accordance with regulation 27. Rate of sickness benefit.

(2) Where two or more periods of incapacity during which sickness benefit is payable are treated as one continuous period the daily rate payable in respect of the first period shall be the daily rate payable in respect of any later period.

20. Where sickness benefit is paid during two periods separated by an interval during which maternity benefit is paid or where sickness benefit is paid during two or more periods separated by intervals not exceeding ten weeks, then those periods shall for the purpose of this regulation be treated as a single period. Two or more periods of sickness benefit to be treated as one.

21. (1) The Board may disqualify any person from receiving sickness benefit, where such person— Sickness benefit disqualification. [66/2004].

- (a) causes his incapacity by reason of his own misconduct;
- (b) refuses or fails without reasonable cause to comply with any requirement of the Board; or
- (c) engages in any work, during the period of his incapacity for which remuneration is or would ordinarily be payable.

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

22. (1) Subject to subregulation (2) an insured person who is pregnant shall be eligible for maternity benefit. Maternity benefit. [73/1999 66/2004].

(2) Maternity benefit shall be paid if the insured person, during the period of thirteen contribution weeks immediately preceding the contribution week calculated as the sixth week

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before the expected week of her delivery—

- (a) was in insurable employment for a period of not less than ten contribution weeks; or
- (b) was in receipt of sickness benefit for any period and either resumed insurable employment thereafter or continued receiving sickness benefit during the last contribution week in the period of thirteen contribution weeks.

(3) For the purposes of this regulation where a confinement does not result in the birth of a living child, maternity benefit shall be paid if and only if the pregnancy lasted not less than twenty-six weeks.

Maternity grant.
[73/1999
66/2004].

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 twenty-six weeks, provided always that the insured satisfied the requirements set out in regulation 22(2)(a) or (b).

Maternity
benefit
disqualification.

23. An insured person shall be disqualified from receiving maternity benefit, if during the period when such benefit is payable she engages in any work for which remuneration is or would ordinarily be payable.

Invalidity
benefit.
[73/1999].

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.

24A. (1) 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:

Supplemental
 invalidity.
 [73/1999
 66/2004].

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

(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.

Table B3.
 Third Schedule.

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Board may require medical examination.

25. A person in receipt of invalidity benefit may from time to time be required by the Board to be medically examined.

Invalidity benefit disqualification. [73/1999].

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.

Amount of sickness benefit payable. Tables A, B, Third Schedule to the Act. [73/1999 66/2004].

27. Sickness benefit shall be paid in the full amount as shown in Tables A and B in the Third Schedule to the Act only if actual loss of earnings is equal to or exceeds the rate of benefit shown in such Tables; in any other case the amount paid as benefit shall be equal to the actual loss of earnings.

Amount of maternity benefit payable. [66/2004].

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 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.

Table A3. Third Schedule to Act.

Employment injury benefit disqualification. [96/1977 73/1999].

28. (1) An insured person otherwise entitled to employment injury benefit may be disqualified by the Board from receiving such benefit for a period not exceeding six weeks where—

- (a) in the opinion of the Board his incapacity resulted from his own serious and wilful misconduct;
- (b) without reasonable cause he behaves in a manner likely to retard his recovery or refuses to answer reasonable enquiries of the Board calculated to ascertain whether he is so behaving;

- (c) he absents himself from his place of residence without indicating to the Board where he may be found;
- (d) he engages in work for which remuneration is or would ordinarily be payable.

(2) An insured person who refuses to submit himself for a medical examination when so directed by the Board may be disqualified from receiving employment injury benefit.

(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.

29. A percentage of injury benefit shall be paid an insured person as disablement pension and the percentage so paid shall be equal to the percentage of that person's disablement, as assessed. Disablement pension.

30. (1) Disablement grant is payable in every case where the disablement of an insured person entitled to employment injury benefit or benefit in respect of a prescribed disease is assessed at less than twenty per cent. Disablement grant. [66/2004].

(2) Where disablement is assessed at three per cent or less than three per cent, not less than three per cent shall be paid by way of grant.

(3) Disablement grant shall be calculated, as follows:

$$\text{Ratio of degree of disablement to 100} \times \text{Number of weeks of disablement (not exceeding 365)} \times \text{Half the assumed average weekly earnings in the relevant earnings class at the date of the injury}$$

31. (1) The extent of disablement shall be assessed and stated in the form of a percentage and in assessing disablement the period for which it is estimated the disablement would last should also be stated. Assessment of disablement. [66/2004].

(2) In the assessment of disablement, a percentage over nineteen per cent which is not a multiple of ten shall be treated—
(a) where it is a multiple of five, as being the next highest percentage which is a multiple of ten;

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(b) where it is not a multiple of five, as being the nearer percentage which is a multiple of ten.

(3) The Board may at any time review an assessment of disablement made by a panel of medical referees and the later assessment if different from the earlier shall be taken into consideration in determining disablement pension or disablement grant as the case may be.

(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.

Disablement assessed at one hundred per cent in certain circumstances.

32. Where an insured person entitled to, or in receipt of disablement pension is admitted to hospital for necessary care, his disablement shall be assessed at one hundred per cent during his period of hospitalisation.

Injury benefit to be paid to estate of deceased insured person.

33. Where an insured person dies from accident arising out of and in the course of his employment or from a prescribed disease and no claim for death benefit in respect of his death is received within twelve months of his death, the Board shall deposit to the estate of that insured person a sum equal in amount to fifty-two weeks injury benefit at the rate payable in the earnings class of that insured person.

Employer to furnish Board with information relating to accidents.

34. (1) For the proper administration of employment injury benefit an employer shall be required to furnish the Board with information relating to any accident arising out of and in the course of employment whereby personal injury is caused to any person employed by him.

(2) The Board shall determine the nature of the information to be furnished as well as the form and manner in which such information shall be furnished.

35. An employer who fails to comply with regulation 34 is liable on summary conviction to a fine of five hundred dollars and to three months imprisonment. Offence and penalty.

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 delivery. Determination of earnings class for payment of benefit. [73/1999 66/2004].

(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.

(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 or the earnings class in which retirement pension or invalidity benefit was being paid, where the insured person was in receipt of either benefit.

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Determination of loss of earnings where earnings are not fixed.

37. In any case, where the earnings of an insured person are subject to fluctuation, loss of earnings shall be determined on the average weekly earnings of the insured person during the ten contribution weeks in which his earnings were highest in the thirteen contribution weeks immediately preceding the period during which benefit is to be paid.

Employer to certify insured person's absence, etc.

38. The employer of an insured person shall certify to the Board as far as possible at the same time as the insured person's claim is submitted, the insured person's absence from work and the amount of his loss of earnings. The certificate of the employer shall be in such form as the Board may from time to time determine.

National Insurance Registration Card to be presented. [73/1999].

Board may accept other evidence.

39. No payment of benefit shall be made unless the National Insurance Registration Card of the insured person in respect of whom the benefit is payable is presented.

40. Where having regard to the special circumstances of any case, grave hardship or unreasonable delay may result if the documentary evidence required by these Regulations were to be insisted upon, the Board may accept such other evidence as it may deem fit and proper and may require a claimant to attend and give such information as may be necessary for the determination of his claim.

Commencement of payment of benefits. [9/1974].

41. Sickness benefit and maternity benefit shall be payable as from the contribution week commencing 15th January 1973.

Quantum of remarriage grant. [9/1974].

42. (1) Where a person in receipt of widow's benefit or pension or widower's benefit remarries, there shall be paid to that person a remarriage grant equal in amount to fifty-two weeks of such benefit.

(2) Where a person in receipt of widow's allowance remarries, there shall be paid to that person a remarriage grant equal in amount to the unpaid portion of widow's allowance which would have been payable to her but for her remarriage.

Orphan's allowance. [73/1999].

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.

44. Child's allowance or orphan's allowance shall be paid to the person or institution responsible for the upkeep and maintenance of the child or orphan, as the case may be, but where the child or orphan has attained the age of eighteen years the allowance shall be paid directly to him.

Child's or orphan's allowance to be paid to person responsible for upkeep and maintenance.

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

Child includes adopted child, stepchild and child *en ventre sa mere*. [73/1999 66/2004].

(a) "child" includes:

- (i) an unmarried child;
- (ii) an adopted child who is not married; or
- (iii) a stepchild 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*;
- (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

(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.

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Nomination by insured. [73/1999].

46. A nomination by an insured person of some other person to be treated as his spouse for the purpose of the payment of survivor benefit, shall be made on the form obtainable at any local office of the Board.

Commencement date of survivor benefit. [73/1999 66/2004].

47. (1) Survivor benefit shall be payable as from the contribution week commencing 16th July 1973 in respect of insured persons who die on or before that date. In the case of an insured person who dies after 16th July 1973 survivor benefit shall be calculated as from the first day of the contribution week during which such person dies.

(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.

(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.

Increase of survivor's benefit. [73/1999 66/2004].

47A. (1) 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

(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.

Table C3.
Third Schedule
to Act.

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.

Payment on
death.
[73/1999].

(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.

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

Funeral grant.
[73/1999].

- (a) had made a minimum of twenty-five contributions while engaged in insurable employment; or

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- (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 parent benefit. [73/1999 183/2003 66/2004].

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.

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.

Rate of grant. [73/1999 183/2003].

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

- (a) in the case of maternity, two thousand dollars, and
- (b) in the case of funeral, four thousand dollars.

Transition. [66/2004].

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), 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 2nd February 2004, upon such terms and conditions as are applicable from 1st March 2004.

SCHEDULE

Regulation 46.

**THE NATIONAL INSURANCE (BENEFITS) (AMENDMENT)
REGULATIONS**

NOMINATION OF BENEFICIARY

I,

.....
Surname Other Name(s)

		N.I. Number				

.....
Address

hereby nominate as beneficiary
Name of Beneficiary

I hereby revoke all former nominations made by me.

.....
Date

.....
Signature or Mark of Insured Person

Witness to Mark where
claimant cannot sign

Name

Occupation

Address

.....

Date

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**NATIONAL INSURANCE (HARMONISATION OF PENSION
FUND PLANS) REGULATIONS**

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation.
 2. Interpretation.
 3. Modification of pension fund plans.
 4. Conditions of modification to facilitate harmonisation.
 5. Proposals to be submitted to Supervisor of Insurance.
 6. Appeals.
-

**NATIONAL INSURANCE (HARMONISATION OF PENSION
FUND PLANS) REGULATIONS**

49/1972.
[48/1972
42/1973
222/1999].

made under section 57

1. These Regulations may be cited as the National Insurance (Harmonisation of Pension Fund Plans) Regulations. Citation.

2. In these Regulations— Interpretation.
“employed person” does not include a self-employed person;
“pension fund plan” or “plan” means a pension fund plan registered under Part VI of the Insurance Act. Ch. 84:01.

3. Subject to regulation 4, the pension fund plans may be modified for the purpose of harmonisation with the system of National Insurance. Modification of pension fund plans. [222/1999].

4. (1) Modification of pension fund plans may be allowed to facilitate harmonisation but only on the following conditions: Conditions of modification to facilitate harmonisation.
(a) all accrued benefits in the plan up to the date of harmonisation shall be preserved;
(b) benefits under the modified plan plus retirement pension payable under the system of national insurance shall not be less than the benefits payable under the plan, had it not been modified;
(c) where before modification the plan includes a provision for commutation of pension, such provision may be retained upon modification, but the commuted sum payable to a member of the plan shall not exceed twenty-five per cent of the commuted value of the pension payable to him under the plan as modified, plus twenty-five per cent of an amount equal to the commuted value of retirement pension so payable under the system of national insurance.

5. (1) Proposals for harmonisation shall be submitted by the Trustees of the plan (or where there are no trustees by the Supervisor of Insurance. Proposals to be submitted to Supervisor of Insurance.

L.R.O. 1/2009

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management committee thereof) to the Supervisor of Insurance who shall approve such proposals on being satisfied that the conditions set out in regulation 4 have been observed and that the rights and interests of members are adequately preserved, whereupon he shall notify the members of his approval and forward the proposals to the Board of Inland Revenue for approval by the authority.

(2) Where the Supervisor of Insurance rejects any proposals for harmonisation he shall so notify the Trustees of the plan and shall state the reasons for his rejection.

(3) The Board of Inland Revenue shall notify their decision to the Trustees of the plan and where such decision is a rejection of the proposals submitted, shall state the reasons therefor.

Appeals.

Ch. 84:01.

Ch. 4:50.

6. An appeal shall lie from a decision of the Supervisor of Insurance to a Judge in Chambers as if the decision were made under the provisions of the Insurance Act, and from a decision of the Board of Inland Revenue to the Tax Appeal Board established under the Tax Appeal Board Act within twenty-eight days of being notified of the decision of the Board.

NATIONAL INSURANCE (APPEALS) REGULATIONS

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation.
2. Interpretation.
3. Who may appeal.
4. Places for hearing of appeals to be specified by Notification.
5. Appeals tribunals.
6. Quorum of appeals tribunal.
7. Convening of tribunals.
8. Notice of appeal.
9. Form of notice of appeal.
10. Notice regarding availability of forms to be displayed in every office.
11. Officer liable to disciplinary action.
12. Receptacles for lodging appeals.
13. Time limit for appeals.
14. Board to receive copy of appeal.
15. Board to advise Chairman.
16. Notice of hearing.
17. Public or private hearing of appeal.
18. Voting power of members.
19. Functions of Chief Medical Officer in medical appeals tribunal.
20. Chief Medical Officer to report to tribunal.
21. Tribunal to be guided by the Chief Medical Officer.
22. Chairman may refer matter to Chief Medical Officer before convening tribunal.
23. Documents required at hearing of appeal.
24. Documents to be numbered.
25. Medical documents.
26. Chairman to direct Registrar.
27. Board not to disclose possibility of proceedings arising from appellant's dishonesty.
28. Decisions of tribunal.

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[Subsidiary]

National Insurance (Appeals) Regulations

ARRANGEMENT OF REGULATIONS—*Continued*

REGULATION

29. Copies of tribunal's decision to be sent to appellant, etc.
30. Board to comply with tribunal's directive.
31. Representation by Attorney-at-law.
32. Rules of evidence.

SCHEDULE.

NATIONAL INSURANCE (APPEALS) REGULATIONS

131/1980.
[29/2004].

made under section 62

1. These Regulations may be cited as the National Insurance (Appeals) Regulations. Citation.

2. In these Regulations— Interpretation.

“area” means each of the areas of North Trinidad, South Trinidad and the Island of Tobago as described in section 60(5) of the Act;

“Chairman” means the Chairman appointed by the President under section 60(1)(a) of the Act;

“medical appeal tribunal” means an appeal tribunal among the members of which is the Chief Medical Officer;

“member” means a member of an appeals tribunal.

3. Where a person claiming benefit under the Act is aggrieved by the decision of the Board in respect of his claim he may appeal on questions of fact only in accordance with these Regulations. Who may appeal.

4. The Minister shall by Notification specify the places in each area designated for the hearing of appeals. Places for hearing of appeals to be specified by Notification.

5. (1) An appeal shall be heard by the appeals tribunal sitting in the area in which the appellant resides. Appeals tribunals.

(2) An appeal involving questions of a medical nature shall be heard by a medical appeals tribunal sitting in the area in which the appellant resides.

6. (1) The quorum of an appeals tribunal consists of the Chairman and two other members. Quorum of appeals tribunal.

(2) The quorum of a medical appeals tribunal consists of the Chairman, the Chief Medical Officer and two other members.

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[Subsidiary]

National Insurance (Appeals) Regulations

Convening of tribunals.

7. (1) In convening an appeals tribunal the Chairman shall select members living in the following area:

- (a) North Trinidad, where the appeals tribunal is to sit in North Trinidad;
- (b) South Trinidad, where the appeals tribunal is to sit in South Trinidad;
- (c) the Island of Tobago, where the appeals tribunal is to sit in Tobago.

(2) Where a member selected by the Chairman from the area in which the tribunal is to sit is unable to attend, and the formation of a quorum is thereby rendered impossible, the Chairman may select in such member's stead a member from another area and nominated in the same manner as the member originally selected, to serve on the tribunal.

Notice of appeal.

8. (1) Notice of appeal shall be in writing, signed by the appellant and shall contain the grounds of appeal.

Form 1. Schedule.

(2) Where a notice of appeal is submitted on the prescribed form set out in the Schedule as Form 1 it shall be lodged in triplicate at any office of the Board or of the Ministry responsible for National Insurance.

(3) Where a notice of appeal is submitted otherwise than on the prescribed form it shall be sent by registered post to the Chairman at his office.

Form of notice of appeal.

9. The prescribed form of notice of appeal shall be available upon request and free of charge from any office of the Board.

Notice regarding availability of forms to be displayed in every office.

10. There shall be displayed in a conspicuous place in every office of the Board a notice to the effect that forms of notice of appeal are available at that office upon request and free of charge.

Officer liable to disciplinary action.

11. An officer of the Board who in any way hinders a person desirous of appealing against a decision of the Board from obtaining the prescribed form of notice of appeal is liable to have disciplinary action taken against him.

12. (1) There shall be provided at each office of the Board or the Ministry responsible for National Insurance suitable receptacles conspicuously marked for the lodgement of notices of appeal. Receptacles for lodging appeals.

(2) The Registrar shall ensure that receptacles for the lodgement of notices of appeal are cleared in the afternoon of the last working day of each week.

13. (1) Subject to this regulation, notice of appeal given after the expiration of six months from the date of the decision of the Board giving rise to the appeal, shall not be considered by the tribunal. Time limit for appeals. [29/2004].

(2) The limitation referred to in subregulation (1) shall not apply to appeals in respect of decisions of the Board prior to the coming into operation of these Regulations.

(3) Where a notice of appeal is received out of time, but within one year from the date of the decision of the Board giving rise to the appeal, it shall be acknowledged by the Registrar who shall request the appellant to furnish reasons for its late submission.

(4) Where an appellant furnishes reasons for the late submission of his appeal the Chairman shall decide whether or not the late appeal shall be considered.

(5) No appeal shall lie against a decision of the Chairman under subregulation (4).

14. The Registrar shall ensure that a copy of every appeal lodged or received is served on the Board, in accordance with section 4(4) of the Act. Board to receive copy of appeal.

15. The Board shall, where a copy of a notice of appeal has been served on it, advise the Chairman not later than three weeks after such service, whether it has reconsidered its decision which gave rise to the appeal or whether it intends to join issue with the appellant. Board to advise Chairman.

16. (1) The Registrar shall give not less than twenty-one days written notice of the time and place of the hearing of an appeal to members of the appeals tribunal, the appellant and the Board. Notice of hearing.

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(2) The appeals tribunal may determine an appeal in the absence of the appellant or other interested person to whom the required notice of hearing has been given, where no reasonable explanation is submitted for his absence.

Public or private hearing of appeal.

17. (1) Though hearings before an appeals tribunal are in public the Chairman may at the request of an appellant decide that the hearing be in private.

(2) Where an appellant requests that hearing be in private, only members of the appeals tribunal and their clerk may be present when the request is being considered.

(3) Where an appellant requests that a hearing be in private, the Chairman may decide that part of the hearing be heard in private and part in public.

Voting power of members.

18. Every member of an appeals tribunal other than the Chief Medical Officer in a medical appeals tribunal, may vote.

Functions of Chief Medical Officer in medical appeals tribunal.

19. (1) Before an appeal involving questions of a medical nature is determined, the Chief Medical Officer shall advise the Chairman either orally or in writing on—

- (a) whether or not the appeals tribunal should obtain further expert medical advice;
- (b) who should furnish this advice; and
- (c) whether the appellant's doctor or the Board's medical adviser should be invited to attend.

(2) Where evidence of a medical nature is given to a medical appeals tribunal the Chief Medical Officer shall evaluate this evidence and explain it to the other members.

Chief Medical Officer to report to tribunal.

20. Where a medical practitioner gives evidence before a medical appeals tribunal all questions of a medical nature shall be put to him by the Chief Medical Officer who shall submit to the medical appeals tribunal a report on the medical issues involved.

21. In any appeal involving questions of a medical nature the medical appeals tribunal shall be guided on the medical issues by the advice and explanations given by the Chief Medical Officer.

Tribunal to be guided by the Chief Medical Officer.

22. Where it is convenient to do so, the Chairman may forward to the Chief Medical Officer for advice any documents related to the medical issues in any appeal and may consider the reply of the Chief Medical Officer even before convening a tribunal to deal with the appeal.

Chairman may refer matter to Chief Medical Officer before convening tribunal.

23. The Registrar shall ensure that all documents required at the hearing are available and shall prepare a sufficient number for use at the hearing.

Documents required at hearing of appeal.

24. Documents for use at a hearing shall be numbered by the Registrar, and copies of a document shall bear the same number as the original document.

Documents to be numbered.

25. The Chief Medical Officer shall advise the Chairman on which medical documents shall be treated in a confidential manner and may where he considers it appropriate advise non-disclosure of any medical report relating to the appellant.

Medical documents.

26. Where the Chief Medical Officer advises the Chairman as is contemplated by regulation 25, the Chairman shall direct the Registrar with respect to the medical document in accordance with the advice of the Chief Medical Officer and the Registrar shall comply with such direction.

Chairman to direct Registrar.

27. The Board shall not at the hearing of an appeal disclose that proceedings on any charge involving dishonesty on the part of the appellant are being contemplated.

Board not to disclose possibility of proceedings arising from appellant's dishonesty.

28. (1) The determination of an appeal by an appeals tribunal shall be recorded on the prescribed form set out in the Schedule as Form 2.

Decisions of tribunal. Schedule. Form 2.

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(2) An appeals tribunal shall in recording its decision set out the reasons therefor and its findings on the questions of fact material to the appeal.

(3) The form on which the determination of an appeal is recorded shall be signed by all the members of the appeals tribunal who heard the appeal.

Copies of tribunal's decision to be sent to appellant, etc.

29. Copies of the determination of an appeal as recorded in accordance with regulation 28 shall be forwarded forthwith by the Registrar to the appellant, the Board and the Minister.

Board to comply with tribunal's directive. [29/2004].

30. Where an appeals tribunal in recording its decision or findings issues a directive to the Board, the Board shall comply with such directive within one month of the date of the receipt of the decision of the tribunal.

Representation by Attorney-at-law.

31. At a hearing before an appeals tribunal the appellant and the Board may be represented by an Attorney-at-law or any person qualified or competent to represent either party to the hearing, and may call and question witnesses.

Rules of evidence.

32. An appeals tribunal is not bound by the strict rules governing the admissibility of evidence, but where the appellant or other witnesses are available to give evidence, on question of fact in issue they must be called, and a statement intended to support such evidence is inadmissible in such event.

SCHEDULE

[Regulation
8(2)].

FORM 1

THE NATIONAL INSURANCE (APPEALS) REGULATIONS

N.B.—This form must be filed in Triplicate.

NOTICE OF APPEAL

Name and Registration Number of insured
person in respect of whom claim was made

.....

Date of Board's decision on Claim

Name of Appellant

Address of Appellant

GROUND OF APPEAL

.....
.....
.....
.....

Date
Signature of Appellant

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National Insurance (Appeals) Regulations

[Regulation
28(1)].

FORM 2

THE NATIONAL INSURANCE (APPEALS) REGULATIONS

DECISION OF APPEALS TRIBUNAL

Name and Registration Number of insured
person in respect of whom claim was made
to the Board

Name of Appellant

DECISION

.....
.....
.....
.....

Date

Signed

Members of Appeals Tribunal

{
Chairman
.....
Member
.....
Member
.....
Member

**NATIONAL INSURANCE (CARICOM RECIPROCAL
AGREEMENT ON SOCIAL SECURITY) ORDER**

140/1998.

made under section 69

1. This Order may be cited as the National Insurance (CARICOM Reciprocal Agreement on Social Security) Order. Citation.

2. In this Order— Interpretation.
“Agreement” means the CARICOM Agreement on Social Security set out in the Schedule. Schedule.

3. The National Insurance Act and the Subsidiary Legislation made thereunder, in respect of— Ch. 32:01 amended.

- (a) interruption of employment by reason of retirement, invalidity or disablement;
- (b) payments of survivors’ benefits;
- (c) death benefits; and
- (d) funeral grant,

are, to the extent to which they are affected by the Agreement, deemed to be amended to give effect to the Agreement.

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National Insurance (Caricom Reciprocal Agreement on Social Security) Order

(Paragraph 2).

SCHEDULE

PART I

DEFINITIONS, SCOPE AND GENERAL PROVISIONS

ARTICLE 1

Definitions

1. In this Agreement, unless the context otherwise requires:

- (a) “benefit” means a periodical payment in cash in respect of the benefits specified in Article 2, including any components thereof and such increases, supplements or allowances as may be specified in the applicable legislation, and payable for a period exceeding fifty-two weeks;
- (b) “competent authority” means the Minister or other authority of a Contracting Party charged with responsibility for social security;
- (c) “competent institution” means—
 - (i) the institution with which the person concerned is insured when claiming a benefit;
 - (ii) the institution from which a claimant is entitled to receive, or would be entitled to receive, a benefit if such a claimant were resident in the territory of the Contracting Party where that institution is situated; or
 - (iii) the institution designated by the competent authority of the Contracting Party concerned;
- (d) “competent jurisdiction” means the territory of the Contracting Party where the competent institution is situated;
- (e) “Contracting Party” means any country which has signed and ratified this Agreement in accordance with paragraphs 1, 2 and 3 of Article 59 or has acceded thereto in accordance with paragraph 4 of Article 59 or in accordance with Article 60 and for which the Agreement is in force;
- (f) “dependant” means—
 - (i) a member of the family of an insured person and who is dependent on that person; or
 - (ii) some person who, though not being such a family member, is recognised as such by the applicable legislation; or
 - (iii) a surviving spouse of an insured person whether or not dependent on that person;

- (g) “institution” means the body responsible for administering the applicable legislation;
- (h) “Insurance period” means the contribution period defined or recognised as such by or under the applicable legislation;
- (i) “insured person” means an employed or a self-employed person, or any other person recognised as such by or under the applicable legislation;
- (j) “applicable legislation” means the relevant laws governing social security for the time being in force in the territory of a Contracting Party;
- (k) “place of residence” means ordinary place of residence;
- (l) “stay” means temporary residence;
- (m) “survivor” means a person—
 - (i) defined or recognised as such by the applicable legislation; and
 - (ii) who is entitled to claim through an insured person dying in consequence of an employment injury or otherwise, and “survivors’ benefit” shall be construed accordingly.

2. Other words and expressions used in this Agreement have the meanings respectively assigned to them by the applicable legislation.

ARTICLE 2

Scope of Agreement

The provisions of this Agreement shall apply to the following payments of social security:

- (a) invalidity pensions;
- (b) disablement pensions;
- (c) old age or retirement pensions;
- (d) survivors’ pensions; and
- (e) death benefits in the form of pensions.

ARTICLE 3

Application of the Agreement

1. The provisions of this Agreement shall be applied to insured persons who are or have been subject to the applicable legislation of one or more Contracting Parties as well as to their dependents or survivors, as the case may be.

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2. The provisions of this Agreement shall not be applied to diplomatic agents within the meaning of the Vienna Convention on Diplomatic Relations (1961), Consular Officers within the meaning of the Vienna Convention on Consular Relations (1963), or to persons of equivalent rank in international organisations of which a Contracting Party is a member.

ARTICLE 4

*Determination of Contribution Periods
for Voluntary Insurance*

Where the applicable legislation of a Contracting Party makes entitlement to voluntary insurance conditional upon the completion of a specified number of insurance periods, the competent institution shall take into account all insurance periods completed under the applicable legislation of other Contracting Parties as if they were insurance periods completed under its applicable legislation.

ARTICLE 5

*Reduction, Modification, Suspension, and
Forfeiture of Benefits*

Unless otherwise specified in this Agreement, the benefits specified in Article 2 and provided for in the applicable legislation of Contracting Parties shall not be reduced, modified, suspended or forfeited by reason only of the fact that the claimant is resident in the territory of a Contracting Party other than that of the Contracting Party where the competent institution liable to pay such benefits is situated.

PART II

**PROVISIONS DETERMINING THE LAW TO BE APPLIED
TO CERTAIN INSURED PERSONS**

ARTICLE 6

Exclusivity of Applicable Law

An insured person shall, at the material time, be subject, in relation to that person's employment, to the applicable legislation of only one Contracting Party.

ARTICLE 7

Persons Employed in Transnational Enterprises

Subject to the qualifications specified hereunder, an insured person who is employed in the territory of a Contracting Party shall be subject to the applicable

legislation of that Contracting Party even if that person resides in the territory of another Contracting Party or even if the undertaking which employs that person has its principal place of business, or the residence of that person's employer is situated in the territory of another Contracting Party—

- (i) an employed person who is employed in the territory of a Contracting Party by an undertaking which is that person's regular employer and who is assigned by that undertaking to work for it in the territory of another Contracting Party, shall remain subject to the applicable legislation of the first Contracting Party, provided that the estimated duration of the employment does not exceed twenty-four months;
- (ii) where, due to unforeseen circumstances, the work to be performed exceeds the estimated period of twenty-four months, the applicable legislation of the Contracting Party in the territory of which the undertaking is located shall remain applicable until the work is completed, subject to agreement to this effect by the competent authorities of the two Contracting Parties concerned.

ARTICLE 8

Itinerant Employed Persons

Subject to the qualifications specified hereunder, an employed person who is employed in the territory of a Contracting Party shall be subject to the applicable legislation of that Contracting Party even if that person resides in the territory of another Contracting Party or even if the undertaking which employs that person has its principal place of business, or the place of residence of that person's employer is in the territory of another Contracting Party:

- (a) an employed person other than one engaged in international transport, who normally works in the territories of two or more Contracting Parties, shall be subject to the applicable legislation of the Contracting Party where that person's place of residence is situated if—
 - (i) part of that person's occupation is carried on in the territory of that person's place of residence; or
 - (ii) that person is employed by two or more undertakings or employers having their principal places of business or residences, as the case may be, in the territories of different Contracting Parties;
- (b) except as provided in paragraph (a), an employed person within the meaning of that subparagraph shall be subject to the applicable legislation of the Contracting Party in the territory of which the undertaking employing that person has its principal place of business or the place of residence of that person's employer.

ARTICLE 9

Persons Employed in International Transport

Subject to the qualifications specified hereunder, an employed person who is employed in the territory of a Contracting Party shall be subject to the applicable legislation of that Contracting Party even if that person resides in the territory of another Contracting Party or even if the undertaking which employs that person has its principal place of business, or the place of residence of that person's employer is in the territory of another Contracting Party:

an employed person who is employed in international transport in the territories of two or more Contracting Parties as travelling personnel employed in the service of an undertaking which, on behalf of others or on its own behalf, is engaged in the transport of passengers or goods by road, inland waterway or air shall be subject to—

- (a) the applicable legislation of the territory where the principal place of business is located if the principal place of business of the undertaking is in the territory of a Contracting Party;
- (b) the applicable legislation of the territory where a subsidiary, branch or agency of an undertaking is located if that person is employed by any of the same and the location is different from the territory in which the principal place of business of that undertaking is situated;
- (c) the applicable legislation of the place of residence, if that person is mainly employed in the territory of a Contracting Party in which that person is ordinarily resident even if the undertaking employing that person has neither its principal place of business, nor a branch, subsidiary or agency in that territory.

ARTICLE 10

Persons Employed on Ships

Subject to the exceptions set out hereunder, persons employed on board ships flying the flag of a Contracting Party shall be subject to the applicable legislation of that Contracting Party:

- (i) employed persons who are employed by an undertaking which is their regular employer, either in the territory of a Contracting Party or on board a ship flying the flag of a Contracting Party, and who are assigned by that undertaking to work for it on board a ship flying the flag of another Contracting Party, shall remain subject to the applicable legislation of the first Contracting Party, subject to the conditions set out in (i) and (ii) of Article 7;

- (ii) employed persons normally engaged in their occupations in the territorial waters or in a port of a Contracting Party or on board a ship flying the flag of another Contracting Party but who are not members of the ship's crew shall be subject to the applicable legislation of the first Contracting Party;
- (iii) employed persons who are employed on board a ship flying the flag of a Contracting Party and who are paid in respect of their occupation by an undertaking having its principal place of business, or by a person residing in the territory of another Contracting Party, shall be subject to the applicable legislation of the second Contracting Party if they reside in its territory and the undertaking or person paying the remuneration shall be regarded as the employer for the purpose of the application of the said legislation.

ARTICLE 11

Persons employed in Diplomatic Missions, Consulates and International Organisations

The provisions of Articles 9, 10 and 11 shall also be applied to members of the service staff of diplomatic missions, consulates or international organisations and persons employed in the private service of officials of such organisations but such persons who are nationals of a Contracting Party which is a sending State may opt for the application to them of the relevant legislation of that Contracting Party.

ARTICLE 12

Self-employed Persons

Subject to the qualifications specified hereunder a self-employed person who follows that person's occupation in the territory of a Contracting Party shall be subject to the applicable legislation of that Contracting Party even if that person resides in the territory of another Contracting Party:

- (a) a self-employed person who resides in the territory of one Contracting Party and that person's occupation in the territory of another Contracting Party shall be subject to the applicable legislation of the first Contracting Party if the second Contracting Party has no legislation applicable to that person;
- (b) a self-employed person who normally follows that person's occupation in the territories of two or more Contracting Parties shall

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be subject to the applicable legislation of the Contracting Party in the territory in which that person resides, if that person works partly in that territory;

- (c) where the self-employed person referred to in paragraph (b) does not follow part of that person's occupation in the territory of the Contracting Party where that person resides, or where that Contracting Party has no legislation applicable to that person, that person shall be subject to the legislation agreed on by the competent institutions of the Contracting Parties concerned.

ARTICLE 13

Exclusion of Articles 6 to 12 in Respect of Voluntary Insurance

The provisions of Articles 6 to 12 shall not be applied to voluntary insurance.

ARTICLE 14

Entitlement to Membership of Compulsory and Voluntary Insurance Schemes

1. Where the application of the relevant legislation of two or more Contracting Parties would result in the person concerned becoming insured under a compulsory insurance scheme and at the same time permit membership as a voluntary contributor to another compulsory insurance scheme, the person concerned shall be subject only to the applicable legislation of the first-mentioned compulsory insurance scheme.

2. In cases where the application of the relevant legislation of two or more Contracting Parties would permit membership as a voluntary contributor to two or more compulsory insurance schemes, the person concerned shall be entitled to be insured under the insurance of the Contracting Party where that person resides, or if that person is not resident in the territory of one of the Contracting Parties, under the scheme of the Contracting Party the legislation of which last applied to that person.

ARTICLE 15

Exclusion of the Provisions of Part II

The competent authorities of two or more Contracting Parties may, by mutual consent, make exceptions to any of the provisions of Articles 6 to 14 in the interests of persons affected thereby.

PART III

**PROVISIONS GOVERNING INVALIDITY, OLD AGE,
RETIREMENT, SURVIVORS' AND DISABLEMENT
PENSIONS, AND DEATH BENEFIT**

ARTICLE 16

Determination of Benefits

Where an insured person has been subject successively or alternatively to the applicable legislation of two or more Contracting Parties and has satisfied the conditions for a benefit in the jurisdiction of any of those Contracting Parties, such insured person or the survivors of that person as the case may be, shall be entitled to the benefit in accordance with the applicable legislation of each of the Contracting Parties concerned.

ARTICLE 17

Totalisation of Contribution Periods

Where the applicable legislation of a Contracting Party makes entitlement to benefits conditional on the completion of a specified number of insurance periods and Article 16 does not apply, the competent institution shall take account of all insurance periods completed under the applicable legislation of other Contracting Parties in determining the fulfilment of the condition at the material time.

ARTICLE 18

Payment of a Partial Benefit

Where, at the material time, a claimant has satisfied the conditions for entitlement to a benefit in the jurisdiction of one Contracting Party but not the conditions for a benefit under the legislation of another Contracting Party in the territory of which the insured person concerned was employed, the competent institution of the other Contracting Party shall pay to such insured person or persons claiming through that person a portion of the benefit to which such person would have been entitled if that person had satisfied the relevant conditions. The portion of the benefit payable shall bear the same ratio which the contributions of that person bear to the total qualifying contributions.

ARTICLE 19

Apportionment of Totalised Benefits

1. The competent institution of each Contracting Party shall determine in accordance with the applicable legislation whether and to what extent an insured person or the survivor of that person, as the case may be, satisfies the conditions for entitlement to benefit under Article 16, 17 or 18.

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2. Where the institution concerned determines, by applying the provisions of Article 17, that an insured person satisfies the relevant conditions for entitlement to benefit, such institution shall calculate the notional amount of benefit such person could claim if the contribution periods completed under the legislation of all the Contracting Parties concerned had been completed under its applicable legislation.

3. The actual amount payable by each of the institutions concerned shall bear a direct ratio to the notional amount which the number of insurance periods completed in the territories of the interested Contracting Parties bears to the total number of insurance periods completed in all of their territories.

ARTICLE 20

Determination of Liability to Contribute to the Notional Amount in Certain Circumstances

Where the legislation of an interested Contracting Party requires benefits to be calculated by reference to total insurable earnings or number of contributions, the earnings or contributions to be taken into account by the competent institution of that Contracting Party for the purpose of determining its liability to contribute to the notional amount referred to in paragraph 3 of Article 19 shall be calculated on the basis of the average earnings or the contributions recorded for the periods completed under its applicable legislation.

ARTICLE 21

Dependants

Where the applicable legislation of a Contracting Party provides that the amount of the benefit shall vary according to the number of dependants of an insured person, the competent institution shall also take account of dependants resident in the territory of another Contracting Party as if those dependants were resident in the territory of the first Contracting Party.

ARTICLE 22

Commencement Date of Payments

1. Where, by the application of Article 17, an insured person is determined to be entitled to a benefit and the qualifying age for the receipt of such benefit varies under the applicable legislation of the interested Contracting Parties, the commencing date for the receipt of such benefit shall be determined by the applicable legislation of the Contracting Party to which such insured person was last subject.

2. Where the qualifying age under the applicable legislation of an interested Contracting Party is lower than the qualifying age under the legislation of the Contracting Party to which the insured person was last subject, the competent institution

of the first Contracting Party shall pay directly to the insured person or the survivors of that insured person, as the case may be, from the applicable commencement date, such amounts as represent the liability of the said Contracting Party.

3. Where the qualifying age under the legislation of an interested Contracting Party is higher than the qualifying age under the legislation of the Contracting Party to which the insured person was last subject, the insured person shall not be entitled to receive the portion of the benefit payable by such Contracting Party in accordance with paragraph 3 of Article 19 before attaining the qualifying age stipulated in the applicable legislation of such Contracting Party.

ARTICLE 23

Liability for Certain Survivors' Benefits

Where, by the application of Article 17, the survivors of an insured person are determined to be entitled to a benefit which is not provided for under the applicable legislation of one or more interested Contracting Parties, the Contracting Party under the legislation of which such a benefit is provided for shall be liable to pay such portion of the benefit as corresponds to its liability according to the provisions of paragraph 3 of Article 19.

ARTICLE 24

Conversion of Invalidity Benefits

1. Subject to the applicable legislation of interested Contracting Parties, invalidity pensions shall, as appropriate, be converted into old age or retirement pensions and the provisions of Articles 16 to 19 of this Agreement shall apply.

2. Where the recipient of an invalidity pension payable under the applicable legislation of one or more interested Contracting Parties becomes entitled to old age or retirement pension, the competent institution of an interested Contracting Party with a continuing liability in that behalf shall continue to pay invalidity pension until the provisions of paragraph 1 hereof become applicable.

PART IV

APPLICATION OF THE AGREEMENT

SECTION I

GENERAL PROVISIONS

ARTICLE 25

Composition of the Committee

1. The heads of the Social Security Schemes established by the Contracting Parties shall constitute a Committee (hereinafter called "the Committee") which

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shall settle every administrative question arising out of the provisions of this Agreement without prejudice to the right of the competent authorities, competent institutions or interested persons to have recourse to the procedures and jurisdictions provided for in the applicable legislation of Contracting Parties.

2. Specimens of certificates, statements, claims, declarations, and other documents required for the application of this Agreement shall be prepared by the Committee.

3. The Committee may assemble information on provisions of the legislation to which this Agreement applies at the request of the competent authorities of any Contracting Party.

4. The Committee may prepare written information for the purpose of informing the persons concerned of their rights and the administrative formalities required to secure them.

ARTICLE 26

Access to Competent Institutions

Any institutions of a Contracting Party and any person residing or staying in the territory of a Contracting Party may approach the competent institution of another Contracting Party directly.

ARTICLE 27

Supply of Information

1. Each Contracting Party, as soon as possible after this Agreement enters into force, shall supply the Secretary-General of the Caribbean Community (hereinafter referred to as "the Secretary-General") with the following information:

- (a) the name or names of the competent authority or authorities;
- (b) the name or names of the competent institution or institutions.

2. Any modifications made to the information supplied in accordance with paragraph 1 shall be transmitted to the Secretary-General within three months of the said modifications.

SECTION II

APPLICATION OF PART I OF THE AGREEMENT

ARTICLE 28

Submission of Certificates by Claimants

In order to benefit from the provisions of Article 4, the person concerned shall submit to the competent institution of the interested Contracting Party a certificate

of the periods of insurance completed under the legislation of any other Contracting Party. The certificate shall be issued at the request of the person concerned or the competent institution by the institution or institutions under the legislation of which the periods in question were completed.

ARTICLE 29

Application of Article 5

1. In applying the provisions of Article 19, the competent institutions of interested Contracting Parties shall be entitled to take account of the benefits, income or remuneration entailing reduction, suspension or disqualification in respect of the benefits due from it solely for the purpose of the reduction, suspension or disqualification of the amount referred to in paragraph 3 of Article 19.

2. The entitlement referred to in paragraph 1 shall not be exercised to calculate the notional amount referred to in paragraph 2 of Article 19, provided, however, that account shall be taken of such benefits, income or remuneration only to the extent of that fraction of the amount corresponding to the ratio of the periods completed as prescribed in paragraph 3 of Article 19.

3. The provisions of this Article shall apply where a person in receipt of a benefit under the applicable legislation of one Contracting Party is also entitled to benefits under the applicable legislation of one or more of the other Contracting Parties.

SECTION III

APPLICATION OF PART II OF THE AGREEMENT

ARTICLE 30

Application of Articles 7-10

1. In cases to which subparagraph (i) of Article 7, paragraph (a) of Article 9 and subparagraph (i) of Article 10 of this Agreement apply, the institution designated by the competent authority of the Contracting Party, the legislation of which is applicable, shall issue to the employed person at that person's request or on the request of that person's employer, if the required conditions are fulfilled, a certificate of such employment abroad stating that that person is still subject to that legislation.

2. The agreement referred to in subparagraph (ii) of Article 7 of this Agreement shall be requested by the employer. The consent of each employed person concerned shall be required if it is so provided in the applicable legislation of the Contracting Party referred to in paragraph 1.

ARTICLE 31

Application of Articles 8 and 9

Where, under Articles 8 and 9 of this Agreement, the applicable legislation of a Contracting Party is applicable to an employed person whose employment is not in the territory of that Contracting Party, that legislation shall apply as if the person were employed at that person's place of residence in the said territory, particularly for determining the competent institution.

SECTION IV

THE AGGREGATION OF INSURANCE PERIODS

ARTICLE 32

Application of the Totalisation Principle

1. In the cases referred to in Articles 4 and 17 of this Agreement, insurance periods shall be added together in accordance with the following rules:

- (a) to the insurance periods completed under the provisions of the applicable legislation of one Contracting Party shall be added the insurance periods completed under the provisions of the applicable legislation of any other Contracting Party to the extent necessary to make up the total insurance period required under the provisions of the applicable legislation of the first-mentioned Contracting Party for the acquisition or maintenance of entitlement to benefit, provided always that these periods do not overlap. In the case of invalidity, old age, retirement or survivors' benefits to be paid by the institutions of two or more Contracting Parties in accordance with the provisions of Article 19 of this Agreement, each of the institutions concerned shall separately add together all the insurance periods completed by the person concerned under the provisions of the applicable legislation of all the Contracting Parties to which that person has been subject;
- (b) where a period of compulsory insurance completed under the applicable legislation of one Contracting Party coincides with a period of voluntary insurance completed under the provisions of the applicable legislation of another Contracting Party, the first period only shall be taken into account;
- (c) where the time at which certain periods of insurance were completed under the provisions of the applicable legislation of a Contracting Party cannot be accurately determined, such periods shall be presumed not to overlap with periods completed under the applicable legislation of another Contracting Party and shall be taken into account as may be necessary;

(d) where, according to the applicable legislation of one Contracting Party, certain insurance periods are taken into account only if they have been completed within a specified time, the institution which applies this legislation shall take into account only periods completed under the provisions of the applicable legislation of another Contracting Party as have been completed within the same specified time.

2. Where under the provisions of the applicable legislation of a Contracting Party a Social Security scheme falling within the scope of this Agreement takes account of insurance periods in respect of schemes not falling within the scope of this Agreement, such insurance periods shall be considered by the Contracting Parties to be taken into account for the purpose of aggregation.

SECTION V

APPLICATION OF PART III OF THE AGREEMENT

ARTICLE 33

Application of Article 18

1. In order to benefit from the provisions of Article 18, the Claimant shall submit to the competent institution or institutions of the interested Contracting Party or Contracting Parties, as the case may be, liable to pay a portion of a benefit, a certificate stating that the insured person concerned has satisfied the qualifying conditions for a benefit under the applicable legislation of another Contracting Party.

2. The certificate shall be issued by the competent institution or institutions, as the case may be, of one or more other Contracting Parties under the applicable legislation of which such insured person had qualified for the benefit, at the request of the claimant or the competent institution of the interested Contracting Party against whom the claim for payment of a portion of a benefit has been made.

ARTICLE 34

Submission of Claims

1. In order to receive the benefits under Articles 16 to 18, 21 and 24 of this Agreement, the claimant shall submit a claim to the institution of the claimant's place of residence in the manner prescribed by the applicable legislation. If the insured person entitled had not been subject to that legislation, the institution of the place of residence shall transmit the claim to the institution or institutions of the Contracting Party or Contracting Parties, as the case may be, to the legislation to which such person was subject and also indicate the date on which the claim was submitted. That date shall then be considered as the date of submission of the claim to the last-mentioned institution.

2. Where the claimant resides in the territory of a Contracting Party to the legislation to which neither the claimant nor the deceased person has been subject, the claimant may submit the claim to the institution of the Contracting Party to the legislation to which the claimant or the deceased person was last subject.

ARTICLE 35

Documents to Accompany Claims

The submission of the claims referred to in Article 34 shall be subject to the following rules:

- (a) the claim shall be accompanied by the requisite supporting documents and shall be submitted on the forms prescribed—
 - (i) either by the legislation of the Contracting Party in the territory of which the claimant resides, in cases referred to in paragraph 1 of Article 34; or
 - (ii) by the legislation of the Contracting Party to which the claimant or the deceased person was last subject, in the case referred to in paragraph 2 of Article 34;
- (b) the accuracy of the information furnished by the claimant shall be substantiated by official documents attached to the claim form, or corroborated by the authorities of the Contracting Party in the territory of which the claimant resides;
- (c) the claimant shall indicate, as far as possible, the invalidity, retirement, old age, or survivors' benefit institution or institutions of each of the Contracting Parties to the legislation to which the claimant or the deceased has or had been subject, or the employer or employers by whom the claimant or the deceased person has or had been employed in the territory of any Contracting Party, and submit any certificates of employment that may be in the possession of the claimant or had been in the possession of the deceased person.

ARTICLE 36

Certification of Dependants

1. In order to benefit from the provisions of Article 21 of this Agreement, the claimant shall, where required, submit a certificate regarding dependants who are residing in the territory of a Contracting Party other than that where the institution which pays the benefit is situated. The certificate shall be issued by the institution designated by the competent authority of the Contracting Party in the territory in which the said dependants reside.

2. The certificate referred to in the preceding paragraph shall be valid for a period of twelve months from the date of issue and shall be renewable. When renewed, its validity shall run from the date of renewal. The claimant shall immediately notify the competent institution of any change to be made in the certificate which shall have effect from the date on which it occurred.

3. Instead of the certificate referred to in paragraph 1 of this Article, the competent institution may require the claimant to submit other relevant documents of proof of relationship of the dependants who are residing in the territory of a Contracting Party other than that of the competent jurisdiction, if such documents are normally issued by authorities of that Contracting Party.

4. The provisions of Article 21 and of the preceding paragraphs of this Article are to be construed without prejudice to the consideration of dependants residing outside of the territory of any Contracting Party.

ARTICLE 37

Determination of Invalidity

In determining the degree of invalidity the institution of a Contracting Party shall take account of all the medical and administrative information assembled by the institutions of any other Contracting Party, but each institution shall retain the right to have the claimant examined by a doctor of its choice at its own expense.

ARTICLE 38

Examination of Claims

1. Claims shall be examined by the institutions to which they have been submitted or to which they have been transmitted, as the case may be, as provided for in Article 34.

2. The examining institution shall immediately advise all the institutions concerned so that the claim may be examined by them simultaneously and without delay.

ARTICLE 39

Procedures of Examining Institutions

1. In examining claims, the examining institution shall use a form setting out details of, and the total of, the insurance periods completed by the persons concerned, or, in respect of the deceased person, under the applicable legislation of all the Contracting Parties concerned.

2. The transmission of the form referred to in paragraph 1 to the institution of any other Contracting Party shall be in lieu of the transmission of supporting documents.

ARTICLE 40

Duties of Examining Institutions

1. The examining institution shall enter on the form referred to in paragraph 1 of Article 39 the insurance periods completed under the provisions of its own legislation and shall send a copy of the form to the appropriate institution of each Contracting Party to the legislation to which the person concerned or the deceased person has or had been subject and attach employment certificates produced by the claimant.

2. Where only one institution is involved, that institution shall complete the form sent to it in accordance with the provisions of the preceding paragraph indicating the insurance periods completed under its applicable legislation. It shall then determine entitlement under that legislation having regard to the provisions of Article 17, and shall state on the form the notional and actual amount of the benefit calculated in accordance with the provisions of paragraphs 2 and 3 of Article 19 and, where appropriate, the amount of any benefit which could be claimed, without applying the provisions of Articles 17 to 21 solely for the periods completed under the provisions of the applicable legislation. The form, which should also contain information concerning the procedure for appeals, including time limits, shall then be returned to the examining institution.

3. Where there are two or more institutions involved, each institution shall complete the form submitted to it in accordance with the provisions of paragraph 1 of this Article, indicating the insurance periods completed under its applicable legislation, and return the form to the examining institution. That institution shall send the completed form to the other institutions involved, each of which shall determine entitlement under its applicable legislation having regard to the provisions of Article 17 and shall state on the form the notional and actual amounts of any benefit calculated in accordance with the provisions of paragraphs 2 and 3 of Article 19 and, where appropriate, the amount of any benefit which could be claimed, without applying the provisions of Articles 17 to 21 solely for the periods completed under the provisions of the applicable legislation. The form, which should also contain information concerning the procedure for appeals, including time limits, shall then be returned to the examining institution.

4. Where the examining institution has received all the information referred to in paragraphs 2 and 3 of this Article, it shall determine entitlement under its applicable legislation, having regard to the provisions of Article 17, and shall calculate the notional and actual amounts of the benefit in accordance with the provisions of paragraphs 2 and 3 of Article 19, and where appropriate, the amount of any benefit which could be claimed without applying the provisions of Articles 17 to 21 solely for the periods completed under its applicable legislation.

ARTICLE 41

Payment to Claimants

1. If the examining institution determines that the claimant is entitled to benefit under the provisions of its applicable legislation without reference to periods completed under the provisions of the legislation of other Contracting Parties to which the person concerned or the deceased person was subject, it shall make an immediate payment of the benefit directly to the claimant on a provisional basis, subject to the provisions of paragraph 6 of this Article.

2. Where the examining institution pays a benefit under paragraph 1 of this Article, it shall deduct from the amount of such benefit the amount of benefit paid by any other institution as soon as it is ascertained.

3. If, while a claim is being examined, an institution other than the examining institution determines that the claimant is entitled to benefit in accordance with its applicable legislation without having to take account of periods completed under the provisions of the applicable legislation of other Contracting Parties to which the person concerned or the deceased person was subject, it shall pay the claimant the benefit on a provisional basis and advise the examining institution accordingly, without prejudice, however, to the provisions of paragraph 2 of this Article.

4. Where an institution is required to pay a benefit under paragraphs 1 and 3 of this Article, it shall pay only the highest rate of benefit, without prejudice, however, to the provisions of paragraph 2 of this Article.

5. Where the examining institution does not pay a benefit under paragraph 1 of this Article, and in cases where there might be delay, it shall make to the person concerned a recoverable advance determined in accordance with the provisions of paragraphs 1 to 3 of Article 19.

6. When the final settlement of the benefit claimed is determined, the examining institution and other interested institutions shall adjust their accounts as regards the amount of any provisional benefit paid or the advance made in accordance with the relevant provisions of this Article and any sum overpaid by the said institutions may be deducted from the amount of benefits they are required to pay to the person concerned.

ARTICLE 42

Consultations among Interested Institutions

After the examining institution has consulted with each of the interested institutions and those institutions have agreed on the extent of their liability, the examining institution shall inform the claimant of the component part of the total benefit payable by each institution concerned. The examining institution shall also inform the claimant concerning the procedure for appeals, including the limits prescribed by the applicable legislation.

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ARTICLE 43

Medical Supervision of Beneficiaries

1. If the recipient of any benefit referred to in Article 2 stays or resides in the territory of a Contracting Party other than the competent jurisdiction, administrative and medical supervision shall be exercised at the request of the competent institution by the institution of the place of stay or residence in accordance with the rules prescribed by the applicable legislation of the latter institution but the competent institution may require the recipient to be examined by a medical practitioner of its choice at its own expense.

2. If the supervision referred to in the preceding paragraph reveals that a person receiving a benefit or payment by way of assistance is employed or has means in excess of the prescribed limit, that information and any other information requested shall be reported to the competent institution by the institution of the place of stay or residence.

ARTICLE 44

Resumption of Benefits

Where after the suspension of benefits which a person had been receiving, that person becomes qualified again for benefits while residing in the territory of a Contracting Party other than the competent jurisdiction, the institution concerned shall exchange all the information necessary to enable the payment of benefits to be resumed.

ARTICLE 45

Payment of Benefit in Normal Case

The competent institution of a Contracting Party shall, in the normal case, pay a benefit directly to a beneficiary residing in the territory of another Contracting Party, but where in any particular case the competent institution of a Contracting Party pays a benefit directly to the competent institution of another Contracting Party, the person entitled to such benefit shall be informed accordingly.

ARTICLE 46

Notification of Change of Residence

Where the recipient of a benefit payable under the applicable legislation of one or more Contracting Parties transfers the residence of the recipient from the territory of one Contracting Party to that of another Contracting Party the recipient shall notify the competent institution or institutions responsible for the payment of such benefit.

ARTICLE 47

Medical Examination of Pensioners

If the recipient of a pension stays or resides in the territory of a Contracting Party other than that of the competent jurisdiction, administrative and medical supervision and also such medical examinations as are necessary for the revision of pensions shall be carried out at the request of the competent institutions by the institution of the place of stay or residence in accordance with the rules in the applicable legislation of the latter institution, but, the competent institution may require the recipient to be examined by a doctor of its choice at its own expense.

ARTICLE 48

Co-operation by Institutions

The institution of the place of residence of a person who has received benefits that were not payable to that person, or the institution designated by the competent authority of the Contracting Party in the territory in which that person resides, shall co-operate with the institution of any other Contracting Party which has paid such benefits if the latter institution seeks recovery from the person in question.

ARTICLE 49

Co-operation in Recovering Excess Payments

Where the institution of a Contracting Party has paid to a beneficiary a sum in excess of the beneficiary's entitlement, that institution may request the institution of any other Contracting Party responsible for the payment of corresponding benefits to that person, to deduct the amount overpaid from the payments it is making to the beneficiary. The latter institution shall withhold that amount to the extent to which such a deduction is permissible under the provisions of its applicable legislation as if the overpayment had been made by it and transfer the amount so withheld to the creditor institution.

ARTICLE 50

Co-operation in Recovering Advance Payments

Where the institution of a Contracting Party has made an advance payment of benefits, it may request the institution of any other Contracting Party responsible for payment of corresponding benefits to that person to deduct the amount of the advance from the payments due to the person concerned. The latter institution shall transfer the amount withheld to the creditor institution.

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ARTICLE 51

Payment of Benefits Pending Settlement of Disputes

In the event of a dispute between competent institutions or authorities of two or more Contracting Parties concerning either the legislation applicable under Part II of this Agreement, or the institution which is to provide the benefit, the person who would have been able to claim the benefit in the absence of such a dispute shall provisionally receive the benefit prescribed by the legislation which the institution of the place of residence is to apply or, where the person does not reside in the territory of one of the Contracting Parties concerned, by the legislation of the Contracting Party to which he was last subject. After settlement of the dispute, the cost of the benefits paid provisionally shall be borne by the institution declared liable to pay such benefits.

PART V

MISCELLANEOUS PROVISIONS

ARTICLE 52

Communications between Competent Authorities of Contracting Parties

1. The competent authorities of Contracting Parties shall communicate to each other—

- (a) all information concerning measures taken by them for the application of this Agreement;
- (b) all information concerning their legislation which may affect the application of this Agreement; and
- (c) all statistical information concerning beneficiaries and the amount of benefits paid under this Agreement.

2. For the purpose of the application of this Agreement, the competent authorities and competent institutions of the Contracting Parties shall—

- (a) assist one another as if they were applying their own legislation; and
- (b) provide administrative assistance free of charge, but, the competent authorities of the Contracting Parties may agree to reimburse certain expenses.

3. For the purpose of the application of this Agreement, the competent authorities and competent institutions of the Contracting Parties may communicate directly with one another and with the persons concerned or their representatives.

ARTICLE 53

Non-discrimination for Exemption from Taxes and Duties

Any exemption from, or reduction of, taxes, stamp duty, legal or registration costs specified by the legislation of one Contracting Party with respect to the certificates, documents or other documentary evidence to be submitted under the legislation of that Party shall be extended to cover similar certificates, documents or other documentary evidence to be submitted under the legislation of another Contracting Party or under this Agreement.

ARTICLE 54

Time Limit for Submission of Application

1. If the claimant is resident in the territory of a Contracting Party other than that of the competent jurisdiction, the claimant may validly submit the claim to the institution of the claimant's place of residence, which shall refer it to the competent institution or institutions mentioned in the application.

2. Any claim, application, declaration or appeal which should have been made under the legislation of a Contracting Party within a prescribed time to an authority, institution or jurisdiction of that Party shall be admissible if it is submitted within the same time to an authority, institution or jurisdiction of another Contracting Party. In such an event, the authority, institution or jurisdiction receiving the claim, application, declaration or appeal shall transmit it without delay to the competent authority, institution or jurisdiction of the first Contracting Party, either directly or through the competent authorities of the Contracting Parties concerned. The date on which any claim, application, declaration or appeal was submitted to an authority, institution or jurisdiction of the second Contracting Party shall be deemed to be the date on which it was lodged with the competent authority, institution or jurisdiction.

ARTICLE 55

Investigations and Medical Examinations

Investigations or medical examinations prescribed by the legislation of one Contracting Party may, at the request of the institution which administers such legislation, be carried out in the territory of another Contracting Party by the institution of the place of stay or residence, and in such a case they shall be deemed to have been made in the territory of the first Contracting Party.

ARTICLE 56

Currency of Payment

1. Competent institutions shall discharge their financial obligations under this Agreement in their national currencies, subject to paragraph 2 hereof.

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2. Where under this Agreement a competent institution is required to pay a benefit to a beneficiary resident in the territory of another Contracting Party or to another competent institution in such territory, it shall discharge its obligation in the currency of such other Contracting Party.

3. In the application of paragraph 2 hereof, the conversion rate shall be the rate of exchange in effect on the date of payment.

4. The benefit shall be paid to beneficiaries free from any deductions for administrative or other expenses.

ARTICLE 57

Disputes Settlement

1. Any dispute arising between two or more Contracting Parties concerning the interpretation or application of this Agreement shall first be subject to negotiation between the Contracting Parties concerned.

2. Where the dispute is not settled within three months from the request for commencement of negotiations as set out in paragraph 1, the dispute shall be submitted to arbitration on the written request of any of the Contracting Parties. Such request shall be addressed to the Secretary-General who shall promptly notify the parties to the dispute of the receipt of the request for arbitration.

3. Any dispute to be submitted to arbitration shall be referred to a tribunal consisting of three arbitrators. Each party to the dispute shall appoint an arbitrator and the two arbitrators so appointed shall appoint the third arbitrator who shall be the chairman. The chairman must be a person with legal qualifications.

4. For the purpose of appointing a tribunal referred to in the preceding paragraph, a list of arbitrators consisting of persons experienced in the practice of social security shall be drawn up and maintained by the Secretary-General. To this end, every Contracting Party shall be invited to nominate two persons and the names of the persons so nominated shall constitute the list. The term of an arbitrator, including that of any arbitrator nominated to fill a vacancy, shall be three years and may be renewed. The chairman need not be appointed from the list.

5. If within thirty days following the date of notification by the Secretary-General in accordance with paragraph 2 of this Article, either party fails to appoint an arbitrator, any party may request the Secretary-General to appoint the other arbitrator. If within fifteen days of the appointment of the last of the two arbitrators the chairman has not been appointed, either party may request the Secretary-General to appoint the chairman.

6. Where more than two Contracting Parties are parties to a dispute, the parties concerned shall agree among themselves on the arbitrators to be appointed from the list. In the absence of such an appointment within the prescribed period, the Secretary-General shall appoint a sole arbitrator whether from the list or otherwise for the purpose.

7. The arbitral tribunals so established shall make a determination within ninety days from the date of their constitution. The decision of a sole arbitrator or of a majority in other cases shall be accepted by the parties to the dispute as final.

8. The procedure of the tribunal shall be determined by the arbitrators but the chairman shall be empowered to settle all questions of procedure in any case where there is disagreement.

9. The parties to a dispute shall bear the cost of the arbitration equally.

PART VI

TRANSITIONAL AND FINAL PROVISIONS

ARTICLE 58

Entitlement before Agreement is in Force

1. Subject to paragraph 3, where title to benefit arose before the entry into force of this Agreement, the benefits payable under such title shall be dealt with under the appropriate national legislation.

2. Every insurance period completed under the applicable legislation of a Contracting Party before the date on which this Agreement enters into force shall be taken into account for the purpose of determining rights under it.

3. Any benefit which has not been assessed or paid or which has been suspended on account of the residence of the person concerned in the territory of any Contracting Party other than that of the territory where the institution liable to pay the benefit is located, shall, by the request of the person concerned, be assessed and paid, or its suspension terminated as from the date this Agreement enters into force.

4. Where the request referred to in the preceding paragraph is made within two years of the date on which this Agreement enters into force, entitlement and rights arising in accordance with the provisions of this Agreement shall be acquired as from that date, and no provision to the contrary in the applicable legislation of any Contracting Party with respect to entitlement or rights lapsing or becoming statute-barred shall apply to the person concerned.

5. Where the request referred to in paragraph 3 is made more than two years after the date on which this Agreement enters into force, any entitlement or rights

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which are not held to be statute-barred or to have lapsed shall be payable only from the date on which the request was made, unless there are more favourable provisions in the applicable legislation of the Contracting Party concerned.

ARTICLE 59

Entitlement to Sign and Ratify, Accept or Accede

1. This Agreement shall be open for signature by the Members of the Caribbean Community and shall be subject to ratification or acceptance. Instruments of ratification or acceptance shall be deposited with the Secretary-General.

2. The Agreement shall enter into force on the first day of the third month following that in which the third instrument of ratification or acceptance is deposited with the Secretary-General.

3. Countries ratifying or accepting the Agreement after its entry into force shall become parties thereto one month following the deposit of an appropriate instrument of ratification or acceptance.

4. Countries mentioned in paragraph 1 may accede to the Agreement at any time. Accession shall take effect one month following the deposit of an appropriate instrument of accession.

ARTICLE 60

Participation by other Countries

1. After the entry into force of this Agreement, the Contracting Parties may, by unanimous vote, invite any other country to accede to it.

2. Accession shall be effected by the deposit of any appropriate instrument of accession with the Secretary-General and shall take effect three months after the date of such deposit.

ARTICLE 61

Amendments

1. This Agreement may be amended by a two-thirds majority vote of the Contracting Parties.

2. Any such amendment shall enter into force three months thereafter without prejudice to any rights accruing to an insured person or persons claiming through such insured person prior to the amendment.

ARTICLE 62

Review of the Agreement

The Contracting Parties may review this Agreement three years after its entry into force.

ARTICLE 63

Denunciation

1. Any Contracting Party may denounce this Agreement not less than five years after its entry into force for that Contracting Party by giving notice in writing to that effect to the Secretary-General and withdraw therefrom.

2. Withdrawal shall take effect six months after the date of the written notice mentioned in paragraph 1.

ARTICLE 64

Depository

The Secretary-General shall perform all depository functions in relation to this Agreement.

ARTICLE 65

Termination

1. This Agreement shall terminate if at any time less than three Contracting Parties continue to participate in the regime established by this Agreement. In the absence of such termination, this Agreement shall remain in force indefinitely.

2. In the event of withdrawal from or termination of this Agreement, all rights acquired thereunder shall be maintained and negotiations shall take place for the settlement of any rights then in the course of acquisition by operation of the provisions hereof.

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**NATIONAL INSURANCE (AGREEMENT AND
ADMINISTRATIVE ARRANGEMENT ON
SOCIAL SECURITY BETWEEN CANADA
AND TRINIDAD AND TOBAGO) ORDER**

made under section 69

Citation.

1. This Order may be cited as the National Insurance (Agreement and Administrative Arrangement on Social Security between Canada and Trinidad and Tobago) Order.

Interpretation.

2. In this Order—

“Agreement” means the Agreement on Social Security between the Republic of Trinidad and Tobago and Canada set out in the First Schedule;

First Schedule.

“Administrative Arrangement” means the Administrative Arrangement on Social Security between the Republic of Trinidad and Tobago and Canada set out in the Second Schedule.

Second
Schedule.

Ch. 32:01
amended.

3. The National Insurance Act and the Subsidiary Legislation made thereunder, in respect of—

- (a) retirement benefit;
- (b) invalidity benefit;
- (c) survivor’s benefit;
- (d) death benefit; and
- (e) funeral grant,

are, to the extent to which they are affected by the Agreement and the Administrative Arrangement, deemed to be amended to give effect to the Agreement and the Administrative Arrangement.

FIRST SCHEDULE

AGREEMENT ON SOCIAL SECURITY

BETWEEN

THE GOVERNMENT OF CANADA

AND

**THE GOVERNMENT OF THE REPUBLIC OF
TRINIDAD AND TOBAGO**

THE GOVERNMENT OF CANADA

AND

THE GOVERNMENT OF THE REPUBLIC OF TRINIDAD AND TOBAGO
hereinafter referred to as “the Parties”,

RESOLVED to co-operate in the field of social security,

HAVE DECIDED to conclude an agreement for this purpose, and

HAVE AGREED AS FOLLOWS:

PART I

GENERAL PROVISION

ARTICLE I

Definitions

1. For the purposes of this Agreement—

“benefit” means, as regards a Party, any cash benefit, pension or allowance for which provision is made in the legislation of that Party and includes any supplements or increases applicable to such a cash benefit, pension or allowance; however, for the purposes of Articles VIII, IX and X “benefit” does not include a grant payable under the legislation of Trinidad and Tobago;

“competent authority” means, as regards Canada, the Minister or Ministers responsible for the application of the legislation of Canada; and, as regards Trinidad and Tobago, the Minister through whom general directions of the Government are given to the Board as provided in the legislation of Trinidad and Tobago;

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“competent institution” means, as regards Canada, the competent authority; and, as regards Trinidad and Tobago, the Board of Management established under the National Insurance Act (Ch. 32:01);

“creditable period” means, as regards a Party, a period of contributions, whether paid or credited, or a period of residence used to acquire the right to a benefit under the legislation of that Party; as regards Canada, it also means a period during which a disability pension is payable under the Canada Pension Plan;

“government employment” means, as regards Trinidad and Tobago, employment in the service of the Government of Trinidad and Tobago including local government authorities and the Tobago House of Assembly, or in the service of any Statutory Boards, State Corporations or Companies registered under the Companies Act of Trinidad and Tobago being companies in which the Government of Trinidad and Tobago or an agency of the Government of Trinidad and Tobago holds not less than fifty-one per cent (51%) of the voting shares; and, as regards Canada, service in the employment of the Government of Canada, a province of Canada or a Canadian municipality;

“legislation” means, as regards a Party, the laws and regulations specified in Article II(1) with respect to that Party;

“territory” means, as regards Canada, the territory of Canada; and, as regards Trinidad and Tobago, the territory of Trinidad and Tobago.

2. Any term not defined in this Article has the meaning assigned to it in the applicable legislation.

ARTICLE II

Legislation to which the Agreement Applies

1. This Agreement shall apply to the following legislation:

(a) with respect to Canada—

(i) the *Old Age Security Act* and the Regulations made thereunder; and

(ii) the *Canada Pension Plan* and the Regulations made thereunder;

(b) with respect to Trinidad and Tobago: the *National Insurance Act (Ch. 32:01)* and the Regulations made thereunder, as they relate to—

(i) retirement benefit;

(ii) invalidity benefit;

(iii) survivor’s benefit;

(iv) death benefit; and

(v) funeral grant.

2. With regard to Part II only, this Agreement shall apply to all aspects of the *National Insurance Act (Ch. 32:01)* of Trinidad and Tobago and the Regulations made thereunder.

3. Subject to paragraph 4, this Agreement shall also apply to laws and regulations which amend, supplement, consolidate or supersede the legislation specified in paragraphs 1 and 2.

4. This Agreement shall apply to laws and regulations which extend the legislation of a Party to new categories of beneficiaries or to new benefits unless an objection on the part of that Party has been communicated to the other Party not later than 3 months following the entry into force of such laws and regulations.

ARTICLE III

Persons to Whom the Agreement Applies

This Agreement shall apply to—

- (a) any person who is or has been subject to the legislation of one or both of the Parties;
- (b) any other person with respect to the rights he or she derives from a person described in subparagraph (a).

ARTICLE IV

Equality of Treatment

Any person described in Article III who is or has been subject to the legislation of a Party shall be subject to the obligations of the legislation of the other Party and shall be eligible for the benefits of that legislation under the same conditions as citizens of the latter Party.

ARTICLE V

Exports of Benefits

1. Unless otherwise provided in this Agreement, benefits payable under the legislation of a Party to any person described in Article III, including benefits acquired by virtue of this Agreement, shall not be subject to any reduction, modification, suspension, cancellation or confiscation by reason only of the fact that the person resides in the territory of the other Party, and they shall be paid in the territory of the other Party.

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2. Benefits payable under this Agreement to a person described in Article III in the territory of the other Party shall also be payable in the territory of a third State.

PART II

**PROVISIONS CONCERNING
THE APPLICABLE LEGISLATION**

ARTICLE VI

Rules Regarding Coverage

1. Subject to the following provisions of this Article:

- (a) an employed person who works in the territory of one Party shall, in respect of that work, be subject only to the legislation of that Party; and
- (b) a self-employed person who ordinarily resides in the territory of one Party and who works for his or her own account in the territory of the other Party or in the territories of both Parties shall, in respect of that work, be subject only to the legislation of the first Party.

2. An employed person who is subject to the legislation of a Party and who performs services in the territory of the other Party for the same employer shall, in respect of those services, be subject only to the legislation of the first Party as though those services were performed in its territory. In the case of an assignment, this coverage may not be maintained for more than 60 months without the prior consent of the competent authorities of both Parties.

- 3. (a) Paragraph 2 shall apply to a person who is sent to work on an installation situated in the continental shelf area of a Party in connection with the exploration of the seabed and sub-soil of that area or the exploitation of its mineral resources, as though that installation were situated in the territory of that Party.
- (b) For the purposes of this Article, the continental shelf area of a Party includes every area beyond the territorial seas of that Party that, in accordance with international law and the laws of that Party, is an area in respect of which that Party may exercise rights with respect to the seabed and sub-soil and their natural resources.

4. A person who, but for this Agreement, would be subject to the legislation of both Parties in respect of employment as a member of the crew of a ship shall, in

respect of that employment, be subject only to the legislation of Canada if he or she ordinarily resides in the territory of Canada and only to the legislation of Trinidad and Tobago in any other case.

5. An employed person shall, in respect of the duties of a government employment performed in the territory of the other Party, be subject to the legislation of the latter Party only if he or she is a citizen thereof or ordinarily resides in its territory. In the latter case, that person may, however, elect to be subject only to the legislation of the first Party if he or she is a citizen thereof.

6. The competent authorities of the Parties may, by common agreement, modify the application of the provisions of this Article with respect to any persons or categories of persons.

ARTICLE VII

Definition of Certain Periods of Residence with Respect to the Legislation of Canada

1. For the purpose of calculating the amount of benefits under the Old Age Security Act—

- (a) if a person is subject to the Canada Pension Plan or to the comprehensive pension plan of a province of Canada during any period of presence or residence in the territory of Trinidad and Tobago, that period shall be considered as a period of residence in Canada for that person as well as for that person's spouse and dependants who reside with him or her and who are not subject to the legislation of Trinidad and Tobago by reason of employment or self-employment;
- (b) if a person is subject to the legislation of Trinidad and Tobago during any period of presence or residence in the territory of Canada, that period shall not be considered as a period of residence in Canada for that person and for that person's spouse and dependants who reside with him or her and who are not subject to the Canada Pension Plan or to the comprehensive pension plan of a province of Canada by reason of employment or self-employment; and
- (c) if a person who is ordinarily resident in the territory of Trinidad and Tobago is present and employed in the territory of Canada and, in respect of that employment, is subject to the Canada Pension Plan or to the comprehensive pension plan of a province of Canada, the period of presence and employment in Canada shall, only for purposes of this Agreement, be considered as a period of residence in Canada.

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2. In the application of paragraph 1:
 - (a) a person shall be considered to be subject to the Canada Pension Plan or to the comprehensive pension plan of a province of Canada during a period of presence or residence in the territory of Trinidad and Tobago only if that person makes contributions pursuant to the plan concerned during that period by reason of employment or self-employment;
 - (b) a person shall be considered to be subject to the legislation of Trinidad and Tobago during a period of presence or residence in the territory of Canada only if that person makes compulsory contributions pursuant to that legislation during that period by reason of employment or self-employment; and
 - (c) subparagraph 1(c) shall apply only in respect of periods after the date of entry into force of this Agreement.

PART III

PROVISIONS CONCERNING BENEFITS

CHAPTER 1

TOTALISING

ARTICLE VIII

Periods under the Legislation of Canada and Trinidad and Tobago

1. Subject to paragraphs 5 and 6, if a person is not entitled to the payment of a benefit because he or she has not completed sufficient creditable periods under the legislation of a Party, the entitlement of that person to the payment of that benefit shall be determined by totalising these periods and those specified in paragraphs 2, 3 and 4, provided that the periods do not overlap.
2.
 - (a) For the purposes of determining entitlement to the payment of a benefit under the Old Age Security Act of Canada, a creditable period under the legislation of Trinidad and Tobago shall be considered as a period of residence in the territory of Canada.
 - (b) For purposes of determining entitlement to the payment of a benefit under the Canada Pension Plan, a calendar year including at least thirteen weeks which are creditable under the legislation of Trinidad and Tobago shall be considered as a year for which contributions have been made under the Canada Pension Plan.

3. For purposes of determining entitlement to the payment of a retirement benefit under the legislation of Trinidad and Tobago—

- (i) when the calendar year 1972 is a creditable period under the Canada Pension Plan, it shall be considered as forty weeks for which contributions have been paid under the legislation of Trinidad and Tobago;
- (ii) a year commencing on or after January 1, 1973 which is a creditable period under the Canada Pension Plan shall be considered as fifty-two weeks for which contributions have been paid under the legislation of Trinidad and Tobago;
- (iii) a week commencing on or after April 10, 1972 which is a creditable period under the Old Age Security Act of Canada and which is not part of a creditable period under the Canada Pension Plan shall be considered as a week for which contributions have been paid under the legislation of Trinidad and Tobago.

4. For the purposes of determining entitlement to the payment of a survivors' benefit under the legislation of Trinidad and Tobago—

- (i) when the calendar year 1972 is a creditable period under the Canada Pension Plan, it shall be considered as forty weeks for which contributions have been paid under the legislation of Trinidad and Tobago;
- (ii) a year commencing on or after January 1, 1973 which is a creditable period under the Canada Pension Plan shall be considered as fifty-two weeks for which contributions have been paid under the legislation of Trinidad and Tobago.

5. In any case to which paragraph 3 or 4 applies, creditable periods under the legislation of Canada shall be taken into account only to the extent necessary to establish entitlement to the payment of a benefit under the legislation of Trinidad and Tobago.

6. For greater certainty, paragraph 1 shall not apply for determining entitlement of a person to a disability pension under the Canada Pension Plan or an invalidity benefit under the legislation of Trinidad and Tobago.

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ARTICLE IX

Periods under the Legislation of a Third State

If a person is not entitled to the payment of a benefit on the basis of the creditable periods under the legislation of the Parties, totalised as provided in Article VIII, the entitlement of that person to the payment of that benefit shall be determined by totalising these periods and creditable periods under the legislation of a third State with which both Parties are bound by separate social security instruments which provide for totalising of periods.

ARTICLE X

Minimum Period to be Totalised

Notwithstanding any other provision of this Agreement, if the total duration of the creditable periods accumulated by a person under the legislation of a Party is less than one year and if, taking into account only those periods, no right to a benefit exists under that legislation, the competent institution of that Party shall not be required to award benefits to that person in respect of those periods by virtue of this Agreement.

CHAPTER 2

BENEFITS UNDER THE LEGISLATION OF CANADA

ARTICLE XI

Benefits under the Old Age Security Act

1. If a person is entitled to the payment of an Old Age Security pension or a spouse's allowance solely through the application of the totalising provisions of Chapter 1, the competent institution of Canada shall calculate the amount of the pension or spouse's allowance payable to that person in conformity with the provisions of the Old Age Security Act governing the payment of a partial pension or a spouse's allowance, exclusively on the basis of the periods of residence which may be considered under that Act.

2. Paragraph 1 shall also apply to a person outside Canada who would be entitled to the payment of a full pension in Canada but who has not resided in Canada for the minimum period required by the Old Age Security Act for entitlement to the payment of a pension outside Canada.

3. Notwithstanding any other provision of this Agreement—

- (a) an Old Age Security pension shall be paid to a person who is outside Canada only if that person's periods of residence, when

totalised as provided in Chapter 1, are at least equal to the minimum period of residence in Canada required by the Old Age Security Act for entitlement to a pension outside Canada; and

- (b) a spouse's allowance and a guaranteed income supplement shall be paid to a person who is outside Canada only to the extent permitted by the Old Age Security Act.

ARTICLE XII

Benefits under the Canada Pension Plan

If a person is entitled to the payment of a benefit solely through the application of the totalising provisions of Chapter 1, the competent institution of Canada shall calculate the amount of the benefit payable to that person in the following manner:

- (a) the earnings-related portion of such benefit shall be determined in conformity with the provisions of the Canada Pension Plan, exclusively on the basis of the pensionable earnings under that Plan; and
- (b) the flat-rate portion of the benefit shall be determined by multiplying—
- (i) the amount of the flat-rate portion of the benefit determined in conformity with the provisions of the Canada Pension Plan; by
- (ii) the fraction which represents the ratio of the periods of contributions to the Canada Pension Plan in relation to the minimum qualifying period required under that Plan to establish entitlement to that benefit, but in no case shall that fraction exceed the value of one.

CHAPTER 3

**BENEFITS UNDER THE LEGISLATION OF
TRINIDAD AND TOBAGO**

ARTICLE XIII

Calculating the Amount of Benefit Payable

1. If a person is not entitled to a retirement pension or a survivors' benefit solely on the basis of the periods creditable under the legislation of Trinidad and Tobago, but is entitled to that pension or benefit through the application of the totalising provisions of Chapter 1, the competent institution of Trinidad and Tobago shall calculate the value of benefit payable in the following manner:

- (a) it shall first establish the rate of a retirement pension or a survivors' benefit which would be payable if the person qualified

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for the benefit on the basis of creditable periods completed under the legislation of Trinidad and Tobago alone;

(b) it shall then multiply that rate by the fraction which represents the ratio of the actual creditable periods under the legislation of Trinidad and Tobago in relation to the minimum creditable period required to establish entitlement to that benefit under that legislation; that is to say,

Actual creditable periods under the legislation of Trinidad and Tobago

_____ x Rate of Benefit = Value of established at benefit subparagraph (a) payable

Minimum creditable periods required for benefit under the legislation of Trinidad and Tobago

2. Notwithstanding any other provision of this Agreement, where a retirement grant is payable under the legislation of Trinidad and Tobago, but entitlement to a retirement pension under that legislation can be established through the application of the totalising provisions of Chapter 1, the pension shall be paid in lieu of the grant.

3. Where a retirement grant was paid under the legislation of Trinidad and Tobago in respect of an event which happened before the date of entry into force of this Agreement, and where entitlement to a retirement pension under that legislation is subsequently established through the application of the totalising provisions of Chapter 1, the competent institution of Trinidad and Tobago shall deduct from any retirement pension payable any amount previously paid in the form of a retirement grant.

4. Notwithstanding any provision of the legislation of Trinidad and Tobago regarding the time for submission of a claim for benefit, a retirement pension shall be payable provided that:

- (a) the entitlement to the payment of that pension is established solely through the application of the totalising provisions of Chapter 1; and
(b) the claim is submitted within one year of the date of entry into force of this Agreement or of the date of entitlement to a retirement pension, whichever is later.

PART IV

ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS

ARTICLE XIV

Administrative Arrangement

1. The competent authorities of the Parties shall establish, by means of an administrative arrangement, the measures necessary for the application of this Agreement.

2. The liaison agencies of the Parties shall be designated in that arrangement.

ARTICLE XV

Exchange of Information and Mutual Assistance

1. The competent authorities and institutions responsible for the application of this Agreement—

- (a) shall, to the extent permitted by the legislation which they administer, communicate to each other any information necessary for the application of this Agreement;
- (b) shall lend their good offices and furnish assistance to one another with regard to the determination of entitlement to, or payment of any benefit under this Agreement, or the legislation to which this Agreement applies, as if the matter involved the application of their own legislation; and
- (c) shall communicate to each other, as soon as possible, all information about the measures taken by them for the application of this Agreement or about changes in their respective legislation in so far as these changes affect the application of this Agreement.

2. The assistance referred to in subparagraph 1(b) shall be provided free of charge, subject to any provision contained in an administrative arrangement concluded pursuant to Article XIV for the reimbursement of certain types of expenses.

3. Unless disclosure is required under the laws of a Party, any information about a person which is transmitted in accordance with this Agreement to that Party by the other Party is confidential and shall be used only for purposes of implementing this Agreement and the legislation to which this Agreement applies.

ARTICLE XVI

Exemption or Reduction of Taxes, Dues, Fees or Charges

1. Any exemption from or reduction of taxes, legal dues, consular fees or administrative charges for which provision is made in the legislation of a Party in

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connection with the issuing of any certificate or document required to be produced for the application of that legislation shall be extended to certificates or documents required to be produced for the application of the legislation of the other Party.

Any documents of an official nature required to be produced for the application of this Agreement shall be exempt from any authentication by diplomatic or consular authorities and similar formality.

ARTICLE XVII

Language of Communication

For the application of this Agreement, the competent authorities and institutions of the Parties may communicate directly with one another in any of the official languages of either Party.

ARTICLE XVIII

Submitting Claims, Notices or Appeals

1. Any claim, notice or appeal concerning the determination or payment of a benefit under the legislation of a Party which should, for the purposes of that legislation, have been presented within a prescribed period to a competent authority or institution of that Party, but which is presented within the same period to an authority or institution of the other Party, shall be treated as if it had been presented to the competent authority or institution of the first Party.

2. Subject to the second sentence of this paragraph, a claim for a benefit under the legislation of a Party made after the coming into force of the Agreement shall be deemed to be a claim for the corresponding benefit under the legislation of the other Party, provided that the applicant at the time of application—

- (a) requests that it be considered an application under the legislation of the other Party; or
- (b) provides information indicating that creditable periods have been completed under the legislation of the other Party.

The preceding sentence shall not apply if the applicant requests that his or her claim to the benefit under the legislation of the other Party be delayed.

3. In any case to which paragraph 1 or 2 applies, the authority or institution to which the claim, notice or appeal has been submitted shall transmit it without delay to the authority or institution of the other Party.

ARTICLE XIX

Payment of Benefits

1. (a) The competent institution of Canada shall discharge its obligations under this Agreement in the currency of Canada.
- (b) The competent institution of Trinidad and Tobago shall discharge its obligations under this Agreement—
 - (i) in respect of a beneficiary resident in Trinidad and Tobago, in the currency of Trinidad and Tobago;
 - (ii) in respect of a beneficiary resident in Canada, in the currency of Canada; and
 - (iii) in respect of a beneficiary resident in a third State, in any currency freely convertible in that State.
2. In the application of subparagraphs 1(b)(ii) and (iii), the conversion rate shall be the rate of exchange in effect on the day when the purchase is made.
3. Benefits shall be paid to beneficiaries free from any deduction for administrative expenses that may be incurred in paying the benefits.

ARTICLE XX

Resolution of Difficulties

1. The competent authorities of the Parties shall resolve, to the extent possible, any difficulties which arise in interpreting this Agreement according to its spirit and fundamental principles.
2. If within six months from the date the matter first arose the difficulty cannot be resolved, it shall be submitted at the request of one or both of the Parties to an arbitration Commission.
3. Unless the Parties mutually determine otherwise, the Commission shall consist of three arbitrators of whom each Party shall appoint one and the two arbitrators so appointed shall appoint a third who shall act as President; provided that, in default of agreement, the President of the International Court of Justice shall be requested to appoint the President.
4. The Commission shall determine its own procedures.
5. The decision of the Commission shall be final and binding.

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ARTICLE XXI

Understandings with a Province of Canada

The relevant authority of Trinidad and Tobago and a province of Canada may conclude understandings concerning any social security matter within provincial jurisdiction in Canada in so far as those understandings are not inconsistent with the provisions of this Agreement.

PART V

TRANSITIONAL AND FINAL PROVISIONS

ARTICLE XXII

Transitional Provisions

1. Any creditable period completed before the date of entry into force of this Agreement shall be taken into account for the purpose of determining the right to a benefit under the Agreement.

2. No provision of this Agreement shall confer any right to receive payment of a benefit for a period before the date of entry into force of the Agreement.

3. Subject to paragraph 2, a benefit, other than a lump sum payment, shall be paid under this Agreement in respect of events which happened before the date of entry into force of the Agreement.

ARTICLE XXIII

Duration and Termination

1. This Agreement shall remain in force without any limitation on its duration. It may be terminated at any time by either Party giving twelve months' notice in writing to the other Party.

2. In the event of the termination of this Agreement, any right acquired by a person in accordance with its provisions shall be maintained and negotiations shall take place for the settlement of any rights then in course of acquisition by virtue of those provisions.

3. With the entry into force of this Agreement, it shall supersede *the Agreement between the Government of Canada and the Government of Trinidad and Tobago relating to the Canada Pension Plan, signed in Ottawa on April 26, 1977.*

ARTICLE XXIV

Entry into Force

This Agreement shall enter into force, after the conclusion of the administrative arrangement referred to in Article XIV, on the first day of the fourth month following the month in which each Party shall have received from the other Party written notification that it has complied with all statutory requirements for the entry into force of this Agreement.

In WITNESS WHEREOF, the undersigned, being duly authorised thereto by their respective Governments, have signed this Agreement.

DONE in two copies at Port-of-Spain, this 9th day of April 1997, in the English and French languages, each text being equally authentic.

FOR THE GOVERNMENT
OF THE REPUBLIC OF
TRINIDAD AND TOBAGO

FOR THE GOVERNMENT
OF CANADA

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SECOND SCHEDULE

**ADMINISTRATIVE ARRANGEMENT
FOR THE IMPLEMENTATION
OF THE AGREEMENT ON SOCIAL SECURITY**

BETWEEN

**THE GOVERNMENT OF THE REPUBLIC
OF TRINIDAD AND TOBAGO**

AND

**THE GOVERNMENT OF CANADA
SIGNED AT PORT-OF-SPAIN**

ON

THIS 9TH DAY OF APRIL 1997

PURSUANT to Article XIV of the Agreement on Social Security between the Government of the Republic of Trinidad and Tobago and the Government of Canada, signed at Port-of-Spain on this 9th day of April 1997, the competent authorities:

for Trinidad and Tobago,

the Minister of Social Development

for Canada,

the Minister of Human Resources Development

HAVE AGREED ON THE FOLLOWING PROVISIONS:

PART I

GENERAL PROVISIONS

PARAGRAPH 7

Definitions

1. For the purposes of this Administrative Arrangement, "Agreement" means the Agreement on Social Security between the Government of Canada and the Government of the Republic of Trinidad and Tobago, signed at Port-of-Spain on this 9th day of April 1997.

2. Any other term will have the meaning given to it in the Agreement.

PARAGRAPH 2

Liaison Agencies

Pursuant to Article XIV of the Agreement, the following are designated as liaison agencies:

for Canada:

- (a) for any questions with the exception of the application of Part II of the Agreement and of Part II of this Administrative Arrangement (Provisions concerning the applicable legislation), the International Operations Division, Income Security Programs Branch, Department of Human Resources Development; and
- (b) for any questions relating to the application of Part II of the Agreement and Part II of this Administrative Arrangement, the Source Deductions Division, Department of National Revenue,

for Trinidad and Tobago, the Board of Management of the National Insurance Board.

PART II

**PROVISIONS CONCERNING THE
APPLICABLE LEGISLATION**

PARAGRAPH 3

1. In cases involving assignments, elections or modifications, as provided for in paragraphs 2, 5 and 6, respectively, of Article VI of the Agreement, the liaison agency of the Party whose legislation applies will, on request, issue a certificate of fixed duration certifying, in respect of the work in question, that the employed person and that person's employer are subject to that legislation.

2.
 - (a) the consent referred to in paragraph 2 of Article VI of the Agreement must be requested before the end of the current term of coverage;
 - (b) the election referred to in paragraph 5 of Article VI of the Agreement must be made by giving notice thereof within six months after the duties are undertaken or, if the employed person is already performing the duties at the date of the entry into force of the Agreement, within six months after that date; and
 - (c) such requests and notices must be directed to the liaison agency of the Party whose legislation is to apply.

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3. In the case of government employment described in paragraph 5 of Article VI of the Agreement, the employer in question will respect all the requirements prescribed for all other employers by the applicable legislation.

4. The certificates referred to in subparagraph 1 will be issued on forms that are acceptable to the liaison agency of the other Party. The employed person in question as well as that person's employer and the liaison agency of the other Party will be entitled to receive a copy.

PART III

PROVISIONS CONCERNING BENEFITS

PARAGRAPH 4

Processing an Application

1. If the liaison agency of a Party receives a claim for a benefit under the legislation of the other Party, it will, without delay, send the claim to the liaison agency of the other Party.

2. Along with the claim, the liaison agency of the first Party will also transmit any documentation available to it which may be necessary for the competent institution of the other Party to establish the entitlement of the claimant to the benefit.

3. The personal information regarding an individual contained in the claim will be duly certified by the liaison agency of the first Party which will confirm that the information is corroborated by documentary evidence; the transmission of the form so certified will exempt the liaison agency from sending the corroboratory documents. The type of information to which this subparagraph applies will be agreed upon by the liaison agencies of the Parties.

4. In addition to the claim and documentation referred to in subparagraphs 1 and 2, the liaison agency of the first Party will send to the liaison agency of the other Party a liaison form which will indicate, in particular, the creditable periods under the legislation of the first Party. The liaison agencies of the Parties will, by common agreement, prescribe the liaison forms which each will use for this purpose.

5. The competent institution of the other Party will subsequently determine the claimant's eligibility and, through its liaison agency, notify the liaison agency of the first Party of the benefits, if any, granted to the claimant.

6. The liaison agencies of the Parties will, by common agreement, prescribe the forms on which a claim described in subparagraph 1 may be submitted. The liaison agency of a Party may refuse to accept a claim for a benefit under the legislation of the other Party if that claim is not submitted on the prescribed form.

PARAGRAPH 5

Medical Examinations

1. The liaison agency of a Party will, to the extent permitted by the legislation which it administers, provide, upon request, to the liaison agency of the other Party such medical information and documentation as are available concerning the disability of a claimant or beneficiary.

2. If the competent institution of a Party requires that a claimant or a beneficiary who resides in the territory of the other Party undergo a medical examination, the liaison agency of the latter Party, at the request of the liaison agency of the first Party, will make arrangements for carrying out this examination according to the rules applied by the liaison agency making the said arrangements and at the expense of the agency which requests the medical examination.

3. On receipt of a detailed statement of the costs incurred, the liaison agency of the first Party will, without delay, reimburse the liaison agency of the other Party for the amounts due as a result of applying the provisions of subparagraph 2.

PARAGRAPH 6

Exchange of Statistics

The competent institutions of the Parties will exchange statistics on an annual basis regarding the payments which each has made under the Agreement. These statistics will include data on the number of beneficiaries and the total amount of benefits paid, by type of benefit.

PART IV

MISCELLANEOUS PROVISIONS

PARAGRAPH 7

Forms and Detailed Procedures

Subject to this Administrative Arrangement, the liaison agencies of the Parties will agree on the forms and detailed procedures necessary to implement the Agreement.

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PARAGRAPH 8

Entry into Effect

This Administrative Arrangement will take effect on the date of entry into force of the Agreement and will have the same period of duration.

DONE in two copies at Port-of-Spain, this 9th day of April 1997 in the English and French languages, each text being equally valid.

FOR THE COMPETENT
AUTHORITY OF THE
REPUBLIC OF TRINIDAD
AND TOBAGO

FOR THE COMPETENT
AUTHORITY OF CANADA