
1st Session Third Parliament Trinidad and Tobago
20 Elizabeth II



TRINIDAD AND TOBAGO
Act No. 35 of 1971

[L.S.]

AN ACT respecting National Insurance.

[Assented to 10th November, 1971]

WHEREAS it is enacted *inter alia* by subsection (2) of section 5 of the Constitution that an Act of Parliament to which that section applies may expressly declare that it shall have effect notwithstanding sections 1 and 2 of the Constitution and, if any such Act does so declare, it shall have effect accordingly:

And whereas it is provided by subsection (2) of the said section 5 of the Constitution that an Act of Parliament to which that section applies is one the Bill for which has been passed by both Houses of Parliament and at the final vote thereon in each House has been supported by the votes of not less than three-fifths of all the members of that House:

And whereas it is necessary and expedient that the provisions of this Act shall have effect notwithstanding sections 1 and 2 of the Constitution:

Enactment	NOW, THEREFORE, BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Trinidad and Tobago, and by the authority of the same, as follows:—
Short title	1. (1) This Act may be cited as the National Insurance Act, 1971.
Act at variance with Ch. 1 of the Constitution	(2) This Act shall have effect notwithstanding sections 1 and 2 of the Constitution.

PRELIMINARY

Interpretation	<p>2. (1) In this Act—</p> <p>“appointed day” means a day appointed by the Governor-General by Proclamation under section 71;</p> <p>“benefit” means any benefit which is payable under this Act;</p> <p>“Board of Management” or “Board” means the Board established by section 3;</p> <p>“Chairman” means the Chairman of the Board;</p> <p>“contribution” means a contribution under this Act;</p> <p>“Deputy Chairman” means the Deputy Chairman of the Board;</p> <p>“Director” means a duly appointed member of the Board;</p> <p>“employer” includes a person to whom another is apprenticed;</p> <p>“employed person” means a person in receipt of earnings in respect of employment and <u>includes a self-employed person;</u></p>
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“employment” includes any trade, business, profession, office, vocation or apprenticeship;

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

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

“Minister” means the member of the Cabinet to whom responsibility for the subject of national insurance is assigned;

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

“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 subsection (8) of section 5.

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

(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 paragraph (a);

- (c) unless the context otherwise requires the determination of the Executive Director under paragraph (a) 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 subsection (2) "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.

Establishment
and incor-
poration of
Board

3. (1) A Board of Management is hereby established for the purposes of this Act, and is a body corporate.

(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 the provisions of 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 re-appointment.

(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) The provisions of 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*.

Custody and
use of seal

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.

(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.

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.

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. Appointment of committees

(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 the provisions of 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, so however that 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 enactment. General functions, powers and duties

(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.

Policy
directions

9. In the exercise and performance of its functions, powers and duties under this or any other enactment 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 of direction of no other person or authority.

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 the provisions of this section, is guilty of an offence and for every offence is liable on summary conviction to a fine of two hundred and fifty 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.

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

(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

(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.

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

Personnel

Appointment
of officers
and other
employees

14. (1) The Board may, subject to the approval of the Governor-General, appoint on such terms and conditions as it thinks fit, an Executive Director, a Deputy Executive Director, a Secretary, a Financial Comptroller 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.

(2) An annual salary of eighteen thousand dollars or such greater amount as the Minister may determine shall not be assigned to any post without the prior approval of the Minister.

(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 accepted to the Governor-General, 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 Governor-General in that behalf.

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. Transfer on secondment

(2) Where a transfer on secondment contemplated by subsection (1) is effected, the Governor-General 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 five years.

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. Establishment of a Pension Scheme

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 dependents 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.

(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.

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

- (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, fines and interest on dues;
- (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— Application of revenue

- (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 (including payments for the maintenance of the Pension Scheme established under section 17);
- (c) the remuneration, fees and allowances of the Directors or of any committee of the Board, and of the members of the Appeals Tribunal appointed under section 57.
- (d) any other expenditure authorised by the Board and properly chargeable to revenue account,

so however that the commitments described at (b), (c) and (d) shall not exceed nine and one half per centum of contribution revenue of the Board.

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

Authorised
Investments

23. (1) Money standing to the credit of the Funds of the Board established under section 41, 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 42, in such securities as are set out in the First Schedule.

First
Schedule

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

Investment
Committee and
Investments

24. (1) The Board shall appoint an Investment Committee consisting of—

- (a) the Chairman of the Board, as Chairman;
- (b) three persons nominated respectively by the Minister of Finance, the Directors who are nominees of Business and the Directors who are nominees of Labour;
- (c) the Financial Comptroller, referred to in section 14, who shall be an *ex-officio* non-voting member.

(2) The investment committee shall, subject to section 23, determine the investment policy of the Board.

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.

(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 Ordinance, 1959.

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(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}

(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 Financial Comptroller 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 payment of money shall be signed by the Financial Comptroller 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 Financial Comptroller 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

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, in such capacity as may be prescribed for the comfort or convenience of a member of a household or in or about a dwelling-house or such other premises as may be prescribed.

Persons to be registered

29. (1) There shall be registered for the purposes of the system of national insurance established by this Act, every employer, and subject to subsection (2) every employed person, and every unpaid apprentice.

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

- (a) employment in the course of which services are rendered by the employed person to his employer for not more than ten hours a week and in respect of which remuneration does not exceed the sum of five dollars a week;
- (b) employment of a married woman by her husband;
- (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 International Organisations) Act, 1965 is exempt from the application of social security provisions in force in Trinidad and Tobago;

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- (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.

30. (1) Subject to this section, every employer shall in accordance with any special directions of the Board make application in the prescribed form—

Procedure for
registration

- (a) for registration as an employer; and
(b) for registration of each employed person (and each unpaid apprentice) of whom he is the employer.

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

*Furnishing particulars
See S 33.*

(3) Nothing in this section shall apply to a domestic worker or a casual agricultural worker but every such worker shall, in respect of each employment as such, himself make an application for registration and shall give notice of any change in such employment.

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,—

Powers of
inspection

- (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.

Powers of entry

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—

- (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; so however that 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.

(2) Admission to any premises shall not be demanded except upon the warrant of a magistrate for the purpose, so however that 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) Every person who hinders or 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 every person who unless he is unable to do so fails or refuses to do anything he is required by or pursuant to this section to do is guilty of an offence and liable on summary conviction to a fine of one thousand five hundred dollars or to imprisonment for two years or to both such fine and imprisonment.

33. A 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 guilty of an offence and liable on summary conviction to a fine of one thousand five hundred dollars or to imprisonment for two years or to both such fine and imprisonment. False information—penalty

34. A person who contravenes or fails to comply with any of the provisions of this Part is guilty of an offence and 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 two thousand dollars and in the case of a continuing offence

to a further fine of fifty dollars for each day on which the offence continues after conviction;

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

Regulations

35. The Governor-General 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.

PART III

NATIONAL INSURANCE PROVISIONS

Contributions

System of
National
Insurance

36. (1) There is hereby established a system of compulsory national insurance under which subject to subsection (2) employed persons registered or eligible to be registered under Part II shall be insured against loss of earnings occasioned by any of the several contingencies in relation to which benefits are provided under section 44(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, 39 and 43 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 44(3).

548 (1)

(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.

38. Subject to the provisions of section 37 and Table A 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.

Contributions to be paid partly by employed person and partly by employer. Second Schedule

39. 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 Table A in the Second Schedule.

Rates of contributions

40. (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-five 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

(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.

41. There are hereby established—

Establishment of funds

- (a) the Employment Injury Benefit Fund; 5370
- (b) the Short Term Benefits Fund; and
- (c) the Long Term Benefits Fund,

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.

Board to make regulations with regard to contributions

42. 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 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.

Persons to be treated as employers

43. 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 period for 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 may make regulations for determining who should be treated as the

employer for the purposes of this Act and may by such regulations provide for adjusting the rights between the employed person, the immediate employer or the person who, by virtue of the regulations, is to be treated as the employer.

BENEFITS

44. (1) From the appointed day the benefits payable ^{Benefits} 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, periodical payments in the case of the pregnancy or confinement of an employed woman and a grant payable during the week of the delivery;
- (c) invalidity benefit, that is to say, a payment or periodical payments to an employed person who after exhaustion of sickness benefit is likely to remain permanently incapable of work;
- (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 employed person who has attained the age of sixty-five years;
- (f) retirement grant, that is to say, a lump sum payment, in such amount as the Board may prescribe, to an employed person who has attained the age of sixty-five years but who does not qualify for retirement pension;
- (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—
 - (i) otherwise than by way of employment injury;

- (ii) in receipt of—
 - (A) invalidity benefit or retirement pension; or
 - (B) sickness benefit or maternity benefit but only on or after such date as the Board may prescribe;
 - (iii) while he is the holder of a certificate of voluntary insurance.”.
- (2) In this section “survivor benefit” means—
- (a) widow’s benefit or pension payable in prescribed circumstances to the widow of the deceased and a grant payable on the termination of the benefit by reason of the widow’s remarriage;
 - (b) widower’s benefit payable to the widower of the deceased, if but only if such deceased was at the date of her death wholly or mainly responsible for the maintenance of her husband because of his incapacity to work by reason of mental or physical disability and this benefit shall be so payable for the life of the widower or until the cesser of his incapacity or until he remarries and a grant payable on the termination of the benefit by reason of the widower’s remarriage;
 - (c) widow’s allowance payable to a widow who is ineligible to receive the benefit or pension referred to in paragraph (a) and a grant payable on the widow’s remarriage;
 - (d) child’s allowance, payable in respect of a child of the deceased;
 - (e) orphan’s allowance, payable in respect of a child of the deceased where such child has by reason of the death of the deceased been rendered an orphan; or
 - (f) parent’s pension, payable to a parent of the deceased where at the date of death of the deceased such parent was being wholly or mainly maintained by him.

(3) Subject to the provisions of 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—

5370

- (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 benefit or pension payable as from the date of death of the insured person to his widow for her life or until she remarries, and a grant payable on the termination of the benefit by reason of the widow's remarriage;
 - (ii) widower's benefit, payable as from the date of death of an insured person to her widower if but only if such insured person was at the date of her death wholly or mainly responsible for the maintenance of her husband because of his incapacity to work by reason of mental or physical disability and this benefit shall be so payable for the life of the widower or until the cesser of his incapacity or until he remarries and a grant payable to the widower on the termination of the benefit by reason of his remarriage;
 - (iii) child's benefit payable weekly in respect of a child of an insured person;
 - (iv) parent's benefit, payable to the parent of an insured person where such parent was 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) the Board may make regulations generally to provide for the payment of reasonable medical expenses to insured persons who have suffered personal injury by accident arising out of and in the course of their employment and in particular such regulations shall—

- ((a) provide for the appointment of medical referees;
- (b) fix the rates of payment and prescribe a maximum payment;
- (c) prescribe the conditions subject to which and the period for which such payments may be made.

(5) 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.

(6) 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.

Industrial
disease

837(1)
45. (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.

(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.

Prescribed
disease
benefit

46. The benefit in respect of a prescribed disease or injury shall be payable under the same conditions as the benefit in respect of personal injury by accident arising out of and in the course of employment.

47. 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. Benefits to be inalienable

48. (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 64. Benefit lost by employer's default

(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.

49. 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— Accidents happening while acting in breach of regulations, etc.

- (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.

50. (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.

51. 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.

52. (1) Subject to subsection (2) 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 according to the earnings class into which an insured person falls as shown in Tables A, B, C and D respectively in the Third Schedule.

Rates of benefit

(2) In assessing the entitlement of an insured person to benefit (other than employment injury benefit) all 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.

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

Regulations
in respect
of benefits

- (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 lumpsum 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.

54. 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 68.

Amendment
of rates

PART IV

MISCELLANEOUS

Governor-General to make regulations for harmonization.

55. (1) Where it is desired to harmonize pension fund plans in operation on the appointed day for the payment of contributions, with the system of national insurance such harmonization shall be effected in accordance with regulations made by the Governor-General in that behalf.

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

Initial expenditure and advances

56. (1) The initial expenditure incurred in establishing the system of national insurance shall be defrayed out of moneys advanced by Parliament.

(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.

Determination of claims and questions

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

Governor-General to appoint Appeals Tribunal

58. The Governor-General shall appoint Appeals Tribunals consisting each of three members nominated as follows:—

- (a) one member nominated by the Government;
- (b) one member nominated by the organisations most representative of Business; and
- (c) one member nominated by the organisations most representative of Labour.

Governor-General determine remuneration of Appeals Tribunal

59. The members of the Appeals Tribunal shall be paid such remuneration and allowances as the Governor-General may determine.

Appeals from decisions of the Board

60. (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.

(2) Proceedings before the Appeals Tribunals shall be in accordance with regulations made by the Governor-General in that behalf.

(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.

61. (1) Where any person 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—

(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,

he shall be guilty of an offence and liable on summary conviction to a fine of one thousand dollars or to imprisonment for a term of six months, or to both such fine and imprisonment.

(2) Where any person contravenes or fails to comply with any provision of this Act he shall be guilty of an offence and, 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 two thousand dollars and in the case of a continuing offence to a further fine of fifty dollars for each day that the offence continues after conviction;

(b) in any other case, of two hundred and fifty dollars and in the case of a continuing offence a further fine of ten 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 Executive Director from recovering by means of civil proceedings any sums due to the Board.

62. (1) Proceedings for an offence under this Act shall not be instituted except by or with the consent of the

General provisions
as to prosecutions
under this Act

Executive Director or by some other officer authorised by him in that behalf.

(2) Any such other officer may, although not of counsel or a solicitor, prosecute or conduct the proceedings before a court of summary jurisdiction.

(3) Notwithstanding the provisions of any other enactment 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 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.

Recovery of
contributions on
prosecution

63. (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.

(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 Ordinance 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.

(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) If an employer, being a body corporate, fails to pay to the Board any sum which such employer has been ordered to pay under this section, that sum or such part thereof as remains unpaid, shall be a debt due to the Board jointly and severally from any directors of the body corporate who knew, or could reasonably be expected to have known, of the failure to pay the contribution.

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

64. (1) All sums due to the Board under this Act shall be recoverable as debts due to the Executive Director and, without prejudice to any other remedy, may be recovered summarily as a civil debt. ^{Civil proceedings to recover sums due to Board}

(2) Proceedings for the summary recovery of such sums may, notwithstanding anything in any enactment 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 counsel or a solicitor, conduct such proceedings.

65. (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. ^{Insured persons outside Trinidad and Tobago}

(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.

66. (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 enactment 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. ^{Accidents in course of illegal conditions of employment}

at the time when or in the place where the accident happened or the disease or injury was contracted or received.

(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 to the nature of which the disease or injury is attributable.

Reciprocal
agreements with
other parts
of Commonwealth

67. (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, it shall be lawful for the Governor-General by Order published in the *Gazette* to make provision for modifying or adapting this Act in its application to cases affected by the agreement.

(2) The modification of this Act which may be made by virtue of the foregoing subsection 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) for 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

68. (1) For the purposes of assessing the balance between the rates of 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.

69. Regulations made by the Board shall be subject to negative resolution of both Houses of Parliament and may prescribe in respect of any contravention or failure to comply with any provision thereof, a penalty of five hundred dollars or three months imprisonment or both.

Regulations
subject to
negative
resolution
Penalty under

70. As from the appointed day—

(a) the National Insurance Registration Act, 1970 is hereby repealed, and

Repeal and
amendments
Act No. 46 of 1970

(b) the enactments specified in the first column of the Fourth Schedule are hereby amended to the extent specified in the second column of that Schedule.

Fourth Schedule

71. This Act shall come into operation on a day or days appointed by the Governor-General by Proclamation published in the *Gazette*; and the Governor-General may appoint different days for different provisions of this Act and in particular for provisions relating to the payment of different benefits or descriptions of benefits under this Act or for the application of different provisions of this Act to different categories of persons.

Commencement

72. (1) The Clerk of the Senate and the Clerk of the House of Representatives shall certify whether this Act is one the Bill for which has been passed by the Senate and the House, respectively, and at the final vote thereon in the Senate and in the House, respectively, has been supported in the Senate, by the votes of not less than three-fifths of all the members of the Senate and in the House, by the votes of not less than three-fifths of all the members of the House.

Act to be certified

(2) The certificates of the Clerk of the Senate and the Clerk of the House of Representatives under subsection (1) duly signed and authenticated by them shall be conclusive evidence that this Act is one the Bill for which has been passed by both Houses of Parliament and at the final vote thereon in each House has been supported by the votes of not less than three-fifths of all the members of that House as provided for in section 5(2) of the Constitution.

Section 52(1)

THIRD SCHEDULE

RATES OF BENEFITS

TABLE A

Rates of Sickness or Maternity Benefit

Earnings Class	Benefit
	\$ c.
I	7 20 per week
II	11 10 per week
III	14 70 per week
IV	19 50 per week
V	25 50 per week
VI	33 00 per week
VII	42 60 per week
VIII	54 00 per week

A woman in receipt of maternity benefit shall in addition to the weekly payment receive during the week of the delivery a grant of \$25.00.

TABLE B

RATES OF RETIREMENT OR INVALIDITY PENSION

Earnings Class	Weekly	Monthly
	\$ c.	\$ c.
I	6 00	25 00
II	8 00	33 00
III	10 00	43 00
IV	13 00	56 00
V	16 00	71 00
VI	20 00	83 00
VII	25 00	109 00
VIII	31 00	134 00

TABLE C
RATES OF SURVIVOR BENEFIT

Earnings Class						Widow	Dependent Child	Dependent Orphan	Dependent Parent
						\$ c.	\$ c.	\$ c.	\$ c.
I	...	...	...	...	...	3 00 per week	1 20 per week	2 40 per week	90 per week
II	...	...	...	...	...	4 00 per week	1 60 per week	3 20 per week	1 20 per week
III	...	...	...	...	...	5 00 per week	2 00 per week	4 00 per week	1 50 per week
IV	...	...	...	...	...	6 50 per week	2 60 per week	5 20 per week	1 95 per week
V	...	...	...	...	...	8 00 per week	3 20 per week	6 40 per week	2 40 per week
VI	...	...	...	...	...	10 00 per week	4 00 per week	8 00 per week	3 00 per week
VII	...	...	...	...	...	12 50 per week	5 00 per week	10 00 per week	3 75 per week
VIII	...	...	...	...	...	15 00 per week	6 20 per week	12 40 per week	4 65 per week

1. *In abvoe addition to the weekly payments set out there shall be payable a funeral grant of \$100.
2. *Rates of Survivor Benefit shall be related to the Rates of Retirement or Invalidity Pension, to ensure that the maximum amount of Survivor Benefit payable in respect of a deceased insured person shall not exceed the total amount of retirement or invalidity benefit for which the deceased would have been eligible had he qualified for the receipt of retirement or invalidity pension that is to say:—
 1. The widow will receive 50 per cent of the Retirement or Invalidity Pension Rate;
 2. The Dependent child will receive 20 per cent of Retirement or Invalidity Pension Rate;
 3. The Orphan child will receive 40 per cent of Retirement or Invalidity Pension Rate;
 4. The Dependent Parent will receive 15 per cent of Retirement or Invalidity Pension Rate.

TABLE D
RATES OF EMPLOYMENT INJURY BENEFITS

Earnings Class	INJURY PENSION WEEKLY PAYMENTS	DEATH BENEFITS—WEEKLY PAYMENTS			
	Insured Person	Widow or Widower 50%	Dependent Child 20%	Dependent Orphan 40%	Dependent Parent 15%
	\$ c.	\$ c.	\$ c.	\$ c.	\$ c.
I	8 00	4 00	1 60	3 20	1 20
II	12 50	6 25	2 50	5 00	1 87
III	16 50	8 25	3 30	6 60	2 47
IV	22 00	11 00	4 40	8 80	3 30
V	28 50	14 25	5 70	11 40	4 27
VI	37 00	18 50	7 40	14 80	5 55
VII	47 50	23 75	9 50	19 00	7 12
VIII	60 00	30 00	12 00	24 00	9 00

FOURTH SCHEDULE

(Section 70)

FIRST COLUMN	SECOND COLUMN
<p><i>Income Tax Ordinance,</i> Ch. 33. No. 1 Section 8(1)</p>	<p>Add immediately after paragraph (f) the following:— “(g) benefits (including lump sum payments) paid out of the Employment Injury Benefit Fund and the Short Term Benefits Funds established under section 41 of the National Insurance Act, 1971.”.</p>
<p>Section 11(1)</p>	<p>Insert immediately after paragraph (h) the following:— “(i) contributions paid by an employer under the system of national insurance established under the National Insurance Act, 1971. For the purposes of paragraph (i) “employer” includes the employer of a domestic worker within the meaning of the National Insurance Act, 1971.”.</p>
<p>Section 16(1)</p>	<p>Add the word “or” at the end of paragraph (c) and insert immediately thereafter the following:— “(d) being an insured person within the meaning of the National Insurance Act, 1971, has paid a contribution under the system of national insurance established by that Act.”.</p>
<p>Section 16D(1)</p>	<p>Insert immediately after paragraph (c) the following:— “(d) being an insured person within the meaning of the National Insurance Act, 1971, has paid a contribution as is mentioned in paragraph (d) of section 16(1), there shall be allowed a deduction of seventy per cent of the annual amount of the contribution so paid.”.</p>
<p><i>Finance Act, 1966</i> Section 46(1)</p>	<p>Add immediately after paragraph (k) the following:— “(l) profits arising from investment of the Employment Injury Benefit Fund.</p>

FOURTH SCHEDULE—*Continued*

FIRST COLUMN

SECOND COLUMN

the Short Term Benefits Fund and the Long Term Benefits Fund established under the National Insurance Act, 1971.”.

Passed in the House of Representatives this 29th day of October, 1971.

G. R. LATOUR
Clerk of the House

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed by the House of Representatives and at the final vote thereon in the House has been supported by the votes of not less than three-fifths of all the members of the House, that is to say the votes of 30 members of the House.

G. R. LATOUR
Clerk of the House

Passed in the Senate this 2nd day of November, 1971.

J. E. CARTER
Clerk of the Senate

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed by the Senate and at the final vote thereon in the Senate has been supported by the votes of not less than three-fifths of all the members of the Senate, that is to say the votes of 17 Senators.

J. E. CARTER
Clerk of the Senate