

# CHAPTER 205 NATIONAL INSURANCE ACT

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• Act • Subsidiary Legislation •

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## ACT

Act No. 14 of 1983

### Amended by

Act No. 8 of 1969

Act No. 12 of 1985

Act No. 20 of 1985

Act No. 33 of 1994

Act No. 12 of 2009

Act No. 24 of 2009

Act No. 3 of 2010

Act No. 11 of 2011

## ARRANGEMENT OF SECTIONS

### PART I

#### *Preliminary*

1. Short title.
2. Interpretation.

### PART II

#### *Establishment and Administration of the National Insurance Fund and the National Insurance Board*

3. Establishment of the National Insurance Fund.
4. Establishment of the National Insurance Board.
5. Board's duty to advise Minister and submit annual reports to him or her, and Minister's power to give directions.
6. Committees of the Board.
7. Validity of Board's actions and protection of members.
8. Power of the Board to provide for own administration and procedure.
9. Appointment, duties and power of delegation of Director.
10. Termination of Director's appointment and resignation.
11. Deputy Director.
12. Board to appoint secretary.
13. Appointment and powers of inspectors.
14. Appointment of other officers.
15. Appointment of legal, medical and other advisers.
16. Transfers of personnel.
17. Declaration and duty of secrecy.

### PART III

### *Financial Provisions*

18. Investment Committee.
19. Investment of surplus monies.
20. Accounts and financial statements.
- 20A. Limit on administrative expenses.
21. Board to submit financial statements, etc., to Minister.
22. Actuarial review.
23. Approval and guarantee of borrowing.

## PART IV

### *Insured Persons and Contributions*

24. Provisions as to categories of insured persons and of insurable employment.
25. Insurance of self-employed persons, etc.
26. Liability to make deductions and contributions.
27. Exemption from liability to make contributions.
28. Minister may make regulations for contributions and exemptions.
29. When insured person works under general control of person not his or her immediate employer.
30. Deduction of contribution from wages.
31. Payment of contributions into the Fund.
32. Surcharge for late payment.
33. Crediting of unpaid contributions.
34. Employment by more than one employer.
35. Receipt of benefit not to affect employer's obligation to pay wages.
36. Contributions or benefits to be inalienable.
37. Regulations relating to registration of persons, payment and collection of contributions.
38. Contributions deductible for purposes of income tax.

## PART V

### *Benefit*

39. Kinds of benefit.
40. Entitlement to benefit.
41. Contribution credits during receipt of short-term benefit.
42. Regulations may provide for other kinds of benefit.
43. Regulations regarding rates of benefit, etc.
44. To claim, etc., is a condition of benefit.
45. Regulations governing benefit.

## PART VI

### *Public Officers and Employees of Public Bodies*

46. Regulations for treating public officers, etc., as insured persons.
47. Modification or repeal of public service pension scheme.

## PART VII

### *Mariners and Airmen*

48. Regulations for mariners and airmen.
49. Regulations regarding wives or widows of mariners and airmen.

## PART VIII

*Agreements with Foreign Governments*

50. Reciprocal agreements with foreign countries.

PART IX

*Adjudication and Legal Proceedings*

51. Adjudication and appeals.  
52. Unpaid contributions to rank as a privileged debt.  
53. Joint liability for offences.  
54. Certified copy as evidence.  
55. Civil proceedings.  
56. Offences and penalties.  
57. Proceedings for recovery of contribution.  
58. Proceedings against employer for benefits lost by his or her default.  
59. Disclosure of information by Inland Revenue Department.  
60. Proceedings to be in Director's name.

PART X

*Miscellaneous*

61. Exemption from taxes.  
62. Private schemes.  
63. Assessment of damages against employer.  
64. Regulations.  
65. Power to remove difficulties.  
66. Transfer of assets and liabilities of Provident Fund.  
First Schedule Constitution and Proceedings of the National Insurance Board  
Second Schedule People and Organisations Exempted from Insurance Contributions

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**CHAPTER 205  
NATIONAL INSURANCE ACT**

**An Act to establish a national insurance scheme through the collection of contributions and other income, and for the payment of sickness, invalidity, maternity, survivors', age and funeral and other benefits; to establish a National Insurance Fund; to take over and manage in accordance with the provisions of this Act the Provident Fund established under the Provident Fund (Agricultural Workers) Act, 1969; to enable reciprocal arrangements to be made with foreign governments with regard to the aforementioned benefits, and for connected purposes.**

[Act No. 14 of 1983 amended by Act No. 8 of 1969, Act No. 12 of 1985, Act No. 20 of 1985, Act No. 33 of 1994, Act No. 12 of 2009, Act No. 24 of 2009, Act No. 3 of 2010, Act No. 11 of 2011.]

[4th April, 1983.]

PART I

*Preliminary*

**1. Short title**

This Act may be cited as the National Insurance Act.

## 2. Interpretation

In this Act—

“appointed day” means the date of commencement of this Act;

“beneficiary” means a person entitled to a benefit or to whom a benefit is payable under this Act;

“benefit” includes any benefit, grant, or pension payable under this Act;

“Board” means the National Insurance Board established by section 4;

“business” includes a profession, calling, trade, manufacture, adventure or concern in the nature of trade and an undertaking of any kind whatever, but does not include an office or employment;

“chairperson” means the chairperson of the Board or Investment Committee as the context requires;

“child”, in relation to an insured person, includes a step-child, an adopted child and any other child whether born in or out of wedlock under the age of sixteen living at the home of an insured person and wholly or partly maintained by him or her;

“claimant” means a person claiming a benefit under this Act;

“contribution” means the contribution of the employee or employer as the case may be, payable under this Act;

“contribution period” means—

- (a) in respect of an employee paid at intervals of a week or less, the week in which wages are paid;
- (b) in respect of an employee paid at intervals of more than one week but not more than a fortnight, the fortnight ending with the last day of the week in which wages are paid;
- (c) in respect of an employee paid at intervals of more than a fortnight, the month in which wages are paid;

“contributor” means a person who has made a prescribed contribution pursuant to the provisions of this Act;

“deduct” includes withhold;

“Director” means the person charged with the responsibility of administering this Act or any person appointed to act in his or her place;

“earnings” includes wages, salaries and any other remuneration or profit derived from employment and “earner” shall be construed accordingly;

“employer” means the person with whom an employee has entered into a contract of service or apprenticeship, expressed or implied, whereby such person is liable to pay salary, wages or other remuneration for services performed by the employee;

“financial year” means the period of 52 or 53 weeks beginning with the first Monday in any calendar year and ending on the Sunday immediately before the first Monday of the succeeding calendar year;

“functions” includes powers and duties;

“Fund” means the National Insurance Fund established by section 3;

“incapacity for work” means incapacity to engage in any gainful occupation by reason of some specific disease or bodily or mental disablement;

“inspector” means any person appointed by the Board to perform the functions of an inspector under this Act;

“insurable employment” means any employment except such employment as is exempt under this Act;

“insured person” means a person registered and insured for any benefit payable under this Act;

“Investment Committee” means the Investment Committee established under section 18;

“long-term benefit” includes age, invalidity, and survivors’ benefit and any other benefit prescribed as such;

“Minister” means the Minister for the time being charged with responsibility for social security;

“national insurance card” means a national insurance registration card duly numbered and issued to or in respect of an insured person; or a card substituted therefor;

“national insurance number” means the national insurance number assigned to an insured person under this Act;

“pensionable age” means the age of sixty;

“Provident Fund” means the former Provident Fund established under section 8 of the Provident Fund (Agricultural Workers) Act, No. 8 of 1969 (now repealed);

“public service pension scheme” means any scheme or provision whether contributory or not, for the pension of a public officer or statutory body;

“salary” has the same meaning as wages;

“short-term benefit” includes sickness and maternity benefit, and any other benefit prescribed as such;

“survivor” means any person who on the death of an insured person may be entitled to survivors’ benefit under this Act;

“wages” means remuneration in money paid to an employee under a contract of service or apprenticeship, as the case may be, and whether or not agreed to be paid at fixed or determined intervals of time in respect of—

- (a) fixed periods of work to be performed by the employee;
- (b) the number of tasks completed by the employee where payment is calculated in relation to any tasks; or
- (c) the volume completed by an employee, where payment is calculated in relation to the volume of work done, and

any allowance payable by the employer to the employee whether directly, indirectly or by implication;

“work” includes piece work.

## PART II

### *Establishment and Administration of the National Insurance Fund and the National Insurance Board*

#### **3. Establishment of the National Insurance Fund**

(1) There shall be established a Fund to be called the National Insurance Fund into which shall be paid—

- (a) all contributions;

- (b) all rents, interest, dividends or other income derived from the assets of the Fund;
  - (c) all sums recovered under this Act or regulations made thereunder by way of fine, fee, penalty, surcharge or costs;
  - (d) all sums properly accruing to the Fund under this Act including the repayment of benefits;
  - (e) such other sums as may be provided by Parliament for the purposes of this Act or as may be received and accepted by the Board on behalf of the Fund;
  - (f) all assets and all other funds held in trust or otherwise by the Provident Fund Board on the appointed day.
- (2) There shall be paid out of the Fund—
- (a) benefits;
  - (b) refunds of contributions;
  - (c) salaries, rents, expenses and allowances properly incurred in the administration of this Act;
  - (d) liabilities incurred by the Provident Fund Board;
  - (e) expenditure considered by the Board to be necessary for the training or welfare of their officers or employees;
  - (f) sums expended for carrying out any surveys or research for the purpose of gathering any data which the Board consider necessary for the performance of their functions under this Act;
  - (g) fees, subscriptions or sums for membership, affiliation or contribution to or in any local, regional or international body concerned with national insurance;
  - (h) all other monies which the Board may consider to be reasonable and necessary for the proper and efficient performance of their functions;
  - (i) any other payments authorised under this Act.

#### **4. Establishment of the National Insurance Board**

(1) There shall be established for the purposes of this Act a Board to be called the National Insurance Board in which the Fund shall be vested, and which shall be responsible for administering the Fund in accordance with this Act, and the provisions of the First Schedule shall have effect as regards the constitution and proceedings of the Board.

(2) The Board shall as from the appointed day take over, manage, maintain and discharge all assets, liabilities and obligations of the Provident Fund Board.

(3) The Board shall be a body corporate with perpetual succession and a Common Seal and shall in their corporate name be capable of entering into contracts, of suing and of being sued, of purchasing or otherwise acquiring, holding, leasing, charging, alienating real or personal property, of lending or borrowing money, and of doing or performing all such acts as bodies corporate may by law do or perform.

(4) The Board shall have a head office in the City of St. George's and may establish other offices within Grenada as they consider desirable.

(5) Service on the Board of any Notice, Order or other document shall be executed by delivering or by sending the same by registered post, addressed to the Director at the head office of the Board.

(6) All deeds and agreements relating to the property, assets or monies of the Fund shall be signed and sealed by the Board pursuant to a resolution and shall be authenticated

by the signature of the chairperson and the Director or such other person as the Board may appoint.

(7) The Common Seal shall be kept in the custody of the Director and shall not be affixed to any instrument except by a resolution of the Board, and the sealing of any instrument shall be authenticated in the manner described in the preceding subsection.

(8) The members of the Board shall be paid out of the Fund such remuneration, expenses and allowances as the Minister may from time to time approve.

## **5. Board's duty to advise Minister and submit annual reports to him or her, and Minister's power to give directions**

(1) The Board shall consider and advise the Minister upon all matters from time to time referred to them by him or her and shall give him or her such information as he or she may reasonably require regarding the operations of the Board, and the Board shall render a report annually to the Minister.

(2) The Minister may give to the Board such general written directions with regard to the Board's functions under this Act as appear to him or her to be requisite in the public interest, and the Board shall give effect to any such directions.

## **6. Committees of the Board**

(1) The Board may appoint a committee to examine and report to the Board on any matter arising out of any of their functions under this Act.

(2) A committee appointed under subsection (1) shall include no fewer than two members of the Board, and may include persons who are not members thereof.

(3) Subject to the provisions of this Act, the composition and functions of a committee of the Board shall be determined by the Board.

(4) The Board may delegate to any member or committee of the Board or to the Director or any officer of the Board the power to carry out on their behalf such functions under this Act as the Board may determine.

(5) Every delegation under this section shall be revocable by the Board and no such delegation shall prevent the exercise by the Board of a delegated function.

## **7. Validity of Board's actions and protection of members**

(1) The validity of acts performed or proceedings taken under this Act shall not be questioned on the ground of—

- (a) the existence of a vacancy in the membership, or a defect in the constitution of the Board;
- (b) the contravention by a member of the Board of the provisions of paragraphs 15 and 16 of the First Schedule; or
- (c) an omission, defect or irregularity not affecting the merits of an act done by the Board.

(2) No personal liability shall attach to a member of the Board in respect of anything done or omitted in good faith under the provisions of this Act, and a sum of money, damages or costs which may be recovered against any such member in respect of an act or thing done or omitted *bona fide* under this Act shall be paid out of the Fund.

## **8. Power of the Board to provide for own administration and procedure**

Subject to the First Schedule and the other provisions of this Act, the Board shall have power to provide for all matters of administration and procedure in the exercise of their functions under this Act.

## **9. Appointment, duties and power of delegation of Director**

(1) The Board shall, with the approval of the Minister, appoint on such terms and conditions as they deem appropriate a fit and proper person to be the Director of the Fund, who shall be the Chief Administrative Officer of the Fund and who shall, subject to the provisions of this Act and the general directions of the Board, be responsible for the management of the staff of the Board and for the administration of the Fund and in particular for—

- (a) the assessment of contributions under this Act and the collection and payment of contributions and other monies into the Fund;
- (b) the payment out of the Fund of the various benefits under this Act and of the expenditure necessary for the proper administration of the Fund;
- (c) accounting for all monies collected, paid or invested under this Act;
- (d) the investment of surplus monies in the Fund as directed from time to time by the Investment Committee.

(2) The Director may, in relation to any matter or class of matters under this Act, by writing under his or her hand delegate any of his or her functions under this Act (except his or her power of delegation under this section) to an employee of the Board.

(3) Every delegation under this section shall be revocable at any time and shall not prevent the performance by the Director of any such delegated function.

## **10. Termination of Director's appointment and resignation**

(1) For inability to exercise the functions of his or her office (whether arising from infirmity of mind or body or from any other cause) or for misconduct, the Board may, with the approval of the Minister, terminate the appointment of the Director.

(2) The Director may resign his or her office by giving the Board three months' notice in writing, or such shorter notice as the Board may in their discretion agree to accept, of his or her intention to do so, and at the expiration of such period he or she shall be deemed to have resigned his or her office.

## **11. Deputy Director**

(1) The Board may appoint a fit and proper person to be Deputy Director.

(2) The Deputy Director shall assist the Director in the performance of his or her duties under this Act.

(3) On the occurrence of a vacancy in the office of Director (whether caused by death, resignation or otherwise) and in the case of illness, absence or temporary incapacity of the Director (from whatever cause arising) and so long as such vacancy, illness, absence or temporary incapacity continues, the Deputy Director shall have and exercise all the functions of the Director.

(4) Where the Deputy Director exercises any function as aforesaid, his or her appointment shall be sufficient evidence of his or her authority to do so and no person shall be concerned to inquire whether the occasion has arisen requiring or authorising him or her to act as Deputy Director.

## **12. Board to appoint secretary**

(1) The Board shall appoint a fit and proper person to be secretary to the Board.



(2) The secretary shall perform such duties as may be assigned to him or her from time to time by the Board.

### **13. Appointment and powers of inspectors**

(1) The Board may appoint or designate such officers in their service as they think fit to be inspectors for the purposes of this Act.

(2) The Director and the Deputy Director shall have the powers and may perform the functions of an inspector.

(3) Every officer appointed or designated as an inspector shall be furnished with an identification card and, on entering any premises or place of business for the purposes of this Act, his or her identification card shall be produced by him or her.

(4) An inspector shall, for the purposes of this Act, have power—

- (a) to enter at all reasonable hours any premises or place where he or she has reasonable grounds for supposing that any persons are employed;
- (b) to make such examination, inspection, or inquiry as may be necessary for ascertaining whether the provisions of this Act are being or have been complied with in any such premises or place;
- (c) to require the production of any document relating to contributions or liability to make contributions;
- (d) to examine either alone or in the presence of any other person as he or she thinks fit, with respect to any matters under this Act, every person whom he or she finds in any such premises or place or whom he or she has reasonable cause to believe can give information regarding the subject matter of the enquiry (and require such person to be examined), and for the purpose of such examination may summon any such person to attend at a given time at any office of the Board.

(5) The occupier of any premises or place liable to inspection under this section and any other person who is or has been employing any person and the employees or agents of any such occupier or other person and any employed person shall furnish to an inspector all such information and shall produce for inspection all such documents as the inspector may reasonably require for the purpose of ascertaining whether contributions are payable or have been duly paid by or in respect of any person or whether any benefit is or was payable to or in respect of any person.

(6) No person shall be required under this section to answer questions or give evidence tending to incriminate himself or herself.

### **14. Appointment of other officers**

(1) The Director may from time to time, with the approval of the Board, appoint on such terms and conditions as he or she sees fit such other officers as are necessary for the administration of this Act.

(2) Every person appointed under this section shall perform such duties as may be assigned to him or her from time to time by the Director.

### **15. Appointment of legal, medical and other advisers**

The Board may appoint upon such terms and conditions as they consider fit, a legal adviser, a medical adviser and any other adviser whom the Board consider necessary for the purposes of this Act.

### **16. Transfers of personnel**

(1) With the approval of the Public Service Commission any public officer may be transferred to the service of the Board and *vice versa*.

(2) The Board may approve the transfer of any officer in their service to the service of any other statutory authority and *vice versa*.

(3) Where a transfer has been approved under this section, arrangements shall be made by the Minister of Finance, the Board or the statutory body, as the case may be, to pay to the body providing the service of such officer such contributions as may be provided for by regulations or otherwise in respect of pensions and gratuities.

(4) When an officer of the Board is on transfer from the public service, the Board shall make arrangements with the Government for the preservation of the pension rights of such officer.

(5) Arrangements made under the preceding subsection shall in appropriate cases include the payment from the Fund into the Consolidated Fund such amounts as in the opinion of the Minister of Finance approximately represent the accruing liability for the sums which will become payable out of monies provided by Parliament for the relevant pension benefits.

(6) For the purpose of the Pensions Act, Chapter 233, service with the Board shall be deemed to be "other public service" as though the Board were one of the Scheduled Governments listed in Schedule A to the Pensions Regulations.

## **17. Declaration and duty of secrecy**

Every person employed or having an official duty under this Act shall regard and deal with all documents and information pertaining in any manner to the affairs of the Fund and the Board as secret and shall, if so required by the Board, make and subscribe to a declaration of secrecy in the form prescribed.

## **PART III**

### *Financial Provisions*

## **18. Investment Committee**

(1) There shall be for the purposes of this Act an Investment Committee which shall consist of five members to be appointed by the Minister as follows—

- (a) an officer of the Ministry of Finance nominated by the Minister of Finance, which officer shall be appointed chairperson;
- (b) a member of the Board other than the Director;
- (c) two other members who appear to the Minister to be experienced in finance, accountancy, business administration, industrial relations or some other related subject, one of whom shall represent employers and the other who shall represent the employees; and
- (d) the Director.

(2) Three members of the Investment Committee shall form a quorum, and the secretary of the Board shall be the secretary of the Investment Committee and shall keep adequate records of the decisions made.

(3) The Investment Committee shall meet at such times and places as the chairperson shall appoint, or upon the request of any two members thereof.

(4) The Investment Committee shall appoint their own deputy chairperson and shall regulate the procedure at their meetings.

(5) Members of the Investment Committee shall hold office for a term not exceeding three years and shall be eligible for re-appointment.

(6) In the absence of the Director, the Deputy Director shall attend any meeting and in such case he or she shall be deemed to be a member of the Investment Committee.

## **19. Investment of surplus monies**

(1) The Investment Committee shall have power to give from time to time general or specific directions to the Director, subject to the concurrence of the Board, on the investment of monies in the Fund which are surplus to current needs; and the Director shall give to the Investment Committee any information necessary for the proper discharge of their functions.

(2) The surplus monies in the Fund may be invested in any of the following—

- (a) the acquisition of land;
- (b) the purchase or construction of buildings;
- (c) loans;
- (d) government bonds and securities;
- (e) shares and debentures in bodies corporate;
- (f) bank deposits.

(3) The Investment Committee shall submit to the Board at the end of every quarter a report of its activities over the preceding quarter.

(4) Any temporary insufficiency in the assets of the Fund to meet the liabilities of the Fund shall be advanced out of the Consolidated Fund.

(5) Subject to the provisions of this Act, sums advanced under subsection (4) shall be repaid to the Consolidated Fund as soon as practicable thereafter.

## **20. Accounts and financial statements**

(1) The Board shall cause to be kept proper books of account and other books and records in relation thereto in which shall be recorded all financial transactions of the Fund.

(2) The accounts of the Fund shall be prepared in accordance with generally accepted accounting principles and shall be audited annually by professional auditors appointed by the Board.

(3) As soon as practicable after the end of the financial year, the Director shall submit to the Board a report of the following in respect of the financial year—

- (a) an account of the income and expenditure of the Fund;
- (b) an account of contributions received and benefits paid;
- (c) a statement of the assets and liabilities of the Fund;
- (d) a statement of account of the securities in which monies forming part of the Fund are invested;
- (e) the auditors' report and recommendations;
- (f) a statement of the adequacy or otherwise of the Fund as determined in the latest actuarial review.

(4) Not later than two months prior to the end of the financial year, the Director shall submit to the Board estimates of the Board's expenditure for the succeeding financial year.

## **20A. Limit on administrative expenses**

The expenditures incurred in any calendar year by the National Insurance Scheme, other than in the payment of benefits (including pensions, grants and allowances to insured persons, to dependents and to survivors), shall not exceed the amount equal to twelve per cent of the combined total of the contributions collected in that (the current) year plus the benefits paid in that (the current) year.

## **21. Board to submit financial statements, etc., to Minister**

The Board shall submit to the Minister a copy of the accounts and financial statements pursuant to the preceding section, together with a report by the chairperson of the activities of the Board for the same period, and the Minister shall, as soon as possible thereafter, lay the same before the House of Representatives who shall, after approval, cause the report and accounts to be published in the *Gazette* and in a newspaper published and in circulation in Grenada.

## **22. Actuarial review**

(1) The Board shall, with the assistance of an actuary approved by the Minister, review the operation of this Act not later than the end of every third year after the end of the year 1985 and in such review make a report to the Minister on the financial condition of the Fund and the adequacy or otherwise of the contributions payable under this Act to support the benefits payable thereunder, having regard to their other liabilities under this Act.

(2) The Minister shall, as soon as possible after receiving any report made in pursuance of the preceding subsection, lay a copy thereof before the House of Representatives.

## **23. Approval and guarantee of borrowing**

(1) Subject to the approval of the Minister of Finance, the Board may borrow money for any of their functions under this Act.

(2) With the approval by resolution of the House of Representatives, the Minister of Finance may guarantee any approved borrowing by the Board.

(3) A borrowing guaranteed under this section shall, in default of payment by the Board, be charged to the Consolidated Fund.

## **PART IV**

### *Insured Persons and Contributions*

## **24. Provisions as to categories of insured persons and of insurable employment**

(1) Subject to the provisions of this Act, every person who—

- (a) is between the ages of sixteen and sixty;
- (b) is engaged in insurable employment;
- (c) being registered in the prescribed manner under this Act—
  - (i) has fulfilled such conditions as may be prescribed as to domicile or residence in Grenada, or
  - (ii) is in employment outside Grenada under such conditions as shall be prescribed;
- (d) is not engaged in employment which is exempted under this Act,

shall be an insured person in respect of the several contingencies in relation to which benefits are provided under this Act and shall remain so insured until he or she satisfies the conditions for retirement.

(2) Every person who on the appointed day was a member of the Provident Fund and not less than sixty years of age, shall be an insured person.

(3) Regulations may provide for—

(a) treating as insurable employment—

- (i) any category of employment which, though not employment under a contract of service, is subject to such conditions as to make it similar to employment under a contract of service,
- (ii) any employment outside Grenada in continuation of any insurable employment,
- (iii) employment outside Grenada of a person domiciled or having a place or residence in Grenada, being employed as a member of the diplomatic or consular service of Grenada or as a domestic worker employed by a member of such service;

(b) treating as not being insurable employment or for disregarding—

- (i) employment which is of a subsidiary nature or in which the person concerned is engaged only to an inconsiderable extent,
- (ii) employment as a relative or partner in the service of or for the purpose of trade or business of the employer or person concerned,
- (iii) employment by a relative in the common home of an employer,
- (iv) such employment in the service of, or in the service of a person employed with such, international organisations or countries (other than Grenada) as may be prescribed;

(c) treating a person's employment as continuing during periods of holiday, incapacity for work or such other circumstances as may be prescribed.

## **25. Insurance of self-employed persons, etc.**

(1) Regulations may provide for treating as an insured person under this Act—

- (a) a person under sixteen years of age;
- (b) a person over sixty years of age;
- (c) a self-employed person;
- (d) a person who, though not liable under this Act to pay contributions, wishes to do so voluntarily.

(2) Regulations may provide for such modifications of the provisions of this Act as may be necessary for the purpose of giving effect to this section.

## **26. Liability to make deductions and contributions**

(1) Contributions shall, subject to the provisions of this Act, be payable by both employers and insured persons.

(2) Every employer shall make deductions from the wages of every insured person employed by him or her for the relevant contribution period and shall also make a contribution in respect of such wages in such manner as may be specified by regulations made under this Act.

## **27. Exemption from liability to make contributions**

Nothing contained in the preceding section shall be deemed to impose any liability on an employer to make payments into the Fund in respect of the exempted categories of employee, or remuneration, specified in the Second Schedule.

## **28. Minister may make regulations for contributions and exemptions**

The Minister may make regulations to provide for—

- (a) the fixing from time to time of the rates of contributions to be paid by insured persons and employers, including the rates of contributions to be paid by such different categories of insured persons and employers as prescribed:

Provided that no variation of the total rate of contributions payable shall be made without prior consultation with an actuary;

- (b) exempting insured persons and their employers from liability to pay contributions for such periods as he or she deems fit and without prejudice to the generality of the foregoing for periods—
  - (i) of incapacity for work, or
  - (ii) of full-time unpaid apprenticeship;
- (c) crediting contributions to insured persons for periods for which such persons are exempted under the preceding paragraph.

## **29. When insured person works under general control of person not his or her immediate employer**

(1) Where an insured person works under the general control and management of a person who is not his or her immediate employer, that person (referred to hereafter in this section as “the principal employer”) shall be deemed to be the employer for the purposes of this Act and the immediate employer shall furnish the principal employer with such particulars of the insured person’s earnings as may be necessary to enable the principal employer to comply with the provisions of this Act.

(2) If the insured person’s earnings are actually paid to him or her by the immediate employer—

- (a) the immediate employer shall notify the principal employer of the earnings to be paid and the immediate employer shall be notified by the principal employer of the amount of contributions which may be deducted when such earnings are paid to the insured person, and the immediate employer may deduct the amount so notified to him or her; and
- (b) the principal employer may make a corresponding deduction on making to the immediate employer the payment out of which the said earnings will be paid.

## **30. Deduction of contribution from wages**

(1) Subject to the provisions of this Act, a deduction of contribution from the wages of an employee shall be made at the time when the wages are paid to the employee.

(2) Subject to such conditions as may be prescribed from time to time, where for any reason the employer omits to deduct an employee’s contribution at the time of payment of wages, he or she may within six months thereafter deduct in one amount or by instalments, as the employee may agree, the amount which was omitted to be deducted.

(3) Where an employee dies during a contribution period, a contribution shall be payable from his or her wages by his or her employer on the basis of his or her actual earnings during that contribution period.

(4) Where an employer deducts contributions from the wages of employees under this section, each contribution shall be deemed to be held by the employer in trust for the purposes of this Act, and the failure of the employer to pay a contribution to the Fund shall be an offence under this Act.

(5) Nothing in this section shall be construed as an authorisation to an employer to deduct or recover the employer's contribution from the wages of an employee, and notwithstanding any contract to the contrary any such deduction or recovery by an employer shall be an offence under this Act.

(6) Nothing contained in the Protection of Wages Act, Chapter 260, or any other written law shall affect any deduction under this Act from the wages of an employee.

### **31. Payment of contributions into the Fund**

(1) Subject to the provisions of this Act, every employer shall, after the appointed day, pay into the Fund in respect of each of his or her employees at the end of each contribution period, as contributions for the relevant period, the several amounts for employers and employees prescribed by regulations.

(2) Except where regulations otherwise provide, an employer who is liable to make deductions and to pay contributions in respect of the wages of an insured person employed by him or her shall be liable to pay into the Fund on behalf of such person any deductions and contributions payable in respect of such person for the relevant contribution period, and for the purposes of this Act contributions so paid by an employer on behalf of such person shall be deemed to be contributions paid by such person.

### **32. Surcharge for late payment**

(1) Where payments required to be paid into the Fund by an employer in accordance with section 31(2) are not paid within the time prescribed, the employer shall be liable to pay a surcharge on the total amount not paid at the rate of ten per cent in addition to an interest charge of one per cent of the total amount in respect of each month or part of a month immediately following the date when payment should have been made.

(2) Notwithstanding the provisions of subsection (1) of this section, the Board may in any case in which it thinks fit, remit in whole or in part, the payment of any surcharge or interest due under the provisions of this law, or both.

### **33. Crediting of unpaid contributions**

Where an employer fails to pay contributions which he or she is required to pay under the provisions of this Act, the Board if satisfied that such failure was not due to the consent or connivance of the employee may, for the purpose of the right to any benefit, treat as having been paid on the due date the amount of the contributions which should have been paid in respect of that employee:

Provided that nothing in this section shall prejudice the right of the Board to recover the amount of such contributions together with any surcharge due under section 32(1) from the employer, and any such amount shall be recoverable as a debt owing by the employer to the Fund and when so recovered shall be credited to the general revenue of the Fund.

### **34. Employment by more than one employer**

(1) Where an employee is employed successively or concurrently in a contribution period by more than one employer, each employer shall be liable to pay, to the Fund, contributions with respect to the wages paid by him or her to the employee.

(2) Where an employed person has two or more contributions deducted from his or her wages for the same contribution period and the sum total of those contributions exceed the maximum payable under this Act that person is entitled to have the excess of those contributions refunded.

### **35. Receipt of benefit not to affect employer's obligation to pay wages**

Nothing contained herein shall relieve an employer from an obligation to pay wages to an employee who is in receipt of a benefit where the employee's wage agreement provides for such payment during periods of incapacity for work.

### **36. Contributions or benefits to be inalienable**

(1) Subject to the provisions of this Act, no contribution to the Fund nor any benefit paid or payable out of the Fund nor any rights of an insured person shall be assigned or transferable or liable to be attached, seized, sequestrated or levied upon for or in respect of any debt or claim whatsoever and any security or pledge or assignment given before or after the appointed day in respect of contributions paid by or benefit due to an insured person shall be void.

(2) The bankruptcy of an employee or employer shall not affect the deductions of contributions due under the provisions of this Act.

(2A) Notwithstanding the provisions of this section nothing contained therein shall prevent the payment of a funeral grant directly to any funeral home provided that written instructions have been received from a person who has met or is liable to meet the cost of the funeral of a deceased insured person.

### **37. Regulations relating to registration of persons, payment and collection of contributions**

Regulations may provide for—

- (a) the registration of employers and employees;
- (b) the issue of National Insurance cards, their substitution and numbers;
- (c) the payment and collection of contributions;
- (d) treating, for the purpose of any right to benefit, contributions paid after the due dates as having been paid on such dates as may be prescribed or as not having been paid;
- (e) treating, for the purpose of any right to benefit, contributions payable by an employer on behalf of an insured person 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 such person;
- (f) the return of contributions;
- (g) the maintenance, by employers, of records of the payment of contributions;
- (h) treating a prescribed person as the employer where an insured person works under the general control or management of some person other than his or her immediate employer, including the adjustment of any rights or liabilities amongst the prescribed employer, the immediate or other employer and the insured person;
- (i) for any other matters incidental to the collection and payment of contributions under this Act.

### **38. Contributions deductible for purposes of income tax**



Contributions paid under this Act by employees and employers shall be allowable deductions under any written law for the time being in force relating to income tax.

## PART V

### *Benefit*

#### **39. Kinds of benefit**

Subject to section 42, benefits shall be of the following kinds, namely—

- (a) sickness benefit;
- (b) invalidity benefit, comprising—
  - (i) invalidity pension,
  - (ii) invalidity grant;
- (c) maternity benefit;
- (d) survivors' benefit comprising—
  - (i) survivors' pension,
  - (ii) survivors' grant;
- (e) age benefit comprising—
  - (i) age pension,
  - (ii) age grant;
- (f) funeral grant.

#### **40. Entitlement to benefit**

(1) Entitlement to benefit under this Act shall be dependent upon the fulfilment of the prescribed conditions, including payment of the prescribed contributions.

(2) In respect of persons insured by virtue of section 24(2), the prescribed conditions relating to age and invalidity benefits shall be deemed to have commenced from their date of membership of the Provident Fund.

(3) Except where regulations provide otherwise, an insured person shall not be entitled to more than one benefit at any one time.

#### **41. Contribution credits during receipt of short-term benefit**

Regulations may provide for crediting contributions to an insured person during the period such a person is in receipt of a short-term benefit, to enable him or her to satisfy the prescribed conditions for entitlement to any benefit at a later or subsequent date.

#### **42. Regulations may provide for other kinds of benefit**

Regulations may provide that in addition to the kinds of benefit specified in section 39, there shall be employment injury and other benefit specified in such regulations:

Provided that no such other benefit shall be introduced without the prior written recommendation of an actuary.

#### **43. Regulations regarding rates of benefit, etc.**

- (1) Regulations may provide for—

- (a) the rates or amounts of benefit and the variation of such rates or amounts in different or special circumstances;
- (b) the conditions subject to which and the duration for which benefit may be granted;
- (c) the date from which benefit is to be granted:

Provided that no regulation providing for the variation of rates or duration of benefit shall be made without prior consultation with an actuary.

(2) Regulations made under subsection (1) may include provision that, where it is a condition of the title to benefit that a person is the widow or widower of an insured person, the Director may treat a single woman or widow who was living with a single man or widower at the time of his or her death as if she were in law his widow, or a single man or widower who was living with a single woman or widow at the time of her death as if he were in law her widower:

Provided that in each case the Director is satisfied that in all circumstances she or he ought to be so treated.

(3) Where the question of marriage or remarriage, or the date of marriage or remarriage, arises in regard to title to benefit the Director shall in the absence of the subsistence of a lawful marriage decide whether or not the persons concerned should be treated as if they were married or had remarried, as the case may be, and if so from what date, and in determining the question the Director shall have regard to regulations made under subsection (2).

(4) The determination of the Director under subsection (2) or (3) shall, unless the context otherwise requires, have the effect of extending, as regards title to benefit, the meaning of the word "marriage" to include the association of a woman with a man as aforesaid and the words "wife", "husband", "widow", "widower" and "spouse" shall be construed accordingly.

#### **44. To claim, etc., is a condition of benefit**

(1) It shall be a condition of a person's right to benefit—

- (a) that, within the prescribed time, he or she makes a claim therefor to the Director, on the form provided by the Director for the purpose or in such other manner as the Director may accept in the circumstances of the case; and
- (b) that he or she produces such certificates, documents, information and evidence for the purpose of determining the right to benefit as the Director may reasonably require, and for that purpose attends at such office or place as the Director may appoint.

(2) Regulations may require employers to maintain such records, to make such reports and to furnish such information as may be prescribed for the purpose of establishing a person's title to any benefit.

#### **45. Regulations governing benefit**

Regulations may provide—

- (a) for disqualifying a person for the receipt of benefit if he or she fails to make a claim therefor within the prescribed time:

Provided that any such regulation shall provide for extending the time within which the claim is to be made in cases where good cause is shown for the delay;

- (b) for the prevention of receipt of two different kinds of benefit and the adjustment of benefit in special circumstances;

- (c) as to the time and manner of payment of benefit and the information to be furnished by a person when applying for payment;
- (d) for extinguishing the right to payment of any sum by way of benefit if payment is not obtained within a prescribed period;
- (e) for disqualifying a person for receiving sickness benefit, or such other benefit as may be prescribed if that person—
  - (i) has become incapable of work through his or her own misconduct,
  - (ii) fails without good cause to attend or submit to such medical examination or treatment as may be required in accordance with the regulations, or
  - (iii) does any work as an employed or self-employed person;
- (f) for disqualifying a person for receiving benefit during any period when he or she—
  - (i) is absent from Grenada,
  - (ii) is undergoing imprisonment or detention in legal custody, or
  - (iii) is in receipt of normal earnings from his or her employer in respect of absence from work due to sickness or maternity,

and for specifying the circumstances and manner in which payment of the whole or any part of the benefit may, instead of being suspended, be made during such period to a prescribed person nominated by the beneficiary, or for the maintenance of a prescribed person who the Director is satisfied is a dependant of the beneficiary;
- (g) for enabling a person to be appointed to exercise on behalf of any other person who may be or become unable for the time being to act, any right or power which that other person may be entitled to exercise under this Act, and for authorising a person so appointed to receive and deal with any sum payable by way of benefit to that other person;
- (h) in connection with the death of any person, for enabling a claim for benefit to be made or proceeded with in his or her name, for authorising payment to or among persons claiming as his or her personal representatives, legatees, next-of-kin, creditors or otherwise, and for dispensing with strict proof of title of persons so claiming; and
- (i) for such other matters as may be necessary for the proper administration of benefits, including the obligations of claimants, beneficiaries and employers.

## PART VI

### *Public Officers and Employees of Public Bodies*

#### **46. Regulations for treating public officers, etc., as insured persons**

This Act shall apply to persons employed by the Government and any public body in like manner as if the Government or such body were a private person, with such modifications as may be made therein by regulations for the purpose of adapting the provisions of this Act to the case of such persons.

#### **47. Modification or repeal of public service pension scheme**

(1) The Minister shall in relation to a public service pension scheme (hereafter in this Part called “the scheme”) have power to make provision for the modification or winding up of the scheme or the repeal of any enactment relating to the scheme.

(2) The power conferred by subsection (1) shall be exercisable by means of an Order—

- (a) directly modifying the scheme (without regard, in the case of a scheme contained in or made under the powers conferred by an enactment, to the terms of the enactment or any of its provisions);
- (b) modifying an enactment under which the scheme was made or by virtue of which it has effect; or
- (c) directing that the scheme be wound up or that the enactment providing therefor be repealed and including directions with respect to the manner and time of the winding up or repeal,

and any such Order may contain such incidental, supplementary or transitional provisions as the Minister considers to be required for the purpose of the Order, including provisions adapting, amending and repealing any such enactments as are referred to in paragraph (a), (b) or (c) above.

## PART VII

### *Mariners and Airmen*

#### **48. Regulations for mariners and airmen**

The Minister may make regulations modifying this Part in such manner as he or she thinks proper for its application to persons who are or have been employed on board any ship, vessel, or aircraft, and such regulations may in particular provide for—

- (a) this Part to apply to such persons notwithstanding that it would not otherwise apply;
- (b) exempting such persons from the application of this Part when they neither are domiciled nor have a place of residence in Grenada;
- (c) requiring the payment of contributions in respect of such persons, whether or not they are (within the meaning of this Act) insured persons;
- (d) the taking of evidence, for the purpose of any claim to benefit in a country or territory outside Grenada, by a consular officer or such other persons as may be prescribed;
- (e) withholding a benefit that may be payable to a mariner or airman for any period during which the owner of the ship or vessel is under a statutory or contractual obligation to pay his wages; and
- (f) treating as insured persons under this Act those persons who are or have been employed on or after the appointed day on board a ship, vessel or aircraft notwithstanding that they do not fulfil the prescribed conditions of entitlement to benefit under this Act.

#### **49. Regulations regarding wives or widows of mariners and airmen**

The Minister may make regulations under this section to provide—

- (a) for granting benefit to married women or widows whose husbands sustain injury or death whilst working on board a ship, vessel or aircraft;

- (b) for modifying the provisions of this Act in their application to persons who are or have been outside Grenada at a prescribed time or in prescribed circumstances;
- (c) that where an insured person is throughout any contribution period outside Grenada and is not in that period an insured person he or she shall not be liable to pay any contribution as an insured person for such period.

## PART VIII

### *Agreements with Foreign Governments*

#### **50. Reciprocal agreements with foreign countries**

(1) For the purpose of giving effect to an agreement with the government of a foreign country providing for reciprocity in matters relating to benefit or payments under this Act, the Minister may, by regulations, modify or adapt this Act in its application to cases affected by the agreement.

(2) Regulations made under subsection (1) may include provisions for—

- (a) securing that events having any effect for the purpose of the law of the country in respect of which the agreement is made shall have a corresponding effect for the purpose of this Act but not so far as to confer a right to double benefit;
- (b) determining, in cases where rights accrue both under this Act and under the law of that country, which of those rights shall be available to the persons concerned;
- (c) ensuring that measures of administration and enforcement in this Act should be applicable also under the law of that country;
- (d) making any necessary financial adjustment by payment into or out of the Fund.

## PART IX

### *Adjudication and Legal Proceedings*

#### **51. Adjudication and appeals**

(1) If any question arises as to the liability of a person to pay contributions or as to the right of a person to benefit, the question shall be determined by the Director, subject to a right of appeal to the Board.

(2) The Minister may make regulations under this section to provide for—

- (a) the constitution and appointment of an Appeal Tribunal for the purpose of hearing and determining appeals from decisions of the Board under the preceding subsection;
- (b) reference to the High Court of questions of law arising out of a decision of an Appeal Tribunal;
- (c) the procedure to be followed and the forms to be used on appeals to the Board, and to the Appeal Tribunal;
- (d) the mode of giving evidence generally or in respect of particular matters or issues, and the circumstances in which an official record or certificate is to be sufficient or conclusive evidence, in any such appeals;

- (e) summoning persons to attend and give evidence or produce documents and for authorising the administration of oaths to witnesses;
- (f) the representation of the parties at any hearing;
- (g) matters pending the determination of any appeal or reference, or a claim for benefit or a question affecting the right of a person to or to the payment of benefit or affecting the liability of a person for contributions;
- (h) any matter arising out of the determination, on appeal or reference under this Act, of any claim or question;
- (i) the time to be allowed for lodging an appeal or for raising a question for decision on appeal.

(3) Without prejudice to the generality of subsection (2), the regulations may include provision for—

- (a) the suspension of benefit where it appears that there is or may be a question whether the conditions for receipt thereof were fulfilled;
- (b) establishing the date from which a decision on a reference or appeal is to have effect;
- (c) treating a benefit paid to a person which it is subsequently decided was not payable, as having been properly paid to him or her or as having been paid on account of some other benefit which it is decided was payable to him or her, or for the repayment of benefit or the recovery thereof by deduction or otherwise from some other benefit;
- (d) treating a benefit paid over a period of time to one person in respect of another person (being a child of or the wife or husband or an adult dependent of the first mentioned person) as having been properly paid for that period, notwithstanding that under regulations relating to that benefit it was not payable for that period by reason of a subsequent decision either—
  - (i) that such other person was himself or herself entitled to the benefit for that period, or
  - (ii) that a third person was entitled to the benefit for that period in respect of such other person in priority to the first-mentioned person,
 and for reducing or withholding accordingly any arrears payable for the period by virtue of a subsequent decision.

(4) The decision of an Appeal Tribunal, otherwise of the High Court on a reference on a point of law from an Appeal Tribunal, shall be final.

(5) There shall be paid out of the Fund to the members of an Appeal Tribunal such remuneration and allowances as the Board, with the prior approval of the Minister, may determine.

## **52. Unpaid contributions to rank as a privileged debt**

(1) Where—

- (a) execution has been levied against the property of an employer in consequence of a judgement against him or her and any such property has been seized or sold or otherwise realised in pursuance of the execution; or
- (b) on the application of a secured creditor the property of an employer has been sold,

any sums due as contributions by such employer shall rank as a privileged debt *pari passu* with Government taxes without the necessity for registration.

(2) For the purposes of this section, “employer” includes a company in liquidation.

### **53. Joint liability for offences**

Where an offence under this Act has been committed by a body corporate, firm, society, or other body, any person who at the time of the commission of the offence was a director, manager, secretary, or other similar officer or a partner of the body corporate, firm, society, or other body or was purporting to act in such capacity shall, as well as such body corporate, firm, society or other body, be guilty of that offence unless he or she proves that the offence was committed without his or her consent or connivance, and that he or she exercised all such diligence to prevent the commission of the offence as he or she ought to have exercised having regard to the nature of his or her functions in that capacity and to all the circumstances.

### **54. Certified copy as evidence**

A copy of an entry in the accounts of the Fund and of other extracts from the records of the Fund shall, when certified under the hand of the Director, be received in all courts as *prima facie* evidence of such entry having been made, and of the truth of the contents therein.

### **55. Civil proceedings**

(1) Notwithstanding any other provision of this Act, a contribution to the Fund may be recoverable by action as a debt owing to the Fund at any time within twenty years from the date when the contribution becomes due.

(2) Proceedings for the recovery of a contribution under this section may be instituted by the Director or by any person authorised in that behalf by the Director, and a person so authorised may appear and conduct such proceedings in a court.

(3) For the purposes of this section, “contribution” includes surcharge and interest imposed under the provisions of this Act.

### **56. Offences and penalties**

A person who—

- (a) fails to pay at or within the time prescribed for the purpose, any contribution, interest or surcharge which he or she is liable to pay pursuant to this Act;
- (b) for the purpose of evading payment of a contribution or surcharge by him or her or some other person—
  - (i) knowingly makes a false statement or representation, or
  - (ii) produces or furnishes, or causes or knowingly allows to be produced or furnished, any document or information which he or she knows to be false in a material particular;
- (c) for the purpose of obtaining benefit for himself or herself or some other person—
  - (i) knowingly makes a false statement or representation, or
  - (ii) produces or furnishes, or causes or knowingly allows to be produced or furnished, any document or information which he or she knows to be false in a material particular;
- (d)
  - (i) wilfully delays or obstructs or refuses admission to the Director or any inspector, in the exercise of their functions under this Act, or
  - (ii) refuses or neglects without reasonable cause to answer questions or to furnish information or to produce a document when required to do so under this Act;

- (e) being an employer, unlawfully deducts or attempts to deduct or otherwise unlawfully recovers or attempts to recover the whole or any part of the employer's contribution in respect of an insured person;
- (f) misrepresents or fails to disclose any material fact;
- (g) fails or neglects to deduct contributions under this Act;
- (h) being or having been an auditor of the books and records of the Fund, or a member, employee or agent of the Board, directly or indirectly communicates or reveals to a person any matter relating to the business of the Board or the Fund which shall have become known to him or her in his or her capacity as auditor, member, employee or agent, except as may be required for the due discharge of his or her duty as such auditor, member, employee or agent or as may be permitted by the Board;
- (i) procures a member, employee or agent of the Board, or a person who has ever been such member, employee or agent, to communicate or reveal any such matter as is mentioned in the last preceding paragraph,

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

### **57. Proceedings for recovery of contribution**

(1) Where a person has been charged with an offence under this Act of failing to pay a contribution, he or she shall be liable to pay to the Fund a sum equal to the amount which he or she failed to pay together with any surcharge.

(2) On such a charge as is mentioned in subsection (1), if notice of intention to do so has been served with the summons or warrant, evidence may be given at any stage of the proceedings—

- (a) of any failure on the part of the person charged to pay, within the time prescribed on behalf or in respect of the same insured person, other contributions under this Act during the three years immediately preceding the date of the offence; and
- (b) of any failure on the part of the person charged to pay, on behalf or in respect of any other person employed by him or her, contributions under this Act during the past three years,

and the person charged shall be liable, if convicted, to pay to the Fund a sum equal to the total of all the contributions under this Act which he or she is proved to have failed to pay and which remain unpaid at the date of the conviction.

(3) If an employer, being a body corporate, firm, society or other body, fails to pay to the Fund any sum which the employer has been ordered to pay, then every director or partner, as the case may be, of the body corporate, firm, society or other body who knew or could reasonably be expected to have known of the failure to pay shall be liable jointly and severally to the same penalties or, where applicable, to the same punishment, as a single unincorporated employer.

(4) Notwithstanding his or her conviction for an offence and any fine imposed in respect thereof under this Act, an employer or employee shall remain liable to pay to the Fund a contribution, surcharge, and any interest, due and payable by him or her under the provisions of this Act.

### **58. Proceedings against employer for benefits lost by his or her default**

(1) Where an employer has failed or neglected—

- (a) to pay a contribution which under this Act he or she is liable to pay in respect or on behalf of any insured person in his or her employment; or



- (b) to comply, in relation to an insured person, with the requirements of this Act relating to the payment and collection of contributions, and by reason thereof that person to whom a benefit under this Act may have been payable has lost in whole or in part the benefit to which he or she would have been entitled,

that person shall be entitled to sue for recovery from the employer, as a civil debt, of a sum equal to the amount of the benefit lost.

(2) Proceedings may be instituted under this section, notwithstanding that proceedings have been commenced under some other provision of this Act in respect of the same failure or neglect.

(3) Proceedings under this section may, notwithstanding any written law to the contrary, be brought at any time within three years after the date on which the insured person, but for the neglect or failure of the employer, would have been entitled to the benefit lost.

## **59. Disclosure of information by Inland Revenue Department**

(1) No obligation as to secrecy imposed by statute or otherwise on persons employed in the Inland Revenue Department shall render unlawful the giving of information to the Director if the Director is satisfied, and certifies in writing, that such information is relevant to the collection of contributions under this Act, or the payment of benefit thereunder, of the correct amount.

(2) Subsection (1) extends only to the giving of information by or under the authority of the Comptroller of Inland Revenue. Information which is disclosed to the Director by virtue of that subsection shall not be further disclosed to any other person, except where the further disclosure is made—

- (a) to a person to whom disclosure could otherwise have been lawfully made by or under the authority of the Comptroller of Inland Revenue; or
- (b) for the purpose of civil or criminal proceedings in connection with the operation of a written law relating to the calculation or collection of contributions under this Act or the payment of benefit thereunder.

## **60. Proceedings to be in Director's name**

(1) Proceedings for offences under this Act and the regulations shall be taken in the name of the Director and shall be commenced not later than three years after the matter of complaint arose.

(2) A person who commits an offence under this Act or regulations for which no punishment is provided shall be liable, on summary conviction, to a fine of five hundred dollars and to imprisonment for three months.

## **PART X**

### *Miscellaneous*

## **61. Exemption from taxes**

(1) No stamp duty shall be payable on any receipt, contract, instrument or other document given or executed by the Director on behalf of the Fund, or by any person in receipt of benefit or refund of contribution under this Act, but nothing in this section shall be construed to exempt any such person from liability to pay stamp duty on any power of attorney or on any document otherwise liable to duty under the Stamp Act, Chapter 309.

(2) Notwithstanding anything contained in any other written law, the Board shall not be liable for payment of any duties or taxes whatsoever.

## **62. Private schemes**

Nothing in this Act shall be deemed to prevent an employer from operating a private scheme, whether contributory or not, providing benefits to persons employed by him or her, similar to or greater than those provided under this Act:

Provided that no private scheme shall be regarded as a substitute for benefit provided under this Act.

## **63. Assessment of damages against employer**

In assessing an award of damages in an action against an employer for personal injuries suffered by an insured person there shall be taken into account, against any loss of earnings or profit, the value of a benefit or right due, or which will accrue, to such insured person under this Act.

## **64. Regulations**

(1) The Minister may make regulations to provide for—

- (a) the issue of exit certificates to persons leaving Grenada or such other measures deemed by him or her necessary to prevent the evasion by such persons of contributions due under this Act;
- (b) any matter or thing required or permitted to be prescribed;
- (c) the conditions under which payment of any benefit under this Act may be suspended or discontinued altogether;
- (d) payment to a prescribed person or beneficiary where payment of a benefit has been suspended or discontinued under the preceding paragraph;
- (e) the period within which any claim for a benefit shall be made and the documents or information necessary in support of such claim;
- (f) authorising payment in case of the death of an insured person who appears to the Director to be a beneficiary and for dispensing with the strict proof of title thereto;
- (g) qualification for benefit by a widower, under circumstances similar to those providing for a widow's entitlement;
- (h) control of the payment of benefits to persons who it is considered are liable to squander grants received under the provisions of this Act or regulations made thereunder; and
- (i) all other matters connected with or incidental to the purposes of this Act.

(2) Regulations made under this Act may provide for the imposition by a court of summary jurisdiction of a fine not exceeding five hundred dollars or imprisonment not exceeding three months upon conviction of an offence under the regulations.

## **65. Power to remove difficulties**

If any difficulty arises in giving effect to any of the provisions of this Act, the Minister may, by Order, make such provisions not inconsistent with this Act as appear to him or her to be necessary for removing the difficulty.

## **66. Transfer of assets and liabilities of Provident Fund**

(1) Upon the appointed day—

- (a) all land and other property of every kind of the former Board is vested in the Board;

- (b) all rights, claims, privileges, advantages, debts and all liabilities and other obligations to which the former Board was on the appointed day entitled or subject, as the case may be, are transferred to, conferred or imposed upon the Board for the purposes of this Act.

(2) In subsection (1), “former Board” means the Provident Fund Board (now dissolved) established by section 3 of the Provident Fund (Agricultural Workers) Act, 1969 (now repealed).

(3) A reference in any deed, contract, hypothecary obligation, bond or security, other document, to “the Provident Fund Board” shall be construed as a reference to the Board.

## **First Schedule**

### **NATIONAL INSURANCE ACT**

#### *Constitution and Proceedings of the National Insurance Board*

[Section 4.]

**1.** The National Insurance Board shall consist of seven members appointed by the Minister as follows—

- (a) two members who shall represent the Government;
- (b) two members who shall represent employers;
- (c) two members who shall represent employees; and
- (d) the Director.

**2.** The members representing the Government shall be appointed on the advice of the Cabinet.

**3.** The members representing employers shall be appointed on the recommendation of such associations of employers or persons or bodies as in the opinion of the Minister are likely to represent the interests of employers generally throughout Grenada.

**4.** The members representing employees shall be appointed on the recommendation of such associations of trade unions or individual trade unions as appear to the Minister to be representative of employees generally throughout Grenada.

**5.** The Minister shall appoint two members to be, respectively, the chairperson and deputy chairperson of the Board who shall, with the other members, hold office for a period not exceeding three years. Any member of the Board shall be eligible for re-appointment.

**6.** The Minister may at any time, if he or she is of the opinion that a member is unfit to continue in office or is incapable of performing his or her duties, revoke the appointment of such member.

**7.** A member of the Board other than the chairperson may at any time resign his or her office by notice in writing addressed to the Minister and transmitted through the chairperson; from the date of receipt by the Minister of such notice such member shall cease to be a member of the Board.

**8.** The chairperson may at any time resign his or her office by giving notice in writing addressed to the Minister and such resignation shall take effect from the date of receipt of such notice by the Minister.

**9.** If any vacancy occurs in the membership of the Board, such vacancy shall be filled by the appointment, as in this Schedule provided, of another member; such member shall, subject to the provisions of this Schedule, hold office for the remainder of the period for which the previous member was appointed.

10. The names of all members of the Board as first constituted, and every change in the membership thereof, shall be published in the *Gazette*.

11. The Board shall meet at such times as may be necessary or expedient for the transaction of business; meetings shall be held at such places as the Board may determine.

12. The quorum of the Board shall be four members, one of whom shall be the chairperson or the deputy chairperson.

13. Decisions of the Board shall be reached by vote of the majority, each member having one vote. In the event of an equality of votes the chairperson shall have a casting vote.

14. Minutes of every meeting of the Board shall be kept in proper form by the secretary and shall be confirmed as soon as practicable thereafter either by circulating the same or at a subsequent meeting.

15. A member shall not communicate or reveal to any person any matter which has been brought under his or her consideration or shall become known to him or her as a member of the Board except as may be required for the due discharge of his or her duties as such member.

16. A member shall not participate in the deliberations of the Board on any matter in which he or she has or may have any interest.

## **Second Schedule**

### **NATIONAL INSURANCE ACT**

#### *People and Organisations Exempted from Insurance Contributions*

[Section 7(1).]

1. That proportion of the remuneration of an employee which is in excess of one thousand two hundred and fifty dollars per month, or five hundred and seventy-six dollars per fortnight, or two hundred and eighty-eight dollars per week.

2. Employees of a diplomatic or consular mission, or of any organisation, who by reason of such employment are accorded diplomatic or other similar status.

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## **CHAPTER 205**

### **NATIONAL INSURANCE ACT**

#### **SUBSIDIARY LEGISLATION**

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##### *List of Subsidiary Legislation*

1. National Insurance (Benefit) Regulations
2. National Insurance (Claims and Payments) Regulations
3. National Insurance (Collection of Contributions) Regulations
4. National Insurance (Contributions) Regulations
5. National Insurance (Determination of Claims and Questions) Regulations
6. National Insurance (Persons Abroad) Regulations
7. National Insurance (Registration of Employers and Employees) Regulations
8. National Insurance (Self-Employed Persons) Regulations
9. National Insurance (Voluntary Contributions) Regulations
10. National Insurance (Financial and Accounting) Regulations

11. National Insurance (Employment Injury Benefit) Regulations

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**National Insurance (Benefit) Regulations**

SRO 6 of 1983

**Amended by**

SRO 23 of 1985

SRO 15 of 1986

SRO 16 of 1988

SRO 33 of 1994

SRO 6 of 1995

SRO 55 of 1997

SRO 36 of 2006

SRO 8 of 2007

SRO 22 of 2010

ARRANGEMENT OF REGULATIONS

1. Citation.
2. Definitions.

*Benefits*

*Sickness Benefit*

3. Entitlement.
4. Day from which benefit is to commence; no entitlement after age sixty.
5. Manner of claiming and support of claim.
6. Conditions which must be satisfied.
7. Duration.
8. Rate of benefit.
9. Disqualification.

*Maternity Benefit*

10. Entitlement.
11. Conditions which must be satisfied.
12. Duration.
13. Rate of benefit.
14. Support of claim.
15. Certificate of confinement.
16. Disqualification.
17. Incapacity for work arising from complications of confinement.

*Funeral Grant*

18. Entitlement to grant.
19. Persons who may receive grant.
20. Amount of grant.

*Invalidity Benefit*

21. Meaning of "invalid".
22. Entitlement to invalidity pension and rate thereof.
23. Entitlement to invalidity grant and amount thereof.

*Miscellaneous Provisions Relating to Invalidity Benefit*

24. Extent to which contributions may be applied in respect of future claims benefit.
25. Average annual insurable earnings.
26. Average weekly insurable earnings.
27. Certificate of permanent incapacity for work.
28. Disqualification.

*Age Benefit*

29. Entitlement to age pension.
30. Rate of pension.
31. Entitlement to age grant.
32. Amount of grant.

*Transitional Provisions – Age Pension*

33. Special provisions for persons over thirty-four years of age at Appointed Day.

*Miscellaneous Provisions Relating to Age Benefits*

34. *Repealed.*
35. Average weekly insurable earnings.

*Survivors' Benefit*

36. Entitlement rate and/or amount of benefits.
37. Entitlement of widow to survivors' pension and duration thereof.
38. Entitlement of widower to survivors' pension and duration thereof.
39. Entitlement of children and parents to survivors' pension and duration thereof.
40. Rate of survivors' pension.
41. Insufficiency of pension available for distribution to survivors.
42. Distribution of survivors' grant.
43. Meaning of "the husband" and "the wife".
44. Special treatment in case of survivors' benefit of persons living in certain associations.

*Miscellaneous Provisions*

45. Entitlement to more than one benefit.
46. Refund of benefit improperly paid.
47. Credited contributions.
48. Special provisions relating to persons absent abroad.
49. Payment of benefit for which person is eligible under regulation 48.
50. *Repealed.*
51. Contributions to Provident Fund.
52. Special provisions for a person who was a member of the Provident Fund and who attained sixty years of age on or before the Appointed Day.
53. Limit on retroactivity of benefit payments.

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**NATIONAL INSURANCE (BENEFIT) REGULATIONS**

[Section 64. SRO 6 of 1983 amended by SRO 23 of 1985, SRO 15 of 1986, SRO 16 of 1988, SRO 33 of 1994, SRO 6 of 1995, SRO 55 of 1997, SRO 36 of 2006, SRO 8 of 2007, SRO 22 of 2010.]

[4th April, 1983.]

**1. Citation**

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

## 2. Definitions

For the purposes of these Regulations, the expression—

“Act” means the National Insurance Act;

“appointed day” means the day appointed by the Minister pursuant to section 2 of the Act on the appointed day for the purposes of Part V of the Act;

“benefit” means any benefit payable under the Act;

“claimant” means a person claiming benefit and includes, in relation to the review of an award or decision, a beneficiary under the award or affected by the decision;

“Collection Regulations” means the National Insurance (Collection of Contributions) Regulations;

“confinement” means labour resulting in the issue of a living child or labour after twenty-eight weeks of pregnancy resulting in the issue of a child whether alive or dead;

“contribution” means insurance contribution;

“contribution year” has the meaning assigned to it by the Collection Regulations;

“day” means a period of twenty-four hours from midnight or such other period as may be prescribed;

“deceased”, in relation to funeral benefit, means the person in respect of whose death the benefit is claimed or payable;

“Director” means the Director, appointed pursuant to section 9 of the Act;

“insurable earnings” means insurable earnings on which contributions are paid as set out in the Schedule to the Collection Regulations and weekly insurable earnings shall be construed accordingly;

“insurance contribution”, hereinafter referred to as “contribution”, means the total of an employer’s and an employee’s contributions payable in accordance with the provisions of the Act;

“insured person” has the meaning assigned to it in section 2 of the Act;

“invalid” has the meaning ascribed to it in regulation 21 of these Regulations;

“medical examination” includes, where necessary, bacteriological and radiological tests and similar investigations and references to being medically examined shall be construed accordingly;

“medical practitioner” means a registered medical practitioner and includes a person practising medicine outside Grenada, who not being a registered medical practitioner, is qualified to practise medicine and is not prohibited from doing so under the law of the place where he or she practises;

“pension” means invalidity, age, or survivors’ benefit paid in the form of a pension, as the case may require.

### *Benefits*

#### *Sickness Benefit*

## 3. Entitlement

Subject to the provisions of these Regulations, sickness benefit shall be granted to an insured person who is rendered incapable of work as a result of some specific disease or bodily or mental disablement; and for this purpose an insured person shall be treated as

incapable of work for any day during which he or she is required to abstain from work because he or she is under observation by reason of being a carrier, or his or her having been in contact with a case of infectious disease:

Provided that no such sickness benefit shall be payable in the case of any person who is rendered incapable of work as a result of some specific disease or bodily or mental disablement arising out of and in the course of employment.

#### **4. Day from which benefit is to commence; no entitlement after age sixty**

(1) An insured person who is eligible to receive sickness benefit shall be entitled to receive such benefit from the first day of a continuous period of at least four days, on which the incapacity for work occurred.

(2) No insured person shall be entitled to sickness benefit on or after attaining the age of sixty years.

#### **5. Manner of claiming and support of claim**

A claim for sickness benefit shall be made in the prescribed manner and shall be supported by a certificate of a medical practitioner or by such other evidence as the Director may require for the purpose of establishing the insured person's incapacity for work:

Provided that the Director may, for such purpose, require the claimant to attend for and submit himself or herself to examination by one or more registered medical practitioners appointed by the Board.

#### **6. Conditions which must be satisfied**

Sickness benefit shall be payable only if an insured person—

- (a) has engaged in employment in accordance with the provisions of section 24 of the Act, immediately prior to the day on which incapacity for work commenced; and
- (b) was insured for not less than thirteen contribution weeks; and
- (c) either—
  - (i) was employed for a period of at least eight contribution weeks within the period specified in paragraph (b), ending on the last day of the month, prior to the month preceding the contribution week in which the first day of the period in which the incapacity for work occurred, or
  - (ii) was employed in such employment during at least eight contribution weeks, within the period specified in paragraph (b), immediately preceding the contribution week in which the first day of the continuous period of incapacity for work occurred.

#### **7. Duration**

Sickness benefit shall be paid for each day, (excluding Sundays), as long as incapacity for work continues, subject to a maximum of twenty-six weeks in any continuous period of incapacity for work:

Provided that where the insured person concerned was engaged in employment (pursuant to section 24 of the Act) during at least one hundred and fifty contribution weeks and in the last three complete contribution years immediately prior to commencement of incapacity has had seventy-five contributions paid or credited,



sickness benefit may be paid for a further twenty-six weeks in any continuous period of incapacity.

## **8. Rate of benefit**

(1) The daily rate of sickness benefit shall be sixty-five per cent of the average weekly insurable earnings of the insured person divided by six.

(2) Average weekly insurable earnings for the purpose of this regulation shall mean the sum of the weekly insurable earnings on which contributions were based including any contributions credited in accordance with regulation 47 over the continuous calendar period of thirteen contributions weeks divided by the number of weeks valued in the period and determined in the manner set out in regulation 6.

(2A) Where pursuant to subsection (2)—

- (a) there are two or more periods of incapacity for work not separated by more than eight weeks, such periods shall be treated as one continuous period of incapacity for work commencing on the first day of the first of these periods and the daily rate of benefit so payable in respect of the later period or periods shall be the daily rate of benefit during the first period of incapacity;
- (b) an insured person has already had a continuous period of incapacity of less than four days, and the interval between the last day of that incapacity and the commencement of the further period of incapacity is no more than eight weeks, sickness benefits shall be payable from the first day; Sundays being disregarded, of the combined period of incapacity at a rate calculated in accordance with regulation 8(2) if the combined period of incapacity is four days or more.

## **9. Disqualification**

(1) An insured person entitled to payment of sickness benefit shall be disqualified from receiving benefit for such period as the Director may decide, but not exceeding six weeks if—

- (a) the claimant has become incapable of work through his or her own misconduct;
- (b) the claimant fails, without good cause, to comply with a notice in writing by the Director requiring him or her to attend for and submit himself or herself to medical or other examination; or
- (c) the claimant fails, without good cause, to observe any of the following rules of behaviour, namely—
  - (i) to refrain from behaviour calculated to retard his or her recovery or to answer any reasonable enquiries by an officer of the Board directed to ascertaining whether he or she is doing so,
  - (ii) not to be absent from his or her place of residence without leaving word where he or she may be found, or
  - (iii) to do no work for which wages is or would ordinarily be payable.

(2) An insured person entitled to payment of sickness benefit shall be disqualified from receiving benefit for the full period during which he or she was in receipt of normal earnings from his or her employer in respect of absence due to illness.

### *Maternity Benefit*

## **10. Entitlement**

(1) Subject to the provisions of these Regulations, maternity benefit as provided in subregulation (2) shall be granted in the case of the pregnancy and confinement of a woman.

(2) The maternity benefit shall consist of—

- (a) an allowance if the woman is an insured woman; and
- (b) a grant if the woman is the wife of an insured husband.

#### **11. Conditions which must be satisfied**

(1) Maternity benefit shall be payable only if the insured woman or the insured husband has been insured for not less than thirty contribution weeks and had been engaged in employment as an employee pursuant to section 24 of the Act during at least twenty contribution weeks in the period of thirty contribution weeks immediately preceding the contribution week in which occurs the day which is six weeks before the expected date of confinement, or in which occurs the day from which the benefit is claimed, whichever is the latter.

(2) Maternity benefit shall be payable only if an insured person or her insured husband has been insured for at least fifty contribution weeks.

#### **12. Duration**

Subject to these Regulations, maternity allowance shall be granted to a woman for a period starting from a date not earlier than six weeks before the expected date of confinement and continuing until the expiration of—

- (a) twelve weeks; or
- (b) six weeks from the date on which confinement occurs whichever is the later.

#### **13. Rate of benefit**

(1) The amount of a maternity grant shall be five hundred and twenty-two dollars per confinement and the daily rate of maternity allowance shall be sixty-five per cent of the insurable earnings of the insured woman divided by six:

Provided that an insured woman shall be entitled with respect to a confinement, to maternity allowance payments totalling at least a minimum of four hundred and fifty dollars.

(2) Average weekly insurable earnings for the purposes of this regulation shall mean the sum of the weekly insurable earnings on which contributions were based including any contributions credited in accordance with regulation 47 over the continuous calendar period of thirty contribution weeks previous to the week in which the benefit is due to commence, divided by thirty.

#### **14. Support of claim**

Claims for maternity benefit shall be accompanied—

- (a) in the case of a claim made prior to the date of confinement by a certificate issued by a medical practitioner as to the expected date of confinement; or
- (b) in the case of a claim made subsequent to the date of confinement, by a certificate issued by a medical practitioner or a midwife registered as such in Grenada, as to the actual date of confinement:

Provided that the Director may accept such other evidence in support of such claims as in his or her opinion the special circumstances of the particular case so justify, or may

require the claimant to attend for and submit herself to examination by one or more registered medical practitioners appointed by the Board.

#### **15. Certificate of confinement**

An insured person who has been granted maternity benefit shall, as soon as possible after her confinement, obtain a certificate of her confinement from the medical practitioner or registered midwife who assisted thereat and forward it to the officer of the Board within three weeks after the date of confinement:

Provided that the Director may accept other evidence in lieu of such certificate if, in his or her opinion, the special circumstances of any particular case so justifies.

#### **16. Disqualification**

An insured person entitled to payment of maternity benefit shall be disqualified from receiving such benefit for such period as the Director may decide if during the period for which benefit is payable—

- (a) she engages in remunerative work;
- (b) she fails without good cause to take due care of her health, or to answer any reasonable inquiries by an officer of the Board directed to ascertain whether she is doing so; or
- (c) she fails without good cause to comply with a notice in writing by the Director requiring her to attend for and submit herself to medical or other examination.

#### **17. Incapacity for work arising from complications of confinement**

The provisions of these Regulations relative to sickness benefit shall apply in relation to a case where there is incapacity for work arising from pathological complications of confinement immediately following the cessation of rights to maternity benefit:

Provided that in such a case the condition of regulation 6 shall be applied in relation to the period immediately preceding the first day as from which maternity benefit was payable.

#### *Funeral Grant*

#### **18. Entitlement to grant**

(1) Subject to the provisions of these Regulations, a funeral grant shall be payable on the death of any insured person who—

- (a) at the time of death was in receipt of sickness or maternity benefit;
- (b) whilst not in receipt of sickness or maternity benefit at the date of death, would have been entitled to one or the other but for the fact of death; or
- (c) at the time of death was receiving or had received or satisfied the contribution conditions for invalidity benefit or age benefit.

(2) Subject to subregulation (1), a funeral grant shall be payable upon the death—

- (a) of the spouse of an insured person; and
- (b) of a child of an insured person.

#### **19. Persons who may receive grant**

(1) Subject to these Regulations, funeral grant shall be paid to the person who has met or is liable to meet the cost of the funeral of the deceased person.

(2) Where—

- (a) death occurred at sea and the deceased person was buried at sea;
- (b) the person who has met or is liable to meet the cost of the funeral of the deceased person cannot be found; or
- (c) the cost of the funeral was less than the amount of the grant,

the grant, or as the case may be, the remainder thereof, shall be paid to such person or persons as the Board may decide.

## **20. Amount of grant**

The amount of the funeral grant shall be as follows—

on the death—

- (i) of an insured person two thousand three hundred and twenty dollars,
- (ii) of the spouse of an insured person one thousand seven hundred and forty dollars,
- (iii) of a child of an insured person eight hundred and seventy dollars.

### *Invalidity Benefit*

## **21. Meaning of “invalid”**

For the purposes of these Regulations, the term “invalid” means a person incapable of work as a result of a specific disease or bodily or mental disablement which is likely to remain permanent.

## **22. Entitlement to invalidity pension and rate thereof**

(1) Subject to the provisions of these Regulations, an insured person who—

- (a) is an invalid;
- (b) has complied with the contribution conditions set out in subregulation (2); and
- (c) is under sixty years of age,

shall be entitled to an invalidity pension for so long as the invalidity continues:

Provided that a person who is permanently incapable of work as a result of a specific disease or bodily or mental disablement arising out of and in the course of employment shall not be considered an invalid for the purpose of this Regulation.

(2) Subject to the provisions of these Regulations, an insured person shall be entitled to invalidity pension if one hundred and fifty contributions have actually been paid in respect of such person.

(3) The annual rate of pension shall be thirty per cent of the average annual earnings supplemented by one per cent of average annual insurable earnings for each unit of fifty contributions actually paid in respect of or credited to the insured person subsequent to the first five hundred of such contributions:

Provided that in no case shall invalidity pension exceed sixty per cent of the average annual insurable earnings:

Provided further that the annual rate of pension shall be increased by eight per cent for all pensions payable before the first day of January, 1997:

Provided further—

- (a) that the annual rate of pension shall be increased—
  - (i) two per cent for all pensions first paid in calendar year, 2005,
  - (ii) four per cent for all pensions first paid in calendar year, 2004,
  - (iii) six per cent for all pensions first paid in calendar year, 2003,
  - (iv) eight per cent for all pensions first paid in calendar year, 2002,
  - (v) ten per cent for all pensions first paid in calendar year, 2001,
  - (vi) twelve per cent for all pensions first paid in calendar year, 2000,
  - (vii) fourteen per cent for all pensions first paid in calendar year, 1999,
  - (viii) sixteen per cent for all pensions first paid before calendar year, 1999;  
and
- (b) that the minimum pension shall be forty-six dollars and forty cents per week.

(4) The weekly rate of pension shall be the annual rate of pension divided by fifty-two:

Provided that the sum so calculated shall be to the nearest multiple of ten cents:

Provided further—

- (a) that the annual rate of pension shall be increased—
  - (i) two per cent for all pensions first paid in calendar year, 2005,
  - (ii) four per cent for all pensions first paid in calendar year, 2004,
  - (iii) six per cent for all pensions first paid in calendar year, 2003,
  - (iv) eight per cent for all pensions first paid in calendar year, 2002,
  - (v) ten per cent for all pensions first paid in calendar year, 2001,
  - (vi) twelve per cent for all pensions first paid in calendar year, 2000,
  - (vii) fourteen per cent for all pensions first paid in calendar year, 1999,
  - (viii) sixteen per cent for all pensions first paid before calendar year, 1999;
- (b) that the minimum pension shall be forty-six dollars and forty cents per week:

Provided further that the annual rate of pension shall be increased by five per cent for all pensions payable before the first day of January, 1955.

### **23. Entitlement to invalidity grant and amount thereof**

(1) Subject to the provisions of these Regulations, an insured person who does not satisfy the provisions of regulation 22 but who—

- (a) is an invalid;
- (b) has not less than fifty contributions paid or credited in respect of him or her;  
and
- (c) is under sixty years of age,

shall be entitled to an invalidity grant.

(2) The invalidity grant shall be a lump sum grant equal to five times the average weekly insurable earnings for each fifty contributions actually paid in respect of or credited to the insured person.

#### **24. Extent to which contributions may be applied in respect of future claims benefit**

(1) Should invalidity cease, the contribution taken into account for the purposes of invalidity grant shall not be applied towards the satisfaction of the contribution conditions for any subsequent claim to benefit of any description save only a funeral grant.

(2) On cessation of an invalidity pension, nothing in these Regulations shall prevent the contributions on which the said invalidity pension was based from being taken into account for the purposes of establishing title toward the rate of any subsequent invalidity pension or for age pension.

#### **25. Average annual insurable earnings**

For persons awarded a pension for the first time—

- (a) in the year 2007, such pension shall be calculated based on the sum of the weekly insurable earnings during the best four contribution years of the insured person, divided by four;
- (b) from 01 January, 2008, such pension shall be calculated based on the sum of the weekly insurable earnings during the best five contribution years of the insured person, divided by five:

Provided that for paragraphs (a) and (b) of this regulation thirty times the Provident Fund Contribution shall be deemed to be the insurable earnings of the period to which. such contribution relate and a monthly contribution shall be deemed to be equal to a contribution of four weeks.

#### **26. Average weekly insurable earnings**

Average weekly insurable earnings for the purposes of regulation 23 shall be the sum of weekly insurable earnings of the insured person divided by the number of weeks of contributions.

#### **27. Certificate of permanent incapacity for work**

All claims to invalidity benefit shall be accompanied by a certificate of permanent incapacity for work setting out the nature of the incapacity and completed by a medical practitioner:

Provided that the Director may require the claimant to attend for and submit himself or herself to examination by one or more medical practitioners appointed by the Board.

#### **28. Disqualification**

An insured person entitled to payment of invalidity pension shall be disqualified from receiving such benefit for such period as the Director may decide, if—

- (a) the claimant has become incapable of work through his or her own misconduct;
- (b) the claimant fails, without good cause, to comply with a notice in writing by the Director requiring him or her to attend for and submit himself or herself to medical or other examination; or
- (c) the claimant fails without good cause, to comply with a notice in writing by the Director to attend any course of rehabilitation training which is considered by the Director to be appropriate in his or her case;
- (d) the claimant fails, without good cause, to observe any of the following rules of behaviour namely—

- (i) to refrain from behaviour calculated to retard his or her recovery, or to answer any reasonable enquiries by an officer of the Board directed to ascertain whether he or she is doing so,
- (ii) not to be absent from his or her place of residence without leaving word where he or she may be found, or
- (iii) to do no work for which wages is or would ordinarily be payable.

### *Age Benefit*

#### **29. Entitlement to age pension**

Age pension shall be payable to an insured person who has attained the age of sixty years and—

- (a) in respect of whom not less than one hundred and fifty contributions have been actually paid; and
- (b) in respect of whom or to whom not less than five hundred contributions have been actually paid or credited as the case may be.

#### **30. Rate of pension**

The annual rate of pension shall be thirty per cent of the average annual insurable earnings supplemented by one per cent of average annual insurable earnings for each unit of fifty contributions actually paid in respect of or credited to the insured person, subsequent to the first five hundred of such contribution:

Provided that in no case shall age pension exceed sixty per cent of annual insurable earnings:

Provided further—

- (a) that the annual rate of pension shall be increased—
  - (i) two per cent for all pensions first paid in calendar year, 2005,
  - (ii) four per cent for all pensions first paid in calendar year, 2004,
  - (iii) six per cent for all pensions first paid in calendar year, 2003,
  - (iv) eight per cent for all pensions first paid in calendar year, 2002,
  - (v) ten per cent for all pensions first paid in calendar year, 2001,
  - (vi) twelve per cent for all pensions first paid in calendar year, 2000,
  - (vii) fourteen per cent for all pensions first paid in calendar year, 1999,
  - (viii) sixteen per cent for all pensions first paid before calendar year, 1999; and
- (b) that the minimum pension shall be forty-six dollars and forty cents per week.

#### **31. Entitlement to age grant**

Subject to the provisions of these Regulations, an insured person who does not satisfy the provisions of regulation 29 but who—

- (a) has attained the age of sixty years; and
  - (b) has not less than fifty contributions paid in respect of or credited to him or her,
- shall be entitled to an age grant.

### **32. Amount of grant**

The age grant shall be a lump sum grant equal to five times the average weekly insurable earnings for each completed fifty contributions actually paid in respect of or credited to the insured person.

#### *Transitional Provisions – Age Pension*

### **33. Special provisions for persons over thirty-four years of age at Appointed Day**

An Age Pension shall be payable to a person who has attained the age of sixty years and—

- (a) who was over the age of thirty-four at the Appointed Day;
- (b) in respect of whom no less than one hundred and fifty contributions have been actually paid;
- (c) in respect of whom no less than two hundred and sixty contributions have been actually paid or credited; and
- (d) in respect of whom no less than twenty additional contributions have been actually paid or credited, in excess of the first two hundred and sixty contributions, for every year of age that he or she was under the age of forty-six at the Appointed Day:

Provided—

- (a) that the annual rate of pension shall be increased—
  - (i) two per cent for all pensions first paid in calendar year, 2005,
  - (ii) four per cent for all pensions first paid in calendar year, 2004,
  - (iii) six per cent for all pensions first paid in calendar year, 2003,
  - (iv) eight per cent for all pensions first paid in calendar year, 2002,
  - (v) ten per cent for all pensions first paid in calendar year, 2001,
  - (vi) twelve per cent for all pensions first paid in calendar year, 2000,
  - (vii) fourteen per cent for all pensions first paid in calendar year, 1999,
  - (viii) sixteen per cent for all pensions first paid before calendar year, 1999;
- (b) that the minimum pension shall be forty-six dollars and forty cents per week.

#### *Miscellaneous Provisions Relating to Age Benefits*

### **34. Repealed**

### **35. Average weekly insurable earnings**

Average weekly insurable earnings for the purposes of regulation 32 shall be the sum of the weekly insurable earnings of the insured person which can be taken into account having regard to the provisions of these Regulations divided by the number of weeks of contributions.

#### *Survivors' Benefit*



### **36. Entitlement rate and/or amount of benefits**

(1) Subject to the provisions of these Regulations, survivors' benefit shall be payable to the widow or widower, as the case may be, children of a deceased insured person and dependent parents if, at the time of his or her death, such insured person—

- (a) was in receipt of invalidity pension or an age pension;
- (b) would have been entitled to an invalidity pension or grant had he or she been deemed to be an invalid at the time of his or her death; or
- (c) was sixty years of age or over and would have been entitled to an age pension or grant had he or she made a claim for such benefit.

(2) Where at the date of his or her death the deceased insured person was in receipt of an invalidity or age pension or would have been entitled to an invalidity pension had he or she been deemed to be an invalid, or to an age pension, the benefit payable shall be a pension, in these Regulations referred to as "survivors' pension".

(3) Where at the date of his or her death the deceased insured person would have been entitled to an invalidity grant had he or she been deemed to be an invalid or to an age grant, the benefit payable shall be a grant, in these Regulations referred to as a "survivors' grant".

(4) Survivors' benefit shall not be payable in respect of a marriage contracted after the insured person had been granted an invalidity pension or an age pension.

(5) (a) The annual rate of survivors' pension shall not exceed the rate of invalidity or age pension which was payable or would have been payable to the deceased insured person at the time of his or her death.

(b) The amount of survivors' grant shall not exceed the amount of invalidity or age grant which would have been payable to the deceased person at the time of his or her death.

### **37. Entitlement of widow to survivors' pension and duration thereof**

(1) (a) A widow who at the date of her husband's death was fifty years of age or over and had been married to him or her for not less than three years shall be entitled to a survivors' pension for life.

(b) A widow who at the date of her husband's death was married to him or her for not less than three years and was at the date of his or her death an invalid shall be entitled to a survivors' pension for the period during which such invalidity continues.

(c) A widow who at the date of her husband's death was not fifty years of age or over or was not an invalid or being fifty years or over had been married to him or her for less than three years, shall be entitled to a survivors' pension for a period of one year.

(2) Where a pension payable to a widow pursuant to subregulation (1)(b) ceases otherwise than because of her remarriage or cohabitation, if she is then over the age of fifty years she shall be entitled to a survivors' pension for life.

(3) Survivors' pension payable to a widow shall cease on her remarriage or cohabitation with a man as his wife.

### **38. Entitlement of widower to survivors' pension and duration thereof**

(1) A widower who at the date of the death of his wife was fifty years of age or older and had been married to her for not less than three years shall be entitled to survivors' pension for life.

(2) A widower who at the date of the death of his wife was married to her for not less than three years and was at the date of her death an invalid shall be entitled to a survivors' pension for the period during which such invalidity continues.

(3) A widower who at the date of the death of his wife was not fifty years of age or over or was not an invalid or being fifty years of age or over had been married to her for less than three years, shall be entitled to a survivors' pension for a period of one year.

(4) Where a pension payable to a widower pursuant to subregulation (2) ceases otherwise than because of remarriage or cohabitation, if he is then over the age of fifty years, he shall be entitled to a survivors' pension for life.

(5) A survivors' pension payable to a widower shall cease on his remarriage or cohabitation with a woman as her husband.

### **39. Entitlement of children and parents to survivors' pension and duration thereof**

(1) Survivors' pension shall be payable in respect of the unmarried children, including adopted children, step-children and illegitimate children of a deceased insured person who at the date of the parent's death were under the age of sixteen years and were living with or were wholly or mainly maintained by the deceased at the time of death.

(2) A survivors' pension shall be payable in respect of a child until he or she attains his or her sixteenth birthday or his or her twenty-first birthday in the case of a child still attending school:

Provided that in the case of invalid children pension shall be payable for the period during which invalidity continues.

(2A) Subject to subregulation (2B), a survivors' pension shall be payable in respect of a parent of a deceased insured person who was wholly or mainly maintained by the deceased insured person only where the spouse and children of the deceased have not exhausted the maximum pension available.

(2B) A survivors' pension payable to a parent shall cease on his or her remarriage or cohabitation.

### **40. Rate of survivors' pension**

(1) The rate of survivors' pension payable—

- (a) to the spouse shall be equal to three-fourths of the maximum pension available for payment to survivors; and
- (b) to each child shall be equal to one-fourth (one-half if a full orphan or an invalid) of the maximum pension available for payment to survivors:

Provided that the aggregate of pensions payable to the spouse and children shall not exceed the maximum pension available for payment to survivors:

Provided further that the minimum survivors' pension payable to a spouse shall be the same as that for age and invalidity pensioners.

(2) The annual rate of pension in subregulation (1) shall be increased in increments as follows—

- (a) five per cent for all pensions first paid in calendar year, 1992;
- (b) ten per cent for all pensions first paid in calendar year, 1991;
- (c) fifteen per cent for all pensions first paid in calendar year, 1990;
- (d) twenty per cent for all pensions first paid in calendar year, 1989;
- (e) twenty-five per cent for all pensions first paid in calendar year, 1988;
- (f) thirty per cent for all pensions first paid in calendar year, 1987;
- (g) thirty-five per cent for all pensions first paid before calendar year, 1987.

(3) The minimum pension payable to a child shall be nineteen dollars and seventy cents (or nineteen dollars and seventy cents if a full orphan or an invalid) per week, notwithstanding the proviso to subregulation (1) of this regulation:

Provided further that the annual rate of pension in subregulation (2) shall be increased—

- (a) two per cent for all pensions first paid in calendar year, 2005;
- (b) four per cent for all pensions first paid in calendar year, 2004;
- (c) six per cent for all pensions first paid in calendar year, 2003;
- (d) eight per cent for all pensions first paid in calendar year, 2002;
- (e) ten per cent for all pensions first paid in calendar year, 2001;
- (f) twelve per cent for all pensions first paid in calendar year, 2000;
- (g) fourteen per cent for all pensions first paid in calendar year, 1999;
- (h) sixteen per cent for all pensions first paid before calendar year, 1999.

(3A) The minimum pension payable to a spouse shall be forty-six dollars and forty cents per week.

(3B) Survivors' pension shall be payable in respect of a parent who was wholly or mainly maintained by the deceased at the time of death at the rate of one-fourth of the maximum pension available to survivors.

#### **41. Insufficiency of pension available for distribution to survivors**

(1) Where the pension available for distribution to survivors of the deceased is insufficient to enable payments to be made at the rates specified in regulation 40, the pension available shall be distributed as follows—

- (a) to the spouse, at the rate of three-quarters of the pension available; and
- (b) to the children, the remaining amount in proportion to their corresponding rates (one fourth if an orphan, and one half if a full orphan or an invalid) but no less than the corresponding minimum amounts specified in regulation 40(3).

(2) When the pension of one of the survivors is terminated, the rate of pension for the remaining survivors shall be recalculated in accordance with subregulation (1).

#### **42. Distribution of survivors' grant**

Survivors' grant shall be distributed on the same basis as provided in regulation 40 for survivors' pension.

#### **43. Meaning of "the husband" and "the wife"**

For the purposes of this Part in relation to survivors' benefit, the expression "the husband" or "the wife", in relation to a person who has been married more than once, refers only to the last husband or wife respectively.

#### **44. Special treatment in case of survivors' benefit of persons living in certain associations**

For the purposes of these Regulations, where it is a condition for the title to survivors' benefit that—

- (a) a woman is the widow of an insured man the 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

- (b) a man is the widower of an insured woman, the 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:

Provided that the Director shall be satisfied that in all the circumstances he or she should be so treated.

#### *Miscellaneous Provisions*

#### **45. Entitlement to more than one benefit**

Notwithstanding that a person is entitled to two or more benefits under the Act at the same time, only one benefit shall be payable to such person and the benefit first awarded unless the other benefit is payable at a higher rate in which case he or she shall be paid the benefit at such higher rate:

Provided that—

- (a) if the last mentioned benefit ceases to be payable then nothing shall prevent the award of re-instatement of another benefit to which such person is entitled under the Act;
- (b) a person who has already received an invalidity grant or grants shall not be disentitled to a further invalidity grant or to an age grant based on contributions actually paid in respect of or credited to him or her and not already taken into account for the said invalidity grant or grants received;
- (c) survivors' grant or grants may be paid in respect of those otherwise entitled notwithstanding that the relevant deceased insured person had in his or her lifetime received an invalidity grant or grants but the survivors' grant or grants shall be based only on contributions actually paid in respect of or credited to him or her and not already taken into account for the said invalidity grant or grants received;
- (d) nothing in this regulation shall preclude the full duplication of sickness benefit or maternity benefit with survivors' benefit;
- (e) any other benefit may be duplicated in full with funeral grant;
- (f) a person entitled to an age pension or an invalidity pension and a survivor's pension shall receive the full age pension or full invalidity pension in addition to fifty percent of the survivor's pension.

#### **46. Refund of benefit improperly paid**

(1) If it is found that any person has received any sum by way of benefit to which he or she is not entitled he or she shall be liable to repay to the Fund the sum so received by him or her.

(2) Where any person is liable to repay any sum received by him or her by way of benefit that sum may be recovered without prejudice to any other remedy, by means of deductions from any other benefit to which he or she thereafter becomes entitled.

(3) Any such sum not so recovered shall be treated as expenditure on, and charged to, the Fund.

#### **47. Credited contributions**

(1) For every contribution week for the whole of which an insured person received any of the following or any combination of such benefits, namely—

- (a) sickness benefit;

(b) maternity benefit,

a contribution shall be credited to that person without actual payment thereof.

(2) The provisions of subregulation (1) shall be applied in the case of an insured person who but for the application of regulation 4(1) would have been entitled to receive sickness benefit.

(3) A credited contribution shall, subject to these Regulations, be valid for sickness, maternity, invalidity and age benefit and shall be at the level of weekly insurable earnings corresponding to that on the basis of which the benefit had been paid:

Provided that where benefit was payable at different rates during the contribution week the credited contribution for that week shall be at the level of weekly insurable earnings corresponding to or most closely corresponding to the higher level of weekly insurable earnings on the basis of which benefit was so payable.

#### **48. Special provisions relating to persons absent abroad**

Except as hereinafter provided, a person shall be disqualified for receiving any benefit for any period during which that person is absent from Grenada save that—

- (a) a person shall not be disqualified for receiving sickness or maternity benefit by reason of being temporarily absent from Grenada for the specific purpose of being treated for incapacity which commenced before he or she left Grenada during such period as the Director may allow having regard to the particular circumstances of the case;
- (b) a person shall not be disqualified for receiving age benefit, or survivors' benefit by reason of being absent from Grenada;
- (c) a person shall not be disqualified for receiving invalidity benefit by reason of being absent from Grenada for such period as the Director may allow having regard to the particular circumstances of the case:

Provided that entitlement to the invalidity benefit was established before the person left Grenada.

#### **49. Payment of benefit for which person is eligible under regulation 48**

Benefit for which a person is eligible by virtue of regulation 48 shall be paid in Grenada to such representative acting for and on behalf of the person concerned as may be approved by the Director.

#### **50. Repealed**

#### **51. Contributions to Provident Fund**

If a person insured under section 24(1)(a) of the Act is in insurable employment on or after the Appointed Day, the provisions of these Regulations shall be modified in his or her case to the following extent—

- (a) where it is a condition of eligibility to benefit that he or she should have been insured or employed for not less than a specified period, the period for which contributions were being paid by him or her or on his or her behalf to the Provident Fund immediately preceding the Appointed Day shall also count for satisfying the eligibility condition;
- (b) where for eligibility to benefit a certain number of contributions are required to have been paid during a period, such period may include a period preceding the Appointed Day;

- (c) the Provident Fund contributions paid in the period preceding the Appointed Day referred to in paragraph (b) above, shall count as hereunder—
- (i) for eligibility to invalidity, survivors or age benefit, a person will be given credit of as many weekly contributions as the number arrived at by dividing the amount to his or her credit in the Provident Fund on the day preceding the Appointed Day by an amount equal to his or her average contribution rate in the first thirteen weeks of insurable employment after the Appointed Day, fraction below  $\frac{1}{2}$  being ignored and  $\frac{1}{2}$  and above being rounded up to the next higher number:

Provided that where an insured person attains the age of sixty years in less than thirteen weeks after the Appointed Day, the denominator for the division mentioned in the paragraph above, shall be the average of all the contribution weeks from the Appointed Day to the attainment of age sixty instead of the average of the first thirteen weeks as mentioned in paragraph (a) above:

Provided further that for the purpose of the first proviso above the weekly wages after the Appointed Day shall be assumed to be the same as before the Appointed Day if in any case they are lower than the wages preceding the Appointed Day;

- (d) where the rate of any benefit is expressed in terms of the average insurable earnings over a period, such period may include a period preceding the Appointed Day;
- (e) for the period preceding the Appointed Day, the insurable earnings shall be deemed to be thirty times the Provident Fund contributions paid during the said period and a monthly contribution shall be deemed to be equal to the contributions for four weeks and for all calculations in this context a year shall count as twelve months or fifty-two weeks.

## **52. Special provisions for a person who was a member of the Provident Fund and who attained sixty years of age on or before the Appointed Day**

In respect of a person who is deemed an insured person by and under section 24(2)(b) of the Act the following provisions shall apply—

- (a) where it is a condition of eligibility to benefit that he or she should have been insured or employed for not less than a specific period, the period for which contributions were being paid by him or her or on his or her behalf to the Provident Fund immediately preceding the Appointed Day shall also count for satisfying the eligibility condition;
- (b) where for eligibility to benefit a certain number of contributions are required to have been paid during a period, such period may include a period preceding the Appointed Day;
- (c) the Provident Fund contributions paid in the period preceding the Appointed Day referred to in paragraph (b) above, shall count as hereunder—

for eligibility to invalidity, survivors or age benefit, a person will be given credit of as many weekly contributions as the number arrived at by dividing the amount to his or her credit in the Provident Fund on the day preceding the Appointed Day by an amount equal to his or her average contribution rate in the last 13 weeks of employment before the Appointed Day, fractions below  $\frac{1}{2}$  being ignored and fractions of or above  $\frac{1}{2}$  being rounded up to the next higher number;

- (d) where the rate of any benefit is expressed in terms of the average insurable earnings over a period such period shall include the period preceding the Appointed Day;
- (e) for the period preceding the Appointed Day, the insurable earnings shall be deemed to be thirty times the Provident Fund contributions paid during the said period and a monthly contribution shall be deemed to be equal to the contribution for four weeks and for all calculations in this context a year shall count as twelve months or fifty-two weeks.

### **53. Limit on retroactivity of benefit payments**

(1) No pension, allowance, grant or benefit payment otherwise authorised in these Regulations, shall be made with respect to a period of time that is earlier than twelve calendar months prior to the calendar month in which a claim for payment was presented to the National Insurance Scheme.

(2) No age pension payment otherwise authorised in these Regulations shall be made with respect to a period of time that is earlier than five years prior to the calendar month in which a claim for payment was presented to the National Insurance Scheme.

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## **National Insurance (Claims and Payments) Regulations**

SRO 4 of 1983

**Amended by**

SRO 42 of 2006

### **ARRANGEMENT OF REGULATIONS**

#### **PART I**

##### *Preliminary*

1. Citation.
2. Definitions.
3. Obligations of claimants for and beneficiaries in receipt of benefits.

#### **PART II**

##### *Claims*

4. Claims to be made to the Board in writing.
5. Supply of claim forms.
6. Claim not on appropriate forms.
7. Information to be given when making a claim for benefit.
8. Date of claim.
9. Amendment of claim forms and withdrawal of claim for benefit.
10. Interchange with claims for other benefits.
11. Time for claiming benefits.

#### **PART III**

##### *Payments*

12. Time and manner of payment of certain benefits and increases thereof and

- suspension of benefit pending appeals or references.
13. Time and manner of payment of pensions.
  14. Book of serial orders to remain property of the Board.
  15. Board may make other arrangements for payment of pension in certain cases.
  16. Other times and methods of payment of pension.
  17. Extinguishment of right to sums payable by way of benefit which are not obtained within the prescribed time.
  18. Information to be given when obtaining payment of benefit.

#### PART IV

##### *Miscellaneous*

19. Forfeiture of benefit suspension of proceedings or claims and suspension of payments of benefit.
20. Obligations of beneficiaries to notify changes of circumstances.
21. Board may appoint persons to act for beneficiary.
22. Person unable to act.
23. Breach of regulations.

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### NATIONAL INSURANCE (CLAIMS AND PAYMENTS) REGULATIONS

[Sections 43, 45, 51 and 64. SRO 4 of 1983 amended by SRO 42 of 2006.]

[4th April, 1983.]

#### PART I

##### *Preliminary*

### **1. Citation**

These Regulations may be cited as the National Insurance (Claims and Payments) Regulations.

### **2. Definitions**

For the purpose of these Regulations and expression—

“Act” means the National Insurance Act;

“Appointed Day” means the day appointed by the Minister pursuant to section 2 of the Act;

“beneficiary”, in relation to any benefit, means the person entitled to that benefit;

“benefit” means any benefit payable under the Act;

“claimant” means a person claiming benefit and includes in relation to the review of an award or decision, a beneficiary under the award or affected by the decision;

“day” means a period of twenty-four hours from midnight to midnight or such other period as may be prescribed;

“determining authority” means, as the case may require, the Board or the Director or the medical board or the Appeal Tribunal appointed or constituted in accordance with any regulations for the time being in force under the Act;

“Director” means the Director appointed pursuant to section 9 of the Act;



“draft or voucher” means a draft or voucher, payment order or any other instrument whatsoever (except a serial order) which is payable through the Post Office, Revenue Office, office of the Board or a Bank;

“insured person” has the meaning assigned to it in section 2 of the Act;

“invalidity grant” means invalidity benefit paid or payable, as the case may require, in the form of a grant;

“invalidity pension” means invalidity benefits paid or payable, as the case may require, in the form of a pension;

“medical examination” includes where necessary, bacteriological and radiological tests and similar investigations and references to being medically examined shall be construed accordingly;

“medical practitioner” means a registered medical practitioner and includes a person practising medicine outside Grenada who, not being a registered medical practitioner, is qualified to practise medicine and is not prohibited from so doing under the law of the place where he or she practises;

“pension” means an age, invalidity or survivors’ pension as the case may require;

“pension order” means an order for payment through the Post Office, Revenue Office, Bank or office of the Board of a weekly sum on account of pension;

“pensioner” means a person to whom any pension is payable;

“relevant person” means the person by whom the condition for benefit is to be satisfied;

“serial order” means one of a series of orders including pension orders, for the payment through the Post Office, Revenue Office, Bank or office of the Board of a sum on account of benefit which is or has been contained in a book of such orders.

### **3. Obligations of claimants for and beneficiaries in receipt of benefits**

(1) Subject to subregulations (2) and (3), every claimant for and every beneficiary in receipt of a benefit shall comply with every notice given to him or her by the Director which requires him or her—

- (a) to attend for and submit himself or herself to medical examination by one or more medical practitioners appointed by the Board; or
- (b) to attend any course of vocational or industrial rehabilitation training which is considered by the Director to be appropriate in his or her case.

(2) Every notice given to a claimant or beneficiary requiring him or her to submit himself or herself to medical examination shall be given in writing and shall specify the time and place of examination, but shall not require the claimant or beneficiary to submit himself or herself to examination on a date earlier than the third day after the day on which the notice was sent.

(3) Every claimant and every beneficiary who is required in accordance with this regulation to submit himself or herself to a medical examination, to medical treatment or to any course of vocational or industrial rehabilitation training—

- (a) shall attend at every such place and at every such time as is specified in the notice; and
- (b) may, at the discretion of the Board, be paid such travelling and other allowances as the Board may determine.

## *Claims*

### **4. Claims to be made to the Board in writing**

Every claim for benefit shall be made in writing to the Director on the form approved by the Board for the purpose of benefit for which the claim is made, or in such manner, being in writing, as the Director may accept as sufficient in the circumstances of any particular case or class of cases.

### **5. Supply of claim forms**

Forms of claim shall be supplied without charge by the Board.

### **6. Claim not on appropriate forms**

Where a claim for benefit has been made on an approved form other than the form appropriate to the benefit claimed, the claim may be treated as if it has been made on the appropriate form:

Provided that the Director may in any such case require the claimant to complete the appropriate form.

### **7. Information to be given when making a claim for benefit**

(1) Every person who makes a claim for benefit shall furnish such certificates, documents, information and evidence for the purpose of determining the claim as the Director may require and if reasonably so required, shall for that purpose attend at such office or place as the Director may direct.

(2) Every person who makes a claim for benefit shall, in particular, furnish, if required by the Director, the following information concerning himself or herself or the person or persons of or for whom the benefit is claimed—

- (a) his or her identity, date of birth, usual place of residence, occupation and relationship to the claimant;
- (b) his or her position in regard to benefit under the Act, available sources of income and the amounts contributed by any person towards his or her maintenance; and
- (c) in the case of a claim in respect of or based on the insurance of a wife, husband, or widow or a widower, a certificate of the marriage,

together with a declaration signed by the other person where appropriate, confirming the information given.

(3) Every person who makes a claim for survivors' benefit shall in particular, furnish, if required by the Director a death certificate relating to the deceased.

(4) Every person who makes a claim for a funeral grant, shall, in particular, furnish the following information—

- (a) if required by the Director, a death certificate relating to the deceased;
- (b) in the case of any Council, Association or other Authority, such particulars relating to the relevant persons as may be required by the Director.

(5) The Director may accept in support of claims and in the absence of the certificate or documents aforementioned—

- (a) as proof of kinship or marriage, evidence of a trustworthy third person or other documentary evidence;

- (b) as proof of age, extracts from baptismal records or school records or other evidence as he or she considers satisfactory.

## **8. Date of claim**

For the purposes of any claim to benefit, the day of receipt of the claim at the office of the Board shall be deemed to be the date of claim.

## **9. Amendment of claim forms and withdrawal of claim for benefit**

(1) If, owing to the absence of due signature or of due certification a claim is defective at the date of its receipt by the Director, the Director may refer this claim to the claimant, and if the form is returned properly completed within one month from the date on which it is so referred, the claim may be treated as if it had been duly made in the first instance.

(2) Any person who had made a claim for a benefit in accordance with these Regulations may amend his or her claim, at any time before a decision has been given thereon, by notice in writing delivered or sent to the office of the Board, and any claim so amended may be treated as if it had been duly made in the first instance.

(3) If a person who has made claim for invalidity benefit wishes, with a view to withdrawing his or her election to treat a sickness benefit period as having come to an end, to withdraw the claim, he or she may deliver or send to the office of the Board written notice signed by him or her withdrawing his or her claim and such notice so given shall, if it is received at the office of the Board before the claim has been finally determined, operate to withdraw the claim on the date of its receipt at the office.

## **10. Interchange with claims for other benefits**

Where it appears that a person who has made a claim for benefit may be entitled to some other benefit, any such claim may be treated by the Director as a claim in the alternative for that other benefit.

## **11. Time for claiming benefits**

(1) The prescribed time for claiming benefits is—

- (a) in the case of sickness benefit, not later than four days from the earliest day in respect of which the claim is made;
- (b) in the case of maternity benefit—
  - (i) in respect of expectation of confinement, the period of two weeks beginning with the eighth contribution week before the contribution week in which it is expected that the claimant will be confined,
  - (ii) where confinement has taken place, within the period of three weeks beginning with the date of confinement;
- (c) in the case of invalidity, age or survivors' benefit, the period of three months after the date on which apart from satisfying the condition of making a claim, the claimant becomes entitled thereto;
- (d) in the case of funeral grant, the period of six months from the date of death of the deceased.

(2) Subject to subregulations (3) and (4), a person failing to make a claim for benefit within the time prescribed shall be disqualified for receiving—

- (a) in the case of sickness benefit, benefit in respect of any more than four days before the date on which the claim is made;

- (b) in the case of maternity benefit, benefit in respect of any period before the beginning of the contribution week in which the claim is made;
  - (c) in the case of invalidity, age or survivors' benefit, benefit in respect of any period more than three months before the date on which the claim is made;
  - (d) in the case of funeral grant, the grant.
- (3) If in any case the claimant proves—
- (a) that on a date earlier than the date on which the claim was made, apart from satisfying the condition of making a claim, he or she was entitled to the benefit; and
  - (b) that throughout the period between the earlier date and the date on which the claim was made there was good cause for delay in making such claim, he or she shall not be disqualified under subregulation (2) for receiving any benefit to which he or she would have been entitled if the claim had been made on the earlier date:

Provided that—

- (i) no sum shall be paid by way of sickness, maternity, invalidity, or survivors' benefit in respect of any period more than twelve months before the date on which the claim therefor is duly made,
- (ii) no sum shall be paid by way of funeral grant if the claim therefor is not duly made within twelve months after the date of the death of a person in respect of whom the grant is payable,
- (iii) no sum shall be paid by way of age pension in respect of any period more than five years before the date on which the claim thereof is duly made.

### PART III

#### *Payments*

#### **12. Time and manner of payment of certain benefits and increases thereof and suspension of benefit pending appeals or references**

(1) Subject to these Regulations, sickness and maternity benefits shall be paid in accordance with an award thereof, as soon as is reasonably practicable after such an award has been made by means of vouchers for payment thereof payable through the Post Office or Bank, or office of the Board, by cash payments in the home, if the circumstances of any particular case appear to render this appropriate:

Provided that a person who applies for benefit or payment shall produce on request satisfactory particulars of his or her identity.

(2) Subject to subregulation (3), funeral grant or invalidity, age or survivors' benefit payable in the form of a grant shall be payable in one sum by means of a voucher for payment thereof payable through the Post Office, Revenue Office, Bank or office of the Board or by other means including cash payment in the home, if the circumstances of any particular case appear to render this appropriate:

Provided that a person who applies for benefit or payment shall produce on request satisfactory particulars of his or her identity.

(3) An invalidity, age, or survivors' benefit payable in the form of a grant may be payable by instalments of such amounts and at such times as appears reasonable to the Director in the circumstances of the case, notwithstanding subregulation (2), but any such decision may be varied by the Director at any time.

### **13. Time and manner of payment of pensions**

(1) Subject to these Regulations, invalidity, age, or survivors' benefits payable in the form of a pension shall be paid weekly in arrears by means of vouchers or pension orders payable in each case to the pensioners, at such Post Office, Revenue Office, Bank or at the office of the Board as after enquiry of the pensioner, may, from time to time, be determined by the Director.

(2) In any case in which there is an award by the determining authority under which a pension is payable, the Board may cause arrangements to be made whereby, on furnishing such evidence as to identity and such other particulars as may be required, the pensioner may obtain a book of pension orders, and the pensioner shall be notified of the appropriate place at which he or she may obtain such a book and of the arrangements so far as they affect him or her.

(3) The Board shall arrange, where appropriate, for the issue of a fresh book of pension orders on the expiration of the previous book.

(4) Weekly sums on account of pension may be payable on different days of the weeks as determined from time to time by the Board.

### **14. Book of serial orders to remain property of the Board**

(1) Any book of serial orders issued to any person shall remain the property of the Board.

(2) Any person having a book of serial orders or any unpaid orders shall, on the termination of the pension to which such book of orders relate, surrender such book or order to the Director or to such person as the Board may direct.

### **15. Board may make other arrangements for payment of pension in certain cases**

Notwithstanding anything contained in these Regulations the Board may arrange—

- (a) in any case where the date from which a pension would commence or as from which a change in rate of pension would take effect is other than a date immediately following the appropriate day of the week for which that pension is payable;
- (b) in any case where the date from which a pension would cease to be payable is a day other than the appropriate day of the week for which that pension is payable,

for a proportion of pension to be paid otherwise than by means of vouchers or pension orders payable to the pensioner.

### **16. Other times and methods of payment of pension**

Notwithstanding anything contained in these Regulations, the Board may, in any particular case or class of cases, arrange for the payment of a pension otherwise than weekly in arrears or otherwise than by means of vouchers or pension order payable to the pensioner.

### **17. Extinguishment of right to sums payable by way of benefit which are not obtained within the prescribed time**

(1) The right to any sum payable by way of benefit shall be extinguished where payment thereof is not obtained within the period of six months from the date on which that sum is receivable in accordance with this regulation.

(2) In calculating the period of six months for the purposes of subregulation (1) no account shall be taken of—

- (a) any period during which a serial order, voucher or draft containing the sum is in the possession of the Board or any Post Office/Revenue Office, or Bank at which it is payable, other than a period after written notice has been given that the serial order or draft is available for collection;
- (b) any period during which the Board has under consideration any representation that a serial order, voucher or draft containing the sum has not been received or has been lost, mislaid or stolen;
- (c) any period during which the person concerned is for the time being unable to act by reason of any mental incapacity, subject to the qualification that the total period disregarded on account of such inability to act shall not exceed one year; or
- (d) any period during which the determination of any question as to such extinguishment is pending:

Provided that where a right to any sums payable by way of benefit is extinguished by virtue of this regulation the Board may authorise payment thereof if it is of the opinion that such extinguishment did not occur as a result of negligence of the person entitled to the payment.

(3) For the purposes of this regulation, a sum payable by way of benefit shall, subject to subregulation (4) and to regulation 22(3) be receivable—

- (a) in the case of a sum contained in a serial order, on the date on which the order is due to be paid;
- (b) in the case of a sum contained in a draft or voucher—
  - (i) if the draft or voucher is sent through the post, on the date on which it is authenticated for payment, and
  - (ii) in any other case, on the date of issue of the draft or voucher;
- (c) in the case of a sum not contained in a serial order, draft or voucher, where notice is given orally or in writing that the sum is available for collection—
  - (i) if written notice is sent through the post, on the date on which it would be delivered in the ordinary course of the post, and
  - (ii) in any other case, on the date of the notice;
- (d) in any case to which paragraphs (a) and (b) or (c) does not apply six months (or such longer period as may be determined by the Board in the circumstances of any particular case) after the date on which the sum becomes payable.

(4) In determining when a sum is receivable under subregulation (3) the following provisions shall apply—

- (a) if a person proves that through no fault of his or her own he or she did not receive any such serial order, draft or voucher or written notice until a date later than the appropriate receivable date determined in accordance with subregulation (3), the sum contained in the order, draft or voucher or referred to in the notice shall be receivable—
  - (i) on that later date, or
  - (ii) on the date which is six months after the said appropriate receivable date, whichever is the earlier;
- (b) if a person proves that through no fault of his or her own he or she has not received any such serial order, draft, voucher or written notice, the sum contained in the original order, draft or voucher or referred to in the notice shall be receivable—

- (i) on the date determined in accordance with subregulation (3) on the basis of the issue of any further order, draft, voucher or notice in respect of that sum, or
  - (ii) on the date which is six months after the receivable date determined in accordance with subregulation (3) on the basis of the original order, draft, voucher or notice, whichever is the earlier;
- (c) subject to regulation 22(3) and to paragraph (b), a sum which in accordance with this regulation was receivable on any date, shall remain receivable on that date, notwithstanding the issue since that date of a serial order, draft, voucher or notice in respect of that sum or any part thereof.

(5) Any sum payable by way of benefit to a person who is for the time being unable to act shall be receivable in accordance with this regulation, notwithstanding his or her inability to give a receipt therefor.

### **18. Information to be given when obtaining payment of benefit**

(1) Every beneficiary and every person by whom or on whose behalf sums payable by way of benefit are receivable shall furnish in such manner and at such times as the Director may determine such certificates and other documents and such information of facts affecting the right to benefit or to the receipt thereof as may be required (either as a condition on which any sum or sums shall be receivable or otherwise) by the Director, and in particular, shall notify the Board in writing of any change of circumstances which he or she might reasonably be expected to know might affect the right to benefit or the rate at which the benefit is payable, or to the receipt thereof, as soon as reasonably practicable after the occurrence thereof.

(2) Where any sum is receivable on account of any other person the beneficiary shall, in such case or classes of cases as the Director may direct, furnish a declaration signed by such other person confirming the particulars respecting him or her furnished by the claimant.

## **PART IV**

### *Miscellaneous*

### **19. Forfeiture of benefit suspension of proceedings or claims and suspension of payments of benefit**

(1) If in respect of any incapacity, or expected or actual confinement, a person claiming or entitled to sickness, maternity or invalidity benefit as the case may be—

- (a) without good cause behaves in any manner calculated to retard his or her recovery or fails without good cause to answer any reasonable enquiries by an officer of the Board directed to ascertain whether he or she is doing so;
- (b) is absent from his or her place of residence without leaving word where he or she may be found;
- (c) undertakes work for which remuneration is or would ordinarily be payable,

he or she shall, subject to subregulations (4) to (7), if the Director so decides, forfeit that benefit for such period as the Director determines.

(2) If, without good cause—

- (a) a claimant fails to furnish to the prescribed person any information required for the determination of the claim or of any question arising in connection therewith;

- (b) a beneficiary fails to give notice to the prescribed person of any change of circumstances affecting the continuance of the right to benefit or to the receipt thereof, or to furnish as aforesaid any information required for the determination of any question arising in connection with the award; or
- (c) a claimant for, or a beneficiary of sickness, maternity or invalidity, benefit fails to comply with any requirement of regulation 3,

he or she shall, subject to subregulations (4) to (7), if the Director so decides, forfeit any benefit claimed in respect of the period of such failure.

(3) If any claimant or beneficiary wilfully obstructs, or is guilty of other misconduct in connection with any examination or treatment to which he or she is required under regulation 3 to submit himself or herself, or any proceedings under the Act or Regulations for the determination of his or her right to benefit or to the receipt thereof, he or she shall subject to subregulations (4) to (7), forfeit any benefit claimed for such period as the Director determines.

(4) In any case to which subregulation (1), (2) or (3) relates, proceedings on the claim or payment of benefit, as the case may be, may be suspended for such period as the Director determines.

(5) Nothing in this regulation providing for the forfeiture of benefit for any of the following matters, that is to say—

- (a) for failure to comply with the requirements of regulation 18(1);
- (b) for failure to comply with the requirements of regulation 3;
- (c) for obstruction of, or misconduct in connection with, medical examination or treatment;
- (d) for failure to comply with the requirements of regulation 20(1),

shall authorise the disentitlement of a claimant or beneficiary to benefit for a period of more than six weeks on any forfeiture.

(6) No person shall forfeit any benefit for refusal to undergo a surgical operation, not being one of a minor character.

(7) A person who would be entitled to any benefit but for the operation of this regulation shall be treated as if he or she was entitled thereto for the purpose of any rights or obligations under the Act and regulations (whether of himself or herself or any other person) which depend on his or her being so entitled, other than the right to payment of that benefit.

## **20. Obligations of beneficiaries to notify changes of circumstances**

The Board may require any person entitled to benefit to furnish from time to time documented evidence that he or she is alive and that the conditions governing the grant of such benefit continue to be fulfilled, and if such evidence is not given to the Board within the time required, the Board may suspend payment of the benefit until the date on which the evidence is given.

## **21. Board may appoint persons to act for beneficiary**

(1) In the case of any person to whom benefit is payable or who is alleged to be entitled to benefit or by whom or on whose behalf a claim for benefit has been made, and who is a child or is unable for the time being to act, where no person or authority has been duly appointed under the law to have charge of his or her estate the Board may, upon written application being made to it, appoint a person to exercise on behalf of the child or person who is unable to act any right to which that child or person may be entitled under the Act and to receive and deal with any sums payable on behalf of such child or person:



Provided that—

- (a) any such appointment by the Board shall terminate on the date immediately prior to the date on which the Board is notified that a person or authority has been duly appointed under the Act;
- (b) a person who has not attained the age of eighteen shall not be capable of being appointed to act under this regulation;
- (c) the Board may at any time in its absolute discretion revoke the appointment made under this regulation; and
- (d) any person appointed under this regulation may, on giving the Board one month's notice in writing of his or her intention to do so, resign his or her office.

(2) Anything required by these Regulations to be done by or to any such person as aforesaid who is a child or who is for the time being unable to act, may be done by or to any person or authority duly appointed under the law to have charge of such person or of his or her estate or by or to the person appointed under this regulation to act on behalf of such person, and the receipt of any person appointed under this regulation shall be good discharge to the Board and the Fund for any sum paid, notwithstanding that such person has not attained the age of twenty-one.

## **22. Person unable to act**

(1) On the death of a person who has made a claim for benefit or who is alleged to have been entitled to benefit or in respect of whose death a funeral grant is alleged to be payable the Board may appoint such person as it thinks fit to proceed with or to make a claim for the benefit, and the provisions of these Regulations shall apply subject to the necessary modifications to any such claim:

Provided that in the case of a funeral grant a claim may be made by any person specified in subregulation (2).

(2) Subject to subregulation (6), any sum payable by way of benefit which is payable under an award on a claim proceeded with or made under subregulation (1) may be distributed to or amongst persons claiming as personal representatives, legatees, next-of-kin, or creditors of the deceased (or, where the deceased was illegitimate, to or amongst other persons), and the provisions of regulation 19 shall apply to any such payment or distribution:

Provided that—

- (a) the receipt of any such person who has attained the age of sixteen shall be a good discharge to the Board and the Fund for any sum so paid; and
- (b) where the Board is satisfied that any such sum or part thereof is needed for the benefit of any person under the age of sixteen, the Board may obtain a good discharge thereof by paying the sum or part thereof to a person over that age (who need not be a person specified in this paragraph) who satisfies the Board that he or she will apply the sum so paid for the benefit of the person under the age of sixteen.

(3) Subject to subregulation (6), any sum payable by way of benefit to the deceased, payment of which he or she had not obtained at the date of his or her death may, unless the right thereto was already extinguished at that date, be paid or distributed to or amongst such persons as are mentioned in subregulation (2), and regulation 17 and that subregulation shall apply to any such payment or distribution:

Provided that for the purposes of regulation 17(1), the period of six months shall be calculated from the date on which the sum was receivable by any such person, and not from the date on which it was receivable by the deceased, and for those purposes the reference in regulation 17(3) to the date on which the sum became payable, shall be

construed as a reference to the date of application to the Board made in accordance with subregulation (5).

(4) In relation to a funeral grant, the reference in subregulation (2) to creditors shall include a reference to any person who gives an undertaking in writing to pay the whole or part of the deceased's funeral expenses, so however, that any payment of funeral grant to a person by virtue of this subregulation shall be subject to the condition that if the person fails to carry out any such undertaking he or she shall repay to the Fund any funeral grant so paid to him or her.

(5) Subregulations (2) and (3) shall not apply in any case unless written application for the payment of any such sum is made to the Board within six months from the date of the deceased's death or within such longer period as the Board may allow in any particular case.

(6) The Board may dispense with strict proof of the title of any person claiming in accordance with this regulation.

### **23. Breach of regulations**

If any person contravenes any requirement of these Regulations (not being a requirement to submit himself or herself to medical treatment or examination) he or she shall be guilty of an offence and shall where no penalty is otherwise provided in respect of the offence, be liable on summary conviction to a fine not exceeding one hundred dollars, and where the offence consists of containing any such contravention or failure after conviction thereof, one hundred dollars, together with a further fine not exceeding one hundred dollars for each day on which it is so continued.

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## **National Insurance (Collection of Contributions) Regulations**

SRO 8 of 1983

### **Amended by**

SRO 7 of 1995

SRO 54 of 1997

SRO 8 of 1998

SRO 37 of 2006

SRO 4 of 2007

SRO 23 of 2010

## ARRANGEMENT OF REGULATIONS

### PART I

#### *Preliminary*

1. Citation.
2. Definitions.
3. Notices, etc., may be sent by post.

### PART II

#### *Payment of Contribution*

4. Rates of contributions.

5. Liability for contributions on attaining age sixteen and sixty.
6. Time and deduction of contributions.
7. Authority to deduct employee's contribution from emolument.
8. Calculation of deduction.
9. No deduction card held by employer.
10. Tax free emoluments.
11. Payment of contributions by employer.
12. Employer failing to pay contributions.

### PART III

#### *Miscellaneous*

13. Maintenance of records.
  14. Return by employer.
  15. Inspection of documents.
  16. Death of an employer.
  17. Succession to a business.
  18. Penalties.
- Schedule Rates of Contributions

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## NATIONAL INSURANCE (COLLECTION OF CONTRIBUTIONS) REGULATIONS

[Section 64. SRO 8 of 1983 amended by SRO 7 of 1995, SRO 54 of 1997, SRO 8 of 1998, SRO 37 of 2006, SRO 4 of 2007, SRO 23 of 2010.]

[4th April, 1983.]

### PART I

#### *Preliminary*

#### **1. Citation**

These Regulations may be cited as the National Insurance (Collection of Contributions) Regulations.

#### **2. Definitions**

In these Regulations—

“Appointed Day” means the day so appointed for section 2 of the Act;

“contribution year” means the period of fifty-two or fifty-three weeks beginning with the first Monday in any calendar year after 1983 and ending on the Sunday immediately before the first Monday of the succeeding calendar year, but in relation to 1983, it means the period beginning with the first Monday occurring on or after the Appointed Day and ending on the Sunday immediately before the first Monday in 1984;

“Registration Regulations” means the National Insurance (Registration of Employers and Employees) Regulations; and

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

#### **3. Notices, etc., may be sent by post**

Any notice, application, card or other document which is authorised or required to be given, presented, issued or delivered under these Regulations may be sent by pre-paid post.

## PART II

### *Payment of Contribution*

#### **4. Rates of contributions**

(1) As of the 1st day of November 2010, and continuing thereafter in the manner specified in Part I of the Schedule, in respect of each weekly or monthly period beginning on or after the Appointed Day, for which an employee receives earnings, the employer shall pay for such weekly or monthly period a contribution set out in Part I of the Schedule as specified herein in relation to the wages or earnings paid to the employee during or immediately after the end of that period:

Provided that—

- (a) if the earnings of an employee are not fixed on a time basis the total amount of the wages paid to him or immediately after the specific period for which contributions are to be paid may be taken into account; and
- (b) if the earnings of an employee are paid on a time basis other than weekly, fortnightly or monthly, they shall be converted to such basis by simple proportion, or in such other way as the Director may determine.

(2) For the purpose of determining the earnings of an employee under subregulation (1), there shall be included all gross earnings received in cash by or on behalf of the employee, including—

- (a) overtime payment;
- (b) cost of living bonus;
- (c) additional payments in respect of dependants;
- (d) supplements for long service in industry or efficiency;
- (e) commission on sales or similar payments;
- (f) gratuities paid by the employer;
- (g) payments for night or shift-work;
- (h) production bonus;
- (i) danger or dirt money or similar payments;
- (j) service charges;
- (k) any employee's liabilities (including tax) paid on his or her behalf by the employer; and
- (l) holiday pay or other amounts set aside out of the employee's remuneration throughout the year or part of the year to be paid to him or her periodically:

Provided that—

- (i) in the case of payment specified under paragraphs (k) and (l) the amounts paid or set aside shall be included in the related earnings for the appropriate period for which contribution would have been payable had the amounts not been so paid or set aside, and
- (ii) in the case of payments specified under paragraphs (a) to (j) inclusive the amounts so received shall if they are not paid together with the

earnings for the period for which they were due, be included in the earnings for the period in, or immediately after which they are paid.

(3) With a view to securing that liability for payment of contributions is not avoided or reduced by an employer using any pay practice which is abnormal for the employment, the Board, whether or not an application has been made in that regard, may if it thinks fit, determine any question in relation to the payment of contributions where any such practice has been or is being followed in like manner as if the employer concerned had not followed such abnormal practice but had followed a practice normal for the employment in question.

## **5. Liability for contributions on attaining age sixteen and sixty**

There shall be liability for a contribution under the Act—

- (a) in the case of employees attaining the age of sixteen years, for the week in which the employee reaches that age; and
- (b) in the case of employees attaining the age of sixty years, for the week in which the employee reaches that age.

## **6. Time and deduction of contributions**

(1) Any employer liable to pay contributions on behalf of an employee shall, except as hereinafter provided, deduct these contributions before paying the employee the earnings in respect of the period for which contributions are payable.

(2) Where earnings are paid in advance for any period, the employer shall deduct contributions in advance for that period before the payment of the earnings.

(3) In addition to any other requirements, the employer shall, where the employment of an employee is terminated, pay all contributions due from the employer but still outstanding in respect of any insured person within fourteen days after the end of the month in which the employment is terminated.

(4) The Board may, if it thinks fit and subject to such terms and conditions as it may impose, approve any arrangements whereby contributions are paid at times and in the manner other than those prescribed by these Regulations and any such arrangements may include provisions for the payment of such fees as may be determined by the Board to represent the estimated additional expenses in administration of the Board.

(5) As a condition of authorising the payment of any contribution on a date later than that upon which the contribution would, apart from such authorisation under subregulation (4), be due to be paid, the Board may require the making of such deposit of money by way of security as the Board may approve.

(6) Subregulations (4) and (5) shall, subject to the provisions of any such arrangements, apply to any person affected by such arrangements, and any contravention of or failure to comply with any requirement of any such arrangement shall be deemed to be contravention of or failure to comply with these Regulations.

## **7. Authority to deduct employee's contribution from emolument**

(1) As of the 1st day of November, 2010, and continuing thereafter, as specified in Part II of the Schedule, every employer in making any payment of emoluments during any year to any employee shall deduct contributions in accordance with Part II of the Schedule as specified therein.

(2) An employer shall not be entitled to recover any contributions paid by him or her on behalf of an employee otherwise than by deduction in accordance with the Act or any regulations made thereunder.

## **8. Calculation of deduction**

(1) On the occasion of any payment of emoluments to the employee, the employer may deduct the amount of the contributions based thereon, which the employee is liable to pay under these Regulations, from the emoluments on making the payment in question:

Provided that where two or more payments of emoluments fall to be aggregated, the employer may deduct the amount of the contribution based thereon which are payable by the employee either wholly from one said payment or partly from one and partly from the other or any one or more of the others.

(2) If by reason of any error made in good faith the employer on making any payments of emolument to an employee fails to deduct therefrom the full amount of contributions which he or she is entitled to deduct he or she may recover the amount so under-deducted by deduction from any subsequent payment of emoluments to that employee in accordance with section 30 of the Act.

Provided that—

- (a) the amount that may be deducted from any payment or from any payment which falls to be aggregated shall be in addition to but shall not exceed the amount deductible therefrom under other provisions of these Regulations, unless the employee has given his or her written consent for a deduction of a higher amount; and
- (b) for the purposes of regulations 11 and 12 an additional amount which may be deducted by virtue of this paragraph shall be treated as an amount deductible under these Regulations only in so far as the amount of the corresponding under-deduction has been so treated.

(3) The employer shall record either on a deduction card or in such other form as may be authorised by the Director the following particulars regarding every payment of emoluments which he or she makes to an employee, namely—

- (a) the contribution period(s) and dates to which the payment relates;
- (b) the gross amount of the emoluments;
- (c) the contribution which may be deducted from the emoluments otherwise than under subregulation (2);
- (d) the contributions which are payable by the employer in respect of the emoluments additional to the amount payable under paragraph (c) and in accordance with the Schedule hereto; and
- (e) the total of contributions under paragraphs (c) and (d):

Provided that where two or more payments fall to be aggregated, the employer, instead of recording the amount of each contribution which may be deducted from the emoluments included in each payment, may record the total amount of the contributions which may be deducted from those payments.

## **9. No deduction card held by employer**

If the employer makes any payment of emoluments to an employee in respect of whom he or she does not hold a deduction card and that payment is a payment of emoluments in respect of which contributions are payable, he or she shall deduct the amount of the contributions based thereon which are payable by the employee and shall keep records of such deductions which he or she shall prepare for the purpose as if the payment was one to which regulation 8 applies and shall do likewise on making any subsequent payment of emolument to the employee.

## **10. Tax free emoluments**

Where the employer makes a payment to or for the benefit of the employee in respect of the employee's income tax the amount of the emoluments which the employer pays to the employee shall be deemed for the purposes of these Regulations to be such a sum as will include the amount of the payment made by the employer in respect of the employee's income tax.

## **11. Payment of contributions by employer**

(1) Within fourteen days after the end of each month the employer shall pay, by means acceptable to the Director, contributions deductible by the employer under these Regulations from emoluments paid by him or her during such month (other than amounts deductible by virtue of regulation 8(2), which he or she did not deduct) together with the appropriate amount by way of employers' contributions:

Provided that the employer shall for the purposes of this subregulation be deemed to have deducted from the last of any number of payments of emoluments which fall to be aggregated the amount of contributions deducted from these payments which he or she did not deduct from earlier payment or payments.

(2) The Director shall give the employer a receipt for the total amount paid.

(3) If the employer, by reason of an error made in good faith, has paid to the Director on account of contributions under this regulation an amount which he or she was not liable so to pay, the amount which he or she was liable so to pay subsequently in respect of other payments of emoluments made by him or her shall be reduced by the amount so overpaid:

Provided that if there was a corresponding over-deduction from any payment of emoluments to any employee, this subregulation shall apply only in so far as the employer has accounted to him or her therefor.

## **12. Employer failing to pay contributions**

(1) If within fourteen days after the end of any month—

- (a) the employer has paid no amount of contributions under regulation 11 to the Director for that month and the Director is unaware of the amount, if any, which the employer is liable so to pay; or
- (b) the employer has tendered in payment an amount which the Director has reasonable cause to believe is less than the employer is liable to pay in respect of such month,

the Director may give notice to the employer requiring him or her to render, within the time specified in the notice, such time being not less than five days, a written return showing the name of every employee to whom he or she made any payment of emoluments in the period from the preceding first day of January to the last day of the previous month together with the following particulars regarding each employee—

- (i) every payment of emoluments made to him or her during that period,
- (ii) the total amount of contributions which the employer was entitled to deduct during the period and which the employer is liable to pay to him or her for that month,
- (iii) the total amount of contributions which were payable by the employer in addition to the amount deductible under subparagraph (ii), and
- (iv) such other details and information as will enable the Director to ascertain the correctness or otherwise of the amounts.

(2) The Director shall ascertain and certify the amount of contributions which the employer is liable to pay him or her in respect of the month in question.

(3) The production of the return made by the employer under subregulation (1) and of the certificate of the Director under subregulation (2) shall be good and sufficient evidence that the amounts shown in the said certificate is the amount of contributions which the employer is liable to pay to the Director in respect of the month in question, and any document purporting to be such a certificate as aforesaid shall be deemed to be such a certificate until the contrary is proved.

### PART III

#### *Miscellaneous*

#### **13. Maintenance of records**

Each employer shall maintain a record additional to that on a deduction card showing in respect of each person employed by him or her—

- (a) the dates on which the employment starts and finishes; and
- (b) the date and amount of each payment of emoluments.

#### **14. Return by employer**

(1) Not later than fourteen days after the end of every year the employer shall render to the Director in such form as the Board may approve or prescribe a return in respect of each employee containing such particulars as the Board may require for the identification of the employee and showing—

- (a) the total amount of contribution deductible from the emoluments paid by him or her to the employer during the year;
- (b) the total amount of contributions payable during the year by the employer in respect of the employee in accordance with the Schedule thereto.

(2) The said return shall be accompanied by a declaration and statement in a form approved by the Board containing a list of all deduction cards issued by the Director or prepared by the employer in accordance with regulation 5 of the National Insurance (Registration of Employers and Employees) Regulations, in respect of that year, together with a certificate of the correctness thereof.

(3) Where the employer is a body corporate the declaration and the certificate referred to in subregulation (2) shall be signed either by the Secretary or by a Director of the said body corporate.

(4) A return shall be made under this regulation in respect of every employee in respect of whom a deduction card has been either issued to the employer by the Director or prepared by the employer in accordance with the Registration Regulations, or to whom the employer has at any time during the year made a payment of emoluments in respect of which contributions were payable.

(5) If within fourteen days after the end of the year, an employer has failed to pay to the Director the total amount of contributions which he or she is liable so to pay, the Director may prepare a certificate showing the amount of contributions remaining for the year. The certificate of the Director that any amount of contributions such as is mentioned in the subregulation have not been paid to him or her, or to the best of his or her knowledge and belief to any other person to whom it might lawfully be paid shall be sufficient evidence in any court that the sum mentioned in the certificate is unpaid and due to the Board and any document purporting to be such a certificate until the contrary is proved:



Provided that nothing in this subregulation shall prejudice the right of the Director to recover from the employer any sums subsequently found to be due by the employer in respect of that year.

## **15. Inspection of documents**

(1) Every employer whenever called upon to do so by an Inspector designated under section 13 of the Act or other authorised Officer of the Board shall produce to such Inspector or other authorised Officer for inspection at the employer's premises—

- (a) all wages sheets, deduction cards and other documents and records whatsoever of the emoluments of his or her employees in respect of the years or months specified by such Inspector or other Officer in relation to the deduction of contributions deductible from such emoluments or to the payment of the employer's contributions in respect of such emoluments; or
- (b) such of the said wages sheets, deduction cards or other documents and records as may be specified by the Inspector or other authorised Officer.

(2) The Director by reference to the information obtained from inspection of the documents and produced under subregulation (1) may on the occasion of each inspection prepare a certificate setting out—

- (a) the amount of contributions which the employer is liable to pay to the Director for the said years or months in accordance with the documents so produced; and
- (b) any amount of contributions which have not been paid to him or her, or to the best of his or her knowledge and belief, to any person to whom it might lawfully be paid.

(3) The production of a certificate such as is mentioned in subregulation (2) shall be sufficient evidence in any court that the employer is liable to pay to the Director in respect of the years or months mentioned in the certificate the amount shown therein pursuant to subregulation (2) and any document purporting to be such a certificate shall be deemed in any court to be such a certificate until the contrary is proved.

## **16. Death of an employer**

If an employer dies, anything which he or she would have been liable to do under these Regulations shall be done by his or her personal representatives; in the event of the death of an employer who paid emoluments on behalf of another person, the said things shall be done by the person succeeding him or her or if no person succeeds him or her, by the person on whose behalf he or she had paid emoluments.

## **17. Succession to a business**

(1) This regulation applies where there has been a change in the employer from whom an employee receives emoluments in respect of his or her employment in any trade, business, concern or undertaking or in connection with any property.

(2) Where this regulation applies in relation to any matter arising after a change of employer, the employer after the change shall be liable to do anything which the employer before the change would have been liable to do under these Regulations if the change had not taken place:

Provided that the employer after the change shall not be liable for the payment of any contributions which were deductible from emoluments paid to the employee before, unless they were also deductible from emoluments paid to the employee after the change took place or of any corresponding employer's contribution.

## 18. Penalties

(1) If an employer fails to pay any monies due under regulation 11 within the time prescribed, those monies shall be subject to a surcharge of ten per cent in addition to an interest charge of one per cent per month and these charges shall be without prejudice to any other penalties to which such employer may be liable under subregulation (2).

(2) If any person fails to comply with any of these Regulations, he or she shall be guilty of an offence and liable to a fine not exceeding one hundred dollars and where the offence is a continuing one after conviction thereof to a fine of one hundred dollars together with a further fine not exceeding one hundred dollars for each day on which it is so continued.

### Schedule

#### NATIONAL INSURANCE ACT

#### NATIONAL INSURANCE (COLLECTION OF CONTRIBUTIONS) REGULATIONS

#### *Rates of Contributions*

[Regulations 4 and 7.]

#### PART I

#### *Employers*

<i>Description of Employees</i>	<i>Effective Date</i>	<i>Rates of Contributions</i>
Employees under the age of 16 years	November 1, 2010	1% of employees earnings up to a maximum of \$810 per week or \$3,500 per month
	January 1, 2012	1% of employees earnings up to a maximum of \$990 per week or \$4,250 per month
	January 1, 2014	1% of employees earnings up to a maximum of \$1160 per week or \$5000 per month
Employees who have attained the age of 16 but not attained the age of 60 years	November 1, 2010	5% of employees earnings up to a maximum of \$810 per week or \$3,500 per month
	January 1, 2012	5% of employees earnings up to a maximum of \$990 per week or \$4,250 per month
	January 1, 2014	5% of employees earnings up to a maximum of \$1160 per week or \$5000 per month
Employees who have attained the age of 60 years	November 1, 2010	1% of employees earnings up to a maximum of \$810 per week or \$3,500 per month
	January 1, 2012	1% of employees earnings up to a maximum of \$990 per week or \$4,250 per month
	January 1, 2014	1% of employees earnings up to a maximum of \$1160 per week or \$5000 per month

#### PART II

### *Employees*

<i>Description of Employees</i>	<i>Effective Date</i>	<i>Rates of Contributions</i>
Employees under the age of 16 years		Nil
Employees who have attained the age of 16 but not attained the age of 60 years	November 1, 2010	4% of employees earnings up to a maximum of \$810 per week or \$3,500 per month
	January 1, 2012	4% of employees earnings up to a maximum of \$990 per week or \$4,250 per month
	January 1, 2014	4% of employees earnings up to a maximum of \$1160 per week or \$5000 per month
Employees who have attained the age of 60 years		Nil

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## **National Insurance (Contributions) Regulations**

SRO 7 of 1983

### ARRANGEMENT OF REGULATIONS

1. Citation.
2. Definitions.
3. Exemption from and liability to pay contribution in certain circumstances.
4. Disposal of contributions improperly paid.
5. Return of contributions paid in error.
6. Treatment for purpose of any benefit of late paid or unpaid contributions without consent, connivance or negligence of employee.
7. Treatment for purpose of any benefit of contributions paid late through ignorance or error.
8. Treatment for purpose of sickness or maternity benefit or late paid contributions.
9. Treatment for purpose of age benefit or invalidity benefit of late paid contributions.
10. Treatment for the purpose of a funeral grant of a late paid contribution.
11. Refund of contributions to certain elderly entrants.

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## **NATIONAL INSURANCE (CONTRIBUTIONS) REGULATIONS**

[Section 37. SRO 7 of 1983.]

[4th April, 1983.]

### **1. Citation**

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

### **2. Definitions**

For the purposes of these Regulations—

“Act” means the National Insurance Act;

“Appointed Day” means the day appointed by the Minister pursuant to section 2 of the Act;

“Benefit Regulations” means the National Insurance (Benefit) Regulations;

“Collection Regulations” means the National Insurance (Collection of Contributions) Regulations;

“Contribution” means the contribution of the employer or employee as the case may be, payable under the Act;

“Contribution Year” has the meaning assigned to it in regulation 2 of the Collection Regulations;

“due date” means, in relation to any contributions, the date on which that contribution was due to be paid.

### **3. Exemption from and liability to pay contribution in certain circumstances**

(1) An employee and his or her employer shall be exempted from liability to pay contributions for any contribution week—

- (a) in which no work is done by the employee and the employee receives no wages in respect of the period; or
- (b) for the whole of which the employee receives any of the benefits provided under regulation 47 of the Benefit Regulations;
- (c) for any contribution week during which an employee is engaged in full-time unpaid apprenticeship.

(2) Nothing in subregulation (1) shall be deemed to affect the liability of an employee and his or her employer to pay contributions for any contribution week in which the employee is on leave if contributions are normally payable with respect to the employment of such person.

(3) Where in any contribution week a person is engaged in employment of a casual and non-continuing nature involving work of less than twenty hours and receives earnings of less than ten dollars there shall be no liability for the payment of a contribution by or in respect of that person for that contribution week.

### **4. Disposal of contributions improperly paid**

Where contributions are paid which are at the wrong rate, the Board may treat them as paid on account of the contributions properly payable.

### **5. Return of contributions paid in error**

(1) Subject to the provisions of regulation 4 and of this regulation, any contributions paid by a person or his or her employer, if any, under the erroneous belief that the contributions were payable by, or in respect or on behalf of that person, shall be returned by the Board to that person or his or her employer, as the case may require, if application to that effect is made in writing within the appropriate time specified in subregulation (4).

(2) In calculating the amount of any repayment to be made under this regulation to such a person or an employer, there shall be deducted—

- (a) in the case of employer’s contributions and contributions as an insured person, the amount of any contributions paid under erroneous belief as aforesaid which have, under the provisions of regulation 4, been treated as paid on account of other contributions; and

- (b) in the case of contributions as an insured person, the amount, if any, paid to that person (and to any other person on the basis of the erroneous belief) by way of benefit which would not have been paid had the contributions (in respect of which an application for their return is duly made in accordance with subregulation (4)) not been paid in the first instance.

(3) A person desiring to apply for the return of any contribution paid under erroneous belief as aforesaid shall make the application in such form and in such manner as the Board may from time to time determine, and any such application shall be made—

- (a) if the contribution was paid at the due date, within two years from the date on which that contribution was paid; or
- (b) if the contribution was paid at a later date than the due date, within two years from the due date or within twelve months from the date of actual payment of the contribution, whichever period ends later.

(4) In this regulation, the expression “due date” means the date on which the contribution, if it had been payable, would have been due to be paid.

(5) In its application to contributions payable under Part 1 of the Collection Regulations, this regulation shall have effect subject to the following provisions, namely—

- (a) the time within which the application shall be made by a person desiring to apply for the return of any such contribution paid under erroneous belief as aforesaid, shall be two years from the end of the contribution year during which the contribution was paid or such longer time as the Board may allow if it is satisfied that that person had good cause for not applying within those two years;
- (b) the provisions of this paragraph shall apply to any part of a contribution as they apply to that contribution.

## **6. Treatment for purpose of any benefit of late paid or unpaid contributions without consent, connivance or negligence of employee**

(1) Where a contribution payable by an employer in respect or on behalf of an employee is paid after the due date or is not paid, and the delay or failure in making payment thereof is shown to the satisfaction of the Board not to have been with the consent or connivance of, or attributable to any negligence on the part of the employee, the contribution shall, for the purpose of any right to benefit, be treated as paid on the due date.

(2) The provisions of regulations 8, 9 and 10 shall in their application to a contribution payable by an employer on behalf of an employee, have effect subject to the provisions of this regulation.

## **7. Treatment for purpose of any benefit of contributions paid late through ignorance or error**

In the case of a contribution paid after the due date, where—

- (a) the contribution is paid after the time when it would, under the following provisions of these Regulations, have been treated as paid for the purposes of the right to a benefit; and
- (b) the failure to pay the contribution before that time is shown to the satisfaction of the Board to be attributable to ignorance or error on the part of the insured person which was not due to any failure on his or her part to exercise due care and diligence,

the Board may direct that for the purposes of the provisions of regulations 9 and 10, the contributions shall be treated as having been paid on such earlier day as it may consider appropriate in the circumstances and those provisions shall have effect subject to any such direction.

#### **8. Treatment for purpose of sickness or maternity benefit or late paid contributions**

Subject to regulation 6, for the purpose of any right to sickness or maternity benefit a contribution paid after the due date shall be treated—

- (a) if paid after the commencement of incapacity for work and whilst incapacity continues or during the period for which maternity benefit would otherwise be payable, as the case may be, as not paid in respect of any day before the expiry of a period of forty-two days (including Sundays) from and including the date on which payment of that contribution is made and as paid at the expiry of that period in relation to the right to such benefit in respect of any other day;
- (b) if paid after the cessation of incapacity for work or the said period, as the case may be, as not paid.

#### **9. Treatment for purpose of age benefit or invalidity benefit of late paid contributions**

Subject to regulations 6 and 7, for the purpose of any right to age benefit or of invalidity benefit, a contribution paid after the due date shall be treated—

- (a) if paid before the expiration of twelve months next following the end of the contribution year in which it became payable, as paid on the due date;
- (b) if paid at any other time, as not paid.

#### **10. Treatment for the purpose of a funeral grant of a late paid contribution**

Subject to regulations 6 and 7, for the purpose of any right to a funeral grant, a contribution paid after the due date shall be treated as not paid if the contribution is paid after the date of the death of the person in respect of whom the grant is claimed.

#### **11. Refund of contributions to certain elderly entrants**

(1) Where an employee attains the age of sixty years on a date not more than thirteen contribution weeks after he or she becomes an employee then, for each contribution paid in respect of any contribution week falling within the said thirteen contribution weeks, he or she shall after attaining the age of sixty years, be entitled to a refund of the employee's contributions.

(2) Where an employee attains the age of sixty years on a date not more than 49 weeks after he or she becomes an employee then, for each contribution paid in respect of him or her, he or she shall be entitled to a refund of that element of the contribution which represents age, invalidity and survivors' benefit.

(3) An application for a refund under this regulation shall be in writing addressed to the office of the Board and shall be made—

- (a) in respect of an application under subregulation (1) within three months from the date on which the employee attained sixty years; and
- (b) in respect of an application under subregulation (2), within two years from the date on which the employee attained the age of sixty years, or such longer period as the Board may allow, if it is satisfied that that person had good cause for not submitting an application within the specific time.

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# National Insurance (Determination of Claims and Questions) Regulations

SRO 5 of 1983

## ARRANGEMENT OF REGULATIONS

### PART I

#### *Preliminary*

1. Citation.
2. Definitions.

### PART II

#### *Determination of Questions by Board*

3. Questions for determination by the Board.
4. Procedure for determination of questions by the Board.
5. Reference to Court of questions of law and appeals against decisions of Board.
6. Review of decision of the Board.

### PART III

#### *Determination of Claims and Questions by the Director or Appeal Tribunal*

7. Submission of questions to Director.
8. Declaration that accident is not an employment accident.
9. Appeals to Appeal Tribunal.
10. Time and place of hearings before Appeal Tribunal.
11. Hearings before Appeal Tribunal.
12. Decisions of Appeal Tribunal.
13. Review of decisions of Director and Appeal Tribunal.
14. Interim payments.
15. Review of decision involving payment or increase of benefits other than grants.
16. Requirements to adjust benefits on review.
17. Adjustment of benefit.
18. Action by Director and Appeal Tribunal on reserved question.

### PART IV

#### *Miscellaneous*

19. Miscellaneous powers of the Board and Appeal Tribunal.
  20. Decision to be conclusive for purpose of proceeding under Act, etc.
  21. Authority for payment of expenses.
  22. Other payments.
- Schedule Appeal Tribunal

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## NATIONAL INSURANCE (DETERMINATION OF CLAIMS AND QUESTIONS) REGULATIONS

[Section 51. SRO 5 of 1983.]

[4th April, 1983.]

## PART I

### *Preliminary*

#### **1. Citation**

These Regulations may be cited as the National Insurance (Determination of Claims and Questions) Regulations.

#### **2. Definitions**

For the purposes of these Regulations, unless the context otherwise requires—

“Act” means the National Insurance Act;

“adjudicating authority” means a medical board or appeal tribunal;

“Appeal Tribunal” means an appeal tribunal constituted under regulation 7;

“applicant” means for the purposes of Part II, any person who has made application to the Board for determination of a question to which Part II relates;

“Appointed Day” means the day appointed by the Minister pursuant to section 2 of the Act as the Appointed Day for the purposes of section 51 of the Act;

“Board” means the National Insurance Board;

“Claimant” means a person who has claimed benefit and includes, for the purposes of Part II, a person whose right to be exempted from liability to pay, or to be credited with a contribution is in question;

“Court” means a Court of competent jurisdiction;

“Director” means the Director, appointed pursuant to section 9 of the Act;

“Grant” means invalidity, age, survivors’ or funeral grant;

“hearing” means oral hearing;

“member”, in relation to a medical board, includes the Chairperson thereof;

“office” means any office appointed as an office for the purposes of the Act or these Regulations;

“question” includes, for the purposes of Part III, a claim for benefit;

“reserved question” means any question set out in regulation 3.

## PART II

### *Determination of Questions by Board*

#### **3. Questions for determination by the Board**

The following reserved questions arising under or in connection with the Act shall be determined by the Board whose decision shall be final, subject to the provisions of these Regulations—

- (a) whether a person is or was employed in insurable employment under the Act;
- (b) as to the class of insured person in which a person is to be included;



- (c) at what rate contributions are or were payable in accordance with regulations made under the Act, or any question otherwise relating to a person's contributions;
- (d) who is or was liable for payment of contributions as the employer of any insured person;
- (e) as to which person or person should be granted survivors' benefit.

#### **4. Procedure for determination of questions by the Board**

(1) Any person desiring to obtain the decision of the Board on any question mentioned in regulation 3 shall deliver or send to the Board an application for the purpose in writing in a form approved by the Board and shall furnish such particulars as the Board may require for the purposes of the consideration and determination of any such question.

(2) The Board shall take steps to bring any such particulars to the notice of any person appearing to it to be interested therein and to obtain from such person such particulars within such time and in such form as it considers reasonably necessary for the proper determination of the question.

(3) The Board may, if it thinks fit, before determining the question, appoint a person to hold an inquiry into the matter and to report to it thereon, and any person so appointed may by summons require persons to attend at any such inquiry to give evidence or to produce documents reasonably required for the purposes of the inquiry and may take evidence on oath and for that purpose administer oaths.

(4) Reasonable notice of the date and place of the holding of such an inquiry shall be given to the applicant and to any persons notified of the application in accordance with subregulation (2).

(5) The applicant and any person appearing to the Board or to the person holding the inquiry to be interested in the application shall be entitled to attend and be heard at the inquiry, and to be represented by any other person, and the procedure thereat shall, subject to this regulation be such as the person holding the inquiry shall determine.

(6) The Board shall give notice in writing of its decision to the applicant and to any person appearing to it to be interested therein and may publish its decision in such manner as it thinks fit.

#### **5. Reference to Court of questions of law and appeals against decisions of Board**

(1) Any question of law arising in connection with the determination by the Board of any such question as is mentioned in regulation 3 may, if it thinks fit, be referred by the Board for decision to the Court.

(2) In the event of the Board determining in accordance with subregulation (1) to refer any question of law to the Court, it shall send notice in writing of its intention to do so to the applicant and to any other person appearing to it to be interested therein.

(3) Any person aggrieved by the decision of the Board on any question of law which is not referred in accordance with subregulation (1), may appeal from that decision to the Court, and the applicant and any other person appearing to the Board to be interested shall, on request, be furnished with such a statement of the grounds of the decision as will enable them to determine whether any question of law has arisen upon which they may wish to appeal.

(4) Without prejudice to the rights of any person, the Board shall be entitled to appear and be heard on any such reference or appeal.

#### **6. Review of decision of the Board**

(1) The Board may, on new facts being brought to its notice or if it is satisfied that the decision was given in ignorance of, or was based on a mistake as to some material fact, review a decision given by it in accordance with this part:

Provided that any such decision shall not be reviewed while an appeal is pending against the decision of the Board on a question of law arising in connection therewith, or before the time for appealing has expired.

(2) The provisions of regulation 5 shall apply in relation to a decision on review as they apply to the original determination of decision.

### PART III

#### *Determination of Claims and Questions by the Director or Appeal Tribunal*

#### **7. Submission of questions to Director**

(1) The following questions, that is to say—

- (a) any question as to the right to benefit or manner of payment of grants; and
- (b) any other question arising under or in connection with the Act, not being a reserved question,

shall be submitted to the Director, who shall consider the question, and, so far as practicable, dispose of it in accordance with these Regulations within fourteen days from the date when it was submitted to him or her.

(2) If on consideration of a question the Director is of the opinion that a reserved question does not arise then—

- (a) if he or she is satisfied that the question ought to be determined wholly in favour of the claimant, he or she may determine the question accordingly;
- (b) in so far as he or she is not satisfied he or she may either—
  - (i) refer the question (so far as is practicable within fourteen days from the date on which it was submitted to him or her) to an Appeal Tribunal having the constitution as laid down by the Schedule to these Regulations for its decision, or
  - (ii) himself or herself determine the question in whole or in part adversely to the claimant.

(3) Where the Director refers a question to an Appeal Tribunal in accordance with subregulation (2) notice in writing of such reference shall be given to the claimant.

#### **8. Declaration that accident is not an employment accident**

(1) Where, in connection with any claim for benefit, it is determined that the relevant accident was or was not an employment accident, an express declaration of that fact shall be made and recorded and (subject to the provisions of subregulation (3)) a claimant shall be entitled to have the question whether the relevant accident was not an employment accident determined notwithstanding that his or her claim is disallowed on other grounds.

(2) Subject to subregulation (3), any person suffering personal injury by accident shall be entitled, if he or she claims the accident was not an employment accident, to have the question determined, and a declaration made and recorded accordingly notwithstanding that no claim for benefit has been made in connection with which the question arises, and the provisions of this Part shall apply for that purpose as if the question had arisen in connection with a claim for benefit.

(3) Notwithstanding anything in subregulation (1) or (2), the Director or Appeal Tribunal as the case may be, may refuse to determine the question whether an accident was an employment accident if satisfied that it is unlikely that it will be necessary to determine the question for the purpose of any claim to benefit; but any such refusal of the Director shall be subject to appeal to the Appeal Tribunal.

(4) Subject to the provisions of this Part as to appeal and review, any declaration under this regulation that an accident was or was not an employment accident shall be conclusive for the purposes of any claim for benefit in respect of that accident whether or not the claimant is the person at whose instance the declaration was made.

(5) For the purposes of this regulation, an accident whereby a person suffers personal injury shall be deemed in relation to him or her, to be an employment accident if—

- (a) it arises out of and in the course of his or her employment;
- (b) that employment is insurable employment; and
- (c) payment of benefit is not precluded because the accident happened while he or she was outside Grenada,

and reference in the following provisions to an employment accident shall be construed accordingly.

(6) Regulation 13 shall apply to subregulations (1) to (5) but only if the Director or Appeal Tribunal, as the case may be, is or are satisfied by fresh evidence that the decision under those subregulations was given in consequence of any wilful non-disclosure or misrepresentation of a material fact and subject to the provisions of this subregulation any decision under subregulations (1) to (5) shall be final.

## **9. Appeals to Appeal Tribunal**

(1) If the Director has determined a question in whole or in part adversely to the claimant, the claimant shall, subject to this regulation, have a right to appeal in respect of the decision to the Appeal Tribunal, whose decision shall be final, subject to the provisions of these Regulations, and shall be notified in writing of the decision and the reasons therefor and of his or her right of appeal therefrom:

Provided that where a reserved question has arisen in connection with the decision of the Director and has been determined by the proper authority, and the Director certifies that the decision on that question is the sole ground of his or her decision, no appeal shall lie without the leave of the Chairperson of the Appeal Tribunal.

(2) An appeal against a decision of the Director must be brought by giving notice of appeal at the office of the Board within twenty-one days after the date of the decision or within such further time, not exceeding four months, as the Chairperson of the Appeal Tribunal may allow.

(3) A notice of appeal shall be in writing and shall contain a statement of the grounds upon which the appeal is made.

## **10. Time and place of hearings before Appeal Tribunal**

(1) Reasonable notice of time and place of hearing before the Appeal Tribunal shall be given to the claimant, and to any other person who may appear to the Chairperson of the Tribunal to be interested, and except with the consent of the claimant, the Appeal Tribunal shall not proceed with the hearing of any case unless such notice has been given.

(2) If a claimant or other person to whom notice of hearing has been duly given in accordance with these Regulations fails to appear either in person or by representative at such hearing and has not given a reasonable explanation for his or her absence, the Tribunal may proceed to determine the case, or may give such directions with a view to the determination of the case as they think proper.

## **11. Hearings before Appeal Tribunal**

(1) Every hearing by an Appeal Tribunal shall be in public except in so far as the Chairperson of the Tribunal may otherwise direct if he or she is of the opinion that intimate personal or financial circumstances may have to be disclosed or that consideration of public security are involved.

(2) The following persons shall be entitled to be heard at the hearing of any case by an Appeal Tribunal—

- (a) the claimant;
- (b) the Director,

and any person appearing to the Tribunal to be interested shall have the right to be present notwithstanding that the hearing of the case is not in public.

(3) Any person who by virtue of this regulation has the right to be heard at the hearing of a case by an Appeal Tribunal may be represented at the hearing by some other person, whether having professional qualifications or not, and for the purposes of the hearing any such representative shall have all the rights to which the person he or she represents is entitled under these Regulations.

(4) Any person who exercises the right conferred by this regulation to be heard at the hearing may call witnesses and shall be given an opportunity of putting questions directly to any witnesses called at the hearing.

(5) If it appears to the Appeal Tribunal that any appeal under this regulation involves a question of law or fact of special difficulty, it may direct that in dealing with the appeal or any part thereof, it shall have the assistance of an assessor or assessors.

(6) For the purposes of arriving at their decision, or discussing any question of procedure an Appeal Tribunal may, notwithstanding anything in this regulation, order all persons not being members of the Tribunal other than an officer of the Board acting as clerk to the Tribunal, to withdraw from the sitting of the Tribunal.

## **12. Decisions of Appeal Tribunal**

(1) An Appeal shall—

- (a) record in writing in such form as may, from time to time, be approved by the Board all its decisions (whether on an appeal or on a reference from the Director); and
- (b) include in the record every decision (which shall be assigned by all the members of the Tribunal) a statement of the reasons for its decision including its findings on all questions of fact material thereto.

(2) Where the Tribunal is unable to reach a unanimous decision on any case, the decision of the majority of the members thereof shall be the decision of the Tribunal.

(3) As soon as may be practicable, a copy of the record of its decision made in accordance with this regulation shall be sent to the claimant and to the Director and to any other person who appears to the Appeal Tribunal to be interested.

## **13. Review of decisions of Director and Appeal Tribunal**

(1) Any decision under this Part of these Regulations, of the Director or Appeal Tribunal, may be reviewed at any time by the Director, or on a reference from the Director, by an Appeal Tribunal—

- (a) if the Director or the Tribunal is satisfied, but not without fresh evidence, that the decision was given in ignorance of, or was based on a mistake as to, some material fact;

- (b) there has been any relevant change of circumstances since the decision was given; or
- (c) the decision was based on the decision of any reserved question and the decision of that question has been revised.

(2) A question may be raised with a view to such a review by means of an application in writing to the Director stating the grounds of that application.

(3) On receipt of any such application, the Director shall proceed to deal with or refer any question arising thereon in accordance with the Act and these Regulations.

(4) Any decision given on a review under this regulation, and any refusal to review a decision under this regulation, shall be subject to appeal in like manner as an original decision, and the provisions of this Part shall, subject to the necessary modifications, apply in relation to any decision given on a review as they apply to the original decision of a question.

#### **14. Interim payments**

(1) Subject to these Regulations and to regulation 12 of the National Insurance (Claims and Payments) Regulations, benefit may be payable in accordance with an award, notwithstanding that an appeal against the award is pending.

(2) Where it appears to the Director that a question has arisen whether—

- (a) the conditions for the receipt of benefit payable under an award are or were fulfilled; or
- (b) an award of benefit ought to be revised in accordance with these Regulations,

he or she may direct that payment of the benefit shall be suspended in whole or in part until that question has been determined.

#### **15. Review of decision involving payment or increase of benefits other than grants**

(1) Subject to these Regulations, where in review a decision is revised so as to make benefit payable, or to increase the rate of benefit, the decision on review shall have effect as from the date of the application for the review:

Provided that, subject to subregulation (2), if in any case the claimant proves that on a date earlier than the date on which the application for the review was made, he or she was (apart from satisfying the condition of making a claim therefor) entitled to benefit, he or she shall not be disqualified by virtue of the foregoing provisions of this subregulation from receiving any benefit to which he or she would have been entitled in respect of the period between the earlier date and the date on which the application for the review was made.

(2) Notwithstanding anything contained in this regulation, the following provisions shall have effect—

- (a) the proviso to subregulation (1) shall apply subject to the conditions that no sum on account of benefit shall be paid to any person in respect of any part of the period referred to in that proviso earlier than six months before the date on which the application for the review was made;
- (b) the decision on review shall not in any event have any effect for any period before the date on which the original decision took effect or would have taken effect if an award had been made;
- (c) if the said decision on review was based on a material change of circumstances subsequent to the date from which the original decision took effect, it shall not have effect for any period before the date declared by the Director or Appeal Tribunal as the case may be, to be the date on which such material change of circumstances took place.

(3) For the purposes of this regulation, where a decision is reviewed at the instance of the Director under regulation 13(1), the date on which it was first decided by the Director that the decision should be reviewed shall be deemed to be the date of the application for the review.

(4) For the purposes of this regulation, “benefit” does not include any invalidity, age, survivors’ or funeral grant.

## **16. Requirements to adjust benefits on review**

Where on review a decision is revised and as a result—

- (a) a person previously entitled to one benefit is awarded some other benefit in lieu thereof the decision given on the review shall direct that any payment already made on account of the benefit originally awarded shall be treated as having been made on account of the benefit awarded by that decision;
- (b) benefit previously awarded is held to be not payable or the rate of such benefit is reduced, the decision given on the review shall require repayment to the National Insurance Fund of the benefit paid in excess, unless the case is one to which paragraph (a) applies.

## **17. Adjustment of benefit**

(1) Where a grant is awarded by a decision on review or appeal in lieu of a pension previously awarded, such decision shall direct that any payments made on account of such pension shall, in so far as they do not exceed the amount of the grant, be treated as being made on account of the grant.

(2) Where any benefit other than a grant is awarded by a decision on review of appeal in lieu of another kind of benefit previously awarded, that decision shall, as respect any payments made on account of the benefit previously awarded—

- (a) direct that in so far as the amount thereof does not exceed the amount of any arrears payable by way of the benefit so awarded, such payments shall be treated as having been made on account of such arrears; and
- (b) to the extent by which the amount thereof exceeds the amount of the said arrears, direct that such payments shall (except in so far as they are required to be repaid under this regulation) be treated as having been made on account of sums becoming payable after the date of the decision on review or appeal by way of the benefit awarded thereby.

(3) Where on review or appeal a decision is revised, or is reversed or varied so as to make benefit not payable or to reduce benefit, the decision given on the review or appeal shall require repayment to the Fund of any benefit paid in pursuance of the original decision to the extent to which it—

- (a) would not have been payable if the decision on the review or appeal had been in the first instance; and
- (b) is not directed to be treated as paid on account of the benefit awarded by the decision on review or appeal.

(4) Where—

- (a) on appeal against an award of benefit a decision is reversed or varied, so that such benefit is not payable or is payable at a less rate; and
- (b) on review, the decision on that appeal is revised so as to make such benefit payable or payable at a higher rate from a date before the decision on appeal,

any benefit paid in pursuance of the award before the decision on appeal shall, to the extent to which it would not have been payable if the decision on appeal had been given

in the first instance, be treated as having been paid on account of any benefit made payable for the same period by the decision on review, except in so far as it has, in pursuance of the decision on appeal, been repaid or treated as paid on account of the benefit awarded by that decision.

(5) Where, in accordance with a decision given on a review or appeal any benefit is required to be repaid to the Fund then, without prejudice to any other method of recovery, such benefit shall be recoverable by deduction from any benefit then or thereafter payable to the person by whom it is to be repaid or from any benefit payable on his or her death.

(6) Nothing in this regulation shall be construed as preventing the operation of regulation 45 of the National Insurance (Benefit) Regulations (which regulation concerns the adjustment of benefits where there is entitlement to more than one benefit).

## **18. Action by Director and Appeal Tribunal on reserved question**

(1) If on consideration of a question the Director is of the opinion that a reserved question arises he or she shall—

- (a) refer the reserved question for determination to the Board to determine the same; and
- (b) deal with any other questions as if a reserved question had not arisen:

Provided that the Director may—

- (i) postpone the reference of, or the dealing with any question until after other questions have been determined,
- (ii) in case where the determination of any question disposes of a claim or any part thereof, make an award or decide that an award cannot be made as to the claim or that part thereof without the referring or dealing with, or before the determination of, any question.

(2) This regulation shall apply to the Appeal Tribunal as it applies to the Director, except that an Appeal Tribunal instead of themselves referring a question for determination in accordance with subregulation (1)(a) shall require it to be so referred by the Director.

## **PART IV**

### *Miscellaneous*

## **19. Miscellaneous powers of the Board and Appeal Tribunal**

(1) Subject to the Act and these Regulations, the procedure on the determination of any question by the Board or an Appeal Tribunal shall be such as the Board or the Appeal Tribunal, as the case may be, may determine.

(2) The Board or an Appeal Tribunal, as the case may be, may refer to a registered medical practitioner for examination and report any question arising for their determination.

(3) Any power given by these Regulations to extend the period during which anything is required to be done thereunder or to dispense with any of the requirements thereof may be exercised in any case, notwithstanding that the period during which the thing is required to be done has expired.

## **20. Decision to be conclusive for purpose of proceeding under Act, etc.**

(1) Where in any proceedings—

- (a) for an offence under the Act;
- (b) involving any question as to the payment of contributions under the Act; or

(c) for the recovery of any sums due to the Fund,

any question arises which under the Act or regulations is to be determined by the Board, or by the Court in the event of an appeal on a point of law, or the Director, or the Appeal Tribunal, the decision by the appropriate determining authority shall, unless an appeal under these Regulations is pending or the time for so appealing has not expired, be conclusive for the purpose of these proceedings.

(2) If any such decision under subregulation (1) has not been obtained and the decision of the question is necessary for the determination of the proceedings the question shall be referred to the appropriate determining authority, as the case may require, in accordance with procedures (modified where necessary) prescribed in these Regulations.

(3) Where such an appeal as mentioned in subregulation (1) is pending, or the time for so appealing has not been expired, or where any question has been referred under subregulation (2), the authority dealing with the case shall adjourn the proceedings until such time as a final decision upon the question has been obtained.

## **21. Authority for payment of expenses**

There shall be paid out of the Fund to the Chairperson of the Appeal Tribunal such remuneration and such expenses as the Minister, from time to time, determines.

## **22. Other payments**

(1) There shall be paid—

- (a) to the members of an Appeal Tribunal (not being the Chairperson);
- (b) to a person or persons appointed by the Board under regulation 4; and
- (c) members of medical boards,

such remuneration and such travelling or other allowances as the Board may determine and such sums shall properly be payable out of the Fund.

(2) There shall be paid to persons required to attend on the consideration of a case before the Appeal Tribunal or the Board such travelling or other allowances as the Board may by resolution declare and such sums shall be properly payable out of the Fund.

(3) There shall be paid such other expenses incurred in connection with the work of the Appeal Tribunal or the Board as the Board may determine and such sums shall be properly payable out of the Fund.

(4) For the purposes of this regulation, references to travelling or other allowances include references to compensation for loss of remuneration:

Provided that such compensation shall not be paid to any person in respect of any time during which he or she is in receipt of a remuneration under this regulation.

## **Schedule**

### **NATIONAL INSURANCE ACT**

### **NATIONAL INSURANCE (DETERMINATION OF CLAIMS AND QUESTIONS) REGULATIONS**

#### *Appeal Tribunal*

[Regulation 7.]

**1.** An Appeal Tribunal shall consist of—



- (a) one person drawn, in accordance with subregulation 3, from a panel of persons chosen by the Board to represent employers;
- (b) one person drawn, in accordance with subregulation 3, from a panel of persons chosen by the Board to represent insured persons; and
- (c) a Chairperson who, subject to the provisions of this Schedule, shall hold office for such period not exceeding two years, as the Minister may determine and who shall be eligible for re-appointment.

2. (1) The Chairperson of an Appeal Tribunal shall be an attorney-at-law of a least five years' standing and the Minister may appoint one or more persons to perform the functions of Chairperson.

(2) The members of the panel shall be appointed by the Board, so, however, that before appointing members to either of the panels, the Board may take into consideration any recommendation from organisations concerned with the interests of employers or insured persons.

3. As far as practicable, the members of each panel shall be summoned by the Board to serve in turn on the Appeal Tribunal for which the panel is established:

Provided that—

- (a) no person shall sit on a Tribunal during the consideration of a case—
  - (i) in which he or she appears as the representative of the claimant,
  - (ii) by which he or she is or may be directly affected, or
  - (iii) in which he or she has taken any part as an employer or as a witness;
- (b) where the claimant is a woman, at least one of the members of the Tribunal, if practicable, shall be a woman.

4. The Appeal Tribunal may, with the consent of the claimant, but not otherwise, proceed with any case in the absence of any member other than the Chairperson, and in any such case the Chairperson shall, if the number of the members of the Tribunal is an even number, have a second or casting vote.

5. Members appointed to a panel pursuant to this Schedule shall, subject to the provisions of this Schedule, hold office for such term and on such conditions as may be determined by the Board.

6. The Minister may, if he or she considers it expedient to do so, at any time revoke the appointment of the Chairperson and the Board may, if it considers it expedient to do so, at any time revoke the appointment of any member of a panel.

7. No member of the Board shall be eligible for appointment as a Chairperson or member of an Appeal Tribunal.

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## **National Insurance (Persons Abroad) Regulations**

SRO 9 of 1983

### ARRANGEMENT OF REGULATIONS

1. Citation.
2. Definitions.
3. Continuation of employment outside Grenada to be treated as insurable employment.
4. Treatment of certain person ordinarily resident in Grenada.

5. Insurance of certain persons outside Grenada at Appointed Day.
- 

## **NATIONAL INSURANCE (PERSONS ABROAD) REGULATIONS**

[Section 24. SRO 9 of 1983.]

[4th April, 1983.]

### **1. Citation**

These Regulations may be cited as the National Insurance (Persons Abroad) Regulations.

### **2. Definitions**

For the purposes of these Regulations—

“Act” means the National Insurance Act;

“Appointed Day” means the day appointed by the Minister pursuant to section 2 of the Act;

“Collection Regulations” means the National Insurance (Collection of Contributions) Regulations;

“contribution year” has the meaning assigned to it in the Collection Regulations;

“insured person” means a person insured under the Act.

### **3. Continuation of employment outside Grenada to be treated as insurable employment**

(1) Where a person in insurable employment pursuant to section 24 of the Act ceases to be so employed in Grenada but is employed, whether by the same or different employer, outside Grenada in continuation of such employment, that employment outside Grenada shall, subject to the provisions of these Regulations, be treated as insurable employment pursuant to section 24 of the Act for the period for which contributions are payable under subregulation (2)(a):

Provided that the employer has a place of business in Grenada and the person concerned is ordinarily resident in Grenada.

(2) Where under subregulation (1) employment outside Grenada is treated as insurable employment pursuant to section 24 of the Act, contributions shall be payable at the appropriate rates specified in the Schedule to the Collection Regulations:

Provided that such contribution shall be payable in respect of such employment—

- (a) during the period of twelve months from the commencement thereunder;
- (b) until the employment ceases; or
- (c) until either of the conditions set out in the proviso to subregulation (1) ceases to be satisfied,

whichever event occurs first.

### **4. Treatment of certain person ordinarily resident in Grenada**

A person employed as a member of the diplomatic or consular service of Grenada or as a domestic worker employed by a member of such service shall, if such a person is ordinarily resident in Grenada, be treated as an insured person and regulations under the Act shall apply in respect of such person accordingly.

## **5. Insurance of certain persons outside Grenada at Appointed Day**

Where a person is employed in employment outside Grenada immediately prior to the Appointed Day which would have been treated as an insurable employment pursuant to section 24 of the Act by virtue of the provisions of regulation 3 had the employment outside Grenada commenced on or after the Appointed Day, that employment outside Grenada shall be treated as insurable employment pursuant to section 24 of the Act and the provisions of regulation 3 shall apply:

Provided that where any such person commenced the said employment outside Grenada on a date more than twelve months prior to the Appointed Day, the provisions of this regulation shall not apply to him or her.

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## **National Insurance (Registration of Employers and Employees) Regulations**

SRO 3 of 1983

### **ARRANGEMENT OF REGULATIONS**

1. Citation.
2. Definitions.
3. Notice may be given by post.
4. Application for registration under the Act.
5. Issuing of Registration and Deduction Cards.
6. Custody of Deduction Cards.
7. Disposal of Deduction Cards.
8. Obligations of employee.
9. Penalties.

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## **NATIONAL INSURANCE (REGISTRATION OF EMPLOYERS AND EMPLOYEES) REGULATIONS**

[Section 37. SRO 3 of 1983.]

[4th April, 1983.]

### **1. Citation**

These Regulations may be cited as the National Insurance (Registration of Employers and Employees) Regulations.

### **2. Definitions**

For the purposes of these Regulations, unless the context otherwise requires—

“Act” means the National Insurance Act;

“Appointed Day” means the day appointed by the Minister pursuant to section 2 of the Act;

“employee” means a person who performs services under a contract of service or apprenticeship with an employer;

“employer” means a person or body corporate with whom an employee has entered into a contract of service or apprenticeship, expressed or implied, whereby such

person or body corporate is liable to pay salary, wages or other remuneration for services performed by the employee;

“Minister” means the Minister for the time being charged with the responsibility for Social Security;

“termination of employment” means the day on which the employment 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.

### **3. Notice may be given by post**

Any notice, application, card or other document which is authorised or required to be given, presented, issued or delivered under these Regulations may be sent by post.

### **4. Application for registration under the Act**

(1) Every employer shall, within fourteen days after being requested to do so by the Director, present to the Director on the appropriate form an application for registration as an employer under the Act.

(2) Failing the receipt of such a request every employer shall present to the Director an application for registration as an employer not later than the Appointed Day.

(3) After the Appointed Day, every person who becomes an employer shall within seven days of his or her employing his or her first employee present to the Director on the appropriate form an application for registration as an employer under the Act.

(4) On registering an employer under the Act the Director shall request that employer to present to him or her a completed application for registration in respect of each of his or her employees on an appropriate form to be supplied by the Director. The form for registration of an employee shall be signed and completed so far as possible by the person to whom that form relates.

(5) After the Appointed Day, if an employer employs a person who has not been previously registered under the Act, the employer shall forthwith present to the Director an application on the appropriate form for registration in respect of such person.

(6) The failure of an employee to produce to his or her employer within four days after the commencement of his or her employment with that employer a National Insurance registration card issued in accordance with regulation 5(1) of these Regulations shall, for the purposes of subregulation (5) of this regulation, be *prima facie* evidence that the employee had not been previously registered under the Act.

### **5. Issuing of Registration and Deduction Cards**

(1) If upon receipt of an application for registration of an individual under the Act the Director is satisfied that the person concerned is required to be insured, he or she shall cause to be issued to the employer concerned a National Insurance registration card for that person and the employer shall deliver that registration card or cause it to be delivered to the employee, or if that person is no longer in his or her employment, the employer shall return the registration card to the Director. The registration card shall bear unamended the full names and registration number of the insured person. If the entries on the registration card are amended in any way the card shall be invalid and shall be returned to the Director forthwith.

(2) When a registration card is issued to an employer the Director shall cause a deduction card to be issued to the employer.

(3) When a person who is already in possession of a registration card and in respect of whom a deduction card has already been issued to a previous employer becomes

employed in another establishment or by another person, the employer shall obtain forthwith a new deduction card in respect of that employee by application to the Director.

(4) A deduction card shall be current for a period of one year or such other period as the Director may direct.

(5) Deduction cards and instructions relating thereto shall be issued without charge and the deduction card when issued shall remain the property of the Board.

## **6. Custody of Deduction Cards**

(1) An employer on receiving the deduction card of an employee shall be responsible for the custody of that deduction card so long as the person concerned continues to be employed by that employer or until the deduction card is returned or delivered to the Director or retained by an Inspector in accordance with these or any other regulations. During that period the employer shall produce the deduction card for inspection at any reasonable time when required to do so by an inspector and if so required shall deliver the deduction card to the Inspector who may, if he or she thinks fit, retain the deduction card. The Inspector shall give a receipt for any deduction card retained by him or her.

(2) The Director shall, where appropriate, issue a deduction card to replace any deduction card retained by him or her.

(3) If a deduction card, while in the custody of an employer is lost or destroyed, or because of defacement or change of name or otherwise ceases to represent the identity of the employee to whom it relates, the employer shall forthwith apply to the Director for the issue to him or her of a replacement card and for this purpose the employer shall furnish the Director with such information and supporting evidence as the Director may require. In the absence of such acceptable supporting evidence, the Director may reconstruct the card on the basis of the information relating to that employee.

(4) Every employer having the custody of the deduction card of an employee in accordance with this regulation shall permit that person to have access to such card for the purpose of complying with regulation 8(2). In addition, and without prejudice to this right, if an employee wishes to inspect his or her deduction card while it is in the custody of his or her employer, the employer shall give him or her a reasonable opportunity of doing so:

Provided that no employee shall be entitled by virtue of this subregulation to inspect his or her deduction card more than once in any one month or except at such time as may be appointed by his or her employer for the purpose.

## **7. Disposal of Deduction Cards**

(1) If the employment of an employee is terminated during the currency of the deduction card held by his or her employer, the employee shall deliver the card to the Director accordingly, within seven days after the end of such employment:

Provided that where such employment is terminated by the employee without notice or intimation to his or her employer, the said period of seven days shall be extended to fourteen days.

(2) On the death of an employee, the employer or any other person having possession or thereafter obtaining possession of the deduction card of the deceased person, shall forthwith deliver it to the Director.

(3) Within fourteen days or such longer period as the Director may in any special case allow after the date on which any deduction card in the custody of an employer ceases to be current, that employer shall deliver such card to the Director.

(4) The Director may, in his or her discretion, exchange a current deduction card at any time, and in a manner other than that prescribed in these Regulations.

## **8. Obligations of employee**

(1) Every employee shall furnish to his or her employer on request such personal particulars as the employer may require for the purposes of these Regulations. The employee shall be responsible for the correctness of the particulars so furnished and shall, where required, sign the appropriate form in the place provided for the purpose.

(2) Every employee shall within four weeks before the date on which his or her deduction card ceases to be current, sign the card and insert his or her then present address in the respective places provided for these purposes on the card.

(3) An employee to whom a registration card is delivered in accordance with regulation 5 shall be responsible for its safe custody, and if any such card is lost or destroyed or because of defacement or change of name or otherwise ceases to represent his or her identity, the person concerned shall apply to the Director for issue to him or her of a replacement registration card and for this purpose the applicant shall furnish the Director with such information as he or she may require.

(4) Every employee to whom a registration card has been delivered shall on commencing employment with a new employer, and on such other occasions as his or her employer or an inspector may request, produce the registration card to the employer or inspector, as the case may be.

## **9. Penalties**

If any person contravenes or fails to comply with any of these Regulations he or she shall be liable on summary conviction to a fine not exceeding one hundred dollars for each such offence and, where the offence consists of continuing any such contravention or failure after conviction thereof, to a fine not exceeding one hundred dollars for each day on which it is so continued.

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## **National Insurance (Self-Employed Persons) Regulations**

SRO 14 of 1988

**Amended by**

SRO 40 of 2006

### **ARRANGEMENT OF REGULATIONS**

1. Citation.
2. Definitions.
3. Application to self-employed persons of regulations under the Act.
4. Registration of self-employed persons.
5. Insurance of self-employed persons.
6. Rate of Contribution.
7. Self-employed person to supply information.
8. Effective date of determination by the Board under regulation 7.

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## **NATIONAL INSURANCE (SELF-EMPLOYED PERSONS) REGULATIONS**

[Section 25. SRO 14 of 1988 amended by SRO 40 of 2006.]

[17th June, 1988.]

## **1. Citation**

These Regulations may be cited as the National Insurance (Self-Employed Persons) Regulations.

## **2. Definitions**

For the purposes of these Regulations, the expression—

“Appointed Day” means the day appointed by the Minister pursuant to section 2 of the National Insurance Act as the appointed day for the purposes of section 25(1)(c) of the Act;

“Contribution” means the contribution payable by a self-employed person as determined by the Board in accordance with the provisions of these Regulations;

“Contribution year” has the meaning assigned to it in regulation 2 of the (Collection of Contributions) Regulations;

“Insurable Earnings” means earnings of an insured person not exceeding one thousand two hundred and fifty dollars per month, or five hundred and seventy-six dollars per fortnight, or two hundred and eighty-eight dollars per week as the case may be;

“Insured person” means a person insured under these Regulations pursuant to section 25 of the Act;

“National Insurance Card” has the meaning assigned to it in section 2 of the Act;

“Self-employed person” means a person ordinarily resident in Grenada who is not in the employment of a registered employer, but is otherwise gainfully occupied in employment.

## **3. Application to self-employed persons of regulations under the Act**

(1) Save in so far as they are expressly varied or excluded by or inconsistent with these Regulations, regulations made under the Act apply to insured persons who are self-employed (that is to say, persons insured under section 25(1)(c) of the Act) as to insured persons who are employed persons (that is to say, persons insured under section 24 of the Act) and references therein to “the appointed day” shall, in relation to the self-employed persons, be construed as references to the appointed day for the purposes of section 25 of the Act.

(2) For the avoidance of doubt regulations relating to Sickness Benefit contained in the National Insurance (Benefit) Regulations do not apply to self-employed persons.

(3) Notwithstanding anything to the contrary in any law in force it is hereby declared that the transitional provisions of regulation 33 contained in the National Insurance (Benefit) Regulations or any amendment thereof shall not apply to self-employed persons.

## **4. Registration of self-employed persons**

(1) All self-employed persons shall be required to register as such under the Act and the National Insurance (Registration) Regulations shall apply to all such persons as appropriate.

(2) Any eligible self-employed person may apply to the Board to be registered under the Act. On approval by the Board the self-employed person shall be notified in writing and shall become an insured person pursuant to regulation 3 of these Regulations. A National Insurance card shall be issued to him or her.

## **5. Insurance of self-employed persons**

Subject to these Regulations every self-employed person, who is—

- (a) between the ages of sixteen and sixty;
- (b) ordinarily resident in Grenada; and
- (c) not in the employment of any other person but is gainfully occupied in employment in Grenada,

may be insured under the National Insurance Act in respect of the several contingencies in relation to which benefits are provided under section 39.

## **6. Rate of Contribution**

(1) The contribution payable by a self-employed person shall be based on his or her earnings as a self-employed person during the period of one year immediately preceding the contribution year in which the contribution is due.

(2) The rate of contribution payable by a self-employed person under section 25 shall be nine per cent of that person's insurable earnings.

(3) A self-employed person shall not be required to pay contribution on earnings in excess of the rates stated for monthly and weekly paid employees in Part II of the Schedule of the National Insurance (Collection of Contribution) Regulations.

(4) If a self-employed person insured under regulation 3 of these Regulations accept insurable employment by a registered employer at a subsequent date he or she shall *ipso facto* cease to be a self-employed person immediately and contributions payable on his or her behalf shall be at the rates specified in the Schedule of the National Insurance (Collection of Contributions) Regulations.

(5) Within fourteen days after the end of each month the self-employed person shall pay by means acceptable to the Director the contribution payable by him or her in accordance with regulation 6(2) of these Regulations.

(6) Where an insured person ceases to be self-employed for any reason inconsistent with the provisions of regulation 5, he or she shall pay all contributions due in respect of his or her self-employment within 15 days of the cessation of such employment.

(7) For the purposes of these Regulations, references to "employer" in regulation 11(2) and (3) of the Collection Regulations, should be construed as references to "self-employed person".

## **7. Self-employed person to supply information**

Notwithstanding regulation 6(1) and in any case where the self-employed person has been engaged in self-employment for less than the period of one year, referred to in that regulation, the Board may request any self-employed person to furnish such information and evidence relating to his or her income as the Board may require for purposes of determining his or her rate of contribution and subject to regulation 8, the Board may determine the rate of contribution payable by the self-employed person by reference to such information and evidence, his or her record of contributions paid and such other information or evidence as it may, in circumstances of the case, think fit.

## **8. Effective date of determination by the Board under regulation 7**

Any determination of the Board under regulation 7 shall be communicated to the insured person in writing and shall have effect from a date to be specified by the Board.



SRO 15 of 1988

**Amended by**

SRO 22 of 1992

SRO 38 of 2006

ARRANGEMENT OF REGULATIONS

1. Citation.
2. Definitions.
3. Application to voluntary contributors of regulations under the Act.
4. Application to the Board for approval.
5. Rate of contribution.

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**NATIONAL INSURANCE (VOLUNTARY CONTRIBUTIONS) REGULATIONS**

[Section 25. SRO 15 of 1988 amended by SRO 22 of 1992, SRO 38 of 2006.]

[17th June, 1988.]

**1. Citation**

These Regulations may be cited as the National Insurance (Voluntary Contributions) Regulations.

**2. Definitions**

For the purposes of these Regulations the expression—

“Appointed Day” means the day appointed by the Minister pursuant to section 2 of the Act as the “appointed day” for the purpose of section 25(1)(d) of the Act;

“Collection Regulations” means the National Insurance (Collection of Contribution) Regulations;

“Voluntary Contributions” means payment of contributions voluntarily by an insured person not being of the age sixty who—

- (a) is not in receipt of normal earnings as an employee;
- (b) is not engaged in insurable employment under section 24 of the Act because of termination of his or her services;

“Voluntary Contributor” means a person who has been approved by the Board to pay contributions voluntarily because his or her services as an employee have been terminated.

**3. Application to voluntary contributors of regulations under the Act**

(1) Save in as far as they are expressly varied or excluded by, or inconsistent with these Regulations, regulations made under the Act apply to insured persons who pay contributions voluntarily (that is to say, persons who are voluntary contributors pursuant to section 25(1)(d) of the Act) as to insured persons who are employed persons, (that is to say, persons insured under section 24 of the Act), and references therein to the “appointed day” shall, in relation to voluntary contributors, be construed as references to the “appointed day” for the purpose of section 25(1)(d) of the Act.

(2) For the avoidance of doubt, regulations relating to sickness benefit contained in the Act do not apply to voluntary contributors.

(3) Notwithstanding anything to the contrary in any law in force, regulation 33 contained in the National Insurance (Benefit) Regulations, or any amendment thereof shall not apply to voluntary contributors save and except where such voluntary contributor was an insured person under the Act from its commencement.

(4) Subject to these Regulations, any insured person who is—

- (a) between the ages of sixteen and sixty;
- (b) ordinarily resident in Grenada;
- (c) not in receipt of normal earnings as an employee under section 24 of the Act; but
- (d) has obtained the approval of the Board to pay contributions voluntarily for the purposes of these Regulations,

shall continue to be insured under the Act in respect of the several contingencies in relation to which funeral grant, old age grant, age pension, invalidity benefit and survivors' benefit are provided.

#### **4. Application to the Board for approval**

Any person formerly engaged in insurable employment under section 24 of the Act whose employment has been terminated may apply to the Board for approval to pay contributions voluntarily for the purpose of—

- (a) keeping his or her contributions unbroken; or
- (b) enabling him or her to receive a minimum pension.

#### **5. Rate of contribution**

(1) The rate of contribution payable by a voluntary contributor under section 25(1)(d) shall be 6.75% of that person's insurable earnings.

(2) A voluntary contributor shall not be required to pay contribution on earnings in excess of the rates stated for monthly or weekly paid employees in Part II of the Schedule to the National Insurance (Collection of Contributions) Regulations.

(3) If a voluntary contributor accepts insurable employment by a registered employer he or she shall *ipso facto* cease to be a voluntary contributor under these Regulations immediately, and contributions payable on his or her behalf thereafter shall be at the rates specified in the Schedule of the National Insurance (Collection of Contributions) Regulations. In addition, he or she shall pay all contributions due as a voluntary contributor within fifteen (15) days of his or her resumption of insurable employment.

(4) Within fourteen days after the end of each month, the voluntary contributor shall pay by means acceptable to the Director, the contributions payable by him or her in accordance with regulation 5(1).

(5) For the purposes of these Regulations, references to "the employer" in regulations 11 and 12 of the Collection Regulations, shall be construed as references to a voluntary contributor.

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### **National Insurance (Financial and Accounting) Regulations**

SRO 56 of 1997

**Amended by**

SRO 39 of 2006

SRO 25 of 2010

## ARRANGEMENT OF REGULATIONS

### PART I

#### *Preliminary*

1. Citation.
2. Definitions.

### PART II

#### *Financial Organisation*

3. Benefit Branches.
4. Financial Autonomy of Benefit Branches.

### PART III

#### *Budget Estimates*

5. Financial Year.
6. Annual budget.

### PART IV

#### *Financial Control*

7. Financial Authorisations to staff.
8. Loss deficiencies and overpayment.
9. Internal audit.
10. Periodical reports to the Board.

### PART V

#### *Accounts*

11. Accounting system.
12. Annual summary accounts.
13. Distribution of income among Benefit Branches.
14. Distribution of expenditure among Benefit Branches.
15. Reserve.
16. Level of Reserve and actuarial advice.
17. Audit under section 20 of the Act.

### PART VI

#### *Miscellaneous Provisions*

18. Commencement.

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## NATIONAL INSURANCE (FINANCIAL AND ACCOUNTING) REGULATIONS

[Act No. 56 of 1997 amended by SRO 39 of 2006, SRO 25 of 2010.]

[1st December, 1997.]

## PART I

### *Preliminary*

#### **1. Citation**

These Regulations may be cited as the National Insurance (Financial and Accounting) Regulations.

#### **2. Definitions**

In these Regulations, unless the context otherwise requires—

“appointed day” means the day so appointed under section 2 of the Act;

“benefit” means benefit under the Act;

“Benefit Regulations” means the National Insurance (Benefit) Regulations;

“Contribution Regulations” means the National Insurance (Contribution) Regulations;

“expenditures” means payments out of the Fund in accordance with the provisions of section 3(2) of the Act;

“income” means payments into the Fund in accordance with the provisions of section 3(1) of the Act;

“reserve” means any one of the reserves constituted under regulation 15 of these Regulations.

All other words and expressions defined in the Act shall have the same meaning in these Regulations.

## PART II

### *Financial Organisation*

#### **3. Benefit Branches**

Subject to these Regulations, benefits shall be grouped into three separate benefit branches—

- (a) Short-term Benefit Branch, comprising Sickness Benefits, Maternity Benefits, and Funeral Grants;
- (b) Long-term Benefit Branch, comprising Age Pensions, Invalidity Pensions, Survivors' Pensions, Age Grants, Invalidity Grants, and Survivors' Grants; and
- (c) Employment Injury Benefits Branch, comprising Injury Benefits, Disablement Benefits, Medical Expenses, Death Benefits, and Funeral Grants.

#### **4. Financial Autonomy of Benefit Branches**

(1) Except as provided in these Regulations, each of the three benefit branches specified in regulation 3 shall be financially autonomous, that is to say, income allotted to one benefit branch shall not be used to cover the expenditures relating to another benefit branch.

(2) Notwithstanding subregulation (1), if there is a temporary insufficiency in any one benefit branch, the Board may authorise the temporary transfer of an amount that may be necessary to meet it from another benefit branch.

(3) An amount transferred under subregulation (2) shall be repaid to the lending benefit branch by the borrowing benefit branch as soon thereafter as possible, including interest at such rate as the Board may determine.

(4) If the insufficiency mentioned in subregulation (2) continues beyond a period of three months, the Board, while authorising a temporary transfer of the necessary amount, shall seek actuarial advice in accordance with regulation 16(3) of these Regulations.

(5) Separate income and expenditure accounts shall be established and maintained for each of the benefit branches and shall be prepared in accordance with Part V of these Regulations.

(6) Separate reserves shall be established and maintained in respect of each of the benefit branches in accordance with Part V of these Regulations.

### PART III

#### *Budget Estimates*

#### **5. Financial Year**

The Financial Year for the purpose of the budget and accounts shall be the Calendar Year ending on the 31st day of December.

#### **6. Annual budget**

(1) Before the 31st day of October of each financial year, the Director shall, with respect of each of the benefit branches specified in regulation 3, submit to the Board for its approval the estimates of income and expenditure for the next following financial year.

(2) The estimates submitted in accordance with these Regulations, when approved by the Board, shall show the income that is expected to be collected and shall set the limits to the expenditure that may be incurred under each of the relevant heads. Expenditure shall not be incurred under any head in excess of the limit set by the Board for that head without the prior approval of the Board.

(3) If the budget estimates submitted to the Board have not been approved by it before the beginning of the corresponding financial year, the Director may be authorised by the Board to incur expenditures under the various heads subject to such conditions as it may deem fit to impose until such time as the budget is approved.

### PART IV

#### *Financial Control*

#### **7. Financial Authorisations to staff**

(1) The Director shall draw up a list which shall contain the names of such of the officers of the Board as, from time to time, shall be authorised by the Board to approve payment vouchers, sign cheques, approve accounting transfers or exercise other similar functions and the list shall specify such limit, financial or otherwise, as the Board may approve, within which each officer shall be authorised to exercise the function or functions allotted to him or her.

(2) Any changes to the list referred to in subregulation (1) shall be submitted on a supplemental list for the approval of the Board and the original list shall be revised accordingly.

## **8. Loss deficiencies and overpayment**

(1) The Board with the concurrence of the Minister may authorise the writing off of any loss, deficiency or overpayment as irrecoverable if it is satisfied in each case—

- (a) that adequate investigation has been made into the causes of, and responsibility for, the loss, deficiency or overpayment; and
- (b) that steps have been taken as far as possible to prevent the recurrence of any similar loss, deficiency or overpayment.

(2) The Board may direct that specific measures be taken to prevent losses mentioned in subregulation (1).

## **9. Internal audit**

The Board shall ensure that adequate arrangements be made for the internal audit of the financial procedures, benefit payments and the maintenance and operations of the accounts of the Fund.

## **10. Periodical reports to the Board**

(1) The Director shall submit to the Board periodical reports on the financial situation of the Fund with reference to income and expenditure.

(2) The Director shall without delay submit to the Board any report by internal auditors concerning fraud, administrative abuse or serious irregularities.

## **PART V**

### *Accounts*

## **11. Accounting system**

The Financial transactions of the Fund shall be recorded in the accounts by the double-entry system of book-keeping.

## **12. Annual summary accounts**

(1) At the end of each financial year the accounts as a whole shall be balanced and the following summary accounts and Balances Sheet shall be prepared—

- (a) a consolidated Income and Expenditure Account for the Fund as a whole;
- (b) the Income and Expenditure Account in respect of each of the three benefit branches specified in regulation 3; and
- (c) a Balance Sheet for the Fund as a whole.

(2) The Income and Expenditure Accounts shall show the income and expenditure recorded during the financial year and the Balance Sheet shall show the liabilities and assets of the Fund as at the end of the financial year.

(3) The accounts and Balance Sheet specified in this regulation shall be prepared as soon as practicable after the end of the financial year and shall be submitted to the Board not later than the 31st day of March of the next following financial year.

(4) If the Board is satisfied that for certain practical reasons the accounts could not be submitted by such date as provided for in subregulation (3), it may extend the said date by a period not exceeding thirty days.

## **13. Distribution of income among Benefit Branches**

(1) All sums collected as contributions shall be distributed among the benefit branches in the following proportions—

- (a) in respect of earnings insurable before the appointed date of the National Insurance (Employment Injury Benefit) Regulations—
  - (i) Short-term Benefits Branch 15.80%,
  - (ii) Long-term Benefits Branch 84.20%;
- (b) in respect of earnings insurable on and after the appointed date of the National Insurance (Employment Injury Benefits) Regulations—
  - (i) Short-term Benefits Branch 14.44%,
  - (ii) Long-term Benefits Branch 82.22%,
  - (iii) Employment Injury Benefits Branch 3.33%.

(2) If an actuarial report made under section 22 of the Act recommends a redistribution of the contribution income among the benefit branches, the Minister, acting on the recommendation of the Board, may modify by regulation the propositions specified in subregulation (1).

(3) The net income from the investment of the reserves in any financial year, after deducting all expenses related to the acquisition, maintenance, and disposition of the investment instruments, shall be distributed among the benefit branches in proportion to the amount of the reserve of each benefit branch at the beginning of that financial year.

(4) The provisions of subregulation (1) shall apply, *mutatis mutandis*, for the distribution into the separate benefit branches of any other income to the Fund.

#### **14. Distribution of expenditure among Benefit Branches**

(1) The expenditure in respect to each benefit payment shall be ascribed to the benefit branch under which that benefit is grouped according to regulation 3.

(2) The net administrative expenditure of the Fund in any financial year, after deducting all expenses related to the acquisition, maintenance, and disposition of the investment instruments, shall be distributed among benefit branches in the proportion that the sum of the income and other expenditure (other than administrative expenditure) of each benefit branch bears to the total income and expenditure (other than administrative expenditure) of all benefit branches combined.

(3) Any expenditure that is not attributable to any specific benefit branch shall be distributed among the benefit branches according to the proportions calculated in subregulation (2).

#### **15. Reserve**

(1) A Short-term Benefits Reserve shall be constituted by transferring thereto annually the excess income over expenditure of the Short-term Benefits Branch.

(2) A Long-term Benefits Reserve shall be constituted by transferring thereto annually the excess income over expenditure of the Short-term Benefits Branch.

(3) An Employment Injury Benefits Reserve shall be constituted by transferring thereto annually the excess income over expenditure of the Short-term Benefits Branch.

(4) The Minister in accordance with the advice of the Board and as recommended by the actuary may transfer an amount from one of the benefit reserves to another benefit reserve.

(5) On the appointed date of the National Insurance (Employment Injury Benefits) Regulations, the sum of five million dollars shall be permanently transferred from the Short-term Benefits Reserve into the Employment Injury Benefits Reserve.

## **16. Level of Reserve and actuarial advice**

(1) The minimum level of the Short-term Benefits Reserve shall be equivalent, at the beginning of a financial year, to one-fourth of the combined total expenditure of the Short-term Benefits Branch in the three immediately previous financial years.

(2) The minimum level of the Long-term Benefits Reserve shall be equivalent to, at the beginning of a financial year, twice the combined total expenditure of the Long-term Benefits Branch in the three immediately previous financial years.

(3) The minimum level of the Employment Injury Benefits Reserve shall, at the beginning of a financial year be equivalent to the combined total expenditure of the Employment Injury Benefits Branch in the three immediately previous financial years.

## **17. Audit under section 20 of the Act**

(1) The accounts of the Board shall be audited annually by a qualified accountant appointed for the purpose by the Board.

(2) The Auditor shall forward his or her report to the Board and a copy thereof to the Minister.

(3) The Board shall require the Director to produce the accounts and Balance Sheet to the Auditor on or before the 1st day of April following the close of the financial year to which they relate.

(4) In the case of an extension under regulation 12(4), the Board may extend the said date by a period not exceeding thirty days.

(5) The Director shall submit to the Auditor all accounts required for the purpose of the audit and any other document, information or explanation that the Auditor may require for that purpose.

(6) The Auditor shall submit to the Board and a copy thereof to the Minister, a separate statement, if necessary, in regard to—

- (a) any material impropriety or irregularity that he or she may observe in the expenditure or in the recovery of money due to the Fund or in the accounts of the Board; or
- (b) any loss or waste of money or other property owned by or vested in the Board that has been caused by neglect or misconduct.

(7) The Board shall forthwith require the Director to remedy any defect or irregularity pointed out by the Auditor, determine responsibility therefor, and report to the Minister on the action taken thereon.

## **PART VI**

### *Miscellaneous Provisions*

## **18. Commencement**

These Regulations shall come into operation on 1st December, 1997.

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## **National Insurance (Employment Injury Benefit) Regulations**

SRO 7 of 1998



## **Amended by**

SRO 41 of 2006

SRO 24 of 2010

### ARRANGEMENT OF REGULATIONS

#### PART I

##### *Preliminary*

1. Citation.
2. Definitions.
3. Entitlement to and rate of Injury Benefits.
4. Eligibility for Injury Benefit.
5. Claim for Injury Benefit.
6. Duration of Injury Benefit.

#### PART II

##### *Disablement Benefit*

7. Entitlement to and duration of Disablement Benefit.
8. Rate of Disablement Benefit.
9. Increase for constant attendance.
10. Assessment of extent of disablement.
11. Successive accidents.

#### PART III

##### *Medical Expenses*

12. Prescribed Medical Expenses.
13. Payment of Medical Expenses during absence from State.
14. Medical Expenses incurred outside State.
15. Direct payment for Medical Expenses by the Board.
16. Reimbursement by insured person of refunded Medical Expenses.

#### PART IV

##### *Death Benefit*

17. Meaning of "widow" and "widower".
18. Entitlement to Death Benefit.
19. Registration of person as beneficiary.
20. Determination of weekly rate of Death Benefit.

#### PART V

##### *Funeral Grant*

21. Entitlement to Funeral Grant.

#### PART VI

##### *Miscellaneous*

22. Application to Occupational Diseases.
23. Reference to a single Medical Practitioner.
24. Entitlement to more than one benefit.

25.	Refund of benefit improperly paid.
26.	Credited contributions.
27.	Persons absent abroad.
28.	Persons undergoing imprisonment or detention in legal custody.
29.	Commencement.
First Schedule	Rate of Benefits
Second Schedule	Prescribed Degrees of Disablement

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**NATIONAL INSURANCE (EMPLOYMENT INJURY BENEFIT)  
REGULATIONS**

[SRO 7 of 1998 amended by SRO 41 of 2006, SRO 24 of 2010.]

[1st March, 1998.]

**PART I**

*Preliminary*

**1. Citation**

These Regulations may be cited as the National Insurance (Employment Injury Benefit) Regulations.

**2. Definitions**

In these Regulations, unless the context otherwise requires—

“appointed day” means the day so appointed under section 2 of the Act;

“benefit” means benefit under the Act;

“Benefit Regulations” means the National Insurance (Benefit) Regulations;

“claimant” means a person claiming benefit and, in relation to an award or decision, a beneficiary under the award or affected by the decision;

“deceased”, in relation to death benefit, means the person in respect of whose death the benefit is claimed or payable;

“Director” means the Director of the National Insurance Scheme, appointed pursuant section 9 of the Act;

“incapacity” means inability to work as a result of an injury sustained;

“injury benefit period” means, in relation to an accident, the period of twenty-six weeks beginning with the day of the accident, or that part of the period for which under regulation 7(2) disablement benefit in respect of the accident is available to the insured person;

“insured person” means a person insured under section 24 of the Act save and except that for the purposes of these Regulations an insured person shall include an employed person under sixteen years and sixty years and above;

“invalid” means a person incapable of work as a result of a specific disease or bodily or mental disablement which is likely to remain permanent;

“medical examination” includes bacteriological and radiological tests, and similar investigations and references to being medically examined shall be construed accordingly;

“medical practitioner” means a medical practitioner registered in Grenada or a person practising medicine outside the State who is qualified to practice medicine and is not prohibited from so doing under the Law of the place where he or she practises;

“occupational disease” means a disease listed in the Third Schedule;

“pension” means disablement benefit or death benefit paid in the form of a pension, as the case may require;

“relevant accident”, “relevant injury” and “relevant disease” mean respectively, in relation to any benefit, the accident, injury, or occupational disease in respect of which that benefit is claimed or payable, and “relevant loss of faculty” means the loss of physical or mental faculty resulting from the relevant accident, injury or occupational disease;

“sickness benefit”, “invalidity benefit”, “maternity benefit”, “survivor’s benefit”, or “age benefit” means the respective benefit payable under section 39 of the Act.

### **3. Entitlement to and rate of Injury Benefits**

(1) Subject to these Regulations, an insured person is entitled to Injury Benefits in respect of any day during a period of which, as a result of an injury, he or she is incapable of work.

(2) In determining for purpose of these Regulations whether an insured person is incapable of work, the time of the incapacity shall run from the instant the accident occurred and no part of the day on which the accident occurred prior to the event shall be disregarded.

(3) Subject to subregulation (4), Injury Benefit shall be payable at the appropriate weekly rate calculated in accordance with the First Schedule and the amount payable for any day of incapacity shall be one-sixth of the weekly rate (Sundays being disregarded).

(4) Where any further period of incapacity resulting from an accident for which benefit is payable occur within the Injury Benefit Period, the daily rate of benefit payable shall be the daily rate appropriate to the first period of incapacity and the first period and the further period shall, for the purpose of regulation 4(1), be treated as one continuous period of incapacity.

### **4. Eligibility for Injury Benefit**

(1) Subject to subregulation (2), an insured person is not eligible for Injury Benefit for the first three days of any continuous period of incapacity for work resulting from an injury, unless the continuous period lasts four days or longer.

(2) Subject to subregulations (3) and (4), for the purpose of computing the first three days of the continuous period of incapacity indicated in subregulation (1), public holidays shall be included.

(3) Where an insured person has already had a continuous period of incapacity exceeding three days for which Sickness Benefit or Injury Benefit has been paid, and the interval between the last day of that incapacity and the commencement of a further period of incapacity is no more than eight weeks, Injury Benefit is payable from the first day (Sundays being disregarded) of the further period of incapacity at the rate calculated in accordance with regulation 3(3).

(4) Where an insured person has already had a continuous period of incapacity of less than four days, and the interval between the last day of that incapacity and the commencement of a further period of incapacity is no more than eight weeks, Injury Benefit is payable from the first day (Sundays being disregarded) of the combined period of incapacity at the rate calculated in accordance with regulation 3(3), if the combined period of incapacity is four days or longer.

(5) Injury Benefit shall not be paid to an insured person for any day prior to the first day from which he or she has been certified by a medical practitioner to be incapable of work.

(6) Notwithstanding subregulation (5) but subject to subregulation (1), the Director may pay benefit from an earlier date, having regard to the prescribed time for claiming benefit.

## **5. Claim for Injury Benefit**

(1) A claim for Injury Benefit shall be made in prescribed manner and shall be supported by a certificate of a medical practitioner or by such other evidence as the Director may require for the purpose of establishing the incapacity of the insured person to work.

(2) The Director may, before deciding a claim for Injury Benefit, require the claimant to undergo a medical examination by one or more medical practitioners appointed by the Board.

## **6. Duration of Injury Benefit**

Subject to regulation 5, Injury Benefit may be paid for a period of fifty-two weeks from the date on which the relevant accident occurred, provided that the incapacity to work in relation to the relevant accident continues.

# **PART II**

## *Disablement Benefit*

## **7. Entitlement to and duration of Disablement Benefit**

(1) Subject to subregulation (2), an insured person is entitled to Disablement Benefit if he or she suffers, as the result of the relevant accident, from loss of physical or mental faculty such that the extent of the resulting disablement assessed in accordance with regulation 10, amounts to not less than one per cent, and for the purpose of that regulation when the extent of the resulting disablement, if so assessed would not amount to one per cent it shall not be regarded as a relevant loss of faculty.

(2) Disablement Benefit is not available to an insured person until after the third day of the period of twenty-six weeks beginning with the day on which the relevant accident occurred nor until after the last day of the period during which he or she is incapable of work as a result of the relevant injury:

Provided that—

- (a) where he or she makes a claim for Disablement Benefit in respect of the relevant accident before the end of any such period; and
- (b) does not withdraw the claim before it is finally determined, then if on any day of that period after the claim he or she is able to work the fact that he or she is not able on any subsequent day of the period shall be disregarded for the purpose of this paragraph.

(3) Where the extent of the disablement for the assessed period amounts to less than thirty per cent, the Disablement Benefit shall be in the form of a Disablement Grant amounting to—

- (a) if the assessed period is—
  - (i) limited to the life span of the claimant, or
  - (ii) not less than seven years,

three hundred and sixty-five times a percentage of the Weekly Total Assessed Disablement Benefit equal to the assessed percentage loss of faculty;

- (b) in any other case, other than paragraph (a), the number of assessed weeks times a percentage of the Weekly Total Assessed Disablement Benefit equal to the assessed percentage loss of faculty.

(4) Where the extent of the disablement is assessed for the period at thirty per cent or more, the Disablement Benefit shall be paid in the form of a pension payable in arrears, and shall be a percentage of the Weekly Total Assessed Disablement Benefit equal to the assessed percentage loss of faculty.

(5) Where the assessed period is limited by reference to a definite date, the pension shall cease on the death of the beneficiary if he or she dies before that date.

## **8. Rate of Disablement Benefit**

(1) The rate of Disablement Benefit shall be determined in accordance with the First Schedule:

Provided that the annual rate shall be increased—

- (a) two per cent for all pensions first paid in calendar year, 2005;
- (b) four per cent for all pensions first paid in calendar year, 2004;
- (c) six per cent for all pensions first paid in calendar year, 2003;
- (d) eight per cent for all pensions first paid in calendar year, 2002;
- (e) ten per cent for all pensions first paid in calendar year, 2001;
- (f) twelve per cent for all pensions first paid in calendar year, 2000;
- (g) fourteen per cent for all pensions first paid in calendar year, 1999;
- (h) sixteen per cent for all pensions first paid before calendar year, 1999.

(1A) The minimum pension shall be forty-six dollars and forty cents per week.

## **9. Increase for constant attendance**

(1) Where a Disablement Benefit is payable in respect of an assessment of one hundred per cent, then, if the Director is satisfied that as a result of the relevant loss of faculty the beneficiary requires the constant attendance of another person, the rate of pension payable shall be increased by fifty per cent.

(2) An increased of pension under subregulation (1) shall be payable for such period as may be determined by the Director at the time it is granted, but may be renewed from time to time. However, no such increase shall be payable in respect of a period for which the beneficiary is receiving medical treatment as an in-patient in a hospital or in a similar institution.

(3) Subject to subregulation (4), where a person is awarded Disablement Benefit and the extent of his or her disablement is assessed at less than one hundred per cent, but no less than thirty per cent, the disablement assessment shall be treated as one hundred per cent for any part of the relevant period either before or after the making of the assessment during which—

- (a) the person receives, as an in-patient of a hospital or similar institution, medical treatment for the relevant injury or loss of faculty; or
- (b) the person is incapable of work as a result of the relevant injury or loss of faculty,

for any period not exceeding two hundred and sixty weeks from the date of the relevant accident.

(4) Where the extent of the disablement is assessed at less than thirty per cent, the weekly rate of Disablement Benefit payable for the relevant period in accordance with subregulation (3) shall be reduced by the amount that would have been payable weekly but for the provisions of this subregulation, had a Pension been payable instead of a Grant.

## **10. Assessment of extent of disablement**

(1) Subject to subregulations (2) and (6), for the purpose of Disablement Benefit, the extent of disablement shall be assessed by reference to the disabilities incurred by the claimant as a result of the relevant loss of faculty in accordance with the following general principles—

- (a) save as provided in this paragraph, the disabilities to be taken into account shall be all the disabilities (whether or not involving loss of earning power or additional expenses) to which the claimant may be expected, having regard to his or her physical or mental condition at the date of the assessment, to be subject during the relevant period of assessment as compared with a person of the same age and sex whose physical and mental condition is normal;
- (b) the disablement shall be treated as incurred as a result of the relevant loss of faculty except that, subject to subregulation (2), it shall not be so treated where the claimant either—
  - (i) would in any case be subject thereto as a result of a congenital defect or an injury or disease received or contracted before the relevant accident or injury, or
  - (ii) would not be subject thereto but for some injury or disease received or contracted after and not directly attributable to the relevant accident or injury;
- (c) the assessment shall be made without reference to the particular circumstances of the claimant other than age, sex, and physical or mental condition.

(2) Where the sole injury that a claimant suffers as a result of the relevant accident is one specified in the first column of the Second Schedule, the loss of faculty suffered by the claimant as a result of that injury shall be treated, for the purpose of this regulation, as resulting in the degree of disablement set against such injury in the Second Schedule.

(3) For the purpose of assessing the extent of the disablement resulting from the relevant injury in any case that is not to be determined under subregulation (2), a Medical Board may have such regard as may be appropriate to the prescribed degrees of disablement set against the injuries specified in the Second Schedule.

(4) Subject to subregulation (5), the period to be taken into account in assessing the extent of a claimant's disablement shall be the period (beginning not earlier than the end of the Injury Benefit Period and limited by reference either to the claimant's life or to the definite date) during which the claimant has suffered and may be expected to continue to suffer relevant loss of faculty.

(5) If on any assessment the condition of the claimant is not such, having regard to the possibility of change (whether predictable or not), as to allow a final assessment to be made up to the end of the period—

- (a) a provisional assessment shall be made, taking into account such shorter period only, not being less than thirteen weeks, as seems reasonable having regard to his or her condition and the possibility of change; and
- (b) on the next assessment, the period to be taken into account shall begin with the end of the period taken into account by the provisional assessment.

(6) An assessment shall state the degree of disablement in the form of a percentage and shall also specify the relevant period and, where that period is limited by reference to a definite date, whether the assessment is provisional or final.

(7) The percentage and the period referred to in subregulation (6)—

- (a) shall not be specified more particularly than is necessary for the purpose of determining, in accordance with regulation 7, the right of the claimant to Disablement Benefit; and
- (b) a percentage between thirty and one hundred that is not a multiple of ten shall be treated—
  - (i) if it is a multiple of five, as being the next higher percentage that is a multiple of ten,
  - (ii) if it is not a multiple of five, as being the nearest percentage that is a multiple of ten.

## 11. Successive accidents

(1) Where a person suffers two or more successive accidents against which he or she is insured under the Act—

- (a) he or she shall not for the same period be entitled to receive—
  - (i) Injury Benefit and Disablement Benefit, but shall be entitled to receive the benefit that is payable at the higher rate; except that where the Disablement Benefit is a Grant, the weekly rate of Injury Benefit shall be reduced, during the unexpired portion of the relevant period assessed, by the amount that would have been payable weekly had a Pension been payable instead of a Grant,
  - (ii) more than one Disablement Benefit, but in assessing his or her degree of disablement in connection with the second or subsequent claim the total degree of disablement arising from all the relevant injuries and diseases shall be assessed and he or she shall be entitled to Disablement Benefit based on the assessment instead of any previous assessment, and the rate of benefit so payable shall be computed by reference to whichever of the rates, in accordance with the First Schedule, is higher;
- (b) if during a period covered by an assessment of disablement for which a Disablement Benefit has been paid he or she suffers a further injury, the total degree of disablement arising from all the relevant injuries shall be assessed and he or she shall be entitled to Disablement Pension or to Disablement Grant, as is appropriate to the degree of disablement, but either—
  - (i) the weekly rate of Disablement Pension shall be reduced during the unexpired portion of the period by reference to which the Disablement Grant was assessed by the weekly amount that would have been payable instead of a Grant, or
  - (ii) the amount of the Disablement Grant shall be reduced by the equivalent length of the unexpired portion of the Grant previously paid.

(2) Prior to any reduction, as in paragraph (b)(i) or (ii), the rate of the Disablement Pension or the amount of the Disablement Grant that is payable on the second subsequent occasion shall be computed by reference to whichever of the average insurable earnings was the higher prior to any of the relevant accidents.

## *Medical Expenses*

### **12. Prescribed Medical Expenses**

(1) Subject to the provisions of this Part, an insured person is entitled to the refund of the following medical expenses incurred by him or her as a result of the relevant accident—

- (a) medical, surgical, dental and hospital treatment, skilled nursing services, and the supply of medicines;
- (b) supplies, fittings, maintenance, repair and renewal of artificial limbs, dentures, spectacles, and other similar apparatuses and appliances; and
- (c) the cost of travelling for the purposes of paragraphs (a) and (b).

(2) Medical Expenses refunded under this Part shall not exceed the amount of—

- (a) the reasonable expenses incurred by the claimant; and
- (b) the expenses of obtaining treatment which provides for maximum effectiveness at minimum reasonable cost.

(3) The fee or charges constituting Medical Expenses shall not be more than would be properly and reasonably charged to the insured person if he or she himself or herself were meeting such fees and charges.

(4) The amount of any such fees and charges that may be refunded under this Part in any case shall be determined by the Director.

### **13. Payment of Medical Expenses during absence from State**

Medical Expenses for which a person is eligible during his or her absence from the State shall be paid in the State to such representative acting for and on behalf of the person concerned as may be approved under this Part.

### **14. Medical Expenses incurred outside State**

(1) Where an insured person suffers injury by accident—

- (a) in the State and incurs Medical Expenses outside the State, the amount refunded under this Part shall not, subject to subregulation (2), exceed the amount that, in the opinion of the Director, would have been refundable under regulation 12 had the expenses been incurred in the State;
- (b) outside of the State, and incurs Medical expenses outside of the State, the amount refunded under this Part shall not, subject to subregulation (2) exceed the amount of expenses that may be refunded under regulation 12(1)(c) and paragraph (a).

(2) The amount of Medical Expenses refunded shall not exceed one thousand dollars.

(3) Any limitation as to the amount or class of medical expenses that may be defrayed under this regulation shall not apply where such expenses were incurred outside of the State with the prior approval of the Board.

### **15. Direct payment for Medical Expenses by the Board**

Notwithstanding anything contained in this Part, where the Board considers it desirable to do so, it may instead of refunding to the insured person any Medical Expenses incurred by him or her, pay directly to a medical practitioner or institution from whom or at which he or she obtained treatment the Medical Expenses incurred in or such part thereof as may be refunded under these Regulations.



## **16. Reimbursement by insured person of refunded Medical Expenses**

(1) Where a medical practitioner from whom or an institution at which an insured person has obtained treatment for personal injury suffered by accident is not paid by or on behalf of that insured person any amount due in respect of that treatment, then, if any Medical Expenses incurred in respect of such treatment has been refunded to that person by the Board under this regulation, the Board may require that insured person or any other person to whom the amount was refunded to reimburse the amount or such part thereof as the Director may determined.

(2) Any amount required by the Board to be reimbursed pursuant to subregulation (1) may be recovered as a debt due to the Board or by deduction from any other benefit payable by the Board to or in respect of that insured person.

## **PART IV**

### *Death Benefit*

## **17. Meaning of “widow” and “widower”**

Subject to section 43 of the Act, for the purpose of this Part in relation to Death Benefit the expression “widow” or “widower”, in relation to a person who has been married more than once, refers only to the last husband or wife.

## **18. Entitlement to Death Benefit**

(1) Subject to this regulation and to regulations 17, 19 and 20, Death Benefit shall be paid in the case of death due to employment injury to the dependents of the deceased insured person in the following order of priority and for the following periods—

- (a) to the widow of the deceased insured person or to a person with whom the insured lived as husband and wife and who at the time of his or her death was wholly or mainly maintained by him or her, for the duration of her life or until remarriage;
- (b) to a person with whom the insured lived as husband and wife and who as the time of her death was wholly or mainly maintained by her, for the duration of his or her life or until remarriage;
- (c) to unmarried children, including adopted children, step-children, and children of the deceased born out of wedlock who, at the date of death of the deceased, are under the age of sixteen years and were living with or were wholly maintained by the deceased, until the child attains his or her sixteenth birthday or his or her eighteenth birthday in the case of a child still attending school or in the case of an invalid child; for the period during which the invalidity continues; and
- (d) to any other person, including children not qualifying under paragraph (a), (b) or (c) adjudged by the Director to have been wholly or mainly dependent upon the earnings of the deceased at the time of death of the deceased.

(2) A person referred to at subregulation (1)(d) shall not be deemed mainly dependent upon the earnings of the deceased unless such person was financially dependent for the provision of the ordinary necessities of life suitable for a person of his or her position.

## **19. Registration of person as beneficiary**

(1) For the purpose of this Part in relation to Death Benefit where it is a condition for entitlement to that benefit that a person is the widow or widower of an insured person, an

insured person may at any time after the Appointed Day apply to the Director for registration of the particulars of the beneficiary for Death Benefit which shall include—

- (a) in case of a single insured man or widower, a single woman or widow with whom he or she lives and cohabits;
- (b) in the case of a single insured woman or widow single man or widower with whom she lives and cohabits.

(2) Registration under this regulation of a person as a beneficiary shall automatically exclude all other persons from being beneficiaries and the references to “husband” or “wife” for the distribution of benefit in the circumstance of subregulation (1)(a) or (b) shall be construed as referring to such registered beneficiary only.

(3) A registration so made may be cancelled on the request of the insured person.

(4) Where no registration has been made under subregulation (1) the Director may treat a single woman or widow, or single man or widower, who was living as wife or husband with the single man or widower, or single woman or widow, at the time of his or her death, as if she or him or her were in law his widow or her widower.

(5) Where the question of marriage or remarriage or the date of marriage or remarriage arises in regard to entitlement to benefit, the Director shall in the absence of the subsistence of a lawful marriage decide whether or not the person concerned should be treated as if they were married as the case may be, and in so deciding the Director shall have regard to the provisions of subregulations (1) to (4).

(6) Registration under subregulation (1) or the determination of the Director under subregulation (2) or (3) shall, unless the context otherwise requires, have the effect of extending, as regards to entitlement to Death Benefit, the meaning of the word “marriage” to include the association of a single woman or widow with a single man or widower as aforesaid and the words “wife”, “husband”, “widow”, and “widower” shall be construed accordingly.

## **20. Determination of weekly rate of Death Benefit**

(1) The weekly rate of Death Benefit available for payment shall be determined in accordance with the provisions of the First Schedule and shall be allocated to dependents as follows—

- (a) three-fourths of the benefit available for payment to the person qualified under regulation 18(1)(a) or (b);
- (b) one-quarter of the benefit available for payment to each child qualified under regulation 18(1)(c), except that in respect of any child who is an invalid the rate of benefit payable may be fixed at one-half of the benefit available for payment;
- (c) in the case of any other dependent qualified under regulation 18(1)(d), one-quarter of the benefit available for payment, except that in respect of a person who was wholly dependent upon the deceased at the date of his or her death the benefit payable may be fixed at one-half of the benefit available for payment:

Provided further—

- (a) that the annual rate of pension shall be increased—
  - (i) two per cent for all pensions first paid in calendar year, 2005,
  - (ii) four per cent for all pensions first paid in calendar year, 2004,
  - (iii) six per cent for all pensions first paid in calendar year, 2003,
  - (iv) eight per cent for all pensions first paid in calendar year, 2002,

- (v) ten per cent for all pensions first paid in calendar year, 2001,
- (vi) twelve per cent for all pensions first paid in calendar year, 2000,
- (vii) fourteen per cent for all pensions first paid in calendar year, 1999,
- (viii) sixteen per cent for all pensions first paid before calendar year, 1999;
- (b) that the minimum pension payable to a spouse shall be forty-six dollars and forty cents per week;
- (c) that the minimum pension payable to a child shall be—
  - (i) nine dollars and ninety cents per week, or
  - (ii) nineteen dollars and seventy cents per week if the child is an orphan or an invalid.

(2) In the case of a dependent under subregulation (1)(c) the payment period shall not exceed fifty-two weeks from the date of death of the deceased.

(3) The aggregate of all pensions payable to all surviving beneficiaries shall not exceed the benefit available for payment.

(4) Where the pension available for payment is insufficient to enable payments to be made at the rates specified in subregulation (1), the pension available for payment shall be distributed as follows—

- (a) to the widow or widower, at the rate of three-quarters of the pension available for payment; and
- (b) to the children and the other beneficiaries, the remaining amount in proportion to their corresponding rates (one-fourth if an orphan or one half if an invalid, and one-fourth to the other beneficiary or one half if wholly dependent), but no less than the corresponding minimum amounts specified in regulation 40(3) of the National Insurance (Benefit) Regulations.

(5) When the pension of one of the survivors is terminated, the rate of pension for the remaining survivors shall be recalculated in accordance with this regulation.

(6) In the case of a widow or widower whose benefit was payable under regulation 18(1)(a) or (b), a gratuity shall be payable on the termination of the pension because of remarriage of an amount equal to fifty-two times the weekly rate of pension to which she or he or she was then entitled.

## PART V

### *Funeral Grant*

#### **21. Entitlement to Funeral Grant**

(1) A Funeral Grant shall be payable to a person who meets the cost of the funeral of an insured person whose death was due to personal injury caused by accident arising out of and in the course of his or her employment or was due to an occupational disease.

(2) Where—

- (a) death occurred at sea and the deceased person was buried at sea;
- (b) the person who has met the cost of the funeral of the deceased person cannot be found; or
- (c) the cost of the funeral was less than the amount of the Grant,

the grant, or as the case may be, the remainder thereof, shall be paid to such person or persons as the Director in his or her discretion may decide, and no action shall lie before

any tribunal or court against the Director in respect of or in connection with the exercise of his or her discretion.

(3) The amount of a Funeral Grant shall be two thousand dollars.

## PART VI

### *Miscellaneous*

#### **22. Application to Occupational Diseases**

Subject to the provisions of these Regulations, Employment Injury Benefit shall be payable to an insured person who is suffering from an occupational disease that results from the nature of his or her insurable employment and as a result of which he or she—

- (a) is incapable of work;
- (b) suffers a loss of physical or mental faculty such that the extent of the resulting disablement is not less than one per cent; or
- (c) dies as a result of that disease.

#### **23. Reference to a single Medical Practitioner**

All claimants for Employment Injury Benefits under regulation 22 shall be referred by the Director to a single medical practitioner appointed by the Board and such medical practitioner shall state—

- (a) whether, in his or her opinion, the claimant is suffering from any of the prescribed occupational diseases and, if so, which;
- (b) whether the disease is due to the nature of the claimant's employment;
- (c) the date from which the Injury Benefit period should start; and
- (d) an opinion concerning any question referred to him or her by the Director.

#### **24. Entitlement to more than one benefit**

(1) Where a person is entitled to more than one benefit under the Act at the same time, then, except as provided in regulation 11, and in this regulation—

- (a) only one benefit shall be payable to such person and the benefit so payable shall be the benefit first awarded, unless the other benefit is payable at a higher rate in which case he or she shall be paid the benefit at such higher rate;
- (b) Regulation 45 of the National Insurance (Benefit) Regulations shall apply.

(2) Nothing in these Regulations shall preclude the full duplication of—

- (a) Injury Benefit with Age Benefit or Death Benefit;
- (b) Disablement Benefit with Sickness Benefit, Maternity Benefit, Survivors' Benefit, Death Benefit, or Age Benefit;
- (c) Death Benefit with Sickness Benefit, Maternity Benefit, Injury Benefit, Invalidity Benefit, Age Benefit or Disablement Benefit.

(3) Any other benefit may be duplicated in full with a Funeral Grant.

(4) Where an insured person is eligible for both Disablement Benefit and Invalidity Benefit then he or she shall be paid the benefit that is more favourable to him or her.

(5) There shall be no duplication of Sickness Benefit with an increase of Disablement Benefit on account of hospital treatment under regulation 9.

(6) There shall be no duplication of a Funeral Grant paid under regulation 21 with a Funeral Grant under regulation 18 of the National Insurance (Benefit) Regulations.

## **25. Refund of benefit improperly paid**

(1) Where a person has received a sum by the way of benefit to which he or she is not entitled, he or she shall be liable to repay to the Board the sum so received by him or her.

(2) Where any person is liable to refund any sum received by him or her by way of benefit, that sum may be recovered, by the Board without prejudice to any other remedy, it is entitled to by means of deductions from any other benefit to which he or she thereafter becomes entitled.

(3) A sum that is not recovered by the Board under this regulation shall be treated as an expenditure and charged to the relevant Fund.

## **26. Credited contributions**

(1) For every contribution week for the whole of which an insured person received—

- (a) Sickness Benefit;
- (b) Maternity Benefit;
- (c) Injury Benefit;
- (d) Disablement Benefit assessed at one hundred per cent;
- (e) Disablement Benefit increased for Constant Attendance,

or a combination of any such benefits, a contribution week shall be credited to that person without actual payment but no contribution shall be credited to a person in respect of Disablement Benefit assessed at one hundred per cent if that person is not incapable of work as a result of the relevant loss of faculty.

(2) The provisions of subregulation (1) shall be applied in the case of an insured person who but for the application of regulation 24(1) or (2) would have been entitled to receive a benefit listed in subregulation (1) but where benefit was payable at different rates during the contribution week the credited contribution for that week shall be at the level of the weekly insurable earnings corresponding to or most closely corresponding to the higher or highest level of weekly insurable earnings on the basis of which benefit is payable.

## **27. Persons absent abroad**

A person shall not be disqualified from receiving Employment Injury Benefit for any period during which he or she is absent from the State, but any benefit for which he or she is eligible shall be paid in the State to such representative acting for or on his or her behalf as may be approved by the Director.

## **28. Persons undergoing imprisonment or detention in legal custody**

(1) Subject to subregulation (2), a person shall be disqualified from receiving any benefit for any period during which that person is undergoing imprisonment or detention in legal custody.

(2) Where the Board is satisfied that the person undergoing imprisonment or detention has dependents who, immediately prior to such imprisonment or detention were wholly or mainly maintained by him or her, it may authorise payment to or in respect of the dependents of an amount not exceeding one half of the benefit which would otherwise be payable during such period as the Board may allow having regard to the particular circumstances of the case.

## 29. Commencement

These Regulations shall come into operation on 1st day of March, 1998.

### First Schedule

#### NATIONAL INSURANCE ACT

#### NATIONAL INSURANCE (EMPLOYMENT INJURY BENEFIT) REGULATIONS

##### *Rate of Benefits*

[Regulations 3, 8, 11 and 20.]

### 1. Average Weekly Insurable Earnings

In this Schedule the rates of benefits shall be based on the average weekly insurable earnings calculated as—

- (1) Where the insured person has been in the service of an employer—
  - (a) throughout the continuous calendar period of thirteen completed contribution weeks immediately before the contribution week in which the accident occurred, the sum of the weekly insurable earnings on which contributions were based including any contributions credited in accordance with regulation 26 over that period, divided by thirteen;
  - (b) throughout a continuous calendar period of less than thirteen completed contribution weeks immediately before the contribution week in which the accident occurred, the sum of the weekly insurable earnings on which contributions were based including any contributions credited in accordance with regulation 26 over that period of completed contribution weeks, divided by the number of such weeks.
- (2) Where by reason of—
  - (a) the shortness of time that the insured person has been employed;
  - (b) the casual nature of the employment; or
  - (c) the terms of the employment,

it is impractical to compute a rate of remuneration that would be representative of the average weekly insurable earnings of the insured person at the date of the accident, regard may be had to—

- (i) the average insurable earnings during the thirteen contribution weeks before the contribution week in which the accident occurred of a person of similar earning capacity, grade and occupation having a common employer, or
- (ii) if there is no such person as in subparagraph (i), a person of similar earning capacity, grade and class of employment.

(3) A period of service shall, for the purposes of this Schedule, be deemed to be continuous if a contract of service or apprenticeship, whether written or orally expressed or implied, subsisted throughout that period.

### 2. Weekly Rate of Benefit

The weekly rate of benefit shall be a percentage of the average weekly insurable earnings calculated in accordance with this Schedule and that percentage shall be equal to the per cent set out in Table A for the corresponding type of benefit.

#### TABLE A

##### *Per Cent of Weekly Benefit*

<i>Type of Benefit</i>	<i>Per Cent</i>
(a) Injury Benefit .....	70 per cent
(b) Disablement Benefit assessed at 100% .....	70 per cent
(c) Pension Available for Payment to survivors .....	70 per cent

**Second Schedule**

NATIONAL INSURANCE ACT

NATIONAL INSURANCE (EMPLOYMENT INJURY BENEFIT) REGULATIONS

*Prescribed Degrees of Disablement*

[Regulation 10.]

<i>Description of Injury</i>	<i>Per Cent Degree of Disablement</i>
1. Loss of both hands or amputation at higher sites .....	100
2. Loss of hand and foot .....	100
3. Double amputation through leg or thigh or amputation through leg or thigh on one side and loss of other foot .....	100
4. Loss of sight to such extent as to render the claimant unable to perform any work for which eyesight is essential .....	100
5. Very severe facial disfigurement .....	100
6. Absolute deafness .....	100
7. Forequarter or hindquarter amputation .....	100
<i>Amputation Cases – Upper Limbs (either arm)</i>	
8. Amputation through shoulder joint .....	90
9. Loss of arm between elbow and shoulder .....	80
10. Loss of arm at elbow .....	70
11. Loss of arm between wrist and elbow .....	70
12. Loss of hand or of thumb and four fingers of one hand .....	60
13. Loss of thumb .....	30
14. Loss of thumb and its metacarpal bone .....	40
15. Loss of four fingers of one hand .....	50
16. Loss of three fingers of one hand .....	30
17. Loss of two fingers of one hand .....	20
18. Loss of terminal phalanx of thumb .....	20
<i>Amputation Cases – Lower Limbs</i>	
19. Amputation of both feet resulting in end bearing stumps .....	90
20. Amputation through both feet proximal to the metatarsi-phalangeal joint .....	80
21. Loss of all toes of both feet through the metatarsi-phalangeal joint .....	40
22. Loss of all toes of both feet proximal to inter-phalangeal joint .....	20
23. Amputation at hip .....	90
24. Amputation between hip and knee .....	80
25. Amputation below knee .....	60
26. Amputation of one foot resulting in end bearing stump .....	40
27. Amputation through one foot proximal to the metatarsi-phalangeal joint .....	30
28. Loss of all toes of one foot through the metatarsi-phalangeal joint .....	20

<i>Other Injuries</i>	
29. Loss of one eye, without complications the other eye being normal .....	40
30. Loss of vision of one eye, without complications or disfigurement, the other eye being normal .....	30
<i>Loss of Fingers (either hand)</i>	
31. Loss of index finger — three phalanges .....	14
32. Loss of index finger — two phalanges .....	11
33. Loss of index finger — one phalanx .....	9
34. Loss of middle finger — three phalanges .....	12
35. Loss of middle finger — two phalanges .....	9
36. Loss of middle finger — one phalanx .....	7
37. Loss of ring or little finger — three phalanges .....	7
38. Loss of ring or little finger — two phalanges .....	6
39. Loss of ring or little finger — one phalanx .....	5
40. Loss of ring or little finger — with some loss of bone .....	3
(a) Benefit are increased by ten per cent of the above percentages for injury to right arm or hand to a right-handed person or to left arm or hand to a left-handed person.	
(b) The degree of disablement of cases not listed above shall be assessed on the basis of the general principles referred to in regulation 10 taking into account cases of similar effect specified in this Schedule.	

<i>Disease or Injury</i> COLUMN (1)	<i>Nature of Occupation</i> COLUMN (2)
<i>Poisoning by—</i>	<i>Any occupation involving</i>
1. Lead or a compound of lead	The use of handling of, or exposure to fumes, dust or vapour of, lead, or a compound of lead or a substance containing lead.
2. Manganese or a compound of manganese	The use of handling of, or exposure to fumes, dust or vapour of, manganese, or a compound of manganese or a substance containing manganese.
3. Phosphorus or phosphine or poisoning due to the anti-cholineesterase action of organic phosphorous	The use of handling of, or exposure to fumes, dust or vapour of, phosphorus, or a compound of phosphorus or a substance containing phosphorus.
4. Arsenic or a compound of Arsenic	The use of handling, of, or exposure to fumes, dust or vapour of, arsenic, or a compound of arsenic or a substance containing arsenic.
5. Mercury or a compound of mercury	The use of handling of, or exposure to fumes, dust or vapour of, mercury, or compound of mercury or a substance containing mercury.
6. Chrome or a compound of Chrome	The use or handling of, or exposure to fumes, dust or vapour of, chrome, or a compound of chrome or a substance containing chrome.
7. Carbon bisulphide	The use or handling of, or exposure to fumes, dust or vapour of, carbon bisulphide, or a compound of carbon bisulphide or a substance containing carbon bisulphide.
8. Benzene or a homologue	The use or handling of, or exposure to the fumes of, or vapour containing benzene or any of its homologues.
9. A nitro- or amino- or chloroderivative of benzene, or of a homologue of benzene or	The use or handling of, or exposure to the fumes of, or vapour containing a nitro- or



of nitrochlorobenzene	amino- or chloro-derivative of benzene or of nitrochlorobenzene.
10. Dinotrophenol or a homologue or by substituted dinitrophenol or by salt or such substance	The use or handling of, or exposure to the fumes of, or vapour containing dinotrophenol or a homologue or substituted dinitrophenol or the salts of such substances.
11. Tetrachlorethane or toxic halogen derivatives of hydrocarbons of the aliphatic series	The use or handling of, or exposure to the fumes of, or vapour containing tetrachlorethane or toxic halogen derivatives of hydrocarbons of the aliphatic series.
12. Tri-cresyl phosphate	The use or handling of, or exposure to the fumes of, or vapour containing tricresyl phosphate.
13. Tri-phenyl phosphate	The use of handling of, or exposure to the fumes of, or vapour containing triphenyl phosphate.
14. Diethylene dioxide (dioxan)	The use or handling of, or exposure to the fumes of, or vapour containing diethylene dioxide (dioxan).
15. Methyl bromide	The use or handling of, or exposure to the fumes of, or vapour containing methyl bromide.
16. Chlorinated naphthalene	The use or handling of, or exposure to the fumes of, or vapour containing chlorinated naphthalene.
17. Nickel carbonyl	Exposure to nickel carbonyl gas.
18. Nitrous fumes	The use or handling of nitric acid or exposure to nitrous fumes.
19. Gonioma Kammasic (African Box-wood)	The manipulation of Gonioma Kammasic or any process in or incidental to the manufacture of articles therefrom.
20. Anthrax	The handling of wool, hair bristles, hides or skins or animal products or residues or contact with animals infected with anthrax or the loading or unloading or transport of merchandise that may have been contaminated by animals or animal carcasses infected with anthrax.
21. Glanders	Contact with equine animals or their carcasses.
22. (a) Infection by <i>Leptospira Icterohaemorrhagiae</i>	Work in places that are, or are liable to be, infested by rats.
(b) Infected by <i>Leptospira camicola</i>	Work at dog kennels or the care or handling of dogs.
23. Ankylostomiasis—	Work in or about a mine.
24. (a) Dystrophy of the cornea (including ulceration of the corneal surface of the eye	The use or handling of, or exposure to arsenic, tar, pitch, bitumen, mineral oil (including paraffin), soot, anthracene or any compound product (including quinone or hydroquinone).
(b) Localised new growth of the skin, papillomatous or keratotic	
(c) Squamous-celled carcinoma of the skin, due in any case to arsenic, tar, pitch, bitumen, mineral oil (including paraffin), soot, anthracene or any compound product (including quinone or hydroquinone) or residue of any of	

these substances	
25. Disease caused by ionising radiations	Exposure to ionising radiations.
26. Heat cataract	Frequent and prolonged exposure to rays from molten red-hot material.
27. Decompression sickness	Subjection to compressed air.
28. Cramp of the hand or forearm due to repetitive movements	Prolonged periods of hand-writing, typing or other repetitive movements of the fingers, hand or arm.
29. Subcutaneous cellulitis of the hand (Beat hand)	Manual labour causing severe or prolonged friction or pressure on the hand.
30. Bursitis or subcutaneous cellulitis arising at or about 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.
31. Bursitis or subcutaneous cellulitis arising at or about the elbow due to severe or 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.
32. Traumatic inflammation of the tendons of the hand or forearm, or associated tendon sheaths	Manual labour, or frequently repeated movements of the hand or the wrist.
33. Miner's nystagmus	Work in or about mine.
34. 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 compound of beryllium, or a substance containing beryllium.
35. (a) Carcinoma of the mucous membranes of the nose or associated air sinuses	Work in a factory where nickel is produced by decomposition of gaseous nickel compound that necessitates working in or about buildings where that process or any other industrial process ancillary or incidental thereto is carried on.
(b) Primary carcinoma of a bronchus or a lung	Work in a factory where nickel is produced by decomposition of gaseous nickel compound that necessitates working in or about buildings where that process or any other industrial process ancillary or incidental thereto is carried on.
36. Tuberculosis	Close and frequent contact with a source of tuberculosis infection by reason of employment— <ul style="list-style-type: none"> <li>(a) in medical treatment or nursing of a person or persons suffering from tuberculosis or in a service ancillary to such treatment or nursing;</li> <li>(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;</li> <li>(c) as a research worker engaged in research in connection with tuberculosis; or</li> <li>(d) as a laboratory worker, pathologist or person taking part in or assisting at postmortem examination of human remains where the occupation involves working with material that is a source of tuberculosis infection.</li> </ul>

37. Primary neoplasm of the epithelial lining of the urinary bladder (papilloma of the bladder), or of the epithelial lining of the renal pelvis or 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 (ii) above if further ring substituted by halogeno, nylthyl or methane groups but not other groups,
- (iv) the salts of any of the substances mentioned in (i) to (ii) above, or
- (v) auramine or magneta.

(b) The use or handling of any of the substances mentioned in (a)(i) to (a)(iv) or work in a process in which any such substance is used or handled or is liberated.

(c) The maintenance or cleaning or any plant or machinery used in any such process as mentioned in (b), or the cleaning of any clothing used in any such building as mentioned in (a) if such clothing is cleaned within the works of which the building forms a part or a laundry maintained and used solely in connection with such work.

38. Poisoning by cadmium

Exposure to cadmium fumes.

39. Inflammation or ulceration the mucous membrane of the upper respiratory passages or mouth produced by dust, liquid or vapour or any disease caused by chrome or its toxic compound

Exposure to dust, liquid or vapour, of or to chrome or its toxic compounds.

40. Non-infective dermatitis of external origin (including chrome ulceration of the skin but excluding dermatitis due to ionising particles or electromagnetic radiations other than radiant heat)

Exposure to dust, liquid, or vapour or any external agent capable of irritating the skin (including friction or heat but excluding ionising particles or electromagnetic radiations other than radiant heat).

41. Pneumoconiosis, silicosis, siderosilicosis, asbestosis or any of these conditions accompanied by tuberculosis

Mining of any kind whatsoever, either underground or on the surface of the earth, and generally any work connected with mines, including asbestos mines, quarrying, crushing or excavation of stone or rock of any kind whatsoever, either underground or on the surface of the earth, and generally any work connected with quarries of any such kind whatsoever or with machinery for the crushing of stones or rocks of any kind whatsoever including pebbles.

42. Primary malignant neoplasm of the mesothelium (diffuse mesothelioma) of the pleura or of the peritoneum

(a) Mining, working or handling of asbestos or any admixture of asbestos.

<p>42.—continued</p> <p>43. Infection by brucella</p>	<ul style="list-style-type: none"><li>(b) The manufacture or repair of asbestos textiles or other articles containing or composed of asbestos.</li><li>(c) The cleaning of any machinery or plant used in any of the foregoing operations and of chambers, fixtures and appliances for the collection of asbestos dust.</li><li>(d) Substantial exposure to the dust arising from any of the foregoing operations.</li></ul> <p>Contact with animals infected by brucella, their carcasses or parts thereof or their untreated products, or with laboratory specimens or vaccines of containing brucella, by reason of employment—</p> <ul style="list-style-type: none"><li>(a) as a farm worker;</li><li>(b) as a veterinary worker;</li><li>(c) as a slaughter house worker;</li><li>(d) as a laboratory worker; or</li><li>(e) in any other work relating to the care, treatment, examination or handling of such animals, carcasses or parts thereof, or products.</li></ul>
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