

**CHAPTER 36:01
NATIONAL INSURANCE AND SOCIAL SECURITY ACT**

SUBSIDIARY LEGISLATION

BENEFIT REGULATIONS

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NATIONAL INSURANCE AND SOCIAL SECURITY

Reg.33/1969
1/1971
6/1971

(BENEFIT) REGULATIONS*

Made under Section 14, 20, 21, 39 and 51

17/1971
14 of 1971

1. These Regulations may be cited as the National Insurance and Social Security (Benefit) Regulations, and shall come into operation on the appointed day.**

Citation and
Commencement.

2. (1) In these Regulations-

Interpretation.

"Average Wage" means-

(a) In the case of a person paid monthly, the total amount of wages paid in the month previous to the month in which the first day of interruption of employment occurred.

[Reg. 6/1971]
17/1971
14 of 1971

In the case of a person paid weekly or fortnightly, the total amount of wages paid for each complete week or fortnight, in the period of four weeks previous to the week in which the first day of interruption of employment occurred, divided by four.

(c) In the case of a person who was not employed by the same Employer for the whole of the period of one month or four weeks as prescribed in Subparagraph (a) or (b), the total wages paid or payable in that period by the last Employer, divided by the number of days worked for him in that period and multiplied by six.

(d) In the case of a person employed continuously or otherwise, not being on a weekly, fortnightly or monthly basis, in the period of one month or four weeks, as the case may be, up to and including the day of interruption of employment, the weekly wages payable to a person employed in the same category at the same work by the same Employer, or if there is no such person so employed by such a person in the same category, employed in the same class of employment and in the same locality.

(e) In the case of a person who on the first day of the interruption of employment commenced his employment with an Employer not being the Employer or Employers for whom he had been working in the period of four weeks prior to the first day of interruption of employment, the total wages paid or payable by his present Employer for the first day of the interruption of employment, multiplied by six.

"Child" in relation to an Insured Person includes a stepchild and any other child, whether legitimate or not, living with the Insured Person or wholly or partially maintained by him.

"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 Week" means a period of seven days commencing immediately after twelve o'clock midnight on each Sunday and ending at twelve o'clock midnight on the Sunday next following.

"Dependant" means-

(a) In relation to the Deceased Insured Person such members of his family as were wholly or partially dependant upon the wages or other income of the Insured Person at the time of his death and where the Insured Person, being the parent or grandparent of an illegitimate child, leaves such a child so dependent upon his wages

or other income or, being an illegitimate child, leaves a parent

or grandparent so dependent upon his wages or other income, shall include such an illegitimate child and parent or grandparent respectively.

(b) In relation to a person entitled to benefit by way of periodical payments his wife and children under the age of eighteen years living with him and such members of his family over that age (including children) as are wholly or partially dependent upon the

Beneficiary:

Provided that a person shall not be deemed to have been dependent upon the wages or other income of the Deceased Insured Person or to be dependent upon a person entitled to benefit by way of periodical payments, as the case may be, unless he was or is dependent wholly or partially on that other person for the provision of the ordinary necessities of life.

"Insurable Income" means, the weekly or monthly income on which Contributions are paid by an Insured Person, and is subject to an upper limit which is determined by the Board on the basis of four times the weekly or monthly minimum wage prevailing in the Public Service. **1.5.89**

"Interruption of Employment" means, in the case of a Claimant for Sickness Benefit, the period of incapacity for work, and in the case of a Claimant for Maternity Benefit, the period during which she is entitled to payment of Maternity Benefit.

"Member Of A Family" means wife or husband, father, mother, grandfather, grandmother, stepfather, stepmother, son, daughter, grandson, granddaughter, stepson, stepdaughter, brother, sister, half-brother, or half-sister of the Deceased Insured Person, or of the person entitled to benefit by way of periodical payments, as the case may be, and shall include such other person, as, at the time of death of the Insured Person or the entitlement to benefit as the case may be, was or is wholly or partially dependent upon the first mentioned person for the ordinary necessities of life.

"Registered Medical Practitioner" means, a person duly registered as a Medical Practitioner under the Laws for the time being in force, relating to the Registration of Medical Practitioners.

"Registered Midwife" means a person registered as a Midwife under the Nurses and Midwives Registration Ordinance. **Cap. 137
1953 Ed.**

"Relevant Wage" means the total weekly earnings on which Contributions are paid or Credits are awarded, or Contributions are paid and Credits awarded during a specified period, divided by the number of weeks in that period: **1.5.89**

Provided that, for the purpose of computing Old Age Benefits and Invalidity Benefits, **"Relevant Wage"** means the total weekly earnings on which Contributions are paid or Credits are awarded, other than the

Special Transitional Credits awarded under Regulation (19) during the three years which give the highest Average Insurable Earnings within the last five years to the person attaining the age of sixty years or ceasing employment whichever occurs first, divided by the number of weeks of Contribution in those three years.

(2) In these Regulations, the expressions "**the husband**" or "**the wife**", in relation to a person who had been married more than once, refers only to the last husband or wife respectively.

(3) For the purposes of these Regulations-

(a) A lawfully adopted child shall be treated as if the child is the legitimate issue of the Adopter, or if the child has been adopted by two Spouses jointly, or by one of two Spouses after their marriage, as if the child were legitimate issue of their marriage, and shall not be treated as being issue of any other person.

(b) Where it is a condition for title to benefit that-

(i) A woman is the Widow of an Insured Man, the General Manager may treat a Single Woman or Widow who was living with a Single Man or Widower as his Wife at the date of his death, as if she were in Law his Widow; or

(ii) A man is the Widower of an Insured Woman, the General Manager 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 General Manager shall be satisfied that in all the circumstances he or she should be so treated.

(c) Where the question of marriage or remarriage or of the date of marriage or remarriage arises, in regard to the title or cessation of title to benefit, the General Manager shall, in the absence of the subsistence of lawful marriage and of any impediment to lawful marriage, decide whether or not the person or persons concerned should be treated as if he, she or they were married or as if he or she has remarried, as the case may be, and if so from what date, and in determining the question, the General Manager shall have regard to the provisions of Subparagraph (b) of this Paragraph.

(d) The determination of the General Manager under Subparagraph (b) or (c) of this Paragraph shall, unless the context otherwise requires, have the effect of extending, as regards title or cessation of title to Benefit Payable to a man or woman, the meaning of the word "**marriage**" to include the association between such a Single Woman or Widow as aforesaid, with such a Single Man or Widower as aforesaid, and the association between such a Single Man or Widower as aforesaid, with such a Single Woman or Widow as aforesaid, and for this purpose the words "**wife**", "**husband**", "**widow**", "**widower**" and "**spouse**" shall be construed accordingly.

(4) The word "**Invalid**" means a person who-

(a) Is incapable of work otherwise than as a result of Employment Injury;

(b) Has been so incapable for a continuous period of not less than twenty- six weeks; and

(c) Is likely to be permanently so incapable,

and cognate expressions such as "invalidity" shall be construed accordingly.

PART I

BENEFITS

Old Age Benefit

3. Subject to these Regulations, Old Age Pension shall be payable for life to an Insured Person who has attained the age of sixty years and-

**Entitlement to
Old Age Pension**

(a) Has paid not less than one hundred and fifty Contributions; and

(b) Has paid or been credited with, or has paid and been credited with, not less than seven hundred and fifty Contributions.

4. (a) The weekly rate of Old Age Pension payable to an Insured person who ceased to contribute before the week commencing 14th August, 1978, shall be thirty percent of the relevant wage, supplemented by one percent of that wage for each fifty Contributions in excess of the seven hundred and fifty Contributions mentioned in Regulation 3 (b).

**Rate of Old Age
Pension.**

(b) The weekly rate of Old Age Pension payable to an Insured Person who contributed on or after 14th August, 1978, shall be forty percent of the relevant wage, supplemented by one percent of that wage for each fifty Contributions in excess of seven hundred and fifty Contributions mentioned in Regulation 3(b):

Provided that in no case shall the weekly rate of Old Age Pension exceed sixty percent of the relevant wage, or be less than forty per cent of the existing minimum wage.

(c) Adjustments to Old Age Pensions payable shall be made from time to time, as determined by the Board.

4A. Notwithstanding the provisions of Regulation (3), on attainment of the age of sixty years, an Invalidity Pensioner who qualified for or was in receipt of an Invalidity Pension at that age, shall be awarded an Old Age Pension, the weekly rate of which shall not be less than that of the Invalidity Pension.

**Old Age Pension
for Invalidity
Pensioner.
[25 of 1989]**

5. Subject to these Regulations, an Insured person who does not satisfy the provisions of Regulation (3) but who-

**Entitlement to
Old
Age Grant.**

(a) Has attained the age of sixty years; and

(b) Has paid not less than fifty Contributions,

shall be entitled to an Old Age Grant.

6. The Old Age Grant shall be a lump sum payment equal to one twelfth times the Average Annual Insurable Income for each fifty Contributions whether paid or credited or paid and credited.

**Amount of Old
Age Grant.**

Invalidity Benefit

7. (1) Subject to these Regulations, an insured person who-

- (a) Is an Invalid;
- (b) Has paid not less than one hundred and fifty Contributions;
- (c) Has paid or been credited with, or has paid and been credited with not less than two hundred and fifty Contributions;
- (d) Is under sixty years of age; and
- (e) Is not in receipt of Sickness Benefit,

Entitlement to Invalidity Pension.

1.5.89

shall be entitled to Invalidity Pension for so long as the Invalidity continues.

(2) An Insured Person who becomes entitled to Invalidity Pension after the coming into force of these Regulations, and who has not yet attained the age of sixty years, shall be credited with twenty-five Contributions for each year between his age at his last birth date prior to the commencement of the incapacity, and sixty years.

Credited Contributions.
1.5.89

8. The Weekly Rate of Invalidity Pension shall be thirty per cent of the relevant wage, supplemented by one per cent of that wage for each fifty Contributions in excess of the two hundred and fifty Contributions mentioned in Regulation 7 (c):

Rate of Invalidity Pension.

Provided that in no case, shall the Weekly Rate of Invalidity Pension exceed sixty per cent of the relevant wage, or be less than forty per cent of the existing Minimum Wage.

Adjustments to Invalidity Pensions payable shall be made from time to time, as determined by the Board.

9. Subject to the provisions of these Regulations, an Insured Person who does not satisfy the provisions of Regulation 7 (1) but who-

- (a) Is an Invalid;
- (b) Has paid not less than fifty Contributions;
- (c) Is under sixty years of age,

Entitlement to Invalidity Grant.

shall be entitled to Invalidity Grant.

10. The Invalidity Grant shall be a lump sum payment, equal to one twelfth times the Average Annual Insurable Income for each fifty Contributions, whether paid or credited, or paid and credited.

Amount of Invalidity Grant.
[25 of 1989]

11. (1) If Invalidity ceases, the Contributions taken into account for the purpose of Invalidity Grant, shall not be applied towards the satisfaction of the Contribution conditions for any subsequent Claim to Benefit of any

Extent to which

description except Funeral Benefit.

(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 of Old Age Pension.

Contributions may be applied in respect of future

Claims to Benefit.

12. All Claims to Invalidity Benefit shall be accompanied by a Certificate of a registered Medical Practitioner, stating that the incapacity for work is likely to be permanent, and the nature of the incapacity:

Provided that the General Manager may, for such purpose, require the Claimant to attend for and submit himself to examination by one or more registered Medical Practitioners nominated by the General Manager from a Panel of registered Medical Practitioners approved by the Board.

Certificate of permanent incapacity for work [14 of 1971]

An Insured Person entitled to payment of Invalidity Pension shall be disqualified from receiving such Benefit for such period as the General Manager may decide, if the Claimant fails without good cause-

Disqualification.

(a) To comply with a notice in writing by the General Manager, requiring him to attend for and submit himself to medical or other examination; or

(b) To refrain from behaviour calculated to retard his recovery, or to answer any reasonable enquiries by an Officer of the Board directed to ascertaining whether he is doing so.

Survivor's Benefit

14. (1) Subject to these Regulations, Survivor's Benefit shall be payable to or for the Benefit of the Dependants of a Deceased Insured Person, other than those excluded by Paragraph (2), if at the time of his death such Insured Person-

Entitlement to Survivor's Benefit. [Reg. 6/1971

(a) Was in receipt of Old Age Pension or Invalidity Pension; or

(b) Had satisfied the Contribution Conditions for the award of the Invalidity Pension; or

14 of 1971] [19 of 1981]

(c) Was sixty years of age or over and would have been entitled to Old Age Benefit, had he made a Claim for such Benefit .

1.5.89

(2) The Dependants of a person entitled to claim Survivor's Benefit under Paragraph (1), shall not include an adult dependant who-

(a) Had died before an Award of such Survivor's Benefit in respect of the Deceased has been made; or

(b) Is the Widow of the Deceased, unless at the time of his death-

(i) She is over forty-five years of age or incapable of work, and this incapacity is likely to be permanent; or

(ii) She is pregnant by her late husband; or

(iii) She has the care of a child of his or of their marriage under sixteen years of age, and was either residing with him or receiving, or entitled to receive from him, periodical payments for the maintenance of herself or the children or both, of not less than five dollars weekly; or

(c) Is the Widower of the Deceased unless at the time of her death-

(i) He is over fifty-five years of age and incapable of work and this incapacity is likely to be permanent; and

(ii) He has no income from any source whether by way of Pension or otherwise, other than Public Assistance under the Poor Relief Act, or Non-contributory Pension under the Old Age Pensions Act; or

(d) Was married to an Insured Person less than six months before his death, if it appears to the General Manager that the marriage was contracted solely for the purpose of conferring the Benefit, and in anticipation of that death.

15. (1) On the death of an Insured Person who was in receipt of Old Age Pension or Invalidity Pension, or who had not been in receipt of Invalidity Pension but had satisfied the Contribution Condition for the Award of that Pension at the time of his death or who was sixty years of age or over and would have been entitled to Old Age Pension had he made a Claim for such Benefit, the Survivor's Benefit payable, shall be a weekly pension payable to the Survivor. The Weekly Rate of the Survivor's Pension payable to those persons qualifying for the type of Benefit mentioned in the first column of Schedule (11), shall be the corresponding rate in the second column thereof, together with the corresponding increases, if any, in the third column thereof, but not exceeding the corresponding Maximum Benefit in the fourth column thereof:

**Amount of
Survivor's
Benefit.
1.5.89**

Provided that the amount of Survivor's Pensions payable shall be as determined by the Board from time to time.

On the death of an Insured Person who had not received the Invalidity Grant but had satisfied the Contribution Condition for the Award of that Grant at the time of his death, or who was sixty years of age or over and would have been entitled to an Old Age Grant had he made a claim for such Grant, the Survivor's Benefit Payable shall be a lump sum equal to the Grant that would have been payable to the Deceased.

15A (3) A Survivor's Benefit in the form of a Pension, shall be paid for the under-mentioned periods -

(a) To a Widow, from the date of death of her husband for life:

Duration.

Provided that -

(i) If she re-marries or cohabits with a man who is not her husband, the payment of her basic Rate of Pension, but not the increase already awarded for her Dependants, shall cease from the date of her re-marriage or cohabitation as the case may be.

(ii) If she re-marries, she shall be entitled to a Gratuity on termination of her basic Rate of Benefit, in consequence of her re-marriage of an amount equal to fifty-two times the Weekly Rate of the basic Pension to which she was then entitled, but not to the increases already awarded in

respect of Dependants.

(b) To a Widower, from the date of death of his wife for life or until he is declared by a Medical Board, to have become capable of work, or until the General Manager is satisfied that his circumstances have so changed by re-marriage or otherwise, that he no longer fulfills the condition set out in Regulation 14 (2) (c) (ii).

16. A Widow or a Widower qualifying as a Dependant under Regulation (14), shall be entitled to Survivor's Benefit in preference to all other Claimants.

17. Every Unmarried Dependent Child who becomes an Orphan shall, in preference to all other Claimants, be entitled to Survivor's Benefit, payable in accordance with Regulation **17A**, if at the death of his surviving parent he-

(a) Is left with no parent;

(b) Is under the age of eighteen years, and had been wholly or partially maintained by a Deceased Insured Parent in his lifetime; and

(c) Has no stepmother or stepfather with a prior Claim:

Provided that where there is more than one child entitled, such Benefit shall be divided equally among them.

17A. The Benefit payable to an Orphan, shall be from the date of death of his surviving parent, until he reaches the age of sixteen years or, being between the ages of sixteen and eighteen years, he is an unpaid apprentice and not otherwise employed for gain, or is receiving full-time education or being above the age of sixteen years, he is un-married and permanently incapable of work, so long as he remains so incapable.

18. (1) If the Deceased Insured Person is not survived by a Widow, Widower, or Child entitled to Survivor's Benefit under the foregoing provisions of these Regulations, a lump sum equal to the Grant that would have been payable, or to fifty-two weekly payments of the Old Age Pension or the Invalidity Pension which the Deceased would have received had he become an Invalid at the date of death, subject to a minimum of a lump sum equal to fifty-two times thirty percent of the relevant wage, shall be payable to a Dependant or Dependants being members of a family of the Deceased, if at the time of death, the Dependant was wholly or partially maintained by the Deceased and -

(a) If the Dependant is a man, is permanently incapable of self-support.

(b) If the Dependant is a woman, is herself permanently incapable of self-support, or is living with her husband who is permanently incapable of self-support:

Provided that, where the Dependant is the Widow of the Deceased, it shall not be necessary for her to prove that she is incapable of self-support.

Prior entitlement of Widow or Widower to Survivor's Benefit.

Entitlement of Orphans to Survivor's Benefit.

Entitlement of other Dependants to Survivor's Benefit. [Reg. 6/1971 14 of 1971]

(c) If the Dependant is a child, he is under the age of eighteen years, or being above that age is permanently incapable of self-support.

(2) If there is more than one Dependant, the Benefit payable under Paragraph (1), shall be distributed as may in his discretion, be determined by the General Manager to be reasonable.

(3) Where the lump sum payable under Paragraph (1) and distributed by the General Manager under Paragraph (2) results in the Award to an individual beneficiary of an amount in excess of sixty monthly payments of the minimum pension payable, the General Manager shall, in lieu thereof, make from the Fund, a periodical payment to the Beneficiary of an Annuity which, according to actuarial calculations approved by the Board, is equivalent in that case, to the same amount.

Provided that the Annuity for a child under the age of sixteen years shall be calculated as if it were ceasing at the age of sixteen years, and shall not exceed the amount of an Orphan's Pension granted under the provisions of Regulation (15), (17) and 17A but, after the age of sixteen years, shall be subject to the same conditions for the continuation of the payment of such a Pension.

SCHEDULE II

SURVIVOR'S BENEFIT

WEEKLY RATE AND AMOUNT

| KIND OF BENEFIT | BASIC RATE | INCREASED TO EACH DEPENDANT | MAXIMUM BENEFIT PAYABLE |
|---|---|--|---|
| <ul style="list-style-type: none"> ○ /Widow's /Widower's Benefit | Fifty percent of the Old Age or Invalidity Pension paid, or that which would have been payable. | Sixteen and two thirds percent of Old Age or Invalidity Pension paid, or that which would have been payable. | One hundred percent of the Old Age or Invalidity Pension paid, or that which would have been payable. |

| | | |
|---------------------|--|---|
| | Thirty three and one third percent of the Old Age or the Invalidity Pension paid, or that which would have been payable. | One hundred percent of the Invalidity or Old Age Pension paid, or that which would have been payable. |
| 2. Orphan's Benefit | | |

TRANSITIONAL PROVISIONS

Old Age Benefit, Invalidity Benefit and Survivor's Benefit

19. A person who is over thirty-five years of age on the appointed day, shall be credited with twenty-five Contributions for each year of age in excess of thirty- five, subject to a maximum such credit of six hundred Contributions:

Provided that such credits-

(a) Shall be credited for the purposes of Old Age Benefit, Invalidity Benefit or Survivor's Benefit only;

(b) Shall be credited only where such person has paid not less than ninety Contributions during the three years, commencing on the appointed day;

(c) Shall not be taken into account in assessing the relevant wage of such person;

(d) In the case of a Self-employed Person becoming an Insured Person on the 5th April, 1971, and who was registered as an Employed Person prior to that date and awarded credits under this Regulation, shall be granted only in substitution for any age credits granted before that date if, having regard to all considerations, the credits as a Self-employed Person are more favourable in the allowance of Old Age Benefit, Invalidity Benefit or Survivor's Benefit;

(e) In the case of a Mariner or Share Fisherman employed as such on the day on which the National Insurance and Social Security (Mariners and Share Fishermen) Regulations, 1971, come into operation, shall be credited as if in respect of him that day were the appointed day; and

(f) In the case of a Mariner or Share fisher-man employed as mentioned in Paragraph (e), and who was registered as an Employed or Self-employed Person prior to the appointed day referred to in that Paragraph, and previously awarded credits under this Regulation, shall be granted only in substitution for any age credits granted before that appointed day if, having regard to all considerations, the credits as a Mariner or Share Fisherman are more favourable in the allowance of Old Age Benefit, Invalidity Benefit or Survivor's Benefit.

Special provisions for persons over 35 at appointed day. [Reg. 1/1971 17 of 1971]

Special provisions due to reduction of retirement age. [1.8.77]

19A. (1) An Insured Person who is over forty-five years but has not attained the age of sixty years at the time of the coming into operation of these Regulations shall, on his attaining the age of sixty years, for the purpose of Old Age Benefit, be credited with the amount of Contributions representing the difference between what he has paid or been credited with, or has paid and been credited with on his attaining the age of sixty years and seven hundred and fifty Contributions, subject to a maximum of two hundred and fifty Contributions in such credits.

(2) An Insured Person who is over sixty years of age but has not attained the age of sixty-five years at the time of the coming into operation of these Regulations shall, for the purpose of Old Age Benefit, be credited with the amount of Contributions representing the difference between what he has paid and been credited with at the time of the coming into operation of these Regulations and seven hundred and fifty Contributions, subject to a maximum of two hundred and fifty Contributions in such credits.

Entitlement to Benefit.
[14 of 1971]

Sickness Benefit

20. Subject to these Regulations, Sickness Benefit shall be payable to an Insured Person who is rendered temporarily incapable of work otherwise than as a result of Employment Injury, and for this purpose-

(a) An Insured Person shall be treated as incapable of work for any day during which he is required to abstain from work because he is under observation by reason of being a carrier or his having been in contact with a case of infectious disease.

(b) Sunday or such other day in each week as may be determined by the General Manager in any particular case or class of case, shall not be treated as a day of incapacity for work and shall be disregarded in computing any period of consecutive days.

Day from which Benefit is to Commence: no entitlement after 60

21. (1) An Insured Person who is eligible for Sickness Benefit, shall not be entitled to receive such Benefit for the first three days of any continuous period of incapacity for work, but only as from the fourth day of any such period.

(2) No Insured Person shall be entitled to Sickness Benefit on or after attaining the age of sixty years.

Manner of claiming and support of Claim.
[Reg. 6/1971
14 of 1971]

22. A Claim for Sickness Benefit shall be made in the prescribed manner, and shall be supported by a Certificate of a registered Medical Practitioner or by such other evidence as the General Manager may require, for the purpose of establishing the Insured Person's incapacity for work:

Provided that the General Manager may for such purpose, require the Claimant to attend for and submit himself to examination by one or more registered Medical Practitioners nominated by the General Manager from a Panel of registered Medical Practitioners approved by the Board.

Conditions that must be satisfied.
[Reg. 6/1971]

23. Sickness Benefit shall be payable only if the Insured Person-

(a) Was engaged in Insurable Employment immediately prior to the day on which incapacity commenced;

(b) Had paid not less than fifty Contributions since his entry into insurance; and

(c) Had been employed in, and paid Contributions for Insurable Employment during at least eight Contribution Weeks in the period of thirteen Contribution Weeks immediately preceding the Contribution Week in which the first day of the continuous period of incapacity for work occurred.

Duration.

24. Sickness Benefit shall be paid for each day (excluding Sunday or such other day in each week as shall have been determined under Regulation 20 (b)) as long as incapacity for work continues, subject to a maximum of twenty-six weeks in any continuous period of incapacity for work:

Rate of Sickness Benefit.

Provided that any two or more periods of incapacity for work not separated by more than eight weeks, shall be treated as one continuous period of incapacity for work, starting on the first day of the first of such periods.

1.5.89

25. (1) The Daily Rate of Sickness Benefit shall be seventy per cent of the relevant wage, divided by six: Provided that, where any two or more periods of incapacity for work are treated as one continuous period under Regulation 24, the Daily rate of Benefit payable in respect of any period after the first period of incapacity for work, shall be the Daily Rate of Benefit paid during such first period.

**Disqualification.
[Reg. 6/1971
14 of 1971]**

For the purpose of Sickness Benefit, the relevant wage shall be the total earnings on which Contributions were paid, or on which credits were awarded, or on which Contributions were paid and credits awarded during the best eight weeks in the period of thirteen weeks immediately prior to the week in which the incapacity began or was deemed to have begun, divided by eight.

26. (1) An Insured Person entitled to payment of Sickness Benefit shall be disqualified from receiving such Benefit for such period as the General Manager may decide, but not exceeding six weeks if-

(a) The Claimant has become incapable of work through his own serious and willful misconduct; or

(b) The Claimant fails, without good cause, to comply with a notice in writing by the General Manager, requiring him to attend for and submit himself to medical or other examination ; or

(c) The Claimant fails, without good cause, to observe any of the following rules of behaviour:

(i) To refrain from behaviour calculated to retard his recovery, or to answer any reasonable enquiries by an Officer of the Board, directed to ascertaining whether he is doing so;

(ii) Not to be absent from his place of residence without leaving word where he may be found; or

(iii) To do no work for which remuneration is or would ordinarily be payable:

Provided that, a person shall not be disqualified for receiving the Benefit by reason of refusing without reasonable cause to undergo surgery.

(2) For the purposes of this Regulation, "**serious and willful misconduct**" includes-

(a) The Claimant being under the influence of drugs or intoxicating drink; or

Entitlement to Benefit.

(b) Any other act or omission that the General Manager may, having regard to all the circumstances of the case, determine to be serious and willful misconduct.

Conditions which must be satisfied.
[Reg. 6/1971]
[3 of 1975]

Maternity Benefit

27. Subject to these Regulations, Maternity Benefit shall be granted in the case of the pregnancy and confinement of a woman who is an Insured Person.

28. Maternity Benefit shall be payable only if the Insured Person-

(a) Has paid not less than fifteen Contributions since her entry into insurance; and

(b) Has been engaged in, and paid Contributions for, Insurable Employment, during at least seven Contribution weeks in the Period of twenty-six Contribution Weeks immediately preceding the Contribution Week which is six weeks before the week in which it is expected that she will be confined (in these Regulations referred to as the "**expected week of confinement**") or in which occurs the week from which Benefit is claimed, whichever is the later.

Provided that the foregoing condition shall be waived by the General Manager, where in consequence of evidence submitted to him, he is satisfied that the Insured Person was unable to comply with that condition by reason of -

Maternity Grant
[Reg. 21/1992]

(i) The casual nature of her employment; or

(ii) Her physical indisposition ensuing from her pregnancy.

28A. (1) A Maternity Grant shall be payable to -

(a) Any Insured Woman who has satisfied the conditions specified in Regulation 28.

(b) Any woman whether insured or not, who was confined and who has not satisfied the conditions specified in Regulation 28, but whose husband is an Insured Person and has satisfied the Contribution Conditions under these Regulations.

Duration.

(2) The amount of the Maternity Grant shall be two thousand dollars.

29 (1). Subject to the provisions of these Regulations, Maternity Benefit shall be paid to a woman for a period starting from the week not earlier than six weeks before the expected week of confinement, and continuing until the expiration of six weeks after the week in which her confinement occurs, or such longer period as the General Manager may determine, taking into consideration the particular circumstances of the case, but not exceeding the maximum period of twenty-six weeks.

Rate of Maternity Benefit.

Provided that, nothing in the foregoing provisions of this Regulation shall be construed as disentitling a woman to payment of Maternity Benefit by reason only of a variation in the dates of the commencement and the end of the period aforesaid.

(2) Any two or more periods of incapacity for work which are not separated by more than eight weeks, shall be treated as one continuous period of incapacity for work, starting on the first day of the first period.

The Weekly Rate of Maternity Benefit shall be seventy per cent of the total earnings on which Contributions were paid or credits awarded, during the best seven weeks in the period or twenty-six weeks immediately preceding the week in which Benefit is due to commence, divided by seven:

**Support of Claim
[14 of 1971]**

Provided that where any two or more periods of incapacity for work are treated as one continuous period under Regulation 29, the daily rate of Maternity Benefit payable in respect of any period after the first period of incapacity for work, shall be the daily rate paid during the first period.

31. A Claim 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 registered Medical Practitioner as to the expected date of confinement; or

(b) In the case of a Claim for Benefit made for a period exceeding thirteen weeks, by a Certificate issued by a registered Medical Practitioner; or

(c) In the case of a Claim made subsequent to the date of confinement, by a Certificate issued by a registered Medical Practitioner or a registered Midwife, as to the actual date of confinement:

**Certificate of confinement.
[14 of 1971]**

Provided that the General Manager may accept such other evidence in support of such Claims, as in his opinion the special circumstances of the particular case so justify, and may require the Claimant to attend for

and submit herself to examination by one or more registered Medical Practitioners nominated by the General Manager from a Panel of registered Medical Practitioners approved by the Board.

32. An Insured Person who has been granted Maternity Benefit shall, as soon as practicable after her confinement, obtain a Certificate of her confinement from the registered Medical Practitioner or the registered Midwife who assisted thereat, and forward it to the office of the Board within three weeks after the date of confinement:

Provided that the General Manager may accept other evidence in lieu of such Certificate, if in his opinion the special circumstances of any particular case so justify.

32. An Insured Person entitled to payment of Maternity Benefit, shall be disqualified from receiving such Benefit for such period as the General Manager 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 General Manager, before her confinement, requiring her to attend for or to submit herself to any medical examination.

**Entitlement to
Funeral Benefit.**

Funeral Benefit

34. Subject to the provisions of these Regulations, Funeral Benefit shall be payable on the death of-

(a) A person who is or has been an Insured Person and who, at the time of his death had paid not less than fifty Contributions; or

(b) The Spouse of a person in respect of whom, if it had been such a person who had died, Funeral Benefit would have been payable under Paragraph (a).

**Persons who
may
receive Benefit.
[14 of 1971]**

35. (1) Subject to these Regulations, Funeral Benefit shall be paid to the person who has met, or is liable to meet the cost of the Funeral of the Deceased Person.

Where-

(a) Death occurred at sea and the Deceased Person was buried at sea; or

(b) The person who has met or is liable to meet the cost of the Funeral of the Deceased Person cannot be found; or

**Amount of
Funeral
Grant.**

(c) The cost of the Funeral was less than the amount of the Benefit, or as the case may be, the remainder thereof, shall be paid to such person or persons as the General Manager may decide.

36. The amount of Funeral Benefit shall be a Grant of such sum as shall be determined by the Board from time to time.

**Entitlement to
Constant
Attendance
Benefit
1.3.86**

Constant Attendance Benefit

37. (1) Subject to these Regulations, Constant Attendance Benefit shall be payable to-

Duration.

(a) A person who is either an Invalidity or Disablement Pensioner; or

(b) The Pensioner who is dependent on custodial care for carrying out the activities of daily living.

38. Subject to the provisions of these Regulations, Constant Attendance Benefit shall be paid for such period as the General Manager may Determine, taking into consideration the particular circumstances of the case, but not exceeding a period of twenty-six weeks:

**Rate of Constant
Attendance
Benefit.**

Provided that Sunday or such other day in the week as may be determined by the General Manager in any particular case or class of case, shall not be disregarded in computing any period of consecutive days.

Support of Claim.

39. The Daily Rate of Constant Attendance Benefit shall be two hundred dollars.

40. A Claim for Constant Attendance Benefit shall be made on the prescribed form, and shall be supported by a Certificate from a registered Medical Practitioner, or by such other evidence as the General Manager may require, for the purpose of establishing the Insured Invalidity or Disablement Pensioner's incapacity for work:

Disqualification.

Provided that the General Manager may, for such purpose, require the Insured Person to attend for and submit himself to examination by one or more registered Medical Practitioners, nominated by the General Manager from a Panel of registered Medical Practitioners approved by the Board.

41. The Claimant entitled to Constant Attendance Benefit, shall be disqualified for receiving such Benefit for such period as the General Manager may decide, if the Pensioner -

(a) Is found to be capable of work;

(b) Is disqualified from receiving the Pension for some period;

(c) Fails without good cause, to comply with a notice in writing by the General Manager, requiring him to attend for and submit himself to medical or other examination; or

Becomes engaged in behaviour calculated to retard his recovery, or fails to answer any reasonable enquiries by an Officer of the Board, directed to ascertaining whether he is doing so.

PART II

Entitlement to more than one Benefit.

MISCELLANEOUS PROVISIONS

42. (1) Notwithstanding that a person is entitled to two or more Benefits at the same time, only one Benefit shall be payable to such person. The Benefit so payable, shall be the Benefit first awarded, unless any other Benefit is payable at a higher rate, in which case he shall be paid the Benefit at such higher rate.

But if the last mentioned Benefit ceases to be payable, then nothing shall prevent the award or reinstatement of another Benefit to which such person is entitled:

Provided that-

(a) A person who has already received an Invalidity Grant shall not be disentitled to a further Invalidity Grant or to an Old Age Grant, based on Contributions paid or credited or paid and credited, and not already taken into account for the said Invalidity Grant received.

(b) Survivor's Grant may be paid to or in respect of those otherwise entitled, notwithstanding that the relevant Deceased Insured Person had in his lifetime received an Invalidity Grant, but the Survivor's Grant shall be based only on Contributions paid or credited or paid and credited, and not already taken into account for the said Invalidity Grant received.

(c) Nothing in this Regulation shall preclude the payment of Sickness Benefit or Maternity Benefit or Constant Attendance Benefit with Survivor's Benefit or Old Age Benefit or with Death Benefit, under the National Insurance and Social Security (Industrial Benefit) Regulations.

(d) Any other Benefit may be paid with Funeral Benefit.

(e) Nothing in this Regulation shall preclude the payment of Injury Benefit or Disablement Benefit, under the National Insurance and Social Security (Industrial Benefit) Regulations, with Survivor's Benefit or Old Age Benefit under these Regulations.

(2) Where a question arises about two or more Benefits which are not allowed to be paid together, and one or more are Grants and the rest periodical payments, the Benefit payable shall be a periodical payment, unless a Grant has already been paid:

Provided that-

(a) Subject to Paragraph (b) of this Proviso, on cessation of such a periodical payment, which is less in total than the Grant, the Grant may be paid, subject to the deduction there-from of the total amount of the periodical payment.

(b) Where the period covered by the periodical payment referred to in Paragraph (a) of this Proviso, coincides only in part with the period covered by the Grant, the deduction shall not exceed the total amount of the periodical payment for the coincidental period.

(c) Where a Grant to which this Paragraph of this Regulation refers has already been paid, the periodical payment may be made subject to a deduction there-from of an amount not exceeding two dollars weekly, until either the whole amount of the Grant, or the amount applicable to the coincidental period, if any, has been deducted, or the periodical payment has ceased, whichever first occurs.

(d) For the purpose of this Regulation, a Grant which is a specified number of times the Benefit received by a Deceased Insured Person or a specified number of times a percentage of the Insured Person's relevant wage, shall be deemed to be current for a period of that number of weeks from the date of the event which gave rise to the Claim for the Grant.

Reduction of Benefits on Payment of wages. [Reg. 6/1971]

Refund of Benefit improperly paid.

43. No person shall be allowed Sickness Benefit or Maternity Benefit at a higher rate than the difference between his Average Weekly Wage and the weekly amount, if any, paid by the Employer for Sick Leave or Maternity Leave.

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

(2) Where any person is liable to repay any sum received by him 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 thereafter becomes entitled.

(3) Any such sum not so recovered within six years after the date on which payment of such a sum was last made, shall be treated as expenditure on, and charged to, the Fund.

Credited Contributions for weeks of sickness of maternity. 1.5.89

45. (1) For every Contribution Week for the whole of which an Insured Person has received Sickness Benefit or Maternity Benefit, a Contribution shall be credited to that person without actual payment thereof.

(2) A Contribution credited under this Regulation shall, subject to the provisions of these Regulations, be valid for Old Age Benefit, Invalidity Benefit, Survivor's Benefit, Sickness Benefit and Maternity Benefit and shall be at the rate corresponding to or most closely corresponding to that on the basis of which Sickness Benefit or Maternity Benefit has been paid.

Special provisions relating to persons absent abroad.

46. Except as hereinafter provided, a person shall be disqualified for receiving any Benefit for any period during which that person is absent from Guyana save that-

(a) A person shall not be disqualified for receiving Sickness Benefit by reason of being temporarily absent from Guyana for the specific purpose of being treated for incapacity that commenced before he left Guyana, during such period as the Board may allow, having regard to the particular circumstances of the case.

(b) A person shall not be disqualified for receiving Maternity Benefit by reason of being temporarily absent from Guyana for such period as the Board may allow, having regard to the circumstances of the case; despite the fact that the person was not pregnant before she left Guyana.

(c) A person shall not be disqualified for receiving Old Age Benefit or Survivor's Benefit by reason of being absent from Guyana.

(d) A person shall not be disqualified for receiving Invalidity Benefit by reason of being absent from Guyana for such period as the Board may allow, having regard to the particular circumstances of the case:

Provided that entitlement to the Invalidity Benefit was established before the person left Guyana.

47. Benefit for which a person is eligible by virtue of Regulation 41, shall be paid in Guyana, to such Representative acting for and on behalf of the person concerned as may be approved by the Board, and the receipt of the person so approved shall be a good discharge to the Board and the Fund for any sum so paid.

48. A person shall be disqualified for receiving any Benefit for any period during which that person is undergoing imprisonment or detention in Legal Custody:

Provided that, where the Board is satisfied that the person undergoing such imprisonment or detention in Legal custody, has Dependants who immediately prior to such imprisonment or detention, were wholly or partially maintained by him, it may authorize payment to or in respect of the Dependants of an amount not exceeding three-quarters of the Benefit which would otherwise be payable during such a period as the Board may allow, having regard to the particular circumstances of the case.

**Payment of
Benefit for which
person is
eligible under
Regulation 41.**

**Special provision
relating to
persons
undergoing
imprisonment or
detention in
Legal
Custody.**

