

NATIONAL INSURANCE (BENEFITS) REGULATIONS

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation.
2. Definitions.

PART I

CLAIMS

3. Submission of claim.
4. Claims to be made on claim forms.
5. Claim for survivor's benefit or death benefit where no valid marriage existed.
6. *(Revoked by LN 66/2004).*
7. Time limit for submission of claims.
8. Defective claim.
9. Claim may be entertained for other benefit.

PART II

PAYMENT OF BENEFIT

10. Circumstances for paying benefit.
11. Benefits payable in respect of a holder of a certificate of voluntary insurance.
12. Method of paying.
13. Periodical payments payable monthly.
- 13A. Proof of life.
14. Period for which benefit is paid.
15. Restriction on receipt of more than one benefit.

SOME SPECIFIC BENEFITS

16. Retirement pension.
17. Retirement grant.
18. Sickness benefit.
19. Rate of sickness benefit.
20. Two or more periods of sickness benefit to be treated as one.

ARRANGEMENT OF REGULATIONS—*Continued*

REGULATION

21. Sickness benefit disqualification.
22. Maternity benefit.
- 22A. Maternity grant.
23. Maternity benefit disqualification.
24. Invalidity benefit.
- 24A. Supplemental invalidity.
25. Board may require medical examination.
- 25A. Suspension of payment of benefit.
26. Invalidity benefit disqualification.
27. Amount of sickness benefit payable.
- 27A. Amount of maternity benefit payable.
28. Employment injury benefit disqualification.
29. Disablement pension.
30. Disablement grant.
31. Assessment of disablement.
32. Disablement assessed at one hundred per cent in certain circumstances.
33. Injury benefit to be paid to estate of deceased insured person.
34. Employer to furnish Board with information relating to accidents.
35. Offence and penalty.
36. Determination of earnings class for payment of benefit.
37. Determination of loss of earnings where earnings are not fixed.
38. Employer to certify insured person's absence, etc.
39. *(Revoked by LN 37/2008).*
40. Board may accept other evidence.
41. Commencement of payment of benefits.
42. Quantum of remarriage grant.
43. Orphan's allowance.
44. Child's or orphan's allowance to be paid to person responsible for upkeep and maintenance.

REGULATION

45. Child includes adopted child, stepchild and child *en ventre sa mere*.
46. Nomination by insured.
47. Commencement date of survivor benefit.
- 47A. Increase of survivor's benefit.
48. Payment on death.
49. Funeral grant.
- 49A. Class Z contributions.
50. Maximum rate of parent benefit.
51. Rate of grant.
52. Transition.
53. Spouse eligible for special maternity grant.

SCHEDULE—(Revoked by LN 37/2008).

[Subsidiary]

*77/1972.

NATIONAL INSURANCE (BENEFITS) REGULATIONS*made under section 55*

Citation.

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

Definitions.
[66/2004
37/2008].

2. In these Regulations—

“Act” means the National Insurance Act;

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

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

Ch. 29:50.

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

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

“provisional assessment” means an interim assessment of disability made in circumstances where in the opinion of a medical practitioner, a person is conditionally fit to resume work and a final assessment of permanent partial disablement cannot be given at the end of an injury benefit period;

“subsequent medical certificate” means a medical certificate submitted in support of continued claim to sickness or injury benefits where the insured person did not return to work as a result of the incapacity suffered or the injury sustained;

“year” means the fifty-two-week period immediately prior to the commencement of the incapacity.

PART I**CLAIMS**

Submission of
claim.

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

*These Regulations were amended by—45/1973; 9/1974; 102/1976; 96/1977; 142/1980; 73/1999; 183/2003; 66/2004; 37/2008 and 296/2012.

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

Claims to be made on claim forms. [96/1977, 73/1999, 66/2004, 37/2008].

(2) Each claim shall be supported by documentary evidence as to the nature of the contingency for which benefit is being claimed and, where the claimant is not himself the insured person in respect of whom the claim is being made, the relationship between the claimant and the insured person, as follows:

- (a) a claim for sickness benefit, maternity benefit, invalidity benefit or employment injury benefit shall be supported by relevant medical certificates from a medical practitioner or in the case of maternity benefit, certificates from a registered midwife;
- (aa) a claim for medical expenses may also be supported by relevant certificates from a para-medical practitioner to whom the insured was referred by a medical practitioner and written proof of the referral;
- (b) a claim for funeral grant shall be supported by the death certificate of the insured person and a receipt or bill from the funeral undertaker showing that the funeral expenses were paid by or are being demanded from the claimant;
- (c) a claim for retirement pension or retirement grant shall be supported by the birth certificate of the claimant;
- (d) a claim for survivor's benefit or death benefit shall be supported by the death certificate of the insured person and—
 - (i) subject to regulation (5) by the marriage certificate of the insured person and the claimant in any case where the claim is made by the widow or widower, together with the birth certificate of the claimant where such claimant is the widow;

- (ii) by the marriage certificate of the insured person and the other insured parent of any child of the insured person as well as the birth certificate of such child where the claim is made in respect of a child of the insured person and where such child has been rendered an orphan by reason of the death of the insured person, the death certificate of the other insured parent of such child;
 - (iii) by the birth certificate of the insured person where the claim is made by the parent of the insured person, and by such other proof as the Board may require to establish the dependency of the claimant on the insured person.
- (e) a claim for the special maternity grant shall be supported by the birth certificate of the child or such other proof as the Board may require to establish the paternity regarding the pregnancy or confinement.

(3) There may be submitted with every claim the National Insurance Registration Card of the insured person in respect of whom benefit is being claimed.

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

(5) The Board may request such evidence as it considers necessary to support any claim to benefit.

(6) The Board may request that an insured person in receipt of or entitled to benefit submit himself for a medical examination in Trinidad and Tobago.

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

5. (1) In determining a claim for survivor's benefit or death benefit in which the claimant is relying on being treated by the Executive Director as the spouse of the insured person under section 2(2) of the Act, in the absence of the subsistence of a

lawful marriage, or where there was any impediment to lawful marriage, the requirement of supporting the claim by a marriage certificate shall not apply.

(2) In any claim for child's allowance or orphan's allowance where the insured person's name does not appear on the birth certificate of the person for whom benefit is being claimed, the Board may require such other evidence as it considers necessary to establish paternity of such person and his dependence on the insured person.

(3) No benefit shall be paid in respect of a claim to which subregulation (1) refers unless such claim is advertised once a week for a period of three weeks in at least one daily newspaper in circulation in Trinidad and Tobago and no objection has been raised to such claim by any person who—

- (a) is the lawful spouse of either the insured person or the claimant;
- (b) is the immediate family of the deceased insured; or
- (c) may be eligible for the benefit under the Act.

(4) An advertisement under this regulation shall contain the names, respective ages and last known address of the insured person and the claimant and the name and address of the last employer of the insured person.

6. (Revoked by LN 66/2004).

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

- (a) in the case of sickness benefit not later than three months from the date of commencement of loss of earnings as a result of the incapacity;
- (b) in the case of maternity allowance, maternity grant and special maternity grant not later than three months from the date of delivery;
- (c) in the case of funeral grant, not later than three months from the date of death of the deceased insured;

Time limit for submission of claims. [73/1999 66/2004 37/2008].

- (d) in the case of invalidity benefit not later than three months from the first day the insured person is certified an invalid;
 - (e) in the case of injury benefit not later than fourteen days from the date the insured person is rendered incapable of work as a result of the accident or development of the prescribed disease;
 - (f) in the case of disablement benefit not later than three months from the end of the insured's maximum injury benefit period;
 - (g) in the case of medical expenses not later than three months from the date on which the expenses were incurred;
 - (h) in the case of retirement pension, retirement grant, survivor's benefit and death benefit not later than twelve months from the date of retirement, or the death of the deceased insured;
 - (i) in the case of a subsequent medical certificate for sickness benefit not later than three months from the last date of incapacity on the preceding medical certificate; and
 - (j) in the case of a subsequent medical certificate for injury benefit not later than fourteen days from the last date of incapacity on the preceding medical certificate.
- (2) A person who fails to submit a claim for benefit within the prescribed time shall be disqualified from receiving—
- (a) in the case of sickness, injury or maternity benefit in respect of any period more than three months before the date on which the claim or subsequent medical certificate is received by the Board;
 - (b) in the case of disablement pension, medical expenses or invalidity benefit in respect of any period more than three months before the date on which the claim is received by the Board;

- (c) in the case of funeral grant, disablement grant, special maternity grant or maternity grant,

the grant.

(3) Notwithstanding subregulation (2) in any case where the claimant proves that—

- (a) on the date the contingency arose he was entitled to the benefit; and
(b) throughout the period between the date the contingency arose and the date on which the claim was received by the Board good cause is shown as to the reason for the delay in submitting the claim,

he shall not be disqualified under this subregulation from a benefit to which he would have been entitled had he made the claim within the prescribed time.

(4) Notwithstanding subregulation (3), if a person fails to make a claim for sickness benefit, invalidity benefit, maternity benefit, special maternity grant, injury benefit, disablement grant, medical expenses, or funeral grant within twelve months from the date on which the contingency arose, such person shall be disqualified from receiving such benefits.

(4A) Notwithstanding subregulation (3), if a person fails to submit a subsequent medical certificate within twelve months from the last date of incapacity on the preceding medical certificate such person shall be disqualified from receiving such benefits.

(5) Notwithstanding subregulation (3) a claim for survivor's benefit or death benefit submitted outside the time limit set out in regulation 7(1) may be entertained and if entertained, shall be paid from the date on which the claim is received by the Board.

(6) Notwithstanding subregulation (3), a claim for survivor's benefit or death benefit made by a widow or widower of the deceased insured though outside the time limits may be entertained and paid from the date on which the claim is received

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF LEGAL AFFAIRS

www.legalaffairs.gov.tt

196

Chap. 32:01

National Insurance

[Subsidiary]

National Insurance (Benefits) Regulations

by the Board if any person treated as the spouse of the deceased insured under section 2(2) is already in receipt of survivor's or death benefit, whereupon all payments to the said spouse shall cease.

(7) The Board shall not entertain any claim for sickness benefit or injury benefit submitted before the fourth day of the insured person's incapacity caused by sickness or employment injury but so long as incapacity continues for more than three days sickness benefit or injury benefit as the case may be, shall be calculated and paid as from the first day.

Defective claim.

8. Where a claim submitted to the Board is not signed by the claimant or is not supported by the necessary documentary evidence or is for any other reason defective, such claim shall be returned to the claimant for rectification and where within one month of being so returned, it is re-submitted to the Board duly rectified it shall be treated as if it were correctly made on the day it was first submitted.

Claim may be entertained for other benefit.

9. A claim for a benefit to which the claimant is not entitled may nonetheless be entertained for some other benefit in respect of the contingency referred to in such claim to which the claimant is entitled.

PART II

PAYMENT OF BENEFIT

Circumstances for paying benefit. [102/1976 96/1977 73/1999 66/2004 37/2008].

10. (1) Benefits other than employment injury benefit, maternity allowance, invalidity benefit and maternity grant shall be paid only upon the death of an insured person or where an insured person suffers loss of earnings consequent upon any contingency for which such benefit is payable under the Act.

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

UNOFFICIAL VERSION

UPDATED TO JUNE 30TH 2013

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

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

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

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

Method of paying. [66/2004].

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

All other benefits shall be paid by periodical payments.

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

Periodical payments payable monthly. [73/1999].

13A. (1) The Board may request proof of life or medical status of a beneficiary or recipient of benefit under these Regulations.

Proof of life. [37/2008].

- (2) The Board may suspend benefit payment where—
 - (a) the beneficiary or recipient of benefit fails to provide proof of life or medical status requested under subregulation (1); or
 - (b) it determines that the beneficiary or recipient of benefit is no longer eligible for the benefit based on the proof of life or medical status submitted by him.
- (3) The Board may—
 - (a) reinstate the benefit payment where the beneficiary or recipient of benefit satisfies the requirements of these Regulations; or

- (b) cease the benefit payment where the beneficiary or recipient of benefit fails to satisfy the requirements of these Regulations.

Period for which benefit is paid.
[9/1974
96/1977
142/1980
73/1999
66/2004
37/2008].

14. The maximum periods for which benefits payable by periodical payments shall be paid are as follows:

- (a) sickness benefit for a period of fifty-two weeks;
- (b) **(Repealed by LN 66/2004)**;
- (c) invalidity benefit payable until the cesser of the insured person's incapacity or he attains the age of sixty, whichever is the earlier;
- (ca) where the invalidity of the insured does not cease at the age of sixty years, the insured shall, from the age of sixty years, be paid a retirement pension, whether or not he has made seven hundred and fifty contributions and —
- (i) where less than seven hundred and fifty contributions have been made in respect of the insured, the retirement pension payable shall be in the same earnings class as that in which invalidity benefit was paid; or
- (ii) where more than seven hundred and fifty contributions have been made in respect of the insured, the retirement pension payable shall be calculated and paid in accordance with the Act; and
- (cb) an insured person who qualified for invalidity pension prior to 3rd May 1999 and whose incapacity does not cease at the age of sixty years, shall from the age of sixty years, be paid retirement pension in the same earnings class as that in which invalidity pension was paid;
- (d) retirement pension payable for the life of the recipient;

- (e) survivor's benefit, that is to say—
- (i) widow's pension payable to a widow for life or until she remarries, whichever is sooner;
 - (ii) widower's pension payable to a widower for life or until he remarries, whichever is sooner;
 - (iii) child's allowance or orphan's allowance, payable—
 - (A) until the child or orphan attains the age of nineteen years; or
 - (B) where the child or orphan is unable to work by reason of mental or physical disability, for the period during which the disability continues provided that the disability occurs before he attains the age of nineteen years; or
 - (iv) parent's pension payable to the parent for life or until the parent remarries; and
- (f) employment injury benefit, that is to say—
- (i) injury benefit payable for a maximum period of fifty-two calendar weeks commencing from the date the insured was first rendered incapable of work as a result of an accident or prescribed disease at the end of which period the Board may arrange for a medical re-examination of the recipient of such benefit and an assessment of his disability in order to determine his eligibility for disablement pension or disablement grant;
 - (ii) disablement pension payable until the cesser of the insured person's disablement;
 - (iii) death benefit, that is to say—
 - (A) widow's benefit payable to a widow for life or until she remarries, whichever is sooner;

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF LEGAL AFFAIRS

www.legalaffairs.gov.tt

200

Chap. 32:01

National Insurance

[Subsidiary]

National Insurance (Benefits) Regulations

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

Restriction on receipt of more than one benefit. [96/1977 37/2008].

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

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

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

(4) A person in receipt of disablement pension or disablement grant may receive—
(a) retirement pension;
(b) retirement grant;
(c) sickness benefit;
(d) maternity benefit;
(e) invalidity benefit;
(f) injury benefit.

(5) The payment of the special maternity grant shall in no way affect the eligibility of the insured man to benefit in his own right as an insured person.

(6) Neither the recipient of a special maternity grant nor the insured man on whose contributions the grant was paid shall be eligible to receive or qualify for another special maternity grant for any date of delivery during the period of twenty-four months following the date of delivery of the last grant paid.

UNOFFICIAL VERSION

UPDATED TO JUNE 30TH 2013

SOME SPECIFIC BENEFITS

16. (1) An insured person who on attaining retirement age has made a minimum of 750 contributions (including credits) shall be paid a retirement pension.

Retirement
pension.
[73/1999
66/2004
37/2008].

(2) The rate of pension payable to an insured person who qualified for pension on or after 3rd May 1999 and has made more than 750 contributions shall be increased over the basic pension rate for every 25 of such additional contributions (not including age credits) which the insured has over the initial 750 contributions, as follows:

Earnings Class in which Basic Pension is Paid	Increment on Basic Weekly Rate
I	\$ 0.43
II	\$ 0.60
III	\$ 0.76
IV	\$ 0.91
V	\$ 1.07
VI	\$ 1.30
VII	\$ 1.53
VIII	\$ 1.77
IX	\$ 2.01
X	\$ 2.28
XI	\$ 2.54
XII	\$ 2.67

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF LEGAL AFFAIRS

www.legalaffairs.gov.tt

202

Chap. 32:01

National Insurance

[Subsidiary]

National Insurance (Benefits) Regulations

(3) The rate of pension payable to an insured person who is in receipt of retirement pension prior to 3rd May 1999 which is increased with effect from 3rd May 1999 shall be further increased for every twenty-five additional contributions (not including age credits) which the insured had over the initial seven hundred and fifty contributions as follows:

Earnings Class on which Pension is Based on 3rd May 1999	Increment on Increased Weekly Rates
I	\$ 0.43
II	\$ 0.43
III	\$ 0.43
IV	\$ 0.43
V	\$ 0.60
VI	\$ 0.76
VII	\$ 0.91
VIII	\$ 1.07

- (4) The rate of pension payable to an insured person who—
- (a) is in receipt of retirement pension prior to 1st March 2004; and
 - (b) qualified for a retirement pension on or after 1st March 2004,

and has made more than seven hundred and fifty contributions shall be increased over the basic pension rate for every twenty-five of such additional contributions, not including age credits, which the insured has over the initial seven hundred and fifty contributions in accordance with Part II of Table B3 of the Third Schedule to the Act.

UNOFFICIAL VERSION

UPDATED TO JUNE 30TH 2013

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

- (a) is in receipt of retirement pension prior to 7th January 2008; and
- (b) qualified for a retirement pension on or after 7th January 2008,

and has made more than seven hundred and fifty contributions shall be increased over the basic pension rate for every twenty-five additional contributions not including age credits, which the insured has over the initial seven hundred and fifty contributions in accordance with Part II of Table B4 of the Third Schedule to the Act.

Table B4.
Third Schedule.

(5) For the period 1st March 2004 to 6th January 2008 a recipient of retirement pension who resumes insurable employment before he attains the age of sixty-five years, shall continue to receive such retirement pension and not be required to pay contributions.

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

(7) With effect from 7th January 2008, any person who has received a retirement grant or is in receipt of a retirement pension and returns to work shall not be required to pay contributions and the retired pensioner shall continue to receive the retirement pension.

(8) The employer of a recipient of retirement benefit referred to in subregulation (7), shall be required to pay earnings related to Class Z contributions so as to cover him for payment of injury benefit for the duration of his employment from 7th January 2008.

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF LEGAL AFFAIRS

www.legalaffairs.gov.tt

204

Chap. 32:01

National Insurance

[Subsidiary]

National Insurance (Benefits) Regulations

Retirement
grant.
[142/1980
37/2008].

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

(2) Subject to a minimum payment of two thousand dollars, retirement grant shall be payable to an insured person who becomes eligible for such benefit within the three-year period commencing on 10th April 1972, in an amount equal to five times the total contribution paid in respect of such person and to an insured person who becomes eligible after such three-year period in an amount equal to three times the total contribution so paid.

Sickness
benefit.

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

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

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

- (a) in insurable employment at the time when the incapacity commenced and was in such employment for not less than ten contribution weeks during the period of thirteen contribution weeks immediately preceding the contribution week in which the period of incapacity began; or
- (b) in receipt of maternity benefit at the time when the incapacity commenced or immediately before the incapacity commenced.

UNOFFICIAL VERSION

UPDATED TO JUNE 30TH 2013

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

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

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

21. (1) The Board may disqualify any person from receiving sickness benefit, where such person— Sickness benefit disqualification. [66/2004 37/2008].

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

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

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

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

- (a) was in insurable employment for a period of not less than ten contribution weeks; or

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF LEGAL AFFAIRS

www.legalaffairs.gov.tt

206

Chap. 32:01

National Insurance

[Subsidiary]

National Insurance (Benefits) Regulations

(b) was in receipt of sickness benefit for any period and either resumed insurable employment thereafter or continued receiving sickness benefit during the last contribution week in the period of thirteen contribution weeks.

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

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

22A. Subject to the provisions of these Regulations a maternity grant shall be payable where confinement results in the birth of a living child or where confinement does not so result, the pregnancy lasted not less than twenty-six weeks, provided always that the insured satisfied the requirements set out in regulation 22(2)(a) or (b).

Maternity benefit
disqualification.

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

Invalidity benefit.
[73/1999].

24. Subject to the provisions of these Regulations, invalidity benefit shall be paid to an insured person who—

- (a) is an invalid;
- (b) is under sixty years of age;
- (c) has made a minimum of one hundred and fifty contributions, fifty of which must have been made during the three years immediately preceding the commencement of the incapacity;
- (d) has made two hundred and fifty contributions in the seven years immediately preceding incapacity; or
- (e) has made seven hundred and fifty contributions or more.

UNOFFICIAL VERSION

UPDATED TO JUNE 30TH 2013

24A. (1) The rate of pension payable to an insured person who qualifies for invalidity pension on or after 3rd May 1999 and who has made more than seven hundred and fifty contributions shall be increased over the basic pension rate for every twenty-five of such additional contributions exclusive of age credit which the insured has over his initial seven hundred and fifty contributions as follows:

Supplemental
 invalidity.
 [73/1999
 66/2004
 37/2008].

Earnings Class on which Basic Pension is Paid	Increment on Increased Weekly Rates
I	\$ 0.43
II	\$ 0.60
III	\$ 0.76
IV	\$ 0.91
V	\$ 1.07
VI	\$ 1.30
VII	\$ 1.53
VIII	\$ 1.77
IX	\$ 2.01
X	\$ 2.28
XI	\$ 2.54
XII	\$ 2.67

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

- (a) is in receipt of invalidity pension on or after 3rd May 1999; or
- (b) qualifies for invalidity pension on or after 1st March 2004 and has made more than seven hundred and fifty contributions shall be increased over the basic pension rate for every twenty-five of such additional contributions, exclusive of age credits, which the insured has over his initial seven hundred and fifty contributions,

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

Table B3.
 Third Schedule.

(3) With effect from 7th January 2008, the rate of pension payable to an insured person who—

- (a) is in receipt of invalidity pension on or after 3rd May 1999; or
- (b) qualifies for invalidity pension on or after 7th January 2008, and has made more than seven hundred and fifty contributions shall be increased over the basic pension rate for every twenty-five additional contributions exclusive of age credits, which the insured has over his initial seven hundred and fifty contributions shall be in accordance with Part II of Table B4 of the Third Schedule to the Act.

Table B4.
Third Schedule.

Board may
require medical
examination.

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

Suspension of
payment of
invalid benefit.
[37/2008].

25A. The Board may suspend or cease payments to a person in receipt of invalid benefit where he—

- (a) fails without good cause to comply with a notice issued to him in writing by the Executive Director requiring him to attend for and submit himself to a medical examination; or
- (b) works in employment for which remuneration is or would ordinarily be payable.

Invalidity
benefit
disqualification.
[73/1999].

26. An insured person entitled to receive invalidity benefit may be disqualified from receiving such benefit if—

- (a) he fails without good cause to comply with a notice issued in writing by the Executive Director requiring him to attend for and submit himself to a medical examination; or
- (b) works in employment for which remuneration is or would ordinarily be payable.

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

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

27A. With effect from 7th January 2008, maternity allowance shall be—

Amount of maternity allowance payable. [37/2008 296/2012].

- *(a)* payable for a period starting not earlier than six weeks before the expected date of delivery and continuing until the expiration of fourteen weeks where the total allowance period does not exceed the thirteenth week following the expected date of delivery in accordance with the rates stipulated in Table A4 of the Third Schedule to the Act; and

Table A4. Third Schedule.

- (b)* paid in a lump sum.

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

Employment injury benefit disqualification. [96/1977 73/1999 37/2008].

- (a)* in the opinion of the Board his incapacity resulted from his own serious and wilful misconduct;
- (b)* without reasonable cause he behaves in a manner likely to retard his recovery or refuses to answer reasonable enquiries of the Board calculated to ascertain whether he is so behaving;
- (c)* he absents himself from his place of residence without indicating to the Board where he may be found;
- (d)* he engages in work for which remuneration is or would ordinarily be payable.

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

*Amendments made to this regulation by LN 296/2012 took effect on 22nd May 2012.

LAWS OF TRINIDAD AND TOBAGO

(3) Benefits to an injured person who without reasonable cause fails to submit himself for medical re-examination as deemed necessary by the Board shall cease.

(4) No injury benefit or additional injury benefit shall be payable in respect of any accident or prescribed disease for any period on or after the effective date of assessment of disability paid in respect of that injury.

Disablement pension.

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

Disablement grant. [66/2004 37/2008].

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

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

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

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

(4) Notwithstanding subregulation (2), where disablement is assessed at less than one per cent, the insured shall be deemed to have suffered no loss of faculty.

(5) The effective date of an assessment of disability shall not be more than one month prior to the date on which the insured was assessed.

(6) Notwithstanding subregulation (5), where the effective date of an assessment of disability is more than one month prior to the date on which the insured was assessed, the Board may in exceptional circumstances accept such earlier effective date of assessment.

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

Assessment of
disablement.
[66/2004
37/2008].

(2) In the assessment of disablement, a percentage over nineteen per cent which is not a multiple of ten shall be treated—

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

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

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

- (a) the Board shall require the insured to be reassessed to take into account all the injuries suffered, to arrive at a total permanent partial disability for the insured; and
- (b) the current disablement benefit of the insured shall be revised to reflect the new assessment.

(5) A maximum of two provisional assessments may be entertained in respect of each injury or prescribed disease.

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF LEGAL AFFAIRS

www.legalaffairs.gov.tt

212

Chap. 32:01

National Insurance

[Subsidiary]

National Insurance (Benefits) Regulations

(6) A provisional assessment shall not exceed a period of fifty-two weeks.

Disablement assessed at one hundred per cent in certain circumstances.

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

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

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

Employer to furnish Board with information relating to accidents.

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

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

Offence and penalty.

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

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

36. (1) The earnings class into which an insured person falls for the purpose of receiving sickness or maternity benefit shall be the earnings class determined by the average of the ten highest contributions paid in respect of him during the thirteen contribution weeks immediately preceding the commencement of his incapacity or in the case of a claim for maternity benefit during the thirteen contribution weeks immediately preceding the sixth week before the expected week of delivery.

UNOFFICIAL VERSION

UPDATED TO JUNE 30TH 2013

(2) The earnings class into which an insured person falls for the purpose of receiving employment injury benefit shall be the earnings class which corresponds to the amount of contribution paid in respect of the insured person for—

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

whichever is higher.

(3) The earnings class into which an insured person falls for the purpose of receiving retirement pension or invalidity benefit shall be the earnings class which corresponds to the average of all rates of contributions paid in respect of such person.

(4) The earnings class into which a person falls for the purpose of receiving survivor's benefit shall be the earnings class which corresponds to the average of all rates of contributions paid in respect of the deceased in respect of whom the claim is made or the earnings class in which retirement pension or invalidity benefit was being paid, where the insured person was in receipt of either benefit.

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

Determination of loss of earnings where earnings are not fixed.

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

Employer to certify insured person's absence, etc.

39. (Revoked by LN 37/2008).

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF LEGAL AFFAIRS

www.legalaffairs.gov.tt

214

Chap. 32:01

National Insurance

[Subsidiary]

National Insurance (Benefits) Regulations

Board may accept other evidence.

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

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

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

Quantum of remarriage grant. [9/1974].

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

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

Orphan's allowance. [73/1999 37/2008].

43. (1) Where either the parent or step-parent of a child who is in receipt of child's allowance dies and such parent was at the date of his or her death an insured person, the child's allowance shall cease and there shall be paid in respect of that child, orphan's allowance based either on the rate of child's allowance received by that child by reason of the death of his first parent to die or on the rate of child's allowance which the child would otherwise receive by reason of the death of his last parent to die, whichever is higher.

(2) In the event that the child's parent or step-parent being insured persons die simultaneously such child be eligible to receive orphan's allowance in the class of either the biological or step-parent whichever is higher.

(3) A person in receipt of child's allowance or orphan's allowance shall only receive benefit in respect of a maximum of two persons, one of each sex, whether parent or step-parent.

UNOFFICIAL VERSION

UPDATED TO JUNE 30TH 2013

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

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

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

Child includes adopted child, stepchild and child *en ventre sa mere*. [73/1999 66/2004 37/2008].

(a) "child" means a person who, as at the date of death of the deceased insured, is unmarried, unemployed and under the age of nineteen years including a legally adopted child and a child *en ventre sa mere*;

(aa) "stepchild" means a child referred to in paragraph (a), whose parent is or is deemed the widow or widower of the step-parent under the Act and that child was living with or was wholly or mainly maintained by the deceased at the time of death;

(ab) "disabled child" means a child referred to in paragraph (a), who is or becomes disabled before the age of nineteen years, and where the child is unable to work by reason of mental or physical disability, the child shall receive the allowance until the cesser of disability; and

(b) "marriage" includes a co-habitational relationship.

(2) A claim for such pension or allowance shall where appropriate be supported by a relevant medical certificate.

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

Nomination by insured. [73/1999 37/2008].

47. (1) Survivor's benefit shall be payable as from the contribution week commencing 16th July 1973 in respect of insured persons who die on or before that date. In the case of an

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

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF LEGAL AFFAIRS

www.legalaffairs.gov.tt

216

Chap. 32:01

National Insurance

[Subsidiary]

National Insurance (Benefits) Regulations

insured person who dies after 16th July 1973 survivor's benefit shall be calculated as from the first day of the contribution week during which such person dies.

(2) Subject to the provisions of these Regulations survivor's benefit shall be paid on the death of an insured person who had made a minimum of fifty contributions.

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

Increase of survivor's benefit. [73/1999 66/2004 37/2008].

47A. (1) The rate of survivor's benefit payable in respect of an insured person who dies on or after 3rd May 1999 shall be increased above the basic rate for every twenty-five contributions which the deceased pensioner had in excess of seven hundred and fifty contributions (not including age credits) as follows:

Earnings Class in which Benefit is Paid	INCREMENT ON BASIC WEEKLY RATES			
	Widow/ Widower \$	Children \$	Orphans \$	Dependants \$
I	0.26	0.13	0.26	0.13
II	0.36	0.18	0.36	0.18
III	0.46	0.23	0.46	0.23
IV	0.55	0.27	0.55	0.27
V	0.64	0.32	0.64	0.32
VI	0.78	0.39	0.78	0.39
VII	0.92	0.46	0.92	0.46
VIII	1.06	0.53	1.06	0.53
IX	1.21	0.60	1.21	0.60
X	1.37	0.68	1.37	0.68
XI	1.52	0.76	1.52	0.76
XII	1.60	0.80	1.60	0.80

UNOFFICIAL VERSION

UPDATED TO JUNE 30TH 2013

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

- (a) an insured person who died on or after 3rd May 1999 and such benefit continues to be payable on or after 1st March 2004; or
- (b) an insured person who dies on or after 1st March 2004 shall be increased above the basic rate for every twenty-five contributions which the deceased pensioner had in excess of seven hundred and fifty contributions, not including age credits,

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

Table C3.
Third Schedule.

(3) With effect from 7th January 2008, the rate of survivor's benefit payable in respect of—

- (a) an insured person who died on or after 3rd May 1999, and such benefit continues to be payable on or after 7th January 2008; or
- (b) an insured person who dies on or after 7th January 2008, shall be increased above the basic rate for every twenty-five contributions which the deceased pensioner had in excess of seven hundred and fifty contributions, not including age credits,

shall be in accordance with Part II of Table C4 of the Third Schedule to the Act.

Table C4.
Third Schedule.

48. (1) Subject to subregulation (2) on the death of a person who has made a claim for benefit or who is alleged to have been entitled to benefit, the Executive Director may appoint such person as he thinks fit to proceed with or to make a claim for the benefit.

Payment on death.
[73/1999
37/2008].

(2) Subject to subregulation (5) a sum payable by way of benefit which is payable under an award on a claim proceeded with or made under subregulation (1) may be paid to such persons or distributed amongst such persons claiming as personal representatives or next of kin of the deceased.

(3) In respect of sums payable under subregulation (2) to persons specified in that subregulation the receipt by a person who has attained the age of sixteen shall be good discharge to the Board for any sums so paid.

(4) Subject to subregulation (2), a sum payable by way of benefit to the deceased, payment of which he had not obtained at the date of his death, may be paid or distributed to or amongst such persons as are mentioned in subregulation (2).

(5) The Board may dispense with strict proof of the title of a person claiming in accordance with the provisions of this regulation.

(6) Nothing in this regulation shall be taken to displace the provisions of a testator's will or the law relating to the distribution of a deceased's estate on intestacy.

Funeral grant.
[73/1999].

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

- (a) had made a minimum of twenty-five contributions while engaged in insurable employment; or
- (b) (i) at the time of death was in receipt of employment injury benefit; or
- (ii) would have been entitled to receive employment injury benefit but for the fact of death.

Class Z
contributions.
[37/2008].

49A. Subject to regulation 49(b), Class Z contributions shall only be used to determine a person's right to the relevant employment injury benefit as provided for in the Act.

Maximum rate
of parent
benefit.
[73/1999
183/2003
66/2004].

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

Schedule.

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

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

- (a) in the case of maternity, two thousand, five hundred dollars, in respect of each birth, where there are multiple births;
- (b) in the case of funeral, five thousand dollars; and
- (c) in the case of the special maternity grant, two thousand, five hundred dollars, in respect of each birth, where there are multiple births.

Rate of grant.
[73/1999
183/2003
37/2008].

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

Transition.
[66/2004].

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

53. (1) Subject to subregulation (2), the spouse of an insured person who is pregnant shall be eligible for the special maternity grant.

Spouse eligible
for special
maternity grant.
[37/2008].

(2) The special maternity grant shall be paid if the insured man, during the period of thirteen contribution weeks immediately preceding the contribution week calculated as the sixth week before his spouse's expected week of delivery—

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

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