

LEGAL NOTICE NO. 37

REPUBLIC OF TRINIDAD AND TOBAGO

THE NATIONAL INSURANCE ACT, CHAP. 32:01

REGULATIONS

MADE BY THE BOARD UNDER SECTION 55 OF THE NATIONAL INSURANCE
ACT

THE NATIONAL INSURANCE (BENEFITS) (AMENDMENT)
REGULATIONS, 2008

1. These Regulations may be cited as the National Insurance Citation
(Benefits) (Amendment) Regulations, 2008.

2. In these Regulations—

“the Act” means the National Insurance Act;

Interpreta-
tion
Chap. 32:01

“the Regulations” means the National Insurance (Benefits)
Regulations.

3. Regulation 2 of the Regulations is amended by—

Regulation 2
amended

(a) deleting the definitions of “invalid”, “paid apprentice” and
“unpaid apprentice”; and

(b) inserting in the appropriate alphabetical sequence, the
following definitions:

“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;”.

4. Regulation 4 of the Regulations is amended—

Regulation 4
amended

(a) in subregulation (1), by deleting the words “local office” and
substituting the words “service centre”;

(b) in subregulation (2)—

(i) in paragraph (a)(i)—

(A) by inserting after the word “practitioner” the words “or in the case of maternity benefit, certificates from a registered midwife”; and

(B) by deleting the word “or” at the end of the paragraph;

(ii) by repealing paragraph (a)(ii);

(iii) by inserting after paragraph (a), the following paragraph:

“(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;”;

(iv) by inserting after paragraph (d), the following paragraph:

“(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.”;

(c) in subregulation (3), by deleting the word “shall” and substituting the word “may”; and

(d) by inserting after subregulation (4), the following subregulations:

“(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.”.

Regulation 7
amended

5. Regulation 7 of the Regulations is amended—

(a) in subregulation (1)—

(i) in paragraph (b), by deleting the words “maternity benefit and maternity grant” and substituting the

words “maternity allowance, maternity grant and special maternity grant”;

(ii) in paragraph (e)—

(A) by deleting the words “three months” and substituting the words “fourteen days”; and

(B) by inserting after the word “date” the words “the insured person is rendered incapable of work as a result”;

(iii) in paragraph (f), by deleting the words “expiration of payment of injury benefit or from the date on which the accident occurred” and substituting the words “end of the insured’s maximum injury benefit period”; and

(iv) by inserting after paragraph (h) the following paragraphs:

“(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.”;

(b) in subregulation (2)—

(i) in paragraph (a)—

(A) by deleting the words “six months” and substituting the words “three months”; and

(B) by inserting after the word “claim” the words “or subsequent medical certificate”;

(ii) in paragraph (b), by deleting the words “six months” and substituting the words “three months”; and

(iii) in paragraph (c), by deleting the words “or maternity grant” and substituting the words “special maternity grant or maternity grant”;

(c) in subregulation (4), by—

(i) deleting the word “benefits” wherever it occurs and substituting the word “benefit”; and

- (ii) inserting the words “special maternity grant” after the words “maternity benefits,”;
- (d) by inserting after subregulation (4), the following subregulation:
 - “(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.”; and
- (e) in subregulation (5), by—
 - (i) deleting the words “made on behalf of the children of the deceased insured person”; and
 - (ii) inserting after the word “and” the words “if entertained, shall be”.

Regulation 10
amended

6. Regulation 10 of the Regulations is amended by deleting the words “maternity benefit” and substituting the words “maternity allowance”.

Regulation
13A inserted

7. The Regulations are amended by inserting after regulation 13, the following regulation:

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

(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.”

8. Regulation 14 of the Regulations is amended in paragraph (f)(i) Regulation 14 amended by—

(a) deleting the words “period of fifty-two weeks” and substituting the words “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.”; and

(b) deleting the words “shall” and substituting the word “may”.

9. Regulation 15 of the Regulations is amended by inserting after Regulation 15 amended subregulation (4) the following subregulations:

“ (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.”.

10. Regulation 16 of the Regulations is amended— Regulation 16 amended

(a) by inserting after subregulation (4), the following subregulation:

“ (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

(b) in subregulation (5), by deleting the words “With effect from 1st March 2004”, and substituting the words “For the period 1st March 2004 to 6th January 2008,”; and

(c) by inserting after subregulation (6), the following subregulations:

“ (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.”

Regulation 17 amended 11. Regulation 17 of the Regulations is amended in subregulation (2), by—

(a) deleting the words “two hundred dollars” and substituting the words “two thousand dollars”; and

(b) deleting the word “pay”.

Regulation 21 amended 12. Regulation 21 of the Regulations is amended in subregulation (2), by—

(a) inserting after the words “in receipt of” the words “or entitled to”; and

(b) inserting after the word “examined” the words “at any time”.

Regulation 24A amended 13. Regulation 24A of the Regulations is amended by inserting after subregulation (2), the following subregulation:

“ (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

14. The Regulations are amended by inserting after regulation 25, the following regulation: Regulation 25A inserted

“Suspension of payment of benefit 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.”

15. The Regulations are amended by deleting regulation 27A and substituting the following regulation: Regulation 27A amended

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

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

(b) paid in a lump sum.”

Table A4
Third
Schedule

16. Regulation 28 of the Regulations is amended by inserting after subregulation (3), the following subregulation: Regulation 28 amended

“ (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.”

17. Regulation 30 of the Regulations is amended by inserting after subregulation (3), the following subregulations: Regulation 30 amended

“ (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.”.

Regulation 31 amended 18. Regulation 31 of the Regulations is amended by inserting after subregulation (4), the following subregulations:

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

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

Regulation 39 revoked 19. Regulation 39 of the Regulations is revoked.

Regulation 43 amended 20. Regulation 43 of the Regulations is amended by—

(a) deleting the words “biological or step-parent” wherever they occur and substituting the words “parent or step-parent”; and

(b) inserting after subregulation (2), the following subregulation:

“ (3) A person in receipt of child 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.”.

Regulation 45 amended 21. Regulation 45 of the Regulations is amended in subregulation (1), by deleting paragraph (a) and substituting the following paragraphs:

“(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) “step child” 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”.

Regulation 46 amended 22. Regulation 46 of the Regulations is amended by deleting the words “local office” and substituting the words “service centre”.

- Regulation 47A amended 23. Regulation 47A of the Regulations is amended by inserting after subregulation (2), the following subregulation:
- “ (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,
- Table C4 Third Schedule shall be in accordance with Part II of Table C4 of the Third Schedule to the Act.”.
- Regulation 48 amended 24. Regulation 48 of the Regulations is amended by inserting after subregulation (5), the following subregulation:
- “ (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.”.
- Regulation 49A inserted 25. The Regulations are amended by inserting after regulation 49, the following regulation:
- “Class Z contributions 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.”.
- Regulation 51 amended 26. Regulation 51 of the Regulations is amended—
- (a) in paragraph (a), by deleting the words “two thousand dollars” and substituting the words “two thousand, five hundred dollars, in respect of each birth, where there are multiple births”;
- (b) in paragraph (b), by deleting the words “four thousand dollars” and substituting the words “five thousand dollars”; and
- (c) by inserting after paragraph (b), the following paragraph:
- “(c) in the case of the special maternity grant, two thousand, five hundred dollars, and in respect of each birth, where there are multiple births.”.

Regulation 53
inserted

27. The Regulations are amended by inserting after regulation 52, the following regulation:

“Spouse
eligible for
special
maternity
grant

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

(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.”.

Schedule
revoked

28. The Schedule to the Regulations is revoked.

Commence-
ment

29. These Regulations shall come into effect on 7th January, 2008.

Dated this 4th day of January, 2008.

C. HART
Chairman,
National Insurance Board

Laid in the House of Representatives this 15th day of February, 2008.

J. SAMPSON
Clerk of the House

Laid in the Senate this 26th day of February, 2008.

N. JAGGASSAR
Clerk of the Senate