



SAINT LUCIA

CHAPTER 16.01

NATIONAL INSURANCE CORPORATION ACT

Revised Edition

Showing the law as at 31 December 2005

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Act.

This edition contains a consolidation of the following laws—

NATIONAL INSURANCE CORPORATION ACT

Act 18 of 2000.. in force 1 January 2000

NATIONAL INSURANCE REGULATIONS – Section 91

Statutory Instrument 22/2003 in force 3 March 2003

CHAPTER 16.01

NATIONAL INSURANCE CORPORATION ACT

ARRANGEMENT OF SECTIONS

Section

PART 1	7
PRELIMINARY	7
1. Short title.....	7
2. Interpretation.....	7
 PART 2	 11
ESTABLISHMENT AND ADMINISTRATION OF THE NATIONAL INSURANCE FUND AND THE NATIONAL INSURANCE CORPORATION	11
3. Establishment of National Insurance Fund.....	11
4. Establishment of National Insurance Corporation	12
5. National Insurance Board.....	13
6. Minister's powers and Board's duty to give advice and submit annual reports.....	14
7. Committees of the Board	14
8. Validity of Board's actions and protection of members	15
9. Power of Board to enter into arrangements with public authorities	15
10. Appointment, duties and powers of Director	16
11. Termination of Director's appointment and resignation	16
12. Deputy Director	17
13. Board to appoint Secretary	17
14. Inspectors	17
15. Appointment of other officers	18
16. Appointment of Legal, Medical Officers and other Advisors.....	19
17. Transfers from the Public Service and vice versa	19
18. Declaration of secrecy.....	20
19. Present employees retained	20
 PART 3	 20
FINANCE	20
20. Investment Committee	20
21. Investment of surplus moneys	21
22. Accounts and financial statements.....	21
23. Board to submit financial statement for laying before the House	22
24. Actuarial review.....	22

25.	Approval of borrowing by Minister and of the House for guarantee of any borrowing	22
-----	---	----

PART 4 **23**

INSURED PERSONS AND CONTRIBUTIONS **23**

26.	Persons insured	23
27.	Regulations for persons not falling under section 26	24
28.	Liability to make deductions and contributions	25
29.	Exceptions from liability to make contribution	25
30.	Regulations for contributions and exemptions	25
31.	Liability of person providing employees to others	26
32.	Deductions from wages	26
33.	Payment of contributions	26
34.	Surcharge for late payment	27
35.	Crediting of unpaid contributions	27
36.	Employment by more than one employer	28
37.	Contributions and other payments where benefit drawn	28
38.	Contributions or benefits to be inalienable	28
39.	Regulations relating to payment and collection of contributions	28
40.	Contributions exempt from Income Tax Act	29

PART 5 **29**

BENEFITS **29**

41.	Benefits	29
42.	Entitlement to benefit	30
43.	Contribution credits during receipt of short-term benefit	30
44.	Conditions for sickness benefit	31
45.	Conditions for invalidity benefit	32
46.	Calculation of day of incapacity for work	34
47.	Regulations for sickness and invalidity benefits	34
48.	Maternity grant and allowance	35
49.	Entitlement to maternity allowance	35
50.	Regulations for maternity allowance	36
51.	Calculation of daily rate of maternity allowance	37
52.	Unmarried woman and maintenance under Affiliation Act	37
53.	Hospitalisation grant	38
54.	Scheme of medical insurance	38
55.	Survivor's benefit	38
56.	Survivor's pension and grant	39
57.	Regulations relating to survivor's benefits	39
58.	Matters affecting entitlement to age pension	39
59.	Entitlement to age grant	40
60.	Regulations concerning age pensions and grants	40
61.	Funeral grant	40
62.	Employment injuries	41
63.	Presumptions regarding employment injury	41
64.	Conditions where employment injury benefit not payable	42
65.	Regulations for employment Injury	42

PART 6 **43**

PUBLIC OFFICERS AND EMPLOYEES OF STATUTORY BOARDS **43**

66.	Regulations for treating public servants as insured persons	43
-----	---	----

 Revision Date: 31 Dec 2005

67.	Modification or repeal of Public Service Pension Scheme	43
PART 7		44
MARINERS AND AIRCRAFT PERSONNEL		44
68.	Regulations for mariners and aircraft personnel	44
69.	Regulations re wives or widows of mariners and aircraft personnel.....	45
PART 8		46
REGISTRATION OF BENEFICIARIES		46
70.	Application for registration.....	46
PART 9		47
AGREEMENTS WITH FOREIGN GOVERNMENTS		47
71.	Reciprocal agreements with other countries	47
PART 10		47
EXEMPTED SCHEMES		47
72.	Regulations for exempted schemes	47
PART 11		48
ADJUDICATION AND LEGAL PROCEEDINGS		48
73.	Adjudication and appeals.....	48
74.	Unpaid contributions to rank as privileged debt	50
75.	Joint liability of firm and officers	50
76.	Certified copy as evidence	50
77.	Civil proceedings.....	51
78.	Execution and enforcement of judgement in certain circumstances	51
79.	Garnishment	51
80.	Joint liability of third parties in civil proceedings.....	52
81.	Recovery by way of distress warrant	53
82.	Offences and penalties	53
83.	Recovery of contributions in proceedings under this Act.....	55
84.	Proceedings against employer for benefit lost by default.....	56
85.	Disclosure of information by Inland Revenue Department	57
86.	Proceedings to be in Director's name or person authorised.....	57
PART 12		58
MISCELLANEOUS PROVISIONS		58
87.	Members of Board, Tribunal or Investment Committee not disqualified from membership of Parliament	58
88.	Exemption from taxes	58
89.	Private schemes	58
90.	Assessment of damages against employer.....	58
91.	Regulations	59
92.	Power to remove difficulties	60
93.	Savings	60

SCHEDULE 1	61
SCHEDULE 2	62
SCHEDULE 3	63
SCHEDULE 4	64
SCHEDULE 5	65

CHAPTER 16.01

NATIONAL INSURANCE CORPORATION ACT

(Act 18 of 2000)

AN ACT to establish the National Insurance Corporation to govern and regulate national insurance.

Commencement [1 January 2000]

PART 1 PRELIMINARY

1. SHORT TITLE

This Act may be cited as the National Insurance Corporation Act.

2. INTERPRETATION

(1) In this Act—

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

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

“**Board**” means the National Insurance Board established by section 5;

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

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

“**child**” in relation to an insured person, includes a step child, an adopted child and any other child whether legitimate or not, under the age of 16 and wholly or partly maintained by the insured;

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

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

“**contribution period**” means—

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

“**contributor**” means a person who has made a prescribed contribution under this Act;

“**Corporation**” means the National Insurance Corporation established under section 4;

“**Director**” means the person charged with the responsibility of administering this Act or any person appointed to act in that position;

“**deduct**” includes withhold;

“**disease**” includes personal injury not caused by accident and any condition which has resulted from such injury;

“**disablement**” means a loss of capacity for any of the ordinary activities of life;

“**earnings**” include any remuneration or profit derived from employment, and “**earner**” shall be construed correspondingly;

“**employment**” includes a trade, business, profession, office and vocation;

“**employment injury**” means any disablement or personal injury or fatality arising out of and in the course of employment and any personal injury caused by any prescribed disease, being a disease due to the nature of employment and developed on or after the appointed day;

“**employment injury benefit**” includes medical care and treatment as well as periodical payments or payment of a lump sum as prescribed in respect of employment injury;

“**employer**” means the person or body corporate with whom an employee has entered into a contract of service or apprenticeship, express or implied and who is liable to pay salary, wages or other remuneration for services performed;

“**exempted scheme**” means a scheme exempted from the provisions of the repealed National Provident Fund Act, 1970;

“**financial year**” means the period from 1 July in any year to 30 June the following year or such other period of 12 months as may be prescribed;

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

“**functions**” include powers and duties;

“**incapacity for work**” means incapacity to engage in gainful occupation by reason of some specific disease or bodily or mental disablement, or deemed in accordance with regulations to be so incapable;

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

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

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

“**Investment Committee**” means the Investment Committee established under section 20;

“**long term benefit**” includes retirement, invalidity, disablement and survivor’s benefit and any other benefit prescribed as such;

“**loss of faculty**” means the partial or total loss of the normal use of an organ or part of the body or the destruction or impairment of any bodily or mental function, including disfigurement whether or not accompanied by any disablement;

“**medical treatment**” includes medical, surgical or rehabilitative treatment; any course of diet or other

regimen; and the supply of medical and surgical appliances;

“**Minister**” means the Minister responsible for the National Insurance Corporation;

“**National Provident Fund Board**” means the Board established under the repealed National Provident Fund Act, 1970;

“**national insurance card**” means a national insurance card duly numbered and issued to an insured person; or a card substituted for the national insurance card;

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

“**pensionable age**” means the age of 60 years or such other age as may be fixed by the Minister under section 58(4);

“**prescribed**” means as provided for by this Act or by a statutory instrument made under this Act;

“**public service pension scheme**” means any pension or provision for the pension of any member of the civil service or of any statutory body whether contributory or not, provided for by law or otherwise;

“**salary**” has the same meaning as the expression “wages” in this Act;

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

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

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

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

(c) the volume of work completed by an employee, where payment is calculated in relation to the volume of work done; and

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

“**work**” includes piece work.

- (2) For the purpose of this Act, a person is considered to be over or under any age mentioned according to whether he or she has or has not attained the mentioned age, and a person shall be deemed to be between 2 ages mentioned if he or she has attained the first mentioned age but has not attained the second mentioned age.

PART 2

ESTABLISHMENT AND ADMINISTRATION OF THE NATIONAL INSURANCE FUND AND THE NATIONAL INSURANCE CORPORATION

3. ESTABLISHMENT OF NATIONAL INSURANCE FUND

- (1) There shall be established a Fund to be called the National Insurance Fund into which shall be paid—
- (a) all contributions;
 - (b) all rents, interest, dividends or other income derived from the assets of the Fund;
 - (c) all sums recovered under this Act as fines, fees, penalties, surcharges or costs;
 - (d) all sums properly accruing to the Fund under this Act, including the repayment of benefit;
 - (e) such other sums as may be provided by Parliament for the purposes of this Act or as may be received and accepted by the Board on behalf of the Fund;
 - (f) all assets and all other funds held in trust or otherwise by the National Provident Fund Board;
 - (g) any sums transferable to the Fund from any exempted scheme under this Act.
- (2) There shall be paid out of the Fund—

- (a) all benefits;
- (b) refunds of contributions;
- (c) all salaries, rents, expenses and allowances properly incurred in the administration of this Act;
- (d) all liabilities incurred by the National Provident Fund Board;
- (e) any expenditure considered by the Director to be necessary for the training or welfare of the officers or employees, including loans, and facilities for leisure or recreation;
- (f) any sums expended for carrying out any surveys or research for the purpose of gathering any data which the Director considers necessary for the performance of the functions of the Corporation under this Act;
- (g) such sums as the Board may apportion out of the income from its investments for giving assistance to the aged, disabled or needy persons, although such persons are not contributors under this Act;
- (h) any fees, subscriptions or sums for membership, affiliation or contribution to or in any local, regional or international body concerned with national insurance,
- (i) all other moneys which the Director may consider to be reasonable and necessary for the proper and efficient performance of the functions of the Corporation;
- (j) any other payments authorised under this Act.

4. ESTABLISHMENT OF NATIONAL INSURANCE CORPORATION

- (1) The body corporate constituted under section 4(1) of the repealed National Insurance Act, 1978, as the National Insurance Board is preserved and continues in existence as a body corporate for the purposes of this Act but is to be known on the coming into force of this Act, as the National Insurance Corporation.
- (2) The corporate identity and the rights and obligations of the body corporate are not affected by the change of name.
- (3) The Corporation shall take over, manage, maintain and discharge all assets, liabilities and obligations including all

actionable claims held or incurred by the National Provident Fund Board.

- (4) The Corporation shall be a body corporate with perpetual succession and a common seal and shall in the corporate name be capable of entering into contracts, of suing and of being sued, of purchasing or otherwise acquiring, holding, leasing, charging, alienate real or personal property, of lending or borrowing money, and of doing or performing all such acts as bodies corporate may by law do or perform.
- (5) The Corporation shall have a Head Office in the City of Castries and may establish other offices within the State as they consider desirable.
- (6) Service on the Corporation of any notice, order or other document shall be executed by delivering or by sending the same by registered post addressed to the Director, at the Head Office of the Corporation.
- (7) All deeds and agreements relating to the property assets or monies of the Fund shall be signed and sealed by the Board under a resolution and shall be authenticated by the signature of the chairperson and Director or of such other person as the Board may appoint.
- (8) The Seal of the Corporation shall be kept in the custody of the Director and shall not be affixed to any instrument except by a resolution of the Board, and the sealing of any instrument shall be authenticated in the manner described in subsection (7).
- (9) The Corporation shall be responsible for administering the Fund in accordance with this Act.

5. NATIONAL INSURANCE BOARD

- (1) There shall be a National Insurance Board which shall be the governing body of the Corporation with authority, in the name of the Corporation, to exercise and perform the functions conferred on the Corporation under this Act.
- (2) Schedule 1 has effect as regards the constitution and proceedings of the Board.

- (3) The members of the Board shall be paid out of the Fund such remuneration, expenses and allowances as the Minister may approve.

6. MINISTER'S POWERS AND BOARD'S DUTY TO GIVE ADVICE AND SUBMIT ANNUAL REPORTS

- (1) The Board shall consider and advise the Minister on all matters referred to it by him or her and shall give him or her such information as he or she may require regarding the operations of the Corporation.
- (2) The Minister may give to the Board such general directions with regard to the Board's functions under this Act as appear to him or her to be requisite in the public interest and the Board shall give effect to any such directions.
- (3) The Board shall render annual reports to the Minister who shall, as soon as possible thereafter, lay a copy before Parliament.

7. COMMITTEES OF THE BOARD

- (1) The Board may appoint a committee to examine and report to the Board on any matter arising out of any of its functions under this Act.
- (2) A committee appointed under subsection (1) shall include not fewer than 2 members of the Board, and may include persons who are not members of the Board.
- (3) Subject to this Act, the composition and functions of a committee of the Board shall be determined by the Board.
- (4) The Board may delegate to any member or Committee of the Board or to the Director or any officer of the Board, the power to carry out on its behalf, such functions under this Act as the Board may determine.
- (5) Every delegation under this section shall be revocable by the Board and no such delegation shall prevent the exercise by the Board of any delegated function.

8. VALIDITY OF BOARD'S ACTIONS AND PROTECTION OF MEMBERS

- (1) The validity of any act done or proceedings taken under this Act shall not be questioned on the ground of—
 - (a) the existence of any vacancy in the membership, or of any defect in the constitution of the Board;
 - (b) the contravention by a member of the Board of paragraph 15 of Schedule 1; or
 - (c) any omission, defect or irregularity not affecting the merits of any act done by the Board.
- (2) Personal liability shall not attach to any member of the Board in respect of anything done or omitted in good faith under the provisions of this Act; and any sum of money, damages or costs which may be recovered against any such member in respect of any act or thing done or omitted in good faith under this Act shall be paid out of the funds and resources of the Fund.
- (3) The actions outlined in Schedule 4 and taken by the Board prior to the commencement of this Act which said actions had the express or implied effect of causing a variation to any provision under the repealed Act, and were taken for the purpose of maintaining the viability of the Fund, is deemed to have been of valid legal effect.

9. POWER OF BOARD TO ENTER INTO ARRANGEMENTS WITH PUBLIC AUTHORITIES

- (1) The Board may with the consent of Cabinet enter into any arrangement with any government department or any statutory or public body for the registration of insured persons or for the issue or substitution of national insurance cards or for the payment of any benefits or for the performance of any of the Board's functions under this Act.
- (2) Subject to this Act the Board shall have power by resolution to provide for all matters of administration and procedure in the exercise of its functions under this Act.

10. APPOINTMENT, DUTIES AND POWERS OF DIRECTOR

- (1) The Board shall with the approval of the Minister appoint a fit and proper person to be the Director of the Fund, who shall be the Chief Executive Officer of the Fund and who shall, subject to this Act, and the general direction of the Board, be responsible for the management of the staff of the Board and for the administration of the Fund and in particular—
 - (a) the assessment of contributions under this Act and for the collection and payment of contributions and other moneys into the Fund;
 - (b) the payment out of the Fund of the various benefits under this Act, and of the expenditure necessary for the proper administration of the Fund;
 - (c) accounting for all moneys collected, paid or invested under this Act;
 - (d) the investment of surplus monies in the Fund as directed by the Board on the advice of the Investment Committee.
- (2) The Director may, in relation to any matter or class of matters under this Act, by writing under his or her hand delegate to any employee of the Corporation any of his or her functions under this Act except his or her power of delegation under this section.
- (3) Every delegation under this section shall be revocable at any time and shall not prevent the performance by the Director of any such delegated function.

11. TERMINATION OF DIRECTOR'S APPOINTMENT AND RESIGNATION

- (1) The Board may with the approval of the Minister, terminate the appointment of the Director for inability to exercise the functions of his or her office (whether arising from infirmity of mind or body or from any other cause) or for misconduct.
- (2) The Director may resign his or her office by giving to the Board 3 months notice in writing or such shorter period as the Board may in its discretion agree to accept, of his or her intention so to do and at the expiration of such period, the Director shall be deemed to have resigned his or her office.

12. DEPUTY DIRECTOR

- (1) The Board may appoint a fit and proper person to be Deputy Director.
- (2) The Deputy Director shall assist the Director in the performance of his or her duties under this Act.
- (3) On the occurrence of a vacancy in the office of Director (whether caused by death, resignation or otherwise) and in the case of illness, absence or temporary incapacity of the Director (from whatever cause arising) and so long as such vacancy, illness, absence or temporary incapacity continues, the Deputy Director shall have and exercise all the functions of the Director.
- (4) Where the Deputy Director exercises any functions as aforesaid it shall be sufficient evidence of authority so to do and a person shall not inquire whether the occasion has arisen requiring or authorising him or her to do so.

13. BOARD TO APPOINT SECRETARY

- (1) The Board shall appoint a fit and proper person to be Secretary to the Board.
- (2) The Secretary shall perform such duties as are normally assigned to and consistent with the post of a Corporate Secretary.

14. INSPECTORS

- (1) The Board may appoint or designate such officers in its service as it thinks fit to be inspectors for the purpose of this Act.
- (2) The Director and the Deputy Director shall have the powers of and may perform the functions of an inspector.
- (3) Every inspector shall be furnished with an identification card and on entering any premises or place of business for the purposes of this Act, shall produce the identification card.
- (4) An inspector shall, for the purposes of this Act, have power to—

- (a) enter at all reasonable hours, any premises or places where he or she has reasonable grounds for believing that any persons are employed;
 - (b) make such examination, inspection, and inquiry as may be necessary for ascertaining whether the provisions of this Act are being or have been complied with in any such premises or places;
 - (c) require the production of any document relating to contributions or liability to make contributions;
 - (d) examine either alone or in the presence of any other person any matters under this Act, every person whom he or she finds in any such premises or places or whom he or she has reasonable cause to believe can give information regarding the subject matter of the enquiry, (and require such person to be examined) and for the purpose of such examination may summon any such person to attend at a given time at any office of the Corporation.
- (5) The occupier of any such premises or place liable to inspection under this section and any other person who is or has been employing any person and the servants or agents of any such occupier or other person and any employed person shall furnish an inspector with all such information and shall produce for inspection all such documents as the inspector may reasonably require for the purpose of ascertaining whether contributions are payable or have been duly paid by or in respect of any person or whether any benefit is or was payable to or in respect of any person.
- (6) A person shall not be required under this section to answer questions or give evidence tending to incriminate himself or herself.
- (7) This section does not authorise entry of any premises or place occupied by a department or office of the Government without prior permission by the Head of the department or office concerned.

15. APPOINTMENT OF OTHER OFFICERS

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

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

16. APPOINTMENT OF LEGAL, MEDICAL OFFICERS AND OTHER ADVISORS

The Board may appoint upon such terms and conditions as it considers fit, a legal advisor, a medical officer or any other advisor or person whom the Board considers necessary for the purpose of this Act.

17. TRANSFERS FROM THE PUBLIC SERVICE AND VICE VERSA

- (1) The Public Service Commission may approve the transfer of any officer from the Public Service to the service of the Corporation and vice versa.
- (2) The Board may approve the transfer of any officer in its service to the service of any other statutory authority and vice versa.
- (3) Where a transfer has been approved under this section, arrangements shall be made by the Minister, the Corporation or the statutory body as the case may be, to pay to the body receiving the service of such officer, such contributions as may be provided for by regulations or otherwise in respect of pensions and gratuities and any such regulations may provide for different categories of officers.
- (4) When an officer of the Corporation is on transfer from the Public Service, the Corporation shall make arrangements with the Government for the preservation of the pension rights of such officers.
- (5) Arrangements made under subsection (4) shall in appropriate cases include the payment from the Fund into the general revenue of the State such amounts as in the opinion of the Minister approximately represent the accruing liability for the sums which will become payable out of moneys provided by Parliament for the relevant pension benefits.
- (6) For the purpose of the Pensions Act service with the Corporation shall be deemed to be "other public service" as though the Corporation were one of the Scheduled Governments listed in Schedule 1 to the Pensions Regulations.

18. DECLARATION OF SECRECY

- (1) Every person employed or having any official duty under this Act shall regard and deal with all documents and information pertaining in any manner to the affairs of the Fund and the Corporation as secret and confidential and shall, if so required by the corporation, make and subscribe to a declaration of secrecy in the form prescribed, before a magistrate.
- (2) Except as otherwise provided herein the provisions of section 18(1) of the Interpretation Act shall apply to every person appointed under this Part.

19. PRESENT EMPLOYEES RETAINED

The persons appointed or employed by the National Provident Fund Board and the National Insurance Board on the day of the coming into force of this act shall retain their respective appointments and shall be subject to the provisions of this Act.

**PART 3
FINANCE****20. INVESTMENT COMMITTEE**

- (1) There shall be for the purposes of this Act an Investment Committee which shall consist of 5 members to be appointed by the Minister as follows—
 - (a) an officer of the Ministry of Finance nominated by the Minister which officer shall be appointed chairperson;
 - (b) an employee of the Corporation other than the Director;
 - (c) two other members who appear to the Minister to be experienced in finance, accountancy, business administration, industrial relations and other related subjects; and
 - (d) the Director.
- (2) The Investment Committee shall have a quorum of 3 members.
- (3) The Investment Committee shall meet at such times and places as the chairperson shall appoint, or upon the request of any 2 members of the Committee.

- (4) The Investment Committee shall appoint its own deputy chairperson and regulate its procedure at its meetings.
- (5) The members of the Investment Committee shall hold office for a term not exceeding 3 years and shall be eligible for re-appointment.
- (6) In the absence of the Director, the Deputy Director shall attend any meeting and in such a case he or she shall be deemed to be a member of the Investment Committee.

21. INVESTMENT OF SURPLUS MONEYS

- (1) The Investment Committee shall have power to give general or specific directions to the Board, on the investment of moneys in the Fund which are surplus to current needs; and the Director shall give to the Investment Committee any information necessary for the proper discharge of its functions.
- (2) Subject to any general or specific direction of Cabinet the surplus moneys in the Fund may be invested in any of the following—
 - (a) the acquisition and development of land;
 - (b) the purchase, construction and rental of buildings;
 - (c) loans,
 - (d) government bonds and securities;
 - (e) shares and debentures in bodies corporate.
- (3) The Investment Committee shall submit to the Board at the end of every quarter a report of its activities over the preceding quarter.

22. ACCOUNTS AND FINANCIAL STATEMENTS

- (1) Accounts shall be kept of all moneys in the Fund in accordance with international accounting standards and shall be audited annually by independent, qualified and experienced auditors appointed by the Board.
- (2) Within 3 months of the end of the financial year, the Director shall submit to the Board a report of the following in respect of the financial year—
 - (a) an account of the income and expenditure of the Fund;

- (b) an account of contributions received and benefits paid;
 - (c) a statement of assets and liabilities of the Fund;
 - (d) a statement of account of the securities in which moneys forming part of the Fund are invested;
 - (e) the auditors report and recommendations.
- (3) Not later than 2 months prior to the end of the financial year, the Director shall submit to the Board, estimates of the Board's expenditure for the succeeding financial year.

23. BOARD TO SUBMIT FINANCIAL STATEMENT FOR LAYING BEFORE HOUSE

The Board shall submit to the Minister not later than 3 months after its receipt a copy of the accounts and reports under section 22, together with a report by the chairperson of the activities of the Corporation for the same period, and the Minister shall, within 3 months of its receipt, lay the same before the House of Assembly.

24. ACTUARIAL REVIEW

- (1) The Board shall, with the assistance of an actuary approved by the Minister, review the operations of this Act at the end of the year 2000 and thereafter not later than every fifth year, and, in such review, make a report to the Minister on the financial condition of the Fund and the adequacy or otherwise of the contributions payable under this Act to support the benefits payable thereunder, having regard to other liabilities under this Act.
- (2) The Minister shall, as soon as possible after receiving any report made under the preceding subsection, lay a copy of it before the House of Assembly.

25. APPROVAL OF BORROWING BY MINISTER AND OF THE HOUSE FOR GUARANTEE OF ANY BORROWING

- (1) Subject to the approval of the Minister of Finance the Corporation may borrow money for any of its functions under this Act.

- (2) With the approval of the House of Assembly, signified by a resolution, the Minister of Finance may guarantee any approved borrowing by the Corporation.
- (3) A borrowing guaranteed under this section shall in default of payment by the Corporation be charged on the Consolidated Fund.

PART 4

INSURED PERSONS AND CONTRIBUTIONS

26. PERSONS INSURED

- (1) Subject to this Act a person who—
 - (a) is between the ages of 16 and 60;
 - (b) is engaged in insurable employment;
 - (c) is registered in the prescribed manner under this Act;
 - (d) has fulfilled such conditions as may be prescribed as to domicile or residence in Saint Lucia; or
 - (e) is in employment outside Saint Lucia under such conditions as shall be prescribed,

is an insured person in respect of the several contingencies in relation to which benefits are provided under this Act, and shall remain so insured until he or she satisfies the conditions for retirement.
- (2) A person who on the appointed day was a member of the National Provident Fund, established under the repealed National Provident Fund Act, 1970, is an insured person under this Act.
- (3) The Minister may make regulations to provide for the treating of the following categories as insurable employment—
 - (a) any category of employment which, though not employment under a contract of service, is subject to such conditions as to make it similar to employment under a contract of service;
 - (b) any employment outside Saint Lucia in continuation of any insurable employment;

- (c) employment outside Saint Lucia of a person domiciled or having a place of residence in Saint Lucia, being employment as a member of the diplomatic or consular service of the diplomatic or consular service of Saint Lucia or as a domestic worker employed by a member of such service.
- (4) The following categories shall be treated as insurable employment unless otherwise provided in regulations—
 - (a) employment which is of a casual or subsidiary nature or in which the person concerned is engaged only to an inconsiderable extent;
 - (b) employment as a relative or partner in the service of or for the purpose of trade or business, of the employer or person concerned;
 - (c) such employment in the service of, or in the service of a person employed with such international organisations or countries (other than Saint Lucia) as may be prescribed.
- (5) The Minister may make regulations to provide for treating a person's employment as continuing during periods of holiday, incapacity for work or such other circumstances as may be prescribed.

27. REGULATIONS FOR PERSONS NOT FALLING UNDER SECTION 26

- (1) The Minister may make regulations to provide for treating as an insured person under this Act—
 - (a) a person under 16 years of age;
 - (b) a person over 60 years of age;
 - (c) a self-employed person;
 - (d) a person who though not liable under this Act to pay contributions, wishes to do so voluntarily.
- (2) Any such regulations may provide for such modifications of this Act as may be necessary for the purpose of giving effect to this section.

28. LIABILITY TO MAKE DEDUCTIONS AND CONTRIBUTIONS

- (1) Subject to this Act, both employers and insured persons are liable to pay contributions.
- (2) An employer shall deduct from the wages of an insured person employed by him or her for the relevant contribution period and shall also make a contribution, in respect of such wages in the manner specified in Schedule 2.

29. EXCEPTIONS FROM LIABILITY TO MAKE CONTRIBUTION

Section 28 does not impose liability on an employer to pay into the Fund in respect of an employee included in any of the categories listed in Schedule 3.

30. REGULATIONS FOR CONTRIBUTIONS AND EXEMPTIONS

The Minister may on the advice of the Board by regulations provide for—

- (a) the fixing of the rates of contributions to be paid by insured persons and employers, including the rates of contributions to be paid by different categories of insured persons and employers as prescribed;
- (b) exempting insured persons from liability to pay contributions for such periods as he or she considers necessary and in particular for periods—
 - (i) of incapacity for work, or
 - (ii) of full-time unpaid apprenticeship;
- (c) crediting contributions to insured persons for periods for which such persons are exempted under paragraph (b) and for such other periods as he or she may consider necessary;
- (d) fixing the maximum salary or wages on which deduction may be made in Schedule 3;
- (e) fixing the prescribed conditions for any benefit under this Act or the regulations;

31. LIABILITY OF PERSON PROVIDING EMPLOYEES TO OTHERS

Where any person agrees with another person to provide employees to such other person for any lawful purpose, such employees shall, unless the Director otherwise decides, be deemed for the purpose of this Act to be in the employment of the first mentioned person.

32. DEDUCTIONS FROM WAGES

- (1) Subject to this Act any deductions from wages shall be made at the time when the wages are paid to an employee.
- (2) Subject to such conditions as may be prescribed, where for any reason the employer fails to deduct an employee's contributions at the time of payment of such wages, he or she may, within 6 months thereafter, make any deductions in one amount or by instalments as the employee may agree over any period not exceeding 6 months, in respect of the amount which was omitted to be deducted.
- (3) Where an employee dies during a contribution period, no contribution shall be payable from his or her wages or by an employer for the contribution period and any such contribution if deducted and paid to the Fund shall be dealt with as decided by the Director.
- (4) Where an employer deducts contributions from the wages of employees under this section, the contribution is held by the employer in trust for the purpose of this Act and the failure of the employer to pay the contributions to the Fund is an offence.
- (5) This section does not authorise an employer to deduct or recover the employer's contribution from the wages of any employee, and despite any contract to the contrary any such deductions or recovery by an employer is an offence.
- (6) The Protection of Wages Act or any other enactment, does not affect any deduction from the wages of an employee under this Act.

33. PAYMENT OF CONTRIBUTIONS

- (1) Subject to this Act, every employer shall pay to the Fund in respect of each employee at the end of each contribution period,

as contributions for the relevant period the several amounts for employers and employees set out in Schedule 2.

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

34. SURCHARGE FOR LATE PAYMENT

- (1) Where any contributions which an employer is liable to pay under this Act are not paid within the time prescribed, the employer is liable to pay a surcharge on the total amount of the contribution not so paid to the Fund at the rate of 1.25% or such other rate as may be prescribed in respect of each month or part of a month after the expiration of the date when payment should have been made.
- (2) Despite subsection (1), the Director may in any case in which he or she thinks fit, remit in whole or in part, the payment of any surcharge due under this Act.

35. CREDITING OF UNPAID CONTRIBUTIONS

- (1) Where an employer fails to pay any contributions which he or she is required to pay under this Act, the Director may, if satisfied that such failure was not due to the consent or connivance of the employee, credit to the employee the amount of the contributions which should have been paid in respect of that employee and shall charge the amount so credited to the general expenditure of the Fund.
- (2) Subsection (1) does not prejudice the right of the Director to recover the amount of such contributions together with any surcharge due under this Act from the employer, and any such amount is recoverable as a debt owed by the employer to the Fund and when so recovered shall be credited to the general revenue of the Fund.

36. EMPLOYMENT BY MORE THAN ONE EMPLOYER

When an employee is employed successively or concurrently in a contribution period by more than one employer, each employer is liable to pay, to the Fund, contributions with respect to the wages paid by each employer to the employee.

37. CONTRIBUTIONS AND OTHER PAYMENTS WHERE BENEFIT DRAWN

Nothing contained herein shall relieve an employer from—

- (a) liability to continue to contribute to the Fund in respect of any employee who has previously or who is in receipt of a benefit from the Fund, and who is under pensionable age;
- (b) the obligation to pay any salary to an employee who is in receipt of a benefit under this Act, where the employee's wage agreement provides for such payment during periods of incapacity for work.

38. CONTRIBUTIONS OR BENEFITS TO BE INALIENABLE

- (1) Subject to this Act, no contribution to the Fund nor any benefits paid or payable out of the Fund, nor any rights of any insured person shall be assignable or transferable or liable to be attached, seized, sequestered or levied upon for or in respect of any debt or claim whatsoever and any security or pledge or assignment given before or after the coming into force of this Act in respect of contributions paid by or benefits due to an insured person shall be void.
- (2) The bankruptcy of an employee or employer shall not affect the deductions of contributions due under this Act.

39. REGULATIONS RELATING TO PAYMENT AND COLLECTION OF CONTRIBUTIONS

The Minister may make regulations to provide for—

- (a) the registration of employers and employees;
- (b) the issue of national insurance cards, their substitution and numbers;
- (c) the payment and collection of contributions;

- (d) treating, for the purpose of any right to benefit, contributions paid after the due dates, as paid on such dates as may be prescribed or as not having been paid;
- (e) treating for the purpose of any right to benefit, contributions payable by an employer on behalf of an insured person as paid, where the failure to pay is shown not to have been with the consent or connivance of or attributable to any negligence on the part of such person;
- (f) for the return of contributions paid in error;
- (g) the maintenance by employers of records of the payment of contributions;
- (h) treating any prescribed person as the employer where an insured person works under the general control or management of some person other than his or her immediate employer, including the adjustment of any rights or liabilities amongst the prescribed employer, the immediate or other employer and the insured person;
- (i) for any other matters incidental to the collection and payment of contributions under this Act.

40. CONTRIBUTIONS EXEMPT FROM INCOME TAX ACT

Contributions paid under this Act by employees and employers shall be allowable deductions under the Income Tax Act.

PART 5 BENEFITS

41. BENEFITS

Benefits under this Act comprise—

- (a) sickness benefit;
- (b) invalidity benefit;
- (c) maternity benefit, comprising:
 - (i) maternity grant, and
 - (ii) maternity allowance;
- (d) hospitalisation and medical treatment;

- (e) survivors benefit including:
 - (i) widow's allowance,
 - (ii) widower's allowance,
 - (iii) widow's pension,
 - (iv) widower's pension;
 - (v) survivor's grant;
- (f) retirement benefit including:
 - (i) retirement grant,
 - (ii) retirement pension;
- (g) funeral grant;
- (h) employment injury benefit, including disablement benefit and medical expenses.

42. ENTITLEMENT TO BENEFIT

- (1) Entitlement to any of the benefits described in section 41 depends on the fulfilment of the prescribed conditions, including payment of the prescribed contributions; nevertheless, the Director may grant to an insured person any benefit where it appears to the Director to be expedient to do so, although the prescribed conditions have not been fulfilled.
- (2) In respect of persons insured under section 26(2), the prescribed conditions relating to retirement and invalidity benefits are considered to commence from their date of membership under the repealed National Provident Act, 1970.
- (3) Except where regulations provide otherwise, an insured person not entitled to more than one benefit at any one time.

43. CONTRIBUTION CREDITS DURING RECEIPT OF SHORT-TERM BENEFIT

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

SICKNESS BENEFIT

44. CONDITIONS FOR SICKNESS BENEFIT

- (1) Subject to this section, an insured person who satisfies the prescribed conditions shall be entitled to sickness benefit in respect of any day of temporary incapacity for work, which forms part of a period of interruption of employment caused otherwise than by employment injury.
- (2) A person claiming for sickness benefit shall make the claim in the prescribed manner and shall satisfy the Director that—
 - (a) he or she is under pensionable age on the day in question;
 - (b) he or she is engaged in insurable employment immediately prior to the day on which incapacity commenced;
 - (c) he or she has paid not less than the prescribed contributions; and
 - (d) he or she has been employed in insurable employment during the prescribed contribution period immediately preceding the month in which the day of the continuous period of incapacity for work occurred.
 - (e) he or she has been certified by a registered medical practitioner as being temporarily incapable of work.
- (3) For the purpose of subsection (2)(e) temporary incapacity for work includes any period during which a person is required to abstain from work because he or she is under medical observation.
- (4) An insured person shall not be entitled to receive sickness benefit for the first 3 days of any period of interruption of employment.
- (5) The Director may for the purposes of this section require the claimant to attend for and submit himself or herself to examination by one or more registered medical practitioners nominated by the Director from a panel of registered medical practitioners approved by the Board.
- (6) Sickness benefit shall be paid for each day as long as the incapacity for work continues, subject to such maximum period as may be prescribed; however, any 2 or more periods of incapacity for work not separated by more than 2 months or such other period as may be prescribed, shall be treated as one

continuous period of incapacity for work starting on the first day of such periods.

- (7) For the purpose of subsection (6) Sunday or such other days in each month (or week) as may be determined by the Director in any particular case or class of cases shall not be treated as a day of incapacity for work and shall be disregarded in computing any period of consecutive days.
- (8) The rate of sickness benefit shall be such percentage of the insured person's relevant earnings as shall be prescribed.
- (9) An insured person who is in receipt of sickness benefit shall be disqualified from receiving such benefit for such period as the Director may decide if—
 - (a) the claimant has become incapable of work through his or her own misconduct;
 - (b) the claimant fails, without good cause, to comply with a notice in writing by the Director requiring him or her to attend for and submit himself or herself to medical examination;
 - (c) the claimant fails, without good cause, to—
 - (i) refrain from any conduct which is likely to retard his or her recovery,
 - (ii) remain at his or her place of residence,
 - (iii) refrain from doing any work for which remuneration is ordinarily payable.

INVALIDITY BENEFIT

45. CONDITIONS FOR INVALIDITY BENEFIT

- (1) Subject to this section, where, in respect of any period of incapacity for work, not caused by employment injury, an insured person is entitled to sickness benefit, he or she shall cease to be entitled to such sickness benefit for any subsequent period of incapacity for work, if he or she is appropriately certified by a registered medical practitioner to be an invalid; but is entitled to an invalidity pension or grant as the case may be, for so long as the invalidity continues.

- (2) For the purpose of this section, an insured person, who has been certified as an invalid, shall be granted an invalidity pension if he or she—
 - (a) has contributions to his or her credit for the prescribed period prior to becoming an invalid;
 - (b) has not attained pensionable age; and
 - (c) no longer qualifies for sickness benefit.
- (3) If an insured person does not satisfy the conditions under subsection (2), but has been appropriately certified as an invalid, he or she shall receive an invalidity grant.
- (4) The invalidity grant shall be a lump sum payment, equal to the total amount standing to his or her credit in the Fund.
- (5) Invalidity pension shall be at such rate as shall be prescribed of his or her final average salary for so long as the invalidity continues.
- (6) If the invalidity ceases, the contribution taken into account for the purpose of an invalidity grant shall not be applied towards the satisfaction of the contributions for any subsequent claim to benefit of any description except funeral grant.
- (7) All claims to invalidity benefit shall be accompanied by an appropriate medical certificate from a registered medical practitioner or medical board stating the nature of the incapacity, and that the incapacity for work is likely to be permanent; however, the Director may, for such purpose, require the claimant to attend for and submit himself or herself to examination by one or more medical practitioners nominated by the Director from a panel of registered medical practitioners approved by the Board.
- (8) An insured person entitled to receive invalidity pension or grant shall be disqualified from receiving such benefit for such period as the Director may decide, if the claimant fails without good cause—
 - (a) to comply with a notice in writing by the Director requiring him or her to submit himself or herself to medical examination; or
 - (b) to refrain from behaviour calculated to worsen his or her condition or to answer any reasonable enquiries by an

officer of the Corporation, directed to ascertain whether he or she is doing so.

- (9) For the purposes of this section “**sickness benefit**” includes maternity allowance.

46. CALCULATION OF DAY OF INCAPACITY FOR WORK

For the purpose of any provision of this Act relating to sickness or invalidity benefit a day shall not be treated in relation to any person as a day of incapacity for work—

- (a) unless on that day he or she is deemed, in accordance with the regulations, to be incapable of work by reason of some specific disease or bodily or mental disablement; or
- (b) where in the normal course of his or her employment (which has not been terminated) he or she would not work on that day.

47. REGULATIONS FOR SICKNESS AND INVALIDITY BENEFITS

The Minister may make regulations to provide for—

- (a) the days which are or are not to be counted for the purpose of sickness benefits, or invalidity benefits, as days of incapacity for work;
- (b) the respective circumstances in which, for the purposes of section 46—
 - (i) employment which has not been terminated may be treated as if it had been terminated, or
 - (ii) a day which falls in a period when a person’s employment is suspended but does not fall to be so treated and which apart from the regulations would not fall to be treated as a day of incapacity for work, may be treated as such a day;
- (c) the period over which average salary shall be computed for payment of invalidity pension;
- (d) the proper and effective administration of sickness and invalidity benefits and related matters.

MATERNITY BENEFITS

48. MATERNITY GRANT AND ALLOWANCE

- (1) A woman is entitled to a maternity grant or allowance in the prescribed sum if she has been confined and either she or her husband satisfies the prescribed contribution conditions.
- (2) In subsection (1), the reference to a woman's husband includes a widow's late husband in the case of a posthumous child.
- (3) Regulations may provide for a woman confined of twins or of a greater number of children to receive a maternity grant for each child.

49. ENTITLEMENT TO MATERNITY ALLOWANCE

- (1) A woman is entitled to a maternity allowance in the prescribed sum if she is pregnant and has reached a stage in her pregnancy which is not more than 6 weeks before the week in which it is expected that she will be confined (in this section referred to as the "expected week of confinement").
- (2) Subject to this section, the period for which a maternity allowance is payable shall be the period of 13 weeks, beginning with the 6th week before the expected week of confinement, and this shall be the maternity allowance period for the purposes of this section and the relevant contribution conditions.
- (3) A day for which a woman is entitled to a maternity allowance shall be deemed, for the purposes of this Part of the Act to be for her, a day of incapacity for work.
- (4) Maternity allowance shall not be payable in respect of a woman who dies before the beginning of the maternity allowance period, and if she dies after the beginning, but before the end of that period, the allowance shall not be payable for any week subsequent to her death.
- (5) 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 week of confinement; or
 - (b) in the case of a claim, made subsequent to the date of confinement, by a certificate of a registered medical

practitioner or a registered midwife, obtained not later than one month after the actual date of confinement.

- (6) Despite subsection (5) the Director may accept such other evidence in support of such claims as in his or her opinion the special circumstances of the particular case so justifies.
- (7) An insured person entitled to payment of maternity benefit shall be disqualified from receiving such benefit for such period as the Director may decide if during the maternity allowance period—
 - (a) she does any work in employment as an employed or self-employed earner;
 - (b) she fails, without good cause, to observe any prescribed conditions;
 - (c) she fails, without good cause, to take due care of her health, or to answer any reasonable inquiries by an officer of the Corporation, directed to ascertain whether she is doing so; or
 - (d) she fails, without good cause, to comply with a notice in writing by the Director before her confinement, requiring her to attend for or to submit herself to medical examination by a registered medical practitioner.

50. REGULATIONS FOR MATERNITY ALLOWANCE

The Minister may make regulations to provide—

- (a) that a woman who has become entitled to a maternity allowance shall cease to be so entitled if her pregnancy is terminated otherwise than by confinement;
- (b) for extending the maternity allowance period;
- (c) for modifying section 49(2)(b) in relation to cases where a woman has been confined and either—
 - (i) she has not made a claim for a maternity allowance in expectation of that confinement (other than a claim which has been disallowed), or
 - (ii) she has made a claim for a maternity allowance in expectation of that confinement (other than a claim which has been disallowed), but the date of that

confinement was more than 2 weeks before the expected week of confinement;

- (d) for all other matters appertaining or incidental to maternity benefits.

51. CALCULATION OF DAILY RATE OF MATERNITY ALLOWANCE

- (1) Where, for the purpose of this Part or of regulations under this Act, it is necessary to calculate the daily rate of maternity allowance—

- (a) Sunday or such other day in each week as may be prescribed shall be disregarded; and
- (b) the amount payable by way of that allowance for any other day shall be taken as $\frac{1}{6}$ of the weekly rate of the allowance.

- (2) In this Part—

“**confinement**” means labour resulting in the issue of a living child, or labour after 28 weeks of pregnancy resulting in the issue of a child whether alive or dead, and “confined” shall be construed accordingly; and

“**date of the confinement**” refers, where labour began on one day results in the issue of a child on another day, to the date of the issue of the child or last child, if more than one.

52. UNMARRIED WOMAN AND MAINTENANCE UNDER AFFILIATION ACT

This Act does not debar a woman from claiming maternity benefits only by reason that she is not married to the father of her child; and the fact that the mother of a child born out of wedlock is entitled to receive maternity benefit shall not be taken into consideration by any court in Saint Lucia in making any order for maintenance under the Affiliation Act or any other enactment.

HOSPITALISATION AND MEDICAL TREATMENT

53. HOSPITALISATION GRANT

- (1) Subject to this Act an insured person who satisfies the prescribed conditions shall be entitled to a hospitalisation grant in the prescribed sum for the payment of medical treatment obtained by him or her as a patient at an approved hospital.
- (2) Except where regulations otherwise provide, a hospitalisation grant is not payable for medical treatment obtained outside Saint Lucia.

54. SCHEME OF MEDICAL INSURANCE

- (1) The Minister may by regulations establish a scheme of medical insurance providing for such medical treatment as he or she may prescribe.
- (2) Regulations under this section may contain such modification of the provisions of this Act as may be necessary for putting into effect any scheme established under subsection (1).

SURVIVOR'S BENEFIT**55. SURVIVOR'S BENEFIT**

- (1) A widow or widower is entitled to a survivor's benefit if—
 - (a) the survivor is under pensionable age at the time when his or her late spouse dies;
 - (b) the survivor's late spouse's death was not due to employment injury; and
 - (c) the late spouse satisfied the prescribed contribution conditions for a survivor's benefit; or was at the time of his or her death in receipt of a pension under this Act.
- (2) A survivor's benefit shall be payable to a widow or widower for such period as is prescribed following his or her spouse's death; however, this benefit shall not be payable for any period during which he or she cohabits with another person as his or her spouse.

56. SURVIVOR'S PENSION AND GRANT

- (1) A person who has been widowed is entitled to a survivor's pension at the prescribed rate if—
 - (a) the late spouse satisfied the prescribed contribution conditions for a survivor's pension; or was at the time of his or her death, in receipt of a pension under this Act;
 - (b) he or she was married to his or her late spouse for at least 3 years prior to his or her death;
 - (c) he or she was, at the time of the spouse's death over the age of 55; or
 - (d) he or she was under the age of 55 and had the care of his or her children (with his or her late spouse) under the age of 16 or 18 if the children are in receipt of a full-time education.
- (2) Where a widow or widower dies leaving any children specified in subsection (1)(d) the survivor's pension shall be payable to such children or to a guardian on their behalf as determined by the Director, until they attain the age specified in the said paragraph.
- (3) A survivor's pension shall continue for life or until such time as the widow or widower remarries or co-habits with another person as his or her spouse.
- (4) Where an insured person has not fulfilled the prescribed conditions for a survivor's pension the Director may pay to his or her survivor, a survivor's grant in the prescribed sum.

57. REGULATIONS RELATING TO SURVIVOR'S BENEFITS

The Minister may make regulations to provide for all other matters concerning survivor's benefits.

AGE PENSIONS AND GRANTS**58. MATTERS AFFECTING ENTITLEMENT TO AGE PENSION**

- (1) For the purposes of this Act a person's working life is the period between the year in which he or she attained the age of

16 and the year in which he or she attained the pensionable age or died before that age.

- (2) A person shall not be entitled for the same period to more than one age pension; but where under reciprocal arrangement as provided under Part 9, a person would otherwise be entitled to more than one such pension, he or she shall be entitled (whichever he or she may apply for) to whichever one is most favourable to him or her.
- (3) Subject to this Act, an insured person of pensionable age is entitled to receive during his or her lifetime an age pension if he or she has satisfied the prescribed contribution conditions.
- (4) The Minister may, by order published in the Gazette, fix the pensionable age to be an age other than 60 years.

59. ENTITLEMENT TO AGE GRANT

Subject to this Act, an insured person who has—

- (a) not satisfied the contribution conditions; and
- (b) attained the pensionable age,

is entitled to an age grant in the prescribed sum.

60. REGULATIONS CONCERNING AGE PENSIONS AND GRANTS

The Minister may make regulations to make further provisions relating and appertaining to age pensions and age grants.

FUNERAL BENEFIT

61. FUNERAL GRANT

- (1) Subject to this Act there shall be paid on the death of any insured person for the purpose of defraying funeral expenses, a funeral grant in the prescribed sum.
- (2) Payment may be made to the personal representative of the deceased or to any person appearing to the Director to have a valid claim to such payment for the purpose stated in subsection (1).

- (3) The Minister may make regulations to provide for all other matters relating to funeral benefits.

EMPLOYMENT INJURY

62. EMPLOYMENT INJURIES

- (1) Subject to this Act, where an insured person has become incapable of working as a result of employment injury, he or she is entitled to payment of an employment injury benefit for such period as may be prescribed.
- (2) Where the death of an insured has resulted from an employment injury, there shall be paid to his or her survivor such lump sum or periodical sums for such period as shall be prescribed.

63. PRESUMPTIONS REGARDING EMPLOYMENT INJURY

- (1) Employment injury arises out of and in the course of the employment of an employee if—
 - (a) the accident which caused the injury was done for the purposes of or in connection with the employer's trade or business;
 - (b) the accident occurred while an employee was with the express or implied permission of his or her employer travelling as a passenger by any vehicle operated by or on behalf of his or her employer to or from his or her place of work, although he or she is under no obligation to his or her employer to travel by that vehicle;
 - (c) the accident occurred in or about any premises at which he or she is employed for the purposes of his or her employer's trade or business if it happened while he or she was taking steps, in an actual or supposed emergency at those premises to rescue, succour or to protect persons who are or are thought to be or possibly to be injured or imperilled, or to avert or minimize serious damage to property.
- (2) A disease or injury may be prescribed for the purposes of this Part in relation to any insured persons if the Minister is satisfied that—

- (a) it ought to be treated, having regard to its cause and incidence and any other relevant considerations, as a risk of their occupation and not as a risk common to all persons; and
 - (b) it is such that, in the absence of special circumstances, the attribution of particular cases to the nature of the employment can be established or presumed with reasonable certainty.
- (3) In this section a reference to a vehicle includes reference to a ship, vessel or aircraft.

64. CONDITIONS WHERE EMPLOYMENT INJURY BENEFIT NOT PAYABLE

Subject to this Act, employment injury benefit shall not be payable in respect of—

- (a) an accident which occurred outside Saint Lucia;
- (b) a prescribed disease contracted whilst an uninsured person was engaged in a prescribed occupation outside Saint Lucia;
- (c) any injury sustained wholly through the negligence of the claimant; however, such a claimant shall not be precluded from applying for any other benefit under this Act in respect of medical treatment required by him or her.

65. REGULATIONS FOR EMPLOYMENT INJURY

The Minister may make regulations to provide for—

- (a) classifying employment injuries relative to degrees or forms of disablement or loss of faculty or other injury and the scale of benefit applicable to them respectively;
- (b) the conduct of inquires regarding employment injury;
- (c) the places or occupations or circumstances or times in or during which injury suffered by an insured person shall be deemed an employment injury;
- (d) determining the time at which a person is to be treated for the purposes of this Act as having developed any disease or injury prescribed for the purposes of this Part and the circumstances in which any such disease or injury is, or

where the person in question has previously suffered such disease or injury, to be treated as a continuing situation or as having been contracted afresh;

- (e) all other matters relating to employment injury benefit.

PART 6

PUBLIC OFFICERS AND EMPLOYEES OF STATUTORY BOARDS

66. REGULATIONS FOR TREATING PUBLIC SERVANTS AS INSURED PERSONS

The Minister may make regulations to provide for—

- (a) treating persons employed by or under the Crown in like manner as if such persons were insured persons in the employment of a private person;
- (b) classifying any employment under the Crown as being or not being insurable employment for the purposes of this Act;
- (c) applying the provisions of this Act relating to contributions and benefits to any insurable employment classified under paragraph (b);
- (d) matters, necessary for the effective implementation of section 6(9) of the Pensions Act.

67. MODIFICATION OR REPEAL OF PUBLIC SERVICE PENSION SCHEME

- (1) The Minister shall, in relation to a public service pension scheme, (in this Part called a scheme) have power to make provisions for the modification or winding up or repeal of any enactment relating to such a scheme in order to give effect to this Act.
- (2) The powers of the Minister under this section shall be exercisable by means of an order—
 - (a) directly modifying the scheme (without regard in the case of a scheme contained in, or made under the powers conferred by an enactment, to the terms of the enactment or any other of its provisions);

- (b) modifying an enactment under which the scheme was made or by virtue of which it has effect; or
- (c) directing that the scheme be wound up or the enactment providing for the scheme be repealed and including directions with respect to the manner and time of the winding up or repeal,

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

- (3) Despite subsections (1) and (2), an order made under this section shall not contain pensions or benefits which are less favourable to any person than those previously provided under any enactment or scheme.

PART 7

MARINERS AND AIRCRAFT PERSONNEL

68. REGULATIONS FOR MARINERS AND AIRCRAFT PERSONNEL

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

- (a) this Part to apply to such persons, although it would not otherwise apply;
- (b) exempting such persons from the application of this Part when they are neither domiciled nor have a place of residence in Saint Lucia;
- (c) requiring the payment of contributions in respect of such persons, whether or not they are (within the meaning of this Act) insured persons;
- (d) taking of evidence, for the purposes of any claim to benefit in a country or territory outside Saint Lucia, by a consular official or such other person as may be prescribed;

- (e) enabling persons who are or have been so employed to authorise the payment of the whole or part of any benefit to which they are or may become entitled to such of their dependants as may be prescribed;
- (f) withholding any benefit that may be payable to a mariner or aircraft personnel for any period during which the owner of the ship or vessel is under a statutory or contractual obligation to pay his or her wages;
- (g) treating as accidents arising out of and in the course of the employment of a mariner or aircraft personnel, accidents happening while he or she is proceeding to or from a ship, vessel or aircraft or in any other prescribed circumstances;
- (h) the payment of employment injury benefit to or in respect of mariners and aircraft personnel from accidents happening and prescribed diseases developed while they are outside Saint Lucia; and
- (i) treating as insured persons under this Act, persons who are or have been employed on board a ship, vessel or aircraft although they do not fulfil the prescribed conditions for entitlement to benefit under this Act.

69. REGULATIONS RE WIVES OR WIDOWS OF MARINERS AND AIRCRAFT PERSONNEL

The Minister may make regulations to provide—

- (a) for granting any benefit under this Act to a married person whose spouse sustains injuries or fatalities whilst working on board any ship, vessel or aircraft;
- (b) for modifying the provisions of this Act in their application to persons who are or have been outside Saint Lucia at any prescribed time or in any prescribed circumstances;
- (c) that where an insured person is throughout any contribution period outside Saint Lucia and is not in that period an insured person he or she is not liable to pay any contributions as an insured person for such period.

PART 8

REGISTRATION OF BENEFICIARIES

70. APPLICATION FOR REGISTRATION

- (1) An insured person may at any time apply to the Director in the prescribed form for registration of his or her survivor under this Act.
- (2) Although a valid marriage subsists in respect of an insured person, registration under this section of a person shall exclude all other persons as his or her survivor.
- (3) The registration of a person as a survivor under this section may be revoked or altered upon application by an insured person in the prescribed form.
- (4) A survivor registered under this section shall in every case be the spouse or the person living with the insured person in the prescribed form.
- (5) Where no registration of a person as a survivor is made, the Director—
 - (a) may treat a single man who lived with a single woman as if they were married in law and reference to a husband or wife shall be applied respectively to them;
 - (b) shall treat the wife or husband as the case may be of an insured person as his or her survivor.
- (6) For the purpose of subsection (5), a single man or woman includes a married man or woman living respectively apart from his wife or her husband.
- (7) Where an insured person has remarried, the survivor shall be taken to be such later spouse although no application has been made for revocation of the registration of an earlier spouse as survivor.
- (8) The Minister may make regulations to provide for treating any children or relative of an insured person as his or her survivor.

PART 9

AGREEMENTS WITH FOREIGN GOVERNMENTS

71. RECIPROCAL AGREEMENTS WITH OTHER COUNTRIES

- (1) For the purpose of giving effect to any agreement with the Government of any country outside Saint Lucia, providing for reciprocity in matters relating to any benefits or payments under this Act, Cabinet may by regulations modify or adapt this Act in its application to cases affected by the agreement.
- (2) The modification or adaptation of this Act made under subsection (1) may include provisions for—
 - (a) securing that events having any effect for the purpose of law of the country in respect of which the agreement is made shall have a corresponding effect for the purpose of this Act but not so far as to confer a right to double benefit;
 - (b) determining in cases where rights accrue both under this Act and under the law of that country which of those rights shall be available to the person concerned;
 - (c) making provision as to administration and enforcement contained in this Act applicable also for the law of the said country;
 - (d) making any necessary financial adjustment by payment into or out of the Fund.

PART 10

EXEMPTED SCHEMES

72. REGULATIONS FOR EXEMPTED SCHEMES

- (1) The Minister may by regulations provide for—
 - (a) the discontinuance of any exempted scheme including the date upon which such discontinuance shall take effect;
 - (b) the procedure to be followed in the take-over by the Corporation, of any exempted schemes;
 - (c) such modifications of this Act as he or she considers necessary for the purpose of conferring any benefit

payable under this Act upon any person included in any such exempted scheme.

- (2) A person included in an exempted scheme which has been taken into the Fund shall be an insured person under this Act.

PART 11

ADJUDICATION AND LEGAL PROCEEDINGS

73. ADJUDICATION AND APPEALS

- (1) If any question arises as to the liability of any person to pay contributions or as to the right of any person to any benefit under this Act, the question shall be determined by the Director, subject to a right of appeal to the Board.
- (2) The Minister may make regulations to provide for—
- (a) the constitution and appointment of an Appeal Tribunal for the purpose of determining any further appeal from a decision of the Board under subsection (1);
 - (b) a reference to the High Court from a decision on any question of law only arising out of any determination by the Appeal Tribunal;
 - (c) the procedure to be followed and the forms to be used for appeals to the Board or to the Appeal Tribunal;
 - (d) the evidence which is to be required and the circumstances in which any official record or certificate is to be sufficient or conclusive evidence;
 - (e) the time to be allowed for making any claim or appeal or for raising any question with a view to obtaining any decision or for producing any evidence;
 - (f) summoning persons to attend and give evidence or produce documents and for authorising the administration of oaths to witnesses;
 - (g) the representation of a person at any hearing or a case, by another whether having legal qualifications or not;
 - (h) matters pending determination under this Act whether at first instance or on appeal or reference, of any claim for benefit or assistance or of any question affecting the right of any person to benefit or assistance or to the receipt of

- any benefit or assistance or of the liability of any person for contribution; and
- (i) any matter arising out of a decision on appeal or reference under this Act on any claim or question.
- (3) The decision of the High Court on a reference on a point of law or of the Appeal Tribunal shall be final.
- (4) Despite subsection (2), regulations made under that subsection may include provisions—
- (a) for the suspension of benefit or assistance where it appears that there is or may be a question whether the conditions for receipt thereof were fulfilled;
 - (b) as to the date from which any decision on a reference or appeal is to have effect;
 - (c) for treating any benefit paid to any person under the regulations, which it is subsequently decided was not payable as properly paid or as paid on account of any other benefit which it is decided was payable to him or her or for the repayment of any such benefit and the recovery thereof by deduction from any other benefit or otherwise;
 - (d) for treating any benefit paid to one person in respect of another person (being a child of or the wife or husband or an adult dependant of the first mentioned person) as having been properly paid for any period, although under regulations relating to benefits it is not payable for that period by reason of a subsequent decision either—
 - (i) that such other person is himself or herself entitled to benefit for that period, or
 - (ii) that a third person is entitled to benefit or assistance for that period in respect of such other person in priority to the first mentioned person, and
 - (iii) for reducing or withholding accordingly any arrears payable for the period by virtue of a subsequent decision.
- (5) There shall be paid out of the Fund to the members of an Appeal Tribunal appointed under regulations made under this section, such remuneration and allowances, as the Board, with the prior approval of the Minister, may determine.

74. UNPAID CONTRIBUTIONS TO RANK AS PRIVILEGED DEBT

(1) Where—

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

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

(2) For the purpose of this section, employer includes any company in liquidation.

75. JOINT LIABILITY OF FIRM AND OFFICERS

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

76. CERTIFIED COPY AS EVIDENCE

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

77. CIVIL PROCEEDINGS

- (1) Despite any provision of this Act, a contribution to the Fund may be recoverable by action as a debt owing to the Fund at any time 40 years from the date when the contribution becomes due.
- (2) Any action for the recovery of contributions under this section may be instituted by the Director of the Fund or by any other person authorised in that behalf by the Director, and where the action is instituted in a district court, any person authorised by this subsection may appear and conduct such proceedings.
- (3) For the purpose of this section, “contribution” includes any surcharge imposed under this Act.

78. EXECUTION AND ENFORCEMENT OF JUDGEMENT IN CERTAIN CIRCUMSTANCES

Where a judgement is obtained in any court against a person in respect of sums due to the Fund, an inspector or other officer authorised in that behalf by special or general direction of the Corporation may proceed to execute and enforce that judgement and exercise all the remedies for the satisfaction of the judgement despite any enactment or rule of law to the contrary relating to—

- (a) the powers or duties of a receiver;
- (b) the effect of a winding up order under the Companies Act; or
- (c) the effect of a receiving order for bankruptcy under Title 9 of the Commercial Code.

79. GARNISHMENT

- (1) Where the Corporation is satisfied that any person is indebted to or liable to make a payment to another person and that other person is indebted to the Fund under this Act, the Director may deliver to the first mentioned person a demand for payment as set out in Form DN 1 appearing in Schedule 5, stating—
 - (a) the name of the person indebted to the Fund;
 - (b) the amount of the debt due to the Fund including any surcharge on the debt; and
 - (c) where the first mentioned person is the employer of the person indebted to the Fund, the amount demanded for

each pay period, being an amount not exceeding $\frac{1}{3}$ of the sum payable to the employee during that period, expressed either as a dollar amount or a percentage of remuneration.

- (2) A person who receives a demand for payment under subsection (1) relating to one of his or her employees shall pay to the Corporation at the same time as he or she would pay that employee, the amount demanded by the Director, or the amount of the employee's indebtedness to the Fund whichever is the lesser, and shall continue to do so on each occasion that the employee is entitled to be paid until the employee's indebtedness to the Fund is satisfied.
- (3) A person who receives a demand for payment under subsection (1) relating to a person other than one of his or her employees shall, if he or she is indebted to or liable to make payment to that other person, pay to the Corporation the amount of his or her indebtedness which he or she is liable to pay to that person or the amount of that person's indebtedness to the Fund whichever is the lesser.
- (4) A person who has discharged any liability to a person indebted to the Fund under this Act after receiving a demand for payment under subsection (1) without complying with subsection (2) or (3) commits an offence and is liable on summary conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 12 months or to both such fine and imprisonment.
- (5) The payment of an amount to the Corporation under subsection (2) or (3) operates as a discharge of any liability of the person making the payment to the person to whom the payment would, but for this section, have been paid, to the extent of the amount paid to the Corporation.

80. JOINT LIABILITY OF THIRD PARTIES IN CIVIL PROCEEDINGS

- (1) Despite any enactment or rule of law to the contrary a director, manager, accountant, liquidator or receiver of a body corporate, may be joined as a party to an action for the recovery of contributions and surcharge owed to the Fund by such body corporate and if found to have failed to deduct, retain or become accountable in any way for any amounts due and owing, such person is personally liable whether jointly or

severally to pay in whole or in part such amounts owing to the Fund.

- (2) A person is not liable for a failure under subsection (1) if the court is satisfied that such person exercised a degree of care, diligence and skill that a reasonably prudent person would have exercised in comparable circumstances to prevent the failure.

81. RECOVERY BY WAY OF DISTRESS WARRANT

- (1) Despite any provision of this Act any contribution due and owing to the Fund may be recoverable by way of a warrant as set out in Form NI/DW of Schedule 5 issued by the Director and directed to the Registrar of the High Court, setting out in such warrant or in a Schedule to the warrant, the several sums due on account of contributions and surcharge from the persons and bodies against whom the warrant is directed.
- (2) Despite subsection (1) a warrant shall not be issued under this section unless the Director has given at least 30 days notice in writing in the form set out as Form DN2 in Schedule 5, to the person or persons against whom the warrant is directed.
- (3) The Registrar of the High Court shall on receipt of the warrant issued under subsection (1) proceed to levy upon the goods, chattels and lands of the person or persons against whom the warrant is directed and to sell so much of such goods, chattel and land as may be required, to satisfy the sums due on account of the contributions owed to the Fund.
- (4) Every sale carried out under subsection (2) shall be conducted by public auction and shall be held at a place and time to be determined by the Registrar of the High Court.
- (5) A sale shall not be conducted under this section unless a notice of such sale is published in the Gazette.
- (6) The proceeds of sale shall be applied to the payment of the contributions due and the expenses of the levy and sale.

82. OFFENCES AND PENALTIES

- (1) A person who—

- (a) fails to pay at or within the time prescribed for the purpose, any contribution or surcharge which he or she is liable to pay under this Act;
- (b) for the purpose of evading payment of any contribution or surcharge by himself or herself or some other person—
 - (i) makes any false statement or representation, or
 - (ii) produces or furnishes or causes, or allows to be produced or furnished any document or information which he or she knows to be false in a material particular;
- (c) for the purpose of obtaining any benefit for himself or herself or some other person—
 - (i) makes any false statement or representation,
 - (ii) produces or furnishes or causes to be produced or furnished any document or information which he or she knows to be false in a material particular;
- (d) wilfully delays or obstructs or refuses admission to the Director or any inspector, in the exercise of any functions under this Act;
- (e) refuses or neglects without reasonable cause to answer any questions or to furnish any information or to produce any document when required to do so under this Act;
- (f) being an employer deducts or attempts to deduct or otherwise recovers or attempts to recover the whole or any part of the contribution of the employer in respect of any insured person;
- (g) misrepresents or fails to disclose any material facts;
- (h) fails or neglects to deduct any contributions under this Act;
- (i) being or having been (an auditor of the books and records of the Fund) or a member, employee or agent of the Corporation, directly or indirectly communicates or reveals to any person any matter relating to the business of the Corporation or the Fund which becomes known to him or her in his or her capacity as auditor, member, employee or agent, except as may be required for the due discharge of his or her duty as such auditor, member,

employee or agent or as may be permitted by the Corporation;

- (j) procures any member, employee or agent of the Corporation, or any person who has been such member, employee or agent to communicate or reveal any such matter as is set out in paragraph (i),

commits an offence against this Act and is liable on summary conviction to a fine not exceeding \$5,000 or to a term of imprisonment not exceeding 6 months or to both such fine and imprisonment.

- (2) A person who commits an offence under this Act for which no punishment is provided is liable, on summary conviction, to a fine not exceeding \$500 or to imprisonment for 3 months.

83. RECOVERY OF CONTRIBUTIONS IN PROCEEDINGS UNDER THIS ACT

- (1) In any case, where any person has been charged with an offence under this Act for failing to pay a contribution, he or she is liable to pay to the Fund a sum equal to the amount which he or she failed to pay, together with any surcharge as the case may be.
- (2) On any such charge as is mentioned in subsection (1), if notice of intention so to do has been served with the summons or warrant, evidence may be given at any stage of the proceedings—
 - (a) of the failure on the part of the person charged to pay within the time prescribed on behalf or in respect of the same insured person other contributions under this Act during the 3 years immediately preceding the date of the offence; and
 - (b) in the case of any such charge as is mentioned in subsection (1) of the failure on the part of the said person charged to pay on behalf or in respect of any other person employed by him or her, any contributions under this Act on that date or during the past 3 years,

and on proof of such failure, the person charged is liable, on conviction, to pay to the Fund a sum equal to the total of all the contributions under this Act which he or she is so proved to

have failed to pay and which remain unpaid at the date of the conviction.

- (3) If an employer, being a body corporate, firm, society or other body of persons fails to pay to the Fund any sum which they have been ordered to pay, then every director or partner as the case may be of the body corporate, firm or society who knew or could reasonably be expected to have known of the failure to pay the contribution or contributions in question is liable jointly and severally to the same penalties or where applicable, to the same punishment as a single unincorporated employer.
- (4) Where any person is liable to repay any sum received by him or her by way of benefits, that sum may be recovered without prejudice to any other remedy, by means of deductions from any payment or benefit to which he or she may thereafter become entitled.
- (5) Despite any fine or conviction under this Act, an employer or employee shall remain liable to pay to the Fund any contribution, surcharge and interest due and payable under this Act.

84. PROCEEDINGS AGAINST EMPLOYER FOR BENEFIT LOST BY DEFAULT

- (1) Where an employer has failed or neglected to—
 - (a) pay any contribution which under this Act he or she is liable to pay in respect of or on behalf of any insured person in his or her employment; or
 - (b) comply in relation to any insured person, with the requirements of this Act relating to the payment and collection of contributions, and by reason thereof that person to whom a benefit under this Act may have been payable has lost in whole or in part the benefit to which he or she would have been entitled, that person is entitled to recover in a district court, from the employer as a civil debt, a sum equal to the amount of the benefits so lost, irrespective of the amount.
- (2) Proceedings may be taken under this section, although proceedings have been taken under any other section of this Act in respect of the same failure or neglect.

- (3) Proceedings under this section, may, despite any enactment to the contrary, be brought at any time within 10 years after the date on which the insured person, but for the neglect or failure of the employer, would have been entitled to receive the benefit lost.

85. DISCLOSURE OF INFORMATION BY INLAND REVENUE DEPARTMENT

- (1) An obligation as to secrecy imposed by statute or otherwise on persons employed in the Inland Revenue Department shall not prevent information relating to the assessment or collection of income tax from being disclosed to the Director where such information relates to the collection of contributions, or the payment of benefit under this Act.
- (2) Subsection (1) extends only to disclosure by or under the authority of the Comptroller of Inland Revenue and information which is the subject of disclosure to any person by virtue of the subsection shall not be further disclosed to any person, except where the further disclosure is made—
 - (a) to a person to whom disclosures could otherwise have been made by or under the authority of the Comptroller of Inland Revenue; or
 - (b) for the purpose of any proceedings (civil or criminal) in connection with the operations of any enactment relating to the calculation or collection of contributions, or the payment of benefit under this Act.

86. PROCEEDINGS TO BE IN DIRECTOR'S NAME OR PERSON AUTHORISED

Proceedings for any offence under this Act shall be taken in the name of the Director or any person authorised by him or her in writing and shall be commenced not later than 3 years after the complaint arose.

PART 12

MISCELLANEOUS PROVISIONS

87. MEMBERS OF BOARD, TRIBUNAL OR INVESTMENT COMMITTEE NOT DISQUALIFIED FROM MEMBERSHIP OF PARLIAMENT

Despite any law to the contrary, a person is not disqualified from becoming a member of Parliament by reason only that such person is chairperson or a member of the Board or of the Investment Committee or of the Appeal Tribunal or receives any remuneration by virtue of his or her membership of any of the institutions specified in this section.

88. EXEMPTION FROM TAXES

- (1) Stamp duty is not payable on any receipt, contract, instrument or other document given or executed by the Director on behalf of the Corporation, or by any person in respect of benefits or refund of contributions under this Act.
- (2) Subsection (1) does not exempt any person from liability to pay stamp duty on any power of attorney or on any document otherwise liable under the Stamp Duty Act.
- (3) Despite anything contained in any enactment, the Corporation is not liable for payment of any income tax or customs duty or any other duties or taxes whatsoever.

89. PRIVATE SCHEMES

- (1) This Act does not prevent any employer from operating any private scheme whether contributory or not, providing benefits to any person employed by him or her, similar to or greater than those provided under this Act.
- (2) Despite subsection (1), a private scheme is not a substitute for the benefits provided under this Act.

90. ASSESSMENT OF DAMAGES AGAINST EMPLOYER

In assessing an award of damages in an action against an employer for personal injuries suffered by an insured person there shall be

taken into account against any loss of earnings or profit the value of any benefits or rights due to or which will accrue to such insured person under this Act.

91. REGULATIONS

- (1) The Minister may make regulations to provide for—
 - (a) the forms to be used for the purposes of this Act;
 - (b) the rates or amounts of any benefit and the variation of such rates or amounts in different or special circumstances;
 - (c) the periods of time during which any benefit shall be payable, including the day of commencement and termination thereof;
 - (d) the issue of exit certificates to persons leaving the State or such other measures deemed necessary to prevent the evasion by such persons of any contributions due under this Act;
 - (e) any matters contained in any Schedule under this Act;
 - (f) any prescribed matter or thing;
 - (g) the conditions under which payment of any benefit under this Act may be suspended or discontinued altogether;
 - (h) payment to a prescribed person or beneficiary where payment of a benefit has been suspended or discontinued under paragraph (g);
 - (i) the period within which any claim for a benefit shall be made and the documents or information necessary in support of any such claim;
 - (j) authorising payment in case of death of an insured person, to a person who appears to the Director to be the beneficiary and for dispensing with strict proof of title thereto;
 - (k) the conditions under which and the amounts which may be paid to the aged, disabled and needy persons who are not contributors under this Act;
 - (l) the qualification for benefits by a widower, under circumstances similar to those providing for a widow's entitlement;

- (m) the control of the payment of benefits to persons who it is considered are liable to squander grants received under section 59;
 - (n) the protection of interest of spouses who might be abandoned by an insured person and adversely affected by action taken under section 70;
 - (o) fixing the maximum penalty for any offence under this Act;
 - (p) amending the Schedules to this Act;
 - (q) all other matters pertaining or incidental to the purposes of this Act.
- (2) Regulations made under this Act may include the imposition by a district court of fines not exceeding \$5,000 or imprisonment not exceeding 6 months for contravention of any of the provisions thereof.

92. POWER TO REMOVE DIFFICULTIES

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

93. SAVINGS

- (1) Any statutory instrument or notice made under the repealed National Insurance Act, 1978 remains in force until revoked under this Act.
- (2) The rights and obligations of the National Insurance Board, in particular its rights, obligations, claims, privileges and advantages under the repealed National Insurance Act, 1978 continue with the National Insurance Corporation.

SCHEDULE 1

(Section 5)

Constitution and Procedure of National Insurance Board

1. The National Insurance Board shall consist of 7 members appointed by the Minister as follows—
 - (a) two members who shall represent Government;
 - (b) two members who shall represent employers;
 - (c) two members who shall represent employees;
 - (d) the Director.
2. The members representing Government shall be appointed on the advice of Cabinet.
3. The members representing employers shall be appointed on the recommendation of such associations of employers or persons or bodies likely to represent the interests of employers generally throughout the State.
4. The members representing employees shall be appointed on the recommendation of such associations of trade unions or individual trade unions as appear to be representative of employees generally throughout the State.
5. The Minister shall appoint the chairperson and deputy chairperson of the Board from amongst the members who shall with the other members hold office for a period not exceeding 3 years. Any member of the Board shall be eligible for re-appointment.
6. The Minister may at any time, if he or she is of the opinion that a member is unfit to continue in office or is incapable of performing his or her duties, revoke the appointment of such member.
7. Any member of the Board other than the chairperson, may at any time resign his or her office by notice in writing addressed to the Minister and transmitted through the chairperson and from the date of the receipt by the Minister of such notice such member shall cease to be a member of the Board.
8. The chairperson may at any time resign his or her office by giving notice in writing addressed to the Minister and such

resignation shall take effect as from the date of the receipt of such notice by the Minister.

9. If any vacancy occurs in the membership of the Board, such vacancy shall be filled by the appointment of another member who shall, subject to this Schedule, hold office for the remainder of the period for which the previous member was appointed.
10. The names of all members of the Board as first constituted and every change in the membership of the Board shall be published in the Gazette.
11. The Minister shall convene the first meeting of the Board, and thereafter the Board shall meet at such times as may be necessary or expedient for the transaction of business and such meetings shall be held at such places as the chairperson may require.
12. The quorum for a meeting of the Board shall be 4 members.
13. Minutes of every meeting of the Board shall be kept in proper form by the Secretary and shall be confirmed as soon as practicable thereafter either by circulating the same or at a subsequent meeting.
14. A member shall not communicate or reveal to any person any matter which has been brought under his or her consideration or shall become known to him or her as a member of the Board except as may be required for the due discharge of his or her duties as such.
15. A member shall not participate in the deliberations of the Board on any matter in which he or she has or may have any interest.

SCHEDULE 2

(Section 28(2))

For a contribution period of one month or one fortnight or one week the employer's and employee's contribution shall each be 5% of the total salary or wages or such other rate as may be fixed by the Minister in accordance with section 30.

SCHEDULE 3

(Section 29)

1. Employees whose remuneration is in excess of \$60,000 per annum or such other maximum limit as may be fixed in accordance with section 30(d), are exempted in respect of that portion in excess of \$60,000 or such other limit so fixed.
2. Employees whether belonging to this State or not, whose written terms of service or engagement wherever executed provide that they are subject to service for any period of not less than one year outside the State.
3. Persons who in their official capacity are accorded diplomatic status and similar status arising from the grant of immunities and privileges.
4. Any employee who is not a citizen of Saint Lucia who is employed in this State for a period not exceeding 2 years at one time.
5. Paragraphs 3 and 4 shall not apply to any employee unless his or her employer has satisfied the Director that the employee is liable to contribute to, or is prospectively entitled to benefit from the social security scheme of any country other than this State or any benefit scheme by virtue of his or her employment on terms that would provide the employee with benefits substantially not less favourable than the benefits to which he or she would have been entitled under this Act.

SCHEDULE 4

(Section 8(3))

TABLE

Policy decisions of the Board implemented over the years without the requisite legislative amendments.

1. Minimum pension—
Introduced in 1990—
1990—1992—EC\$100
1992—1999—EC\$125
2. Maternity grant increased in 1992 to EC\$450
3. Funeral grant increased in 1992 to EC\$1,500
4. Introduction of the payment of funeral grant upon death of dependent child or spouse of an insured person.
5. Maximum annual insurable earnings increased as follows—
1993—to date—EC\$36,000

SCHEDULE 5

FORMS

FORM DN 1

National Insurance Corporation Act

GARNISHEE ORDER NO.

NATIONAL INSURANCE CORPORATION

DATE

DEMAND ON THIRD PARTIES

- 1. WHEREAS it is believed that you are about to become indebted or liable to make a payment to
- 2. And Whereas the debtor is indebted to the National Insurance Fund in the amount of \$..... under the provisions of the National Insurance Corporation Act.
- 3. Now Therefore you are hereby required under section 79 of the National Insurance Corporation Act to pay to the Director an amount sufficient to discharge the said liability or the amount for which you are or may become liable to the said debtor, whichever is the less.
- 4. Remittances in favour of the Director of the National Insurance Corporation should be clearly identified as payments made with respect to the demand and should be forwarded to the National Insurance Corporation either in Castries, Soufrière or Vieux Fort.
- 5. Receipts will be issued in respect of sums paid under this demand. Such receipts will serve as a good and sufficient discharge to you of your original liability to the debtor to the extent of the payment.
- 6. Discharge of any present or future liability to the debtor after receipt of this demand without complying with the requirements of it amounts to an offence under section 78(4) and carries a fine of \$5,000 or 12 months imprisonment or both.

DIRECTOR

NATIONAL INSURANCE CORPORATION

National Insurance Corporation Act

FORM DN 2

(Section 81)

DEMAND NOTICE

.....
INSERT DATE

.....
NAME OF EMPLOYER

.....
ADDRESS

Dear

RE: NATIONAL INSURANCE CONTRIBUTIONS

I hereby demand payment from you/your company in the sum of _____ (\$ _____) being the amount due and owing by you/your company as at _____.

TAKE NOTICE that if payment of the above amount is not made within 30 days of the date hereof then a distress warrant will be issued to levy on your/the Company's goods, chattels or land in order to obtain the same in accordance with section _____ of the National Insurance Corporation Act.

If settlement is not reached by the time specified, any further cost in collecting the amount will be added to the above liability.

Dated this day of

.....

**DIRECTOR
NATIONAL INSURANCE CORPORATION**

National Insurance Corporation Act

FORM NI DW

(Section 81)

DISTRESS WARRANT

TO: The Registrar of the High Court

I, _____ Director of the National
PRINT NAME OF DIRECTOR

Insurance Corporation by virtue of the power vested in me by section _____ of the National Insurance Corporation Act, hereby authorise you to collect and recover the several sums respectively due for contributions from the persons specified in the Schedule hereto together with the additional sum for surcharge and also the cost and charges of and incidental to the taking and keeping of such distress on goods, chattels and land of the person from whom the contributions or sum are due and owing.

SCHEDULE

NAME	AMOUNT
	Contribution
	Surcharge
	Total

Given under my hand this _____ day of

.....
**DIRECTOR
NATIONAL INSURANCE CORPORATION**

NATIONAL INSURANCE REGULATIONS – SECTION 91

ARRANGEMENT OF REGULATIONS

Regulation

PART 1	75
PRELIMINARY	75
1. Citation.....	75
2. Interpretation.....	75
PART 2	76
REGISTRATION OF EMPLOYERS AND EMPLOYEES	76
3. Application for registration.....	76
4. Issue and security of registration card.....	78
PART 3	79
COLLECTION AND PAYMENT OF CONTRIBUTION	79
5. Manner of payment of contribution.....	79
6. Documents to accompany payment.....	79
7. Receipts.....	79
8. Monthly remittance statement.....	79
9. Monthly schedule.....	80
10. Duplicates to be kept.....	80
11. Payment of contributions.....	81
12. Self employed persons.....	82
12A. Voluntary contributors.....	84
13. Employees of the Crown.....	85
14. Time of deduction.....	86
15. Authority to deduct and match employees' contributions.....	87
16. Error in deduction.....	87
17. Returns by employer.....	87
18. Inspection of employees' records.....	88
19. Death of employer.....	89
20. Exemption from liability for contributions.....	89
21. Refund of contributions.....	89
22. Treatment of late payment for purpose of benefit.....	90
23. Treatment of late contributions for the purpose of sickness or maternity benefit.....	90
24. Treatment of late contributions for the purpose of retirement or invalidity benefits.....	91
25. Treatment of late contributions for the purpose of funeral benefit.....	91
26. Employment by 2 or more employers.....	91

27.	Principal and sub-contractors	92
28.	Meaning of expression "husband"; "wife"; "cohabitation"	92

PART 4 **93**

BENEFITS **93**

A.	Sickness Benefit	93
29.	Entitlement	93
30.	Day from which benefit is to commence	93
31.	Manner of claiming and support of claim	94
32.	Conditions which must be satisfied	94
33.	Period of payment	94
34.	Rate of sickness benefit	95
B.	Invalidity Benefit	95
35.	Conditions for entitlement	95
36.	Rate of invalidity pension	95
37.	Invalidity grant	96
38.	Certificate of permanent incapacity for work	96
C.	Maternity Benefit	97
39.	Entitlement	97
40.	Conditions to be satisfied	97
41.	Duration	97
42.	Rate of maternity benefits	97
43.	Maternity grant	98
44.	Support of claim	98
45.	Certificate of confinement	98
D.	Survivor's Benefit	99
46.	Entitlement to survivor's pension: rate of survivor's pension and amount of survivor's grant	99
47.	Entitlement to survivor's pension	100
48.	Widower or widow with dependent children	101
49.	Entitlement of dependents	101
50.	Rate of survivor's pension	102
51.	Distribution of survivor's grant	102
52.	Persons to be treated as survivors	102
E.	Retirement Pension	103
53.	Entitlement to retirement pension	103
54.	Rate of pension	103
55.	Entitlement to an early pension	104
56.	Entitlement to retirement grant	104
57.	Amount of retirement grant	104
58.	Claims	105
F.	Funeral Benefit	105
59.	Entitlement to grant	105
60.	Person who may receive grant	106
61.	Amount of grant	106
G.	Employment Injury Benefit	106
62.	Entitlement to benefit	106
63.	Notice of accident by insured person	107
64.	Employer to complete form for accident or disease	107
65.	Day from which benefit is to commence	108
66.	Manner of claiming and support of claim	108
67.	Duration and rate of payment	108
68.	Medical expenses payable for employment injury	109
69.	Disqualification	109
70.	Disablement pension	110

 Revision Date: 31 Dec 2005

71.	Entitlement to disablement benefit	110
72.	Rate of disablement grant	112
73.	Increase of disablement benefit during approved hospital treatment	112
74.	Death benefits entitlement of dependents	112
75.	Prior entitlement of widow, widower and child	114
76.	Entitlement of parent to death benefit	114
77.	Entitlement of other relatives to death benefit	114
78.	Claim for death benefit	115
79.	Period for which pension is payable	115
80.	Rate of death benefit	116
81.	Prescribed disease	116
82.	Re-occurrence of prescribed disease	117
H.	Miscellaneous Provisions Relating to Employment Injury	117
83.	Obligations of claimants and beneficiaries in respect of employment injury benefit or disablement benefit	117
84.	Credited contribution for weeks of employment injury benefit	118
I.	Hospitalisation & Medical Treatment	118
85.	Hospitalisation and medical benefit	118

PART 5 **119**

PERSONS EMPLOYED ON SHIPS AND AIRCRAFT **119**

86.	Application to persons employed on ships and aircraft	119
-----	---	-----

PART 6 **120**

MISCELLANEOUS **120**

87.	Entitlement to more than one benefit	120
88.	Benefits payable as grant or periodical payments	121
89.	Refund of benefit improperly paid	121
90.	Credited contribution	122
91.	Persons abroad	122
92.	Payment of benefit for which person is eligible under regulation 91	122
93.	Persons under-going imprisonment or detention in legal custody	123

PART 7 **123**

MISCELLANEOUS PROVISIONS RELATING TO CLAIMS AND PAYMENTS CLAIMS **123**

94.	Claims, to be in writing	123
95.	Information to be given	124
96.	Date of claim	125
97.	Defective and incomplete claim	125
98.	Time for claiming benefits	125
99.	Claim in advance	126
J.	Payments	127
100.	Time and manner of payment of benefits other than pensions	127
101.	Time and manner of payment of pensions	128
102.	Other arrangements for payment of pension	128
103.	Other times and methods of payment of pension	128
104.	Extinguishment of right to sum payable by way of benefit which is not obtained within the prescribed time	128
105.	Information to be given when obtaining payment of benefit	129
106.	Forfeiture or suspension of payment of benefit	129
107.	Obligations of beneficiary to notify change of circumstances	131

108.	Person unable to act.....	131
109.	Payment of death benefit to person appointed by the Director	132
K.	Medical Certificate	133
110.	Evidence of incapacity to be given.....	133

PART 8 **134**

APPEALS **134**

111.	Appeals.....	134
------	--------------	-----

PART 9 **135**

OFFENCES **135**

112.	Offences and penalties	135
------	------------------------------	-----

PART 10 **136**

FINANCIAL AND ACCOUNTING REGULATIONS **136**

113.	Interpretation.....	136
114.	Benefit branches.....	137
115.	Financial year	137
116.	Submission of estimates	137
117.	Financial authorities of staff	138
118.	Fidelity bond	138
119.	Loss deficiencies and other payments	139
120.	Unserviceable assets.....	139
121.	Financial audit.....	139
122.	Periodical reports to the board.....	139
123.	Accounting systems	140
124.	Quarterly accounts.....	140
125.	Annual accounts	140
126.	Statement of cash flows.....	140
127.	Preparation of accounts and balance sheets	141
128.	Distribution of income of the Fund	141
129.	Income from investment of reserves	141
130.	Unidentified income	141
131.	Distribution of expenditure	141
132.	Administrative expenditure.....	141
133.	Unallocated expenditure	142
134.	Reserves to be constituted	142
135.	Long term benefit reserve	142
136.	Other reserves	142
137.	Minimum sums of reserves to be maintained by the board.....	142
138.	Audit of accounts	142
139.	Accounts to be audited	143
140.	Auditor's Report	143
141.	Submission of audit finding	143
142.	Director to report to Minister	143
143.	Powers of Director	144
144.	Validation of actions.....	144

Revision Date: 31 Dec 2005

SCHEDULE 1	144
SCHEDULE 2	187
SCHEDULE 3	191
SCHEDULE 4	210

NATIONAL INSURANCE REGULATIONS – SECTION 91

(Statutory Instrument 22/2003)

Commencement [3rd March 2003]

PART 1 PRELIMINARY

1. CITATION

These Regulations may be cited as the National Insurance Regulations.

2. INTERPRETATION

In these Regulations—

“**Act**” means the National Insurance Corporation Act;

“**Board**” means the National Insurance Board established under section 5 of the Act;

“**dependant**” means a member of an insured person’s family—

- (a) who was wholly or mainly maintained by the insured person at the time of his or her death;
- (b) who would as a result of the incapacity for work due to a relevant accident been dependent on the earnings of the insured person at the time of his or her death;
- (c) who is a child or grandchild of an insured person and who is under 16 years of age, or is not above 18 years of age if in full time education and was living with or wholly or mainly maintained by the insured at the time of his or her death; and
- (d) who is a parent or grandparent of an insured person who was wholly or mainly maintained by the insured person at the time of his or her death;
but does not include a person who has not received any contribution towards the ordinary necessities of

life from an insured person during the insured person's life;

“**Corporation**” means the National Insurance Corporation established under section 4 of the Act;

“**Director**” means the Director of the National Insurance Corporation;

“**employee**” includes any person who is engaged in employment under a contract of service or where not under a contract of service is subject to such terms and conditions as to make it similar to employment under a contract of service;

“**Fund**” means the National Insurance Fund established under section 3 of the Act;

“**invalid**” means a person incapable of work as a result of a specific disease or bodily or mental disablement which is likely to be permanent;

“**medical authority**” means a medical board or a registered medical practitioner nominated by the Director from a panel of registered medical practitioners approved by the Board;

“**Minister**” means the Minister responsible for national insurance;

“**relevant accident**” means the particular accident or disease in respect of which injury is sustained and for which a claim may be made for payments or employment injury benefit under these Regulations.

PART 2

REGISTRATION OF EMPLOYERS AND EMPLOYEES

3. APPLICATION FOR REGISTRATION

- (1) Every employer shall within 7 days of hiring his or her first employee apply to the Director in the form set out as Form R1 in Schedule 1 for registration as an employer under the Act.
- (2) Every employer shall within 7 days of employing any person, present to the Director in the form set out as Form R3 in

Schedule 1, an application for registration as an insured person in respect of each employee of whom he or she is the employer.

- (3) Employers and employees registered under the National Provident Fund Act, 1970, and the National Insurance Act, 1978 shall be treated for all requirements under these Regulations as having registered under the Act as from their respective dates of registration under the respective Acts and shall continue to carry the same registration number allotted to each of them.
- (4)
 - (a) Every employer who changes his or her business address shall within 2 weeks of such change notify the Director accordingly in the form set out as Form CF1 in Schedule 1.
 - (b) Every employer who ceases to be an employer shall within 2 weeks of such cessation notify the Director accordingly in the form set out as Form CF2 in Schedule 1.
- (5) Where an employer has failed to register in accordance with subregulation (1) but has made contribution deductions from the wages of employees, such employer shall upon registration remit to the Fund the full amount of such contributions together with surcharge for such period and shall also give a written undertaking to the Board to meet the cost of any short term benefit claim which arises within 3 months of such registration.
- (6)
 - (a) Every employer who carries on business under a business name registered in accordance with the Registration of Business Names Act shall at the time of making an application under subregulation 3(1) furnish the Director with a copy of the statement of particulars and certificate of registration, of his or her business name.
 - (b) Every employer who carries on business as a body corporate shall at the time of making an application under subregulation 3(1) furnish the Director with a copy of the following—
 - (i) Certificate of Incorporation
 - (ii) Notice of Directors, and
 - (iii) Notice of registered office.

4. ISSUE AND SECURITY OF REGISTRATION CARD

- (1) Where upon receipt of an application for registration of an employee under this Part, the Director is satisfied that the person concerned is required to be registered as an insured person under the Act, he or she shall cause a national insurance card to be issued to the employee in such form as may be approved by the Director.
- (2) Every employee to whom a National Insurance card is issued must present himself or herself at an office of the National Insurance Corporation and present a copy of his or her birth certificate or passport in order to receive the National Insurance card.
- (3) The national insurance card shall bear unamended, the full name and registration number of the insured person.
- (4) Where the entries on the national insurance card are amended in any way the card shall be invalid and shall be returned to the Director immediately.
- (5) A person who is issued a registration card in accordance with the provisions of regulation 4 shall be responsible for the card's safe custody.
- (6) If a registration card—
 - (a) is lost;
 - (b) is destroyed;
 - (c) becomes defaced so as to be illegible; or
 - (d) because of change of name of the holder the card ceases to represent the holder's identity,the holder of that card shall apply to the Director to have the card replaced at a cost to be determined by the Director.
- (7) Upon making application under subregulation (6) a person shall deliver to the Director the card to be replaced if it is still in existence and furnish the Director with the required information in relation to this application.

PART 3

COLLECTION AND PAYMENT OF CONTRIBUTION

5. MANNER OF PAYMENT OF CONTRIBUTION

All payments of contributions to the Fund shall be made at any of the Corporation's offices and shall be paid—

- (a) in cash, to an officer of the Corporation authorised by the Director to receive such payments; or
- (b) by money order, postal order or crossed cheque drawn on any bank in the State or sent by post to an office of the Corporation;
- (c) by bank draft; or
- (d) in such other manner as the Director may from time to time authorise in any particular case or class of cases.

6. DOCUMENTS TO ACCOMPANY PAYMENT

All payment of contributions to the Fund shall be accompanied by the appropriate forms duly completed, or by such other form as the Director may in any particular case or class of cases permit.

7. RECEIPTS

- (1) The Director shall cause a receipt for the amount remitted to be sent to any employer who shall affix it in the appropriate place upon his or her duplicate copy of the remittance statement.
- (2) No receipt other than the authorised receipt issued at the Board's office shall be given for any payment on account of contributions or otherwise to the Fund and any receipt so made and endorsed shall be accepted as sufficient for all purposes.

8. MONTHLY REMITTANCE STATEMENT

- (1) In each month, every employer shall complete the remittance statement appropriate to that month in the form set out as Form C2 in Schedule 1 and shall forward it together with a remittance for such total amount appearing on the statement so as to reach the Director not later than 7 days after the end of the month.

- (2) An employer shall keep a record of monthly remittance forwarded to the Director in the form set out as Form C2 in Schedule 1.

9. MONTHLY SCHEDULE

- (1) The Director shall dispatch at the appropriate time to every employer who is registered under these Regulations a monthly schedule of contributions in the form set out as Form C3 in Schedule 1 in respect of the relevant contribution period for the recording of payments of contributions payable to the Corporation's office under the Act.
- (2) On receipt of the monthly schedule, the employer shall enter thereon, the name and registration number of every person employed by him or her, and thereafter in respect of the relevant weekly contribution periods, shall enter against the name of an employee the total amount of contributions payable to the office of the Corporation on behalf of each employee.
- (3) Despite subregulation 9(1), where an employer has not received the Form C3 by the last day of the month he or she shall take all reasonable steps to obtain this form from the offices of the Corporation.
- (4) The employer shall dispatch or cause to be dispatched the monthly schedule to the Corporation within 7 days after the end of the month for which the contribution is due.
- (5) Where the employer's payroll records are computerised he or she shall also submit the monthly schedule in an electronic format approved by the Director.

10. DUPLICATES TO BE KEPT

The employer shall keep duplicate copies of monthly schedules and of electronic files and of monthly remittance statements on copy sheets provided together with the relevant receipts and shall make them available on request for inspection by an inspector appointed under section 14 of the Act.

11. PAYMENT OF CONTRIBUTIONS

- (1) For each contribution period for which an insured person is paid wages, the employer's contribution and the employee's contribution shall each be 5% or such other rate as may be specified in accordance with section 30(a) of the Act, or the amount paid up to the maximum wage specified in accordance with section 30(d) of the Act.
- (2) For the purpose of determining the wages of an employed person under this regulation, there shall be included all the gross earnings received by or on behalf of the insured person including—
 - (a) overtime payments;
 - (b) all allowances;
 - (c) commission or profits on sales;
 - (d) payment on account of night or shift work;
 - (e) service charge; and
 - (f) holiday pay or other amounts set aside out of the employee's remuneration throughout the year or part of the year to be paid to him or her periodically.
- (3) Despite subregulation (2)
 - (a) in the case of holiday pay and other amounts set aside out of the insured person's wages, the pay set aside shall be included in the related wages for the appropriate period for which contributions would have been payable had the wages not been set aside;
 - (b) in the case of the payments described in subregulation (2) (a) to (e), the amount of payments so received shall, if they are not paid with the wages for the period in which they are due; be included in the wages for the period in which they are paid;
 - (c) Christmas bonuses, annual production bonuses, severance payments and terminal gratuities shall not be included in the gross earnings of an insured person.
- (4) With a view to ensure that liability for the payment of contributions is not avoided or reduced by an employer using any pay practice which is abnormal for a particular employment, the Director, whether or not an application has been made to him or her, may, if he or she thinks fit, determine

any question in relation to the payment of contribution where any such practice has been or is being followed as if the employer concerned had not followed such abnormal practice for the employment in question.

12. SELF EMPLOYED PERSONS

- (1) A person who carries on any trade or business enterprise, including professional services or any other lawful activity, which—
 - (a) generates an income in the form of sales or payment for services rendered or any other form of income; or
 - (b) generates pecuniary remuneration in the form of a salary, returns on investments, profits or any other form of pecuniary remuneration;
 - (c) is over 16 years but below the pensionable age; and
 - (d) is ordinarily resident in Saint Lucia,shall be entitled to register as a self employed insured person under these Regulations.
- (2) An application to register as a self-employed person shall be in the form set out as Form SE1 in Schedule 1 and every applicant shall furnish to the Director such personal particulars as the Director may require for the purpose of these Regulations, which particulars shall be true and correct to the best of the applicant's knowledge.
- (3) The Director shall, if upon receipt of an application for registration is satisfied that the person is entitled to be registered as a self employed person and that person has not been issued any registration card, cause a registration card to be issued to that person.
- (4) Regulations 4(3) to 4(8) of these Regulations shall apply to a self employed person registered under these provisions.
- (5) Despite subregulation (1)—
 - (a) where an insured person who is employed by another person subsequently becomes self-employed the insured person shall for the purposes of paying contribution as a self-employed person and other related matters register as a self-employed person;

- (b) where a person who is self-employed is at the same time employed by someone, then that person may elect to pay personal contributions in addition to the contributions payable by his or her employer, except that the total contributions for a contribution period shall not exceed the amount due on the maximum insurable earnings in force at the time;
 - (c) where a self employed person subsequently becomes employed by another person he or she will cease to be liable as a self-employed person and his or her employment status will take precedence in respect of payment of contribution;
 - (d) where a person who is employed by another person, simultaneously becomes self-employed, the employment as an employed person supersedes the employment as a self-employed person in respect of payment of contributions.
- (6) A self employed person shall, except where these Regulations otherwise provide, pay a contribution in respect of each contribution period during which he or she is self-employed.
- (7) A self-employed person shall, at the end of the month in which he or she is self-employed or within one month thereafter, pay, by a method determined by the Director, the contributions he or she is obliged to pay by virtue of these provisions.
- (8) A self-employed person shall, for the purpose of payment of contributions—
- (a) select one of the categories of income listed in Table I of Schedule 1, which selection shall be binding for a minimum duration of 6 months, from the date of such selection;
 - (b) be entitled to change such selection after 6 months, except that he or she shall only be entitled to change to a category of income that is immediately lower or higher than the one selected for the period immediately preceding;
 - (c) not be entitled to change the selection to a higher category of income after attaining an age which is 6 years below the pensionable age.

- (9) A person who, prior to attaining an age which is 5 years below the pensionable age and has never paid contributions as a self-employed person but is subsequently entitled under these Regulations to pay contributions as a self-employed person shall not select a category of income that exceeds category E in Table I of the First Schedule.
- (10) Any selection of category of income made by a self-employed person shall be subject to the approval of the Director, and in making such determination he or she may make any inquiry, as he or she deems necessary.
- (11) Regulations 5 to 11 of these Regulations shall, apply to a self-employed person who is required to pay contributions under these Regulations.
- (12) Every self-employed person shall maintain records relating to his employment.
- (13) A self-employed person is entitled to all benefits except employment injury benefit, at the same rate as other insured persons, and in order to qualify for any short term benefit must have paid contributions for 12 consecutive months immediately preceding the date of the claim, in addition to satisfying the other qualifying conditions for the particular benefit.
- (14) Only paid contributions will be taken into account in calculating any benefit to be paid to a self employed person.
- (15) If a self-employed person is not gainfully employed for any duration he or she shall notify the Director in writing and where such period exceeds 12 months, furnish the Director with evidence of not having been employed during such period, and any person designated by the Director may inspect the records of the self-employed person to verify such claim.
- (16) Despite anything contained in the Act and these Regulations and for the purposes of this regulation any contribution paid later than the last day of the month following that month for which it is being paid shall not be accepted and the contribution for that month shall be treated as being unpaid for all intents and purposes.

12A. VOLUNTARY CONTRIBUTORS

- (1) A person who—

- (a) is below pensionable age;
- (b) is ordinarily resident in Saint Lucia;
- (c) ceases to be eligible for payment of contributions in respect of insurable employment under the Act; and
- (d) has paid 60 months of contributions including any contributions credited to him or her in accordance with these Regulations,

is entitled to become a voluntary contributor under these Regulations.

- (2) The rate of contribution which a voluntary contributor shall pay shall be the same as that payable by an employed person during any contribution year in which a voluntary contributor is paying contributions and that rate shall be applied to the average annual wages paid to the voluntary contributor during the 2 years immediately preceding the date of the last termination of his or her employment, or to such other period as the Director may, in the particular circumstances of the case, determine.
- (3) Only paid contribution will be taken into account in calculating any benefit to be paid to a voluntary contributor.
- (4) A voluntary contributor shall be entitled to hospitalization, maternity and retirement benefit and must satisfy the prescribed conditions for the particular benefit.
- (5) An application to register as a voluntary contributor shall be made within 12 months of the date of cessation of insurable employment.
- (6) An application to register as a voluntary contributor shall be in the form set out as Form VC1 in Schedule 1.

13. EMPLOYEES OF THE CROWN

- (1) In every case where a person is employed by the Crown—
 - (a) on written terms of service or engagement for a specific duration; or
 - (b) in a post which is not a pensionable post as defined in the Pensions Act;

the employer shall cause deductions to be made from the salary or wages of the employee and be matched by the employer and

the composite sum paid into the Fund, in accordance with the Act.

- (2) All persons employed by the Crown after 31 January 2003 shall be deemed to be in insurable employment and shall be treated in like manner as insured persons under the Act and these Regulations.

14. TIME OF DEDUCTION

- (1) An employer liable to pay contributions in respect of or on behalf of an insured person, shall, except as provided in this regulation, deduct these contributions from the insured person's wages before paying the wages in respect of the contribution period for which the contribution is payable.
- (2) Where wages are paid in advance for any period the employer shall deduct contributions in advance for that period before payment of the wages.
- (3) In addition to any other requirements, the employer shall, where the employment of an insured person is terminated, pay to the Corporation all contributions due from him or her together with the contributions payable by such insured person although contributions are still outstanding from the insured person, within 14 days of the termination of employment where the employment is terminated by the insured person without any notice or intimation to the employer, and forthwith on the termination of the employment where the employment is terminated in any other manner.
- (4) The Director may, if he or she thinks fit, and subject to such terms and conditions as he or she may impose—
 - (a) approve any arrangement whereby contributions are paid at times or in a manner other than those prescribed by these Regulations and any such arrangement may include provision for the payment of such fees as may be determined by the Director, to represent the estimated additional expenses in the administration of the arrangement, to the Corporation; and
 - (b) as a condition for authorising the payment of any contribution at a date later than that upon which the contribution would, apart from any authorisation under paragraph (a) be due to be paid, the Director may require

the making of such deposit of money by way of security as the Board may approve.

- (5) These Regulations shall, subject to any such arrangements, apply to any person affected by the arrangements and any contravention of or failure to comply with any requirements of any such arrangement shall be deemed to be a contravention of or failure to comply with these Regulations.

15. AUTHORITY TO DEDUCT AND MATCH EMPLOYEES' CONTRIBUTIONS

- (1) It shall be the responsibility of every employer, on making payment of wages during any contribution period to any employee, to make the appropriate deduction from such wages and pay the same together with his or her matching contributions to the Corporation.
- (2) An employer is not entitled to recover any contribution paid by the employer or to be paid by the employer on behalf of an employee otherwise than by deduction in accordance with these Regulations.
- (3) The surcharge payable in accordance with section 34 of the Act on late payments of contributions, shall begin to accrue as from the 8th day of the month following that in which such contributions become due and payable.

16. ERROR IN DEDUCTION

If by reason of any error made in good faith, the employer, on making any payment of wages to an employee fails to deduct from the wages the full amount of contribution which he or she should deduct, he or she may, after prior notification to the employee recover the amount so under-deducted by deduction from any subsequent payment of emoluments to that employee within 6 months thereafter.

17. RETURNS BY EMPLOYER

- (1) Not later than the last day of February in each year the employer shall render to the Director in such form as the Director may approve, a return, in respect of each employee, containing such particulars as the Director may require for the

identification of the employee and the contributions paid by and receivable for him or her, for the preceding year.

- (2) Where the employer is a body corporate, the return referred to in subregulation (1), shall be signed either by the Secretary or a Director of the said body corporate.
- (3) A return shall be made under this regulation regarding every employee in respect of whom a registration card has been issued and to whom the employer has at any time during the year made a payment of wages from which contributions were payable.

18. INSPECTION OF EMPLOYEES' RECORDS

- (1) Every employer, whenever called upon to do so by an Inspector appointed or designated under section 14 of the Act, shall produce to such Inspector for inspection either at the employer's premises or at any office of the Corporation all wage sheets, and other documents and records whatsoever relating to the wages of his or her employees, the deduction of contributions from such wages and payment of the employer's contribution in respect of such wages for any contribution period specified by that Inspector.
- (2) The Director, by reference to the information obtained from inspection of the documents and records produced under subregulation (1), may on the occasion of each inspection prepare a certificate setting out—
 - (a) the amount of contributions which the employer is liable to pay to the Fund for the relevant years or months in accordance with the documents so produced; and
 - (b) any amount of contributions which have not been paid to the Fund.
- (3) The production of the certificate specified in subregulation (2) shall be sufficient evidence in any court that the employer is liable to pay to the Fund in respect of any contribution period mentioned in the certificate the amount shown therein under subregulation (2) and any document purporting to be such a certificate shall be deemed in any court to be such a certificate until the contrary is proved.

19. DEATH OF EMPLOYER

- (1) If an employer dies during any contribution period, any function which he or she would have been liable to perform under these Regulations shall be performed by his or her personal representative; and in the event of the death of an employer who paid wages on behalf of another person the said functions shall be performed by the person succeeding him or her and if no person succeeds him or her, by the person on whose behalf he or she had paid the wages.
- (2) Where an employer is a body corporate and changes ownership or ceases operations, its directors at the time of such change or cessation shall be responsible for performing any function which it would have been liable to perform under these Regulations.

20. EXEMPTION FROM LIABILITY FOR CONTRIBUTIONS

- (1) An employee and his or her employer shall be exempt from liability to pay contributions for any contribution period—
 - (a) in which no work is done by the employee and the employee received no wages in respect of the period;
 - (b) during which an employee is in full-time unpaid apprenticeship.
- (2) Nothing in this regulation shall be deemed to affect the liability of an employee, for any contribution period in which the employee is on leave if subject to subregulation (1)(a) contributions are normally payable with respect to the employment of such person.

21. REFUND OF CONTRIBUTIONS

- (1) Where the Director is satisfied that any contribution was paid to the Fund by error in respect of any employee either wholly or partly in excess of the amount that was due to be paid, the Director may, subject to subregulation (2) refund the amount so paid in excess, to the person by whom it was paid.
- (2) Despite subregulation (1)
 - (a) if any amount is due to the Fund from the person to whom refund of the amount paid in excess would otherwise be

made, the Director may retain the whole or any part of such excess payment and set it off against any such amount due;

- (b) no refund shall be made without a written application to the Director, who may require the applicant to furnish such information as may be necessary to enable the Director to determine the amount of the excess payment and no amount shall be set off without the consent of the Director;
- (c) no interest shall be paid on any excess payment.

22. TREATMENT OF LATE PAYMENT FOR PURPOSE OF BENEFIT

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

23. TREATMENT OF LATE CONTRIBUTIONS FOR THE PURPOSE OF SICKNESS OR MATERNITY BENEFIT.

- (1) For the purpose of any right to sickness benefit or maternity benefit, a contribution paid after the due date shall, in determining whether the relevant contribution conditions are satisfied with respect to the number of contributions paid between the commencement of payment and the day for which the benefit is claimed, be treated—
 - (a) for the purpose of the right to any such benefit in respect of any day before the date on which payment of the contribution is made, as not paid; and
 - (b) for the purpose of the right to any such benefit in respect of any other day, as paid on the date on which payment of the contribution is made.
- (2) For the purposes of subregulation (1), in determining whether the relevant contribution conditions are satisfied in whole or in part with regard to the number of contributions paid or credited in respect of the last prescribed contribution period before the

day for which sickness benefit or maternity is claimed, a contribution paid after the due date shall be treated—

- (a) if after the commencement of incapacity for work and whilst the incapacity continues or during the period for which maternity benefit would otherwise be payable, as the case may be, as not paid in respect of any day before the expiry of a period of 42 days including Sundays from and including the date on which payment of that contribution is made and as paid at the expiry of that period in relation to the right to such benefit in respect of any other day;
- (b) if paid after the cessation of incapacity for work for the said period referred to in paragraph (a) as the case may be, as not paid.

24. TREATMENT OF LATE CONTRIBUTIONS FOR THE PURPOSE OF RETIREMENT OR INVALIDITY BENEFITS

For the purpose of any right to retirement or invalidity benefit, a contribution paid after the due date shall be treated—

- (a) if paid before the expiration of 6 months next following the end of the year in which it became payable, as paid on the due date;
- (b) if paid at any other time, as not paid.

25. TREATMENT OF LATE CONTRIBUTIONS FOR THE PURPOSE OF FUNERAL BENEFIT

For the purpose of any right to funeral benefit, a contribution paid after the due date shall be treated as not paid if the contribution is paid after the date of death of the person in respect of whom the grant is claimed.

26. EMPLOYMENT BY 2 OR MORE EMPLOYERS

- (1) Where an employee is employed by 2 or more employers in any contribution period, each employer shall pay contributions on the respective wages paid to the employee in accordance with the Act.

- (2) Any contribution paid on amounts in excess of the maximum wage limit shall be refunded in accordance with regulation 21.

27. PRINCIPAL AND SUB-CONTRACTORS

- (1) Where a principal contractor issues a contract for service to a sub-contractor, the principal contractor shall furnish the Corporation in writing with the correct name, address and telephone number of every sub-contractor, so engaged and the date and duration of such engagement.
- (2) The failure of a principal contractor to provide the information required under Subregulation (1) above shall constitute an offence and on summary conviction is liable to a fine not exceeding \$5,000.00 or 12 months imprisonment or both.
- (3) Every sub-contractor who employs persons for the purpose of any engagement under subregulation (1) above shall if not already registered under regulation 3(1), register as an employer and deduct and match contributions from the wages of employees and cause the composite sum to be paid into the Fund in accordance with these Regulations.

28. MEANING OF EXPRESSION “HUSBAND”; “WIFE”; “COHABITATION”

For the purpose of the Act and these Regulations and concerning any benefit, the expression—

- (a) “husband” or “wife” in relation to a person who has been married more than once, refers to the last husband or wife respectively;
- (b) “cohabitation” means a relationship between one man and one woman, where, although not married, they lived together as husband and wife in the same dwelling house for a continuous period of at least 5 years;
- (c) “marriage” is extended to include the cohabitation of one woman with one man and the words wife, husband, widow, widower and spouse shall be construed accordingly.

PART 4 BENEFITS

A. Sickness Benefit

29. ENTITLEMENT

Subject to these Regulations, sickness benefit shall be payable to an insured person who is rendered temporarily incapable of work as a result of a specific disease, or physical or mental disablement which is not an employment injury, nor caused by habitual use of alcoholic liquor, narcotics, or drugs other than those taken under the prescription of a registered medical practitioner, and for this purpose—

- (a) an insured person shall be treated as incapable of work for any day during which he or she is required to abstain from work because he or she is under observation by reason of being a carrier or having been in contact with a person suffering from an infectious disease;
- (b) one day in each week as may be determined by the Director in any particular case or class of cases shall not be treated as a day of incapacity for work and shall be disregarded in computing any period of consecutive days.

30. DAY FROM WHICH BENEFIT IS TO COMMENCE

- (1) An insured person who is eligible for sickness benefit shall not be entitled to receive such benefit for the first 3 days of any continuous period of incapacity for work.
- (2) For the purpose of computing the first 3 days of any continuous period of incapacity for work under subregulation (1)—
 - (a) public holidays shall be included;
 - (b) one day per week shall be disregarded;
 - (c) such computation shall commence from the first day of absence from work.
- (3) An insured person shall not be entitled to sickness benefit on or after attaining pensionable age but this subregulation shall not apply to any person who has continued to make the appropriate contributions after pensionable age.

- (4) Notwithstanding the above sickness benefit shall only be payable for certified sick leave.

31. MANNER OF CLAIMING AND SUPPORT OF CLAIM

A claim for sickness benefit shall be made in the form set out as Form SB2 in Schedule 1 and shall be supported by—

- (a) a certificate of a registered medical practitioner; and
- (b) such other evidence as the Director may require for the purpose of establishing the insured person's incapacity for work.

32. CONDITIONS WHICH MUST BE SATISFIED

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; or
- (b) was engaged in insurable employment and has paid at least 2 months contributions in the period of 4 months immediately preceding the contribution period in which the first day of the continuous period of incapacity for work occurred; and
- (c) had paid contributions for not less than 6 months since his or her registration under the Act.

33. PERIOD OF PAYMENT

- (1) Sickness benefit shall be paid for each day, excluding one day in each week as determined in accordance with these Regulations as long as the incapacity for work continues, subject to a maximum of 6 months in any continuous period of incapacity for work.
- (2) In determining any period of incapacity, any period separated by not more than 8 weeks shall be treated as one continuous period of incapacity for work starting on the first day of the first such period.
- (3) Where a claimant is entitled to receive from his or her employer full pay during any period of incapacity for work, the Director

shall suspend payment of sickness benefit to such claimant during that period.

34. RATE OF SICKNESS BENEFIT

The rate of sickness benefit shall be 65% of the average insurable earnings in the last 4 months before the beginning of the period of incapacity.

B. Invalidity Benefit

35. CONDITIONS FOR ENTITLEMENT

Subject to these Regulations an insured person who—

- (a) is an invalid otherwise than as a result of employment injury;
- (b) has paid contributions for not less than 60 months with payments for 36 consecutive months immediately preceding the month of invalidity, or has paid not less than the qualifying number of months of contributions for a pension as outlined in Table II of Schedule 1.
- (c) is under pensionable age; and
- (d) is not in receipt of sickness benefit,

is entitled to an invalidity pension for so long as the invalidity continues.

36. RATE OF INVALIDITY PENSION

- (1) Where a claimant has contributed to the Fund for over 59 months but less than the qualifying number of months of contribution for the years outlined in Table II of Schedule 1, the rate of invalidity pension shall be equal to 35% of his or her average insurable earnings.
- (2) Where a claimant has contributed to the Fund for the qualifying number of months of contribution for the years outlined in Table II of Schedule 1 or more the rate of invalidity pension shall be—

- (a) equal to 40% of his or her average insurable earnings for the qualifying number of months of contribution for the years outlined in Table II of Schedule 1; plus
 - (b) one tenth of one per centum for every additional month in excess of the qualifying number of months of contribution for the years outlined in Table II of Schedule 1 that he or she has contributed to the Fund.
- (3) For the purpose of an invalidity benefit the average insurable earnings shall be, the average of the best 5 years of insurable earnings before the commencement of the pension, and for the purposes of this regulation where the insurable earnings is in excess of \$36,000 per year then the average insurable earnings shall be computed in accordance with Table III of Schedule 1 for the years outlined in the first Column of Table III
- (4) The rate of an invalidity pension shall be increased to \$200 per month, if otherwise it would have been lower.
- (5) A full pension shall not exceed 60% of average insurable earnings.

37. INVALIDITY GRANT

Subject to this regulation, an insured person who does not satisfy regulation 35 but who—

- (a) is an invalid;
- (b) has contributed to the Fund for less than 60 months; and
- (c) is under pensionable age,

is entitled to an invalidity grant based on the insured person's balance, if any, in the National Provident Fund at the date of commencement of the Act with interest on it, together with 100% of the employee's portion of the contributions paid to the Fund under his or her account without interest.

38. CERTIFICATE OF PERMANENT INCAPACITY FOR WORK

All claims for invalidity benefit shall be made in the form set out as Form Inv. B1 in Schedule 1, accompanied by a certificate of permanent incapacity for work setting out the nature of the incapacity by a registered medical practitioner.

C. Maternity Benefit

39. ENTITLEMENT

- (1) Subject to these Regulations, a maternity allowance shall be payable in case of pregnancy and confinement of a woman in insurable employment.
- (2) The Director shall have access to all the relevant evidence before any payment of maternity benefit is made under subregulation (1).

40. CONDITIONS TO BE SATISFIED

Maternity benefits shall be payable only if a woman—

- (a) has been in insurable employment prior to her claim for maternity allowance; and
- (b) has paid contributions for 7 months in the 10 months immediately preceding the month of expected confinement.

41. DURATION

Maternity allowance shall be paid for a period of 3 months starting with the month preceding the month of expected confinement, or if later, starting with the month in which the benefit is claimed, but starting not later than the month of actual confinement.

42. RATE OF MATERNITY BENEFITS

- (1) The rate of maternity benefits shall be 65% of the average insurable earnings of the 10 months immediately preceding the month before the month of expected confinement.
- (2) Where a claimant is entitled to receive from an employer full pay during any period of absence from work due to pregnancy, the Director shall suspend payment of maternity benefit to such claimant during that period.

43. MATERNITY GRANT

- (1) A woman is entitled to a grant of \$600 if—
 - (a) she has given birth to a child; and
 - (b) she or her husband has contributed to the Fund for 7 months in the 10 months immediately preceding the month before the month of expected confinement.
- (2) For the purpose of this regulation the expression “husband” includes a man cohabiting with a woman in the same dwelling house for a continuous period of at least 5 years.
- (3) Any payment made by virtue of this regulation shall in respect of the husband’s contribution be made only to one such woman.
- (4) Where a woman who qualifies for a maternity grant under subregulation (1) dies during child birth, leaving a surviving child or children from this confinement, the maternity grant shall be paid in respect of such child or children, to such person having custody or guardianship of such child or children.

44. SUPPORT OF CLAIM

- (1) A claim for maternity benefits shall be made in the Form set out as Form MB 1 in Schedule 1 and shall be accompanied—
 - (a) in the case of a claim made prior to the date of confinement; by a certificate duly certified by a registered medical practitioner or a registered midwife, as to the expected date of confinement; or
 - (b) in the case of a claim made subsequent to the date of confinement, by a certificate duly certified by a registered medical practitioner or a registered midwife, as to the actual date of confinement.
- (2) A claim for maternity grant on the basis of a husband’s contribution shall be made in the form set out as Form MB 2 in Schedule 1.

45. CERTIFICATE OF CONFINEMENT

- (1) An insured woman who has been granted maternity benefit shall as soon as possible after her confinement, obtain a certificate of her confinement from the registered medical practitioner or registered midwife in attendance and forward it

to an office of the Corporation within 3 months after obtaining such certificate.

- (2) The Director may accept other evidence *in lieu* of the certificate referred to in subregulation (1) if, in his or her opinion, the special circumstances of any particular case so justify.

D. Survivor's Benefit

46. ENTITLEMENT TO SURVIVOR'S PENSION: RATE OF SURVIVOR'S PENSION AND AMOUNT OF SURVIVOR'S GRANT

- (1) Subject to regulations 47, 48 and 49, survivor's benefit shall be payable to the widow or widower, as the case may be, or children or parents or grand parents of an insured person if, at the time of death, the insured person—
 - (a) was in receipt of a retirement or invalidity pension; or
 - (b) could have satisfied the prescribed condition for an invalidity pension or grant had he or she been deemed to be an invalid at the time of his or her death; or
 - (c) was of pensionable age and would have been entitled to a retirement pension or grant had he or she made a claim for such benefit; or
 - (d) was below the pensionable age and would have been entitled to a retirement benefit, save for his or her age, or an invalidity benefit had he or she made a claim for such benefit.
- (2) Where at the date of his or her death a deceased insured person was in receipt of an invalidity or retirement pension or would have been entitled to an invalidity or retirement pension had he or she been an invalid, the benefit payable shall be a pension, in these Regulations referred to as a "survivor's pension".
- (3) Where at the date of his or her death the deceased insured person would have been entitled to an invalidity or retirement grant had he or she been deemed to be an invalid, the benefit payable shall be a grant, in these Regulations referred to as a "survivor's grant".
- (4) Survivor's benefit shall not be payable in respect of a marriage contracted after the insured person had been granted an invalidity pension or retirement pension, except where the

parties had lived together for a continuous period of at least 5 years prior to the date of such marriage.

- (5) The rate of survivor's pension shall not exceed the rate of invalidity or retirement pension which would have been payable to the deceased insured person at the time of his or her death.
- (6) The amount of survivor's grant shall not exceed the amount of invalidity or retirement grant which would have been payable to the deceased person at the time of his or her death.
- (7) A claim for survivor's benefit shall be made in the form set out as Form Sur B1 in Schedule 1.

47. ENTITLEMENT TO SURVIVOR'S PENSION

- (1) A widow or widower who at the date of his or her spouse's death—
 - (a) had no dependent children;
 - (b) had been married to his or her spouse for at least 3 years; and
 - (c) was of pensionable age or over,is entitled to a survivor's pension for life or until his or her re-marriage or cohabitation with a person of the opposite sex as husband or wife.
- (2) A widow or widower who at the date of his or her spouse's death was not under pensionable age, had been married to the deceased spouse for not less than 3 years; and was at the date of the death of the spouse an invalid, is entitled to a survivor's pension for life.
- (3) A widow or widower who at the date of his or her spouse's death was under pensionable age and was an invalid is entitled to a survivor's pension during his or her invalidity.
- (4) The benefit under subregulation (3) shall continue in the event the invalidity ceases when he or she is over the pensionable age.
- (5) A widow or widower who was under pensionable age at the date of his or her spouse's death is entitled to survivor's pension for one year only.

- (6) A survivor's pension payable to a widow or widower shall cease on his or her remarriage or cohabitation with a person as his or her spouse.

48. WIDOWER OR WIDOW WITH DEPENDENT CHILDREN

- (1) A widower or widow who has dependent children is entitled to a survivor's pension irrespective of his or her age at the date of his wife or her husband's death and such pension shall be payable until the children of their marriage cease to be dependent; but if he or she remarries or cohabits with a woman or a man as his wife or her husband respectively, the rate of pension set out in regulation 50 shall be payable to the dependent children, only.
- (2) Where a widower or widow during the time he or she is in receipt of a pension under this regulation attains the pensionable age, the widower's or widow's pension shall be continued for his or her lifetime or until he or she re-marries or cohabits with a person of the opposite sex as his or her spouse.

49. ENTITLEMENT OF DEPENDENTS

- (1) A survivor's pension shall be payable in respect of a dependent child until he or she attains his or her 16th birthday or his or her 18th birthday if he or she is in full time education.
- (2) Despite subregulation (1), in the case of an invalid child, the pension shall be payable for the period during which the invalidity continues.
- (3) In any case where a deceased has left a surviving child or children the entitlement will be shared in such proportion as the insured has determined and in the absence of such determination, then as the Director deems fit.
- (4) Where no other survivor is entitled, a survivor's pension is payable to a parent or grand parent, who at the death of an insured person—
 - (a) was of pensionable age or older; and
 - (b) was wholly or mainly maintained by the insured person immediately prior to his or her death.

50. RATE OF SURVIVOR'S PENSION

- (1) Where there are no other survivor's or dependants the rate of survivor's pension payable to a widow or widower shall be 75% of a deceased spouse's pension entitlement, if such spouse were a pensioner at the date of death or 75% of the invalidity pension such spouse would have received had he or she become entitled to such pension at that date.
- (2) If there exists any other survivor's or dependants then the rate of survivor's pension shall be 50% of the entitlement outlined in subregulation (1).
- (3) The rate of pension payable to dependent children shall be 50% of the insured parent's entitlement at the date of his or her death, if the deceased parent were a pensioner at the date of death, or 50% of the invalidity pension the deceased parent would have received had he or she become entitled to such pension at that date, or 50% of each parent's entitlement if both are dead.
- (4) The rate of survivor's pension to a parent or grand parent shall be equal to 50% of the insured person's pension entitlement if he or she were a pensioner at the time of his or her death, or the invalidity pension he or she would have received had he or she become entitled to such pension at that date.
- (5) The total aggregate pension payable to survivors shall be limited to 100% of the insured person's entitlement at the time of death, or of the invalidity pension he or she would have received had he or she become entitled to such pension at that date.

51. DISTRIBUTION OF SURVIVOR'S GRANT

A survivor's grant shall be distributed on the same basis as provided in regulation 50 for a survivor's pension.

52. PERSONS TO BE TREATED AS SURVIVORS

- (1) For the purpose of the regulations concerning survivor's benefit where it is a condition of entitlement to the benefit that a person shall be the widow or widower of an insured person, the following provisions shall apply—

- (a) in the case of an insured man, the survivor shall be a person whom the Director is satisfied is his wife or a woman with whom he cohabited as his wife;
 - (b) in the case of an insured woman, the survivor shall be a person whom the Director is satisfied is her husband or a man with whom she cohabited as her husband.
- (2) Where the question of marriage or re-marriage or the date of marriage or re-marriage, arises in regard to title to benefit, the Director shall, in the absence of evidence of a lawful marriage decide whether or not the person concerned should be treated as if he, she or they were married or had re-married as the case may be, and if so from what date; and in determining the question, the Director shall have regard to subregulation (1)(a) and (1)(b).
- (3) The decision of the Director under subregulation (2) shall, unless the context otherwise requires, have the effect of extending, as regards title to survivor's benefit, the meaning of the word "marriage" to include the cohabitation of one woman and one man as aforesaid and the word "wife", "husband", "widow", "widower", and "spouse" shall be construed accordingly.

E. Retirement Pension

53. ENTITLEMENT TO RETIREMENT PENSION

- (1) Retirement pension shall be payable for life to an insured person who has attained pensionable age, is no longer employed in gainful employment and has contributed to the Fund for the respective period shown in Table II of Schedule 1.
- (2) An insured person may elect to continue to pay contributions into the Fund until he or she has attained the age of 65 years.

54. RATE OF PENSION

- (1) The rate of pension shall be equal to 40% of the insured person's average insurable earnings together with 0.1% of such earnings for every month in excess of the minimum qualifying number of months of contributions shown in Table II of Schedule 1, that he or she has contributed to the Fund.

- (2) The average insurable earnings shall be the average of the best 5 years of insurable earnings before the commencement of the pension, and for the purposes of this regulation where the insurable earnings are in excess of \$36,000 per year then the average insurable earnings shall be computed in accordance with Table III of Schedule 1 for the years outlined in the first column of Table III.
- (3) The rate of retirement pension shall be increased to \$200 if otherwise it would have been less.
- (4) A full pension shall not exceed 60% of average insurable earnings.

55. ENTITLEMENT TO AN EARLY PENSION

- (1) An insured person who has not satisfied all the requirements of regulation 53 may qualify for an early retirement pension before pensionable age under subregulation (2).
- (2) Where an insured person has attained the age of 60, has satisfied the prescribed conditions for a full pension and is desirous of obtaining an early pension such pension shall be reduced by 0.5% for each month below the normal pensionable age, and the rate of such pension shall be in accordance with the formula set out in Table IV of Schedule 1.

56. ENTITLEMENT TO RETIREMENT GRANT

Subject to these Regulations, an insured person who does not satisfy the conditions under regulation 53 but who—

- (a) has attained pensionable age; and
- (b) has contributed to the Fund for less than the respective number of months outlined in Table II of Schedule 1,

is entitled to a retirement grant.

57. AMOUNT OF RETIREMENT GRANT

The rate of retirement grant shall be equal to the insured person's balance, if any, in the National Provident Fund as at 2 April 1979 with interest on such balance from that date to the date he or she attains pensionable age together with 100% of the employee's portion

of the contributions paid to the Fund under his or her account without interest.

58. CLAIMS

- (1) A claim for retirement benefit shall be made in the form set out as Form RB1 in Schedule 1.
- (2) A person who is in receipt of a retirement pension shall furnish documentary evidence that he or she is alive by completing a life certificate in the form set out as Form NI/LC in Schedule 1 and submit the completed form to the Director on or before the 30 June and 31 December in each year.
- (3) Failure to produce a certificate under subregulation (2) will result in the pension being suspended until the date on which that certificate is furnished.

F. Funeral Benefit

59. ENTITLEMENT TO GRANT

- (1) Subject to these Regulations, a funeral grant shall be payable on the death of any insured person who—
 - (a) at the time of his or her death could have satisfied the contribution condition for any benefit except for a grant or allowance; or
 - (b) has paid at least 6 months contribution in the 12 months preceding his or her death; or
 - (c) has paid contribution, the total sum of which is at least equivalent to the amount of the funeral grant.
- (2) A funeral grant shall also be payable to an insured person upon the death of a dependent child or spouse if that insured person, at the time of the death of such dependent child or spouse satisfies the following conditions—
 - (a) the contribution condition for any benefit excluding a grant or allowance; or
 - (b) paid at least 6 months of contributions in the 12 months preceding the relevant date of death; or

- (c) has paid contributions the total sum of which is at least equivalent to the amount of the funeral grant.

60. PERSON WHO MAY RECEIVE GRANT

- (1) Subject to these Regulations, a funeral grant shall be paid to the person who has met or is liable to meet the funeral expenses of the deceased person.
- (2) Where—
 - (a) death has occurred at sea and the deceased person was buried at sea;
 - (b) the person who has met or is liable to meet the funeral expenses of the deceased person cannot be found; or
 - (c) the funeral expenses of the deceased person were less than the amount of the funeral grant,the funeral grant, or as the case may be, the remainder of the funeral grant, shall be paid to such person or persons as the Director in his or her discretion may decide.

61. AMOUNT OF GRANT

- (1) The amount of funeral grant payable under regulation 59(1) shall be \$1750.
- (2) The amount of funeral grant payable under regulation 59(2) shall be as prescribed in Table V in Schedule 1.
- (3) A claim for funeral benefit shall be made in the form set out as Form FB1 in Schedule 1.

G. Employment Injury Benefit

62. ENTITLEMENT TO BENEFIT

- (1) Subject to these Regulations, employment injury benefit shall be payable to an insured person who at the time of the relevant accident was in insurable employment and who as a result of such accident or a prescribed disease as provided under these Regulations becomes incapable of work and for this purpose—

- (a) a person shall be treated as incapable of work for any day on which he or she is required to abstain from work as a result of an employment injury;
 - (b) one day in each week as may be determined by the Director in any particular case or class of cases shall not be treated as a day of incapacity for work, and shall be disregarded in computing any period of consecutive days.
- (2) Despite subregulation (1) a person in insurable employment shall not be deprived of his or her entitlement to employment benefit by reason only that under any other law he or she is deemed to be an unemployed person.

63. NOTICE OF ACCIDENT BY INSURED PERSON

- (1) An insured person who suffers personal injury through an accident in respect of which employment injury benefit is payable under these Regulations shall give notice of such accident in writing to his or her employer as soon as practicable after the accident.
- (2) The notice required to be given by an insured person under subregulation (1) may be given by a person acting on his or her behalf and the Director may in any case authorise the employer to dispense with a written notice.
- (3) The notice shall be given to the employer, or if there is more than one employer to one of such employers, or to any foreman or other official under whose supervision the insured person is employed at the time of the accident or to any person designated for the purpose by the employer, and shall give the appropriate particulars of the accident.

64. EMPLOYER TO COMPLETE FORM FOR ACCIDENT OR DISEASE

The employer of a person who has sustained an employment injury or developed a prescribed disease shall complete the form set out as Form EIB 1 in Schedule 1, and shall cause the form, after its completion, to be delivered to the Director.

65. DAY FROM WHICH BENEFIT IS TO COMMENCE

- (1) An insured person who is eligible for employment injury benefit is entitled to receive such benefit from the first day of any continuous period of incapacity for work.
- (2) In determining whether the insured person is incapable of work on the day of the relevant accident, any part of that day before the occurrence of the accident shall be disregarded.

66. MANNER OF CLAIMING AND SUPPORT OF CLAIM

A claim for employment injury benefit shall be in the form set out as Form EIB 2 in Schedule 1 and shall be supported by a certificate from a registered medical practitioner or by such other evidence as the Director may deem requisite and for such purpose the Director may require—

- (a) the claimant to submit himself or herself to examination by one or more registered medical practitioners nominated by the Director from a panel of registered medical practitioners approved by the Board;
- (b) an inspector to conduct an inquiry and submit a report on the relevant accident including its causes and consequences.

67. DURATION AND RATE OF PAYMENT

- (1) Employment injury benefit shall be paid while the incapacity continues for a maximum of 12 months or until the earlier award of a permanent disability benefit.
- (2) The rate of employment injury shall be 65% of the insurable earnings in the month in which the injury was sustained or the average of the best 2 in the last 4 months of contributions before the month in which the injury was sustained.
- (3) Despite subregulation (1) any 2 or more periods of incapacity for work arising out of the same accident and not separated by more than 8 weeks shall be treated as one continuous period of incapacity for work starting on the first day of the first such period.
- (4) Where a claimant is entitled to receive from an employer full pay during any period of absence from work due to

employment injury, the Director shall suspend payment of employment injury benefit to such claimant during such period.

68. MEDICAL EXPENSES PAYABLE FOR EMPLOYMENT INJURY

- (1) Subject to this regulation an insured person is entitled to the refund of medical expenses incurred by him or her as a result of the relevant accident or disease in respect of medical, surgical, dental and hospital treatment, and the supply of medicines.
- (2) Any medical expenses refunded under this Part shall not exceed \$20,000.
- (3) The fees or charges constituting medical expenses in this regulation shall not be more than would be properly and reasonably charged.
- (4) The amount of any such fees and charges which may be refunded under this Part in any case shall be determined by the Director.
- (5) Medical expenses incurred in Saint Lucia for which a person is eligible during his or her absence from Saint Lucia shall be paid in Saint Lucia to such representative acting for and on behalf of the person concerned as may be authorised by him or her in writing.
- (6) Despite anything contained in this Part, where the Director considers it necessary to do so, he or she may instead of refunding to an insured person any medical expenses incurred by that person, pay to a medical practitioner or an institution from whom or at which that person obtained treatment a sum equal to such medical expenses or such part thereof as may be refunded under these Regulations.

69. DISQUALIFICATION

An insured person entitled to payment of employment injury benefit shall be disqualified from receiving benefit for such period as the Director may decide where—

- (a) the claimant has become incapable of work through his or her own misconduct;
- (b) the injury was self-inflicted;

- (c) the claimant fails, without good cause, to comply with a notice in writing by the Director requiring him or her to submit himself or herself to medical or other examination; or
- (d) the claimant fails, without good cause, to
 - (i) refrain from behaviour which retards his or her recovery, or to answer any reasonable enquiry by an officer of the Corporation to ascertain whether he or she is doing so,
 - (ii) refrain from doing work for which remuneration is or would ordinarily be payable.

70. DISABLEMENT PENSION

- (1) If the relevant accident results in permanent total disability of the insured person or disability assessed at over 30%, as set out in Schedule 2, a disablement pension shall be paid at the same rate as an invalidity pension, subject to a minimum of 65% of the insured person's average insurable earnings in the month of the relevant accident.
- (2) A claim for disablement benefit shall be made in the form set out as Form DB1 in Schedule 1.

71. ENTITLEMENT TO DISABLEMENT BENEFIT

- (1) For the purpose of this regulation, the extent of disablement shall be assessed, by reference to the disabilities incurred by the claimant as a result of the relevant loss of faculty, in accordance with the following general principles—
 - (a) the disabilities to be taken into account shall be all disabilities to which the claimant may be expected, having regard to his or her physical and mental condition at the date of assessment, to be subject during the period taken into account by the assessment as compared with a person of the same age and sex whose physical and mental conditions are normal;
 - (b) no such disability shall be treated as having been incurred as a result of the relevant loss of faculty in so far as the claimant either—

- (i) would in any case have been subject thereto as a result of congenital defect or of any injury or disease received or contracted before the relevant accident, or
 - (ii) would not have been subject thereto but for some injury or disease received or contracted after, and not directly attributable to, the relevant loss of faculty,
 - (iii) the assessment shall be made without reference to the particular circumstances of the claimant other than age, sex and physical and mental condition.
- (2) The period to be taken into account for an assessment of the extent of a claimant's disablement shall be the period—
 - (a) beginning on the first day of entitlement to benefit and limited either to the claimant's life or to a definite date; and
 - (b) during which the claimant has suffered and may be expected to suffer from the relevant loss of faculty.
- (3) Despite subregulation (2), if on any assessment the condition of the claimant is not such, having regard to the possibility of changes therein, whether predictable or not, as to allow a final assessment being made up to the end of the said period—
 - (a) a provisional assessment shall be made, taking into account such shorter period only as seems reasonable having regard to his or her condition and the possibility aforesaid; and
 - (b) on the next assessment the period taken into account shall begin with the day after the end of the period taken into account by the provisional assessment.
- (4) An assessment shall state the degree of disablement in the form of a percentage, which shall be determined in accordance with Schedule 2, and shall also specify the period taken into account for the assessment and where that is limited by reference to a definite date as in subregulation (2), whether the assessment is provisional or final.
- (5) Despite subregulation (4)—
 - (a) the said percentage and period shall not be specified more particularly than is necessary for the purpose of

- determining in accordance with this regulation the claimant's right to disablement benefit;
- (b) a percentage above 14 which is not a multiple of 10 shall be treated—
 - (i) if it is a multiple of 5, as being the next higher percentage which is a multiple of 10;
 - (ii) if it is not a multiple of 5, as being the nearer percentage which is a multiple of 10;
 - (c) where a medical authority has given a final assessment of the degree of disablement of a claimant, the assessment may be reviewed at any time at the initiative of the medical authority or at the request of the Director and the new assessment, if different from the previous one, shall be taken into consideration in determining the claimant's right to disablement benefit.

72. RATE OF DISABLEMENT GRANT

Where the degree of disablement is assessed for the period taken into account as amounting to less than 30% the Director shall commute the disablement benefit into a lump sum equivalent to the benefit payable over a period of 60 months.

73. INCREASE OF DISABLEMENT BENEFIT DURING APPROVED HOSPITAL TREATMENT

Where an insured person entitled to disablement benefit enters any hospital for the purpose of receiving approved hospital treatment or rehabilitation, then if the degree of disablement in respect of which a pension is payable was assessed at less than 100%, it shall be treated for the period during which he or she received such treatment as if it had been assessed at 100%.

74. DEATH BENEFITS ENTITLEMENT OF DEPENDENTS

- (1) Subject to these Regulations, where an insured person in insurable employment dies as a result of a relevant accident, death benefit shall be payable—

- (a) to or for the benefit of the dependants of the deceased, other than those specifically excluded by subregulation (2) of this regulation; and
 - (b) either as a periodical payment or as a lump sum, calculated in accordance with these Regulations.
- (2) The dependants of a person entitled to claim a benefit under subregulation (1) shall not include an adult dependant who—
- (a) died before an award of such benefit in respect of the deceased had been made; or
 - (b) is the widow of the deceased unless at the time of his death—
 - (i) she is over pensionable age or incapable of work and the 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 who is under the age of 16 years; or is under 18 years and is in full time education, or
 - (iv) she was either residing with him or receiving, or entitled to receive from him periodical payments for the maintenance of herself or their children or both;
 - (c) is the widower of the deceased unless at the time of her death—
 - (i) he is over pensionable age and incapable of work and this incapacity is likely to be permanent, or
 - (ii) he has the care of a child of hers or of their marriage who is under 16 years of age; or is under 18 years and is in full time education, or
 - (iii) he was either residing with her or receiving, or entitled to receive from her periodical payments for the maintenance of himself or their children or both;
 - (d) was married to the insured person less than 6 months before his or her death.
- (3) For the purposes of subregulation 2 the term widow and widower has the same meaning assigned under regulation 52(1).

75. PRIOR ENTITLEMENT OF WIDOW, WIDOWER AND CHILD

- (1) A widow or widower qualifying as a dependant under regulation 74 is entitled to death benefit in preference to all other claimants.
- (2) Every unmarried dependent child who becomes an orphan as a result of the death of—
 - (a) an insured person whose death was caused by the relevant accident; or
 - (b) a widow or widower in receipt of a death benefit, and who has no stepmother or stepfather with a prior claim,

shall, in preference to all other claimants, be entitled to death benefit from the day after the death of the deceased if he or she is then under 16 years or is 18 years and is in full-time education and was wholly or mainly maintained by the deceased and shall, subject to the conditions specified in regulation 74 continue to receive such benefit until he or she reaches the age of 18 years.

76. ENTITLEMENT OF PARENT TO DEATH BENEFIT

If the insured person dies as a result of the relevant accident and is not survived by a widow, widower or child, entitled to death benefit, a parent of the deceased who is permanently incapable of self-support and who was being wholly or mainly maintained by the deceased or who would, but for the relevant accident have been so maintained is entitled to death benefit.

77. ENTITLEMENT OF OTHER RELATIVES TO DEATH BENEFIT

- (1) Where an insured person dies as a result of a relevant accident and is not survived by a widow, widower, child or parent entitled to death benefit, then a death benefit shall be payable to a dependant or dependants being members of the family of the deceased if at the time of the death such dependant was wholly or mainly maintained by the deceased or would, but for the relevant accident, have been so maintained; and
 - (a) if the dependant is a man, is permanently incapable of self-support or living with his wife who 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;
 - (c) if the dependant is a child, who is under the age of 18 years, or being above that age is permanently incapable of self-support.
- (2) If there is more than one dependant, the death benefit payable under subregulation (1) shall be distributed in proportion to the contribution made by the deceased during his or her lifetime to each dependant or in such manner as the Director may, in his or her discretion, consider reasonable.
- (3) Where an insured person dies as a result of a relevant accident and leaves no dependant entitled to death benefit, there shall be payable to his or her creditors or his or her estate a lump sum not exceeding the smaller of the following amounts—
- (a) a sum equal to the reasonable expenses for medical attendance of the deceased arising from the relevant accident and the reasonable expenses of his or her burial; or
 - (b) a grant calculated at 12 months of any pension the deceased would have been entitled to receive had he or she made a claim for such benefit.

78. CLAIM FOR DEATH BENEFIT

- (1) A claim for death benefit shall be made in the form set out as Form Sur. B1 in Schedule 1.
- (2) Except for lump sums payable under regulation 77 all death benefits shall be paid as pensions.

79. PERIOD FOR WHICH PENSION IS PAYABLE

- (1) A death benefit in the form of pensions shall be payable for the undermentioned periods—
 - (a) to a widow for life commencing from the date of the death of her husband;
 - (b) to a widower for life commencing from the date of the death of his wife;

- (c) to an orphan from the date of death of his or her surviving parent until he or she reaches the age of 16 years or, being between the ages of 16 and 18, he or she is an unpaid apprentice and not otherwise employed for gain or is receiving full-time education; or
 - (d) to a parent for life commencing from the date of the deceased's death or until the Director is satisfied that the circumstances of the parent have so changed by re-marriage or otherwise that he or she would no longer have been dependent on the deceased person if he or she had survived.
- (2) Despite paragraphs (a) and (b), where a widow or widower remarries or co-habits with a person of the opposite sex who is not his or her spouse, the payment of benefit shall cease from the date of his or her re-marriage or his or her co-habitation, as the case may be.

80. RATE OF DEATH BENEFIT

The rate of a death benefit for the beneficiaries described in these Regulations shall be the rate payable for pensions under these Regulations.

81. PRESCRIBED DISEASE

Where a person has developed any of the diseases specified in the first column of Schedule 3, being a disease due to the nature of his or her insurable employment in any occupation set out against that disease in the second column of that Schedule, the benefits specified in these Regulations shall be payable subject to the conditions set out in these Regulations and for this purpose—

- (a) any reference to a relevant accident or employment injury shall include a reference to a prescribed disease;
- (b) any reference to the date of such an accident or injury shall include—
 - (i) if the first claim in respect of the prescribed disease is for employment injury benefit, the first day the claimant is incapable of work as a result of a prescribed disease,

- (ii) if the first claimant in respect of the prescribed disease is for disablement benefit, the first day the claimant is suffering from loss of physical or mental faculty as a result of a prescribed disease.

82. RE-OCCURENCE OF PRESCRIBED DISEASE

Where a person claims employment injury or disablement benefit in respect of a prescribed disease for which he or she has previously received employment injury or disablement benefit, his or her earlier claim in respect of that disease shall be disregarded if he or she is incapable of work and if his or her incapability is predominantly due to further exposure to risk of that disease in his or her insurable employment in any occupation set out against that disease in the second column of Schedule 3.

H. Miscellaneous Provisions Relating to Employment Injury

83. OBLIGATIONS OF CLAIMANTS AND BENEFICIARIES IN RESPECT OF EMPLOYMENT INJURY BENEFIT OR DISABLEMENT BENEFIT

- (1) Subject to these Regulations every claimant for and every beneficiary of employment injury benefit or disablement benefit shall comply with every direction given to him or her by the Director, which requires him or her either—
 - (a) to submit himself or herself to a medical examination by a medical authority for the purpose of determining the effect of the relevant accident or the treatment appropriate to the relevant injury or loss of faculty; or
 - (b) to submit himself or herself to such medical treatment for the said injury or loss of faculty as is considered appropriate in his or her case by the registered medical practitioner in charge of the case or by the medical authority to whose examination he or she has submitted himself or herself in accordance with the foregoing provisions to these Regulations; or
 - (c) to attend any vocational training or industrial rehabilitation course that might be provided, and which, in the opinion of the Board, is appropriate in his or her case.

- (2) Every direction given to a claimant or beneficiary requiring him or her to submit himself or herself to medical examination shall be given in writing.
- (3) A claimant or beneficiary who, in accordance with the foregoing provisions of this regulation, is required to submit himself or herself to a medical examination or to medical or other treatment for the relevant injury shall attend at such time and place as may be required.
- (4) A claimant or beneficiary shall, as soon as may be practicable, notify the Director of any change in circumstances arising after his or her claim has been made or benefit has been made or benefit has been granted which he or she might reasonably be expected to know might affect the continuance of his or her right to any benefit awarded to him or her or to the receipt thereof.
- (5) Where a beneficiary entitled to a disablement benefit attends a vocational training or industrial rehabilitation course at the request of the Director, then if the degree of disablement in respect of which the disablement benefit is payable is assessed at less than 100%, it shall, for the period for which he or she is required by the Corporation to attend such vocational training or industrial rehabilitation, be treated as if it had been assessed at 100%.

84. CREDITED CONTRIBUTION FOR WEEKS OF EMPLOYMENT INJURY BENEFIT

For every contribution week for the whole of which an insured person has received employment injury benefit or disablement benefit or approved hospital treatment under these Regulations, a contribution shall be credited to that person without actual payment thereof.

I. Hospitalisation & Medical Treatment

85. HOSPITALISATION AND MEDICAL BENEFIT

- (1) Hospitalisation and medical benefit shall be in the form of a quarterly payment to the Government for the provision in Saint Lucia, by the Government, of medical services and supplies for insured persons at an approved hospital.

- (2) The amount of such quarterly payments shall be mutually agreed upon by the Board and the Government.
- (3) The Minister of Health shall fix an equitable allocation of the quarterly payments and decide how it will be apportioned between all approved hospitals.
- (4) The quarterly payment made in accordance with this regulation shall cease from the day when the Regulations under the Act, for a scheme of medical insurance, come into operation.
- (5) Hospitalisation and medical benefits shall apply only if an insured person has satisfied the conditions stipulated in regulation 32 (b) and (c).
- (6) Approved hospitals for the purposes of this regulation shall be every public hospital operating in Saint Lucia or any hospital or clinic incorporated under any law in force and approved by the Minister by order published in the Gazette.

PART 5

PERSONS EMPLOYED ON SHIPS AND AIRCRAFT

86. APPLICATION TO PERSONS EMPLOYED ON SHIPS AND AIRCRAFT

- (1) This Part shall apply to persons in insurable employment as masters, members of the sea service on a ship registered in Saint Lucia or as pilots, commanders, navigators and members of the crew of any aircraft registered in Saint Lucia or in any other capacity on board any such ship or aircraft, with the following modifications—
 - (a) the notice of the accident and the claim for benefit except where the person injured is the master or other person in charge of the ship or aircraft (in these regulations called the “person in charge”) may be given to the person as if he or she were the employer, but, where the accident happened and the incapacity commenced on board the ship or aircraft it shall not be necessary to give any notice of the accident;
 - (b) in case of the death of the person in charge or of a member of the crew resulting from the relevant accident, the application for death benefit under these Regulations

- shall be made within 3 months after news of the death has been received by the claimant; and
- (c) where the injured person is discharged or left behind in a foreign country, depositions respecting the circumstances and nature of the injury may be taken by a diplomatic or consular officer of Saint Lucia or any judge or magistrate of that foreign country, and such depositions or certified copies of the depositions shall be admissible in evidence in any proceedings for enforcing the claim.
- (2) In this regulation the word “ship” has the same meaning as in the Shipping Act.

PART 6 MISCELLANEOUS

87. ENTITLEMENT TO MORE THAN ONE BENEFIT

- (1) Where a person is entitled to 2 or more benefits at the same time, only one benefit shall be payable to such person.
- (2) The benefit payable under subregulation (1) shall be the one at a higher rate, but where the last mentioned higher benefit ceases to be payable then an award or reinstatement of a benefit to which such person is entitled may be made.
- (3) Despite subregulations (1) and (2)—
 - (a) a person is entitled to receive 2 or more disablement benefits at the same time in so far as the sum of the weekly rates of these benefits do not exceed the weekly rate of disablement benefit to which he or she would be entitled for loss of faculty which is assessed at 100% of the relevant wage applicable in his or her case or of the higher or highest relevant wage where the disablement benefits are assessed on different relevant wages;
 - (b) any benefit under these Regulations may be paid with funeral benefit.
- (4) Nothing contained in this regulation shall—
 - (a) preclude payment of employment injury benefit or disablement at the same time as death benefit or survivor’s benefit under these Regulations;

- (b) preclude the payment of sickness benefit or maternity benefit with death benefit.
- (5) Despite any provision of these Regulations where any 2 benefits together do not exceed an amount determinable by the Board such benefits shall be payable.

88. BENEFITS PAYABLE AS GRANT OR PERIODICAL PAYMENTS

- (1) Where a question arises regarding one or more benefits which are not allowed to be paid together, and one or more are grants and the rest periodical payment, the benefits payable shall be a periodical payment unless a grant has already been paid.
- (2) Subject to subregulation (3) on cessation of the periodical payment under subregulation (1) which is less in total than the grant, the grant may be paid subject to a deduction therefrom of the total amount of the periodical payment.
- (3) Where the period covered by the periodical payment referred to in subregulation (2) 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.
- (4) Where a grant to which this regulation refers has already been paid, the periodical payment may be made subject to a deduction therefrom of an amount not exceeding 20% until 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.

89. REFUND OF BENEFIT IMPROPERLY PAID

- (1) Where it is found that any person has received any sum by way of benefit to which he or she is not entitled, he or she is liable to repay to the Fund the sum so received.
- (2) Where any person is liable to repay any sum received by him or her by way of benefit, that sum may be recovered, without prejudice to any other remedy, by means of deductions from any other benefit to which he or she thereafter becomes entitled.
- (3) Any such sum not recovered shall be treated as expenditure on, and charged to the Fund.

90. CREDITED CONTRIBUTION

- (1) For every contribution period for which an insured person receives any short-term benefit or employment injury benefit, a contribution shall be credited to that person without actual payment thereof.
- (2) A contribution credited under subregulation (1) shall, subject to these Regulations, be valid for the short contribution condition for short term benefits and employment injury benefits, and shall be at the level of the insured person's insurable earnings corresponding to or most closely corresponding to that on the basis of which the first benefit had been paid.

91. PERSONS ABROAD

- (1) A person shall be disqualified from receiving any benefit for any period during which that person is absent from Saint Lucia, except that—
 - (a) during such period as the Director may allow, having regard to the particular circumstances of the case, a person shall not be disqualified from receiving short-term benefits or employment injury benefits;
 - (b) a person shall not be disqualified from receiving retirement benefit, survivor's benefit or death benefit by reason of being absent from Saint Lucia;
 - (c) a person shall not be disqualified from receiving invalidity benefit by reason of being absent from Saint Lucia for such period as the Director may allow, having regard to the particular circumstances of the case.
- (2) The Director may arrange payment of any long-term benefit to a person who is entitled to a benefit under these Regulations and who has taken up permanent residence in another country in any case where no reciprocal agreement exists between Saint Lucia and any other country.

92. PAYMENT OF BENEFIT FOR WHICH PERSON IS ELIGIBLE UNDER REGULATION 91

Any benefit for which a person is eligible by virtue of regulation 91 shall be paid to that person or to such representative acting for and on behalf of the person concerned as may be approved by the Director

and the receipt of the person so approved shall be a good discharge to the Corporation and the Fund for any sum so paid.

93. PERSONS UNDER-GOING IMPRISONMENT OR DETENTION IN LEGAL CUSTODY

A person shall be disqualified from receiving any benefit for any period during which that person is in prison or detention in legal custody except that where the Director is satisfied that the person undergoing such imprisonment or detention, has dependants who immediately prior to such imprisonment or detention were wholly maintained by him or her, the Director may authorise payment to, and in respect of those dependants, of an amount not exceeding one half of the benefit which would otherwise be payable for such period as he or she may allow, having regard to the particular circumstances of the case.

PART 7
MISCELLANEOUS PROVISIONS RELATING TO CLAIMS AND PAYMENTS CLAIMS

94. CLAIMS, TO BE IN WRITING

- (1) Every claim for benefit shall be made in writing to the Director on the prescribed form or where there is no prescribed form, in such other manner in writing as the Director may accept as sufficient in the circumstances of any particular case or class of cases.
- (2) Every prescribed form of claim shall be supplied without charge by the Director.
- (3) Where a claim for benefit has been made on a prescribed form other than the form appropriate to the benefit claimed, the claim may, if it contains sufficient particulars, be treated as if it had been made on the appropriate form.
- (4) Despite subregulation (3) where a claim for a benefit is made on a prescribed form other than the appropriate form, the Director may require the claimant to complete the appropriate form.

95. INFORMATION TO BE GIVEN

- (1) A person who makes a claim for benefit shall furnish such certificates, documents, information and evidence for the purpose of determining the claim as the Director may require, and shall, for that purpose, attend at such office or place as the Director may direct.
- (2) A person who makes a claim for benefit shall, in particular, furnish, if required by the Director the following information concerning himself or herself or in respect of the person for whom the benefit is claimed—
 - (a) his or her identity, date of birth, usual place of residence, occupation and relationship to the claimant;
 - (b) his or her position in regard to any benefit under the Act, available sources of income and the amounts contributed by any person towards his or her maintenance; and
 - (c) in the case of a claim in respect of or based on a relationship to an insured person of a wife, husband, widow or a widower, a certificate of the marriage, or proof of registration as beneficiary, together with a declaration signed by him or her and, where appropriate, by the claimant that the information is true to the best of his or her knowledge and belief.
- (3) A person who makes a claim for benefit in respect of a child, shall, in particular furnish such certificate relating to the birth of the child and such other information as the Director may require.
- (4) A person who makes a claim for funeral benefit shall furnish, if required, the following information—
 - (a) a death and burial certificate relating to the deceased;
 - (b) the estimate or account of the undertaker;
 - (c) in the case of any corporate body, association or other authority, such particulars relating to the relevant person as may be required by the Director.
- (5) A person who makes a claim for survivor's benefit or death benefit shall furnish, if required by the Director, a death and burial certificate relating to the deceased.
- (6) The Director may accept in support of claims and in the absence of the certificate or documents aforementioned—

- (a) as proof of kinship or marriage, evidence of a third person or other documentary evidence;
- (b) as proof of age, extracts from baptismal records or school records or other evidence as he or she considers satisfactory.

96. DATE OF CLAIM

For the purpose of any claim for a benefit, the day of receipt of the claim at the office of the Corporation shall be deemed to be the date of the claim.

97. DEFECTIVE AND INCOMPLETE CLAIM

- (1) If a claim is defective in any material particular or incomplete at the date of its receipt by the Director, the Director may refer the claim to the claimant and if the form is returned properly completed within one month from the date on which it is so referred, or such other period as the Director may in any special circumstances specify, the claim may be treated as if it had been properly made in the first instance.
- (2) Any person who has made a claim for benefit in accordance with these Regulations, may amend his or her claim at any time before a decision has been given on it by notice in writing delivered or posted to an office of the Board, and any claim so amended may be treated as if it had been properly made in the first instance.
- (3) Where it appears to the Director that a person who made a claim for benefit may be entitled to some other benefit, any such claim may be treated by the Director as a claim in the alternative for that other benefit.

98. TIME FOR CLAIMING BENEFITS

- (1) The prescribed time for claiming benefits is—
 - (a) in the case of sickness and injury benefit, not later than 3 months from the date of expiration of sick leave;
 - (b) in the case of maternity benefit, not later than 3 months after the date of confinement;
 - (c) in the case of—

- (i) disablement benefit, and increases thereof on account of incapacity or hospital treatment, or
 - (ii) invalidity, retirement, survivor's or death benefit, the period of 3 months from the date on which apart from satisfying the condition of making a claim, the claimant becomes entitled thereto;
 - (d) in the case of funeral grant, the period of 6 months from the date of death of the deceased;
 - (e) in the case of medical expenses, not later than 3 months from the date on which the relevant expenses were incurred.
- (2) Failure to submit a claim within the stipulated time limit shall result in the loss of the benefit unless it can be shown by the claimant to the satisfaction of the Director that there was good cause for delay in submitting the claim, in which case the claimant shall not be disqualified from receiving any benefit to which he or she would have been entitled if the claim had been made on the earlier date.
- (3) No payment shall be made by way of sickness, maternity, employment injury (or disablement benefit, or increases of disablement benefit on account of incapacity or the need for constant attendance or hospital treatment), invalidity, retirement, survivor's or death benefit or medical expenses in respect of any period more than 12 months after the date on which the claim for the benefit is duly made.
- (4) No sum shall be paid by way of a funeral grant if the claim for the funeral grant is not made within 12 months after the date of the death of the person in respect of whom the grant is payable.

99. CLAIM IN ADVANCE

- (1) Despite regulation 98, where it has been certified that a person is incapable of work for the period specified in the certificate, a claim for sickness or employment injury benefit may, unless the Director otherwise directs, be made by the person in respect of the period or such shorter period as the Director may in the circumstances determine, in either case commencing immediately after the date on the certificate.

- (2) Any claim for sickness or employment injury benefit made under subregulation (1), may, if it is made on the form containing the certificate be treated as a claim made also in respect of any days in the said period or in any such shorter period, as the case may be.

J. Payments

100. TIME AND MANNER OF PAYMENT OF BENEFITS OTHER THAN PENSIONS

- (1) Subject to these Regulations, a benefit shall be paid in accordance with an award thereof as soon as is reasonably practicable after such an award has been made by the Director, by means of drafts, cheques or other means payable through the bank, post office, or office of the Corporation, including cash payment at the home of the claimant, if the circumstances of any particular case appears to the Director to render this appropriate.
- (2) Payments made under subregulation (1) shall be made weekly, fortnightly or monthly but where payment is due for a period covering less than one week, there shall be paid after the end of that period an amount equal to the proportion of the rate of benefit which the number of days in the period, (one day of each week being disregarded), bears to 6.
- (3) In the case of those benefits payable only by way of lump sum or single payment, payment would be made by means of cheques or other means as appears to the Director to be appropriate in the circumstances of any particular case.
- (4) Any benefit payable by way of a single lump sum payment, may be payable by instalments of such amounts and at such times as appears reasonable to the Director in the circumstances of the case, and an appeal shall not be brought against either any decision that such grant shall be payable by installments or the time of payment thereof but any decision may be varied by the Director at any time.

101. TIME AND MANNER OF PAYMENT OF PENSIONS

Subject to these Regulations, retirement pensions shall be paid monthly in arrears by means of cheques or at such post office, bank, or office of the Corporation as the Director, after enquiry of the pensioner, may from time to time determine.

102. OTHER ARRANGEMENTS FOR PAYMENT OF PENSION

Despite anything contained in these Regulations the Director may arrange—

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

that the pension shall continue to be payable up to but not including the day following such day.

103. OTHER TIMES AND METHODS OF PAYMENT OF PENSION

Despite anything contained in these Regulations, the Director may in any particular case or class of cases arrange for the payment of a pension otherwise than monthly or otherwise than by means of cheques payable to the pensioner.

104. EXTINGUISHMENT OF RIGHT TO SUM PAYABLE BY WAY OF BENEFIT WHICH IS NOT OBTAINED WITHIN THE PRESCRIBED TIME

- (1) The right to any sum payable by way of benefit shall be extinguished where payment thereof is not obtained within the period of 6 months or such longer period as the Director may determine in the circumstances of any particular case, after the date on which the sum becomes payable.
- (2) In calculating the period of 6 months under subregulation (1), no account shall be taken of—
 - (a) any period during which a cheque or bank draft containing the sum is in the possession of the Corporation

or any post office or bank at which it is payable other than a period after written notice has been given that the cheque or, bank draft is available for collection;

- (b) any period during which the Corporation has, after consideration, represented that a cheque or bank draft containing the sum has not been received, or has been lost, mislaid or stolen;
- (c) any period during which determination of any question as to such extinguishment is pending.

105. INFORMATION TO BE GIVEN WHEN OBTAINING PAYMENT OF BENEFIT

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

106. FORFEITURE OR SUSPENSION OF PAYMENT OF BENEFIT

- (1) If in respect of any incapacity, expected or actual confinement, a person claiming or entitled to sickness, maternity, invalidity, employment injury or disablement benefit or to any increases in any such benefit on account of incapacity, as the case may be—
 - (a) has become incapable of work through his or her misconduct or negligence;
 - (b) without good cause behaves in any manner calculated to retard his or her recovery or without good cause fails to answer any officer of the Corporation directed to ascertain whether he or she is behaving in a manner that is calculated to retard his or her recovery;
 - (c) undertakes work for which remuneration is or would ordinarily be payable,

he or she shall forfeit that benefit for such period as the Director determines.

- (2) If, without good cause—
- (a) a claimant fails to furnish any information required for the determination of a claim, or any question arising in connection therewith; or
 - (b) a beneficiary fails to give notice of any change of circumstances affecting the continuance of the right to benefit or to the receipt thereof, or to furnish any information required for the determination of any question arising in connection with the award; or
 - (c) a claimant for, or a beneficiary of sickness, maternity, invalidity, injury or disablement benefit, or a claimant for medical expenses fails to comply with any requirement of these Regulations,

he or she shall, if the Director so decides, forfeit any benefit claimed in respect of the period of such failure.

- (3) If a person who is entitled to any claim or benefit under these Regulations willfully obstructs, or is guilty of misconduct in connection with any examination or treatment to which he or she is required under these Regulations to submit himself or herself, or in connection with any proceedings under the Act for the determination of his or her right to benefit or to the receipt thereof, he or she shall, subject to subregulations (4) to (6), forfeit any benefit claimed, for such period as the Director determines.
- (4) In any case to which subregulations (1), (2) or (3) relates, proceedings on the claim or payment of benefit, as the case may be, may be suspended for such period as the Director determines.
- (5) Nothing in this regulation providing for the forfeiture of benefit for—
- (a) failure to comply with the requirements of subregulation (1);
 - (b) failure to comply with the requirements of these Regulations; or
 - (c) obstruction or misconduct in connection with medical examination or treatment,

shall authorise the disentitlement of a claimant or beneficiary to benefit for a period of more than 6 weeks on any forfeiture.

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

107. OBLIGATIONS OF BENEFICIARY TO NOTIFY CHANGE OF CIRCUMSTANCES

- (1) A person in receipt of benefit shall inform the Director of any change in his or her circumstances affecting his or her continued right to receive such benefit or the rate at which the benefit is payable within one week of the occurrence of the change.
- (2) The Director may require any person entitled to a benefit to furnish from time to time documentary evidence in the form set out as Form NC/LC in Schedule 1 that he or she is alive and the conditions governing the grant of such benefit continue to be fulfilled, and if such evidence is not given to the Director within the time required, the Board may suspend payment of the benefit until the date on which the evidence is given.

108. PERSON UNABLE TO ACT

- (1) In the case of any person to whom benefit is payable or who is alleged to be entitled or by whom or on whose behalf a claim for benefit has been made, and who is a child or is unable for the time being to act, where no person or authority has been duly appointed by law to have charge of such person or his or her estate, the Director may, upon written application being made to him or her, appoint a person to exercise on behalf of the child or person any right to which he or she may be entitled under the Act and to receive and deal with any sums payable on behalf of such child or person.
- (2) Despite subregulation (1)—
 - (a) any such appointment by the Director shall terminate on the date immediately prior to the date on which the

- Director is notified that a person or authority has been duly appointed by law;
- (b) a person who has not attained the age of 18 shall not be capable of being appointed to act under this regulation;
 - (c) the Director may at any time in his or her absolute discretion revoke any appointment made under this regulation; and
 - (d) any person appointed under this regulation may, on giving the Director one month's notice in writing of his or her intention to do so, resign his or her office.
- (3) Anything required by these Regulations to be done by or on behalf of any child or any person who is for the time being unable to act, may be done by any person or authority duly appointed by law to have charge of that child or person or of his estate or by or to the person appointed under this regulation to act on behalf of such child or person, and the receipt by a person appointed under this regulation shall be a good discharge to the Corporation and the Fund for any sum paid, although such person has not attained the age of 21.

109. PAYMENT OF DEATH BENEFIT TO PERSON APPOINTED BY THE DIRECTOR

- (1) On the death of a person who has made a claim for benefit or who is alleged to have been entitled to benefit or in respect of whose death a funeral grant is alleged to be payable, the Director may appoint such person as he or she thinks fit to proceed with or to make a claim for the benefit, and this regulation shall apply subject to necessary modifications to any such claim.
- (2) Despite subregulation (1) in the case of funeral grant a claim may be made by any person specified in subregulation (3).
- (3) Subject to these Regulations, any sum payable by way of benefit which is payable under an award or on claim proceeded with or made under subregulation (1) may be paid or distributed to or amongst persons claiming as personal representatives, legatees, next-of-kin, or creditors of the deceased and these Regulations shall apply to any such payment or distribution.
- (4) Despite subregulation (3)—

- (a) the receipt by a person who has attained the age of 18 shall be a good discharge to the Corporation and the Fund for any sum so paid; and
 - (b) where the Director is satisfied that any such sum or part thereof is needed for the benefit of any person under the age of 18, the Director may obtain a good discharge thereof to a person over that age who need not be a person specified in the Regulation who satisfies the Director that he or she will apply the sum so paid for the benefit of the person under the age of 18.
- (5) Subject to this regulation, any benefit due to a deceased person, payment of which he or she had not obtained at the date of his or her death, may unless the right thereto was already extinguished at that date, be paid or distributed to or amongst such persons as are mentioned in subregulation (3).
- (6) For the purposes of regulation 104 the period of 6 months shall be calculated from the date on which the sum was received by any such person, and not from the date it was received by the deceased and for those purposes the reference in regulation 103 to the date on which the sum became payable, shall be construed as a reference to the date of application to the Corporation made in accordance with these Regulations.

K. Medical Certificate

110. EVIDENCE OF INCAPACITY TO BE GIVEN

- (1) Every person claiming sickness benefit, or invalidity benefit shall furnish evidence of incapacity in respect of the day or days for which the claim is made by means of a certificate given by a registered medical practitioner in accordance with the provisions for medical certification set out in Part A of Schedule 4 in the Form appropriate to the circumstances of any particular case or class of cases.
- (2) Every woman by whom or on behalf of whom a claim for maternity benefit is made shall furnish evidence—
 - (a) where the claim is made in respect of expectation of confinement, that she is pregnant and the stage of her pregnancy; or

- (b) where the claim is made by virtue of the fact of confinement, that she has been confined,

by means of a certificate given in accordance with the provisions for certification set out in Part C of Schedule 4 on the appropriate form as set out in Part B of that Schedule or by such other means as the Director may accept as sufficient in the circumstances of any particular case or class of cases.

- (3) For the purpose of this regulation the expression “certificate” shall not include a certificate which is given only by the person whom or on whose behalf the claim is made.

PART 8 APPEALS

111. APPEALS

- (1) A person dissatisfied with the decision of the Director in respect of—
- (a) his or her liability to pay any contribution under the Act;
 - (b) the amount of contribution due and payable by him or her;
 - (c) any contribution due by him or her under the Act which has not been paid;
 - (d) his or her entitlement to a benefit under the Act; or
 - (e) the fulfilment by him or her of any prescribed conditions of entitlement of any benefit under the Act,
- may within one month from the date of the Director’s decision appeal to the Board against that decision.
- (2) Notice of appeal shall be addressed to the chairperson of the Board and shall be in the form set out as Form APP1 in Schedule 1.
- (3) A copy of the notice shall also be addressed to the Director.
- (4) The chairperson of the Board shall not later than 14 days after receipt of a notice of appeal as provided in this regulation, summon a meeting of the Board for the purpose of hearing the appeal.

- (5) The Board shall be duly constituted for the purpose of hearing appeals if any 4 members of the Board excluding the Director are present.
- (6) On receipt of a copy of a notice of appeal the Director shall prepare and submit to the Board a memorandum containing the reasons for his or her decision, any document considered by him or her and evidence taken in making his or her decision.
- (7) The Director and the appellant shall both be entitled to be present at the hearing of the appeal.
- (8) The Director shall, if required by the Board, assist with any further information which the Board requires.
- (9) The Board shall hear evidence on oath which it considers to be relevant and useful from the appellant and from any other person presented by the appellant, and may also summon the employer of the appellant if it considers it necessary to do so.
- (10) The decision of the Board shall be made by no fewer than 4 members, excluding the Director who shall not sit as a member of the Board.
- (11) The Board may affirm or reverse the decision of the Director or make such order as appears to the Board, that the justice of the case demands.

PART 9 OFFENCES

112. OFFENCES AND PENALTIES

- (1) Any employer who without reasonable excuse—
 - (a) fails to obtain, complete or forward any registration document as required under these Regulations;
 - (b) fails to complete or submit any monthly remittance statements as required under these Regulations;
 - (c) fails or refuses to make available to an Inspector the duplicate copy of any monthly schedule of contributions or any monthly contribution remittance statement or any deduction in accordance with these Regulations;

- (d) fails to deliver to any of his or her employees any document he or she is required to deliver under these Regulations;
- (e) fails to match the employees contribution with the employer's portion;
- (f) deducts the full composite sum from the wages of an employee; or
- (g) fails to comply with any requirements under these Regulations,

commits an offence and is liable on summary conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 6 months, or to both such fine and imprisonment.

- (2) Any employee who without reasonable excuse—
 - (a) fails to make his or her signature or mark as required by these Regulations; or
 - (b) fails to provide his or her employer with any information required by these Regulations,

commits an offence and is liable on summary conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months, or to both such fine and imprisonment.

- (3) Any employer or employee convicted of any offence under subregulation (1) or (2) shall be ordered by the magistrate to comply with the respective provisions within 24 hours of such conviction or face a term of imprisonment not exceeding 6 months for disobedience to such order.

PART 10

FINANCIAL AND ACCOUNTING REGULATIONS

113. INTERPRETATION

In these Regulations—

“**expenditure**” means payment out of the Fund in accordance with section 3(2) of the Act;

“**income**” means payments into the Fund in accordance with section 3(1) of the Act;

“**reserve**” means any one of the reserves constituted under these Regulations.

114. BENEFIT BRANCHES

- (1) Subject to these Regulations, benefit provided under the Act shall be grouped into separate benefit branches as follows—
 - (i) long-term benefits branch, comprising retirement, invalidity and, survivor’s benefits,
 - (ii) short-term benefits branch, comprising sickness, maternity, employment injury, funeral and hospitalization benefits;
- (2) Despite the foregoing, all other funds and accounts falling under the control of the Board shall be established and maintained separately in accordance with regulations 123 to 143.

115. FINANCIAL YEAR

The financial year for the purpose of the budget and accounts shall be the year ending on 30 June.

116. SUBMISSION OF ESTIMATES

- (1) Before 30 April of each year, the Director shall, in respect of each of the branches, funds and accounts specified in these Regulations, submit to the Board for its approval estimates of income and expenditure expected to be received and incurred in the financial year beginning on 1 July next following, including administrative expenditure, which shall be shown separately.
- (2) These estimates shall be accompanied by a memorandum giving full explanations of any variations of the amounts expected to be received or spent as compared with the corresponding amounts included in the approved estimates in the current year, and of any receipts or expenditure of a type not included in the approved estimates in the current year. The memorandum shall also state how it is proposed to finance administrative expenditure and expenditure of an extra-ordinary nature.

- (3) The Board may add to or otherwise alter the heads under which the estimates are to be submitted to it, and may require information relating to the make up, calculations or reasons for inclusion of any items in the estimates as submitted.
- (4) The estimates submitted in accordance with this regulation, as and when approved by the Board, shall show the income which is expected to be collected and shall set limits to the expenditure which may be incurred under each of the relevant heads. Expenditure shall not be incurred in any head in excess of the limit set for that head without the prior approval of the Board; but the Director shall have the authority to incur expenditure in excess of any head or heads, where such expenditure was necessary and unavoidable and was in accordance with the provisions of the Act, and the Director shall be personally accountable for such expenditure pending approval by the Board.
- (5) If the budget estimates have not been approved by the Board before the beginning of the financial year to which they relate, the Director shall be authorized by the Board to incur expenditure under the various heads subject to such conditions as it may deem fit to impose until such time as the budget is duly approved.

117. FINANCIAL AUTHORITIES OF STAFF

The Director shall draw up a list which shall contain the names of such of the officers of the Board as, from time to time, shall be authorized by the Board to approve payment vouchers, sign cheques approve accounting transfers or exercise other similar functions, and the list may specify such limits, financial or otherwise, as the Board may approve, within which each officer whose name appears on the list shall be authorized to exercise the function or functions allotted to him or her.

118. FIDELITY BOND

Insurance by way of fidelity bond or other similar security may be arranged by the Board giving cover, up to such amounts as may be approved by the Board, against risk of defalcation by the cashiers, store-keepers or other custodians of the property of the Board.

119. LOSS DEFICIENCIES AND OTHER PAYMENTS

If a loss, damage, overpayment or destruction of cash, equipment or other assets of the Corporation, occurs, it shall be within the discretion of the Board to approve the write-off of the asset involved; but when the Board is satisfied that the loss, damage, overpayment or destruction is due to the fault or negligence of an officer, the Board, in the absence of a satisfactory explanation, shall direct that the officer be surcharged with the whole or such part of the value of the loss as it shall deem appropriate in the circumstances of the particular case. The amount of the surcharge shall be deducted from any moneys owing by the Corporation to the officer over such period as the Director may determine and shall be credited to the revenues of the Corporation.

120. UNSERVICEABLE ASSETS

If in the opinion of the Director an asset becomes unserviceable, redundant or uneconomical to upkeep, it shall be within his or her discretion to dispose of it, in such manner, including sale or destruction as he or she thinks fit. The asset thus disposed of shall be written-off the inventory and the proceeds of any sale credited to the revenues of the Corporation.

121. FINANCIAL AUDIT

The Director shall ensure that adequate arrangements shall be made for the internal audit of the financial procedures, benefit payments and the maintenance and operation of the accounts of the Fund and the principal functions of the internal audit may be specified in Financial and Accounting Rules, orders or administrative directions issued by the Director.

122. PERIODICAL REPORTS TO THE BOARD

- (1) The Director shall submit to the Board periodical reports on the financial situation of the Fund with reference to income and expenditure at such intervals and in such form as the Board may direct, together with any comments or remarks that may be called for.
- (2) The Director shall submit to the Board any report concerning fraud, administrative abuse and serious irregularities.

123. ACCOUNTING SYSTEMS

The Director shall open accounts for each of the heads under which the estimates of income and expenditure, as approved, have been arranged, and such other heads or sub-divisions of heads as may be necessary, and shall record therein, by the double-entry system of book-keeping the financial transactions of the Fund.

124. QUARTERLY ACCOUNTS

At the end of each quarter, the accounts as a whole shall be balanced and income and expenditure statements for the quarter together with projections to the end of the year shall be prepared and submitted to the Board not later than the 25th day of the month following that quarter.

125. ANNUAL ACCOUNTS

At the end of each financial year the account shall be balanced and summary accounts and balance sheet shall be prepared, namely—

- (i) a consolidated income and expenditure account for the Fund as a whole,
- (ii) a statement of cash flows,
- (iii) the income and expenditure account in respect of each benefit branch, fund and account under the control of the Board,
- (iv) a balance sheet for the Fund as a whole,
- (v) any other account or statement which the Board may from time to time request to be included, the details of which shall be specified in the financial and accounting orders.

126. STATEMENT OF CASH FLOWS

The statement of cash flows shall reflect funds provided from or used in operations separately from other sources or uses of funds. Unusual items which are not part of the ordinary activities of the Board shall be separately disclosed in the statement. The income and expenditure account shall show the income and expenditure recorded during the financial year and the balance sheet shall show the liabilities and assets as at the end of the financial year.

127. PREPARATION OF ACCOUNTS AND BALANCE SHEETS

The accounts and balance sheet specified in these Regulations shall be prepared as soon as practicable after the end of the financial year and shall be submitted to the Board not later than 30 September in the year following the financial year, but if the Board is satisfied that for certain practical reasons the accounts could not be submitted to it by that date, it may extend that date by a period not exceeding 30 days.

128. DISTRIBUTION OF INCOME OF THE FUND

All sums collected as contributions shall be distributed among the benefit branches in such proportions, as the Minister shall, on the recommendation of the Board and after consultation with an actuary, determine by order or regulations, but a sum collected as contribution which is payable in respect of a specified branch, fund or account shall be allocated to the branch, fund or account of which such benefit forms part with due regard to the provisions of this regulation.

129. INCOME FROM INVESTMENT OF RESERVES

The income from the investment of the reserves shall be allocated in such proportions as the total reserves bears to separate branch reserves at the beginning of the financial year.

130. UNIDENTIFIED INCOME

All other income to the Fund which cannot be identified shall be allocated as the Board may from time to time direct.

131. DISTRIBUTION OF EXPENDITURE

The expenditure on each benefit branch, fund or account shall be ascribed to that benefit branch fund or account.

132. ADMINISTRATIVE EXPENDITURE

The administrative expenditure of the Fund shall be distributed among the benefits in such proportions as the Board may direct.

133. UNALLOCATED EXPENDITURE

All other expenditure which cannot be specifically allocated shall be distributed as the Board may direct.

134. RESERVES TO BE CONSTITUTED

A short-term benefit reserve shall be constituted by transferring thereto annually the excess of income over expenditure of the short-term benefit account, and any amount in excess of the expected expenditure for the ensuing financial year shall be transferred to the long term benefit reserve.

135. LONG TERM BENEFIT RESERVE

A long-term benefit reserve shall be constituted by transferring thereto annually the excess of income over expenditure of the long-term benefit account, together with the excess amounts from the short term benefit reserve which is over the expected expenditure for the ensuing 12 months.

136. OTHER RESERVES

The Minister on the advice of the Board, may by regulations constitute other reserves if and when this becomes necessary.

137. MINIMUM SUMS OF RESERVES TO BE MAINTAINED BY THE BOARD

The Board shall ensure that minimum levels of reserves are maintained to meet any unforeseen or abnormal expenditure which the current income may not be sufficient to cover, but where it is anticipated that both the reserve and the current income for any benefit branch will become insufficient to meet the current expenditure, actuarial advice shall be sought in accordance with the Act.

138. AUDIT OF ACCOUNTS

The Board shall require the Director to produce the accounts and balance sheet to the auditor appointed under section 22(1) of the Act on or before 30 August following the close of the financial year in

which they relate; but in the case of an extension of time the Board may extend the date by a period not exceeding 30 days.

139. ACCOUNTS TO BE AUDITED

The Director shall submit to the auditor all accounts required for the purpose of the audit and any other documents, information or explanation which the auditor may require for that purpose.

140. AUDITOR'S REPORT

Subject to section 22 of the Act, the auditor shall perform the audit of the accounts prescribed by regulation 125 in accordance with international accounting standards, and shall submit in accordance therewith an auditor's report to the Board.

141. SUBMISSION OF AUDIT FINDING

Without limiting the generality of regulation 145 should the audit prescribed thereby reveal—

- (i) any material impropriety or irregularity in the expenditure, in the recovery of moneys due to the Fund or in the accounts under the control of the Board, or
- (ii) any loss or waste of money or other property owned by or vested in the Board which has been caused by neglect or misconduct,

the auditor shall submit to the Board a separate statement, if necessary, detailing such audit findings.

142. DIRECTOR TO REPORT TO MINISTER

The Board shall forthwith require the Director to remedy any defect or irregularity pointed out by the auditor, and shall determine responsibility therefor and report to the minister on the action taken thereon.

Application for Registration

FORM VC 1

Application for registration as Voluntary Contributor

Regulation 12A(6)

FORM SB 2

Claim for Sickness Benefit

Regulation 31

FORM Inv.B1

Claim for Invalidity Benefit

Regulation 38

FORM MB1

Claim for Maternity Allowance and Grant

Regulation 44(1)

FORM MB2

Claim for Maternity Grant

Regulation 44(2)

FORM Sur.B1

Claim for Survivors/Death Benefit

Regulation 46(7)

FORM RB 1

Claim for Age Benefit

Regulation 58(1)

FORM NI/LC

Life Certificate

Regulation 58(2)

FORM FB 1

Claim for Funeral Benefit

Regulation 61(3)

FORM EIB 1

Notice of Employment Injury

Regulation 64

FORM EIB 2

Claim for Employment Injury Benefit

Regulation 66

FORM DB 1

Claim for Disablement Benefit

Regulation 70(2)

FORM APP1

Notice of Appeal Regulation 112(2)

TABLE I

Wage Bands for Self Employed Contributors Regulation 12(8)

TABLE II

Qualifying No. of Months for Pensions Regulation 35

TABLE III

Insurable Earnings on Income in Excess of \$36,000 per Annum Regulation 36

TABLE IV

Early Retirement Pension Formula Regulation 55(2)

TABLE V

Amount of Funeral Grant Regulation 61(2)

FORM R1
(Reg. 3(1))

FOR OFFICE USE ONLY	REGISTRATION NO.
------------------------	------------------

APPLICATION FOR REGISTRATION BY EMPLOYER

A. TO BE COMPLETED BY ALL EMPLOYERS

1. Name of Owner/Trustee:
2. Nat. Ins. Reg.# (Employer of Household help):
3. Trade of Business Name

(If different from 1 above)

(If Business is registered a Copy of Certificate of Registration must be produced)

Revision Date: 31 Dec 2005

4. Name of Company:
(A copy of Certificate of Incorporation, Notice of Directors and Notice of Registered Office must be produced)
5. Postal Address
6. Location of Business
7. Nature of Business
- (Indicate major activity)*
8. Number of Employees:
9. Business Telephone Number:
10. Business Fax Number:
11. E-mail Address:
12. Previous Business Owned:
13. Name of Associated Companies:
14. Location of Branches/Divisions:

B. TO BE COMPLETED FOR ALL EXTERNAL COMPANIES

1. Name of Head Office/Parent Company
2. Jurisdiction of Incorporation
3. Address of registered Office (a) Local
- (b) External

Name and Position of Applicant

(Please Print)

Signature of Applicant Date

* Where the application is made in respect of domestic employment the residence address should be given and the nature of business should be shown as "household".

FORM R3
(Reg 3(2))

APPLICATION FOR REGISTRATION

FOR OFFICIAL USE ONLY					
NAT. INS. NO ALLOTTED					

DO NOT COMPLETE THIS FORM
IF YOU HAVE COMPLETED ONE BEFORE.

(USE BLOCK LETTERS)

Name

Surname

Other names

Also known as (alias) (If married give maiden name)

Date of Birth (Day) (Month) (Year)

Place of Birth Nationality National Reg. No.

Passport No Place of Issue Date of Issue

Address

District Occupation

Purpose of Registration Tel #

Mark with X as Appropriate

Sex of Applicant

Male		Female	
------	--	--------	--

Marital Status of

Married		Single	
Widow		Widower	

Applicant	Divorced		Separated	
-----------	----------	--	-----------	--

Spouse Name

Date of Marriage

Signature of Applicant Date
(Witnessed by an Employee of the NIC)

Signature of Witness Date

FOR OFFICIAL USE ONLY		
Other Verification	Passport	
	Birth Certificate	
Initial		
Date		

THIS SECTION MUST BE COMPLETED BY EMPLOYER

Name of Employer

Registration Number of Employer

Address of Employer

Nature of Business Sector

Date of Commencement of Employment

Signature of Employer or his or her representative..... Date

Notes

- Return this Form as soon as it is completed with Birth Certificate or Passport.
- No Employee should be Employed without a National Insurance Card.

FOR OFFICIAL USE ONLY

Entered Date	Intl
Verified Date	Intl

FORM CF 1
(Reg 3(4)(a))

CHANGE OF ADDRESS

(EMPLOYER OR EMPLOYER’S REPRESENTATIVE
TO COMPLETE IN BLOCK LETTERS)

Business Name

Registration #:

New Address:

Business Address

.....

Postal Address: (if different)

.....

.....

Authorised Signature

Name (Please Print)

Position

.....

Date

FOR OFFICIAL USE:

.....

Updated by Customer Service Clerk

.....

Date

STATEMENT FROM EMPLOYER TO CONFIRM CESSATION OF EMPLOYMENT

Employer's Name

Registration No. Date

The Director
National Insurance, Castries

Dear Sir/Madam

I/We hereby inform you that there was/will be a cessation of employment in my/our business from

I/We will resume/resumed employment by/on

Reasons for cessation

Yours sincerely

.....
<i>Director/Manager (Please Print Name)</i>	<i>Employer Signature & Stamp</i>	<i>Date</i>

FOR OFFICIAL USE ONLY

To Be Completed By An Inspector

Wage Records Examined: Yes No

If No, Please state method of verification:

.....
.....
.....

To Be Completed By Compliance Clerk

Code Assigned

.....

Name

Other Comments
.....	Signature
.....
Inspector's Signature	Date
	Date

Review 1

Inspectors comments/verification performed (to be completed at closure date or end of dormancy period)

Recommendation:	Code Assigned	<input type="text"/>
	Name	
Inspector's Signature	Signature	
Date	Date	

Review 2

Inspectors comments/verification performed (to be completed at closure date or end of dormancy period)

Recommendation:	Code Assigned	<input type="text"/>
	Name	
Inspector's Signature	Signature	
Date	Date	

FORM C2
(Reg. 8)

DUE AND PAYABLE IN *(Insert Month here)*

CONTRIBUTIONS REMITTANCE FORM

(To be printed in Duplicate)

Revision Date: 31 Dec 2005

This form with a remittance for the total contributions due in _____ must reach the office not later than 7 days after the end of the month for which it is due.

EMPLOYER'S REG. NO.

Name of Employer _____

Address of Employer _____

I certify that the amounts shown below represent the total contributions due and payable and which are shown on the Form C3.

No. of Employees _____

Contributions for month ending _____ \$ _____

1.25% surcharge for late remittance \$ _____

(If Applicable)

Total \$ _____

Signature _____

Date _____

FOR OFFICIAL USE ONLY

Checked by _____

Date _____

Posted to Employer's ledger by _____

Verified by _____ Date _____

Contributions due and payable in _____

(State month)

FORM C3
(Reg. 9(1))

MONTHLY SCHEDULE OF CONTRIBUTIONS

SCHEDULE OF CONTRIBUTIONS FOR MONTH OF _____ TO BE SUBMITTED WITH REMITTANCE FOR _____ TOTAL CONTRIBUTIONS DUE IN _____ TO REACH NIC OFFICE NOT LATER THAN 7 DAYS AFTER END OF MONTH			EMPLOYER NUMBER _____ & NAME _____ PAGE _____		
Total Brought Forward from Previous Sheet (If Any) =			_____		
EMP. NIC No.	Employee Name	Contribution	EMP.NIS No.	Employee Name	Contribution
		DELETE AS NECESSARY	A. Total carried forward to next sheet B. Total for which payment is sent		
Please make note of the following:			_____		

Revision Date: 31 Dec 2005

<ol style="list-style-type: none"> 1. If the N.I.C Number for any employee is incorrect or missing, please insert the correct number. 2. Insert the Total Contribution to be paid on behalf of each employee. This is twice the amount deducted from his/her salary. 3. The Grand Total on this form must equal the value of your payment. Return this form to the N. I.C Office at the end of every month. 4. Penalty fee of 1.25% will be charged for late submission of Contribution Payment 5. Delete the name and number of persons no longer employed. 6. Add NIC Number and full name of any new employees. 7. Return white copy of this form to NIC Office. 	<p style="text-align: center;">I CERTIFY THAT THE AMOUNTS SHOWN REPRESENT TOTAL CONTRIBUTIONS DUE AND PAYABLE.</p> <p style="text-align: center;">_____</p> <p style="text-align: center;">Signature and Stamp of Employer/Agent _____ Date</p> <p style="text-align: center;">FOR OFFICIAL USE ONLY</p> <p>RECEIVED: DATE _____ INT _____</p> <p>ENTERED: DATE _____ INT _____</p> <p>VERIFIED DATE _____ INT _____</p>
--	--

FORM SE1
(Reg. 12(2))

SELF-EMPLOYED PERSONS APPLICATION FOR REGISTRATION

National Insurance No.

In accordance with regulation _____ of the National Insurance Regulations 2001 I hereby apply for registration as a self-employed person and submit hereunder the following relevant particulars:

1. Name _____
 Surname *Other Names*

2. Address and Telephone Nos. _____

3. Date of Commencement of _____
 Trade or Business *Day* *Month* *Year*

4. Declared Earnings for Year ended 31 December _____ \$ _____

5. Details of Earnings _____

6. Nature of Trade or Business _____

Signature of Applicant

Date

7. Annual Insurable Earnings for the year ending 31 December
 _____ \$ _____

8. Assessed Annual Insurable Earnings \$ _____

9. Assessed Monthly Contribution \$ _____

 Date

 Signature of Insured Person

9. Application and Assessment Approved By: _____

*Signature of National Insurance
 Corporation Official*

 Date

FORM VC 1
(Reg. 12A(6))

**APPLICATION FOR REGISTRATION – VOLUNTARY
CONTRIBUTORS**

Name

Also known as (alias)

National Insurance Number

Sex (Male/Female) Marital Status(Married/Single)

Date of Birth (Day/Month/Year) Nationality
(*Birth Certificate or Passport to be submitted*)

Address Country of Residence
.....

Name of Last Employer

Purpose of Registration

.....

Signature of Applicant

Date

Where the claimant cannot sign, a responsible person (Lawyer, J.P.. Doctor, Senior Civil Servant on permanent establishment, etc.) should witness the Mark by signing below.

.....
Name of Witness (please Print)

.....
Signature

.....
Occupation

.....
Date

FOR OFFICIAL USE ONLY

- (i) Number of Contributions paid (minimum of 60 months)
- (ii) Date of last contribution
- (iii) Average annual wage for 20____ and 20____ \$
(for last 2yrs worked)
- (iv) Contribution required per month \$..... (min of 5%, max of "10%
of (iii) above)

Signed

FORM SB2
(Reg. 31)

CLAIM FOR SICKNESS BENEFIT

I, the undersigned, hereby apply for sickness benefit under the National Insurance Corporation Act, 2000 and furnish a Medical Certificate, together with the following particulars:

My full name is _____
(Please Print)

My Nat. Ins. No. is _____

Date of Birth _____

My Address is _____

Tel. No. _____

When I became ill I was employed by _____

My occupation was _____

Revision Date: 31 Dec 2005

I finished working there on _____

I understand that a False Statement or Misrepresentation makes me liable to a penalty under the National Insurance Corporation Act.

Date _____

Signature or Mark of Claimant

NOTE: Where the Claimant cannot sign, a responsible person (Lawyer, J.P., Doctor, Senior Civil Servant on permanent establishment, etc.) should witness the Mark by signing on the line below.

Witness to Mark _____

Profession or Occupation _____

Address _____

Date _____

TO BE COMPLETED BY EMPLOYER:

1. Name of Employer and Registration No. _____
2. Tel. No. _____
3. The above named employee has been absent from work continuously since _____ on account of _____
4. This Employee has been/will be paid wages/salary at the rate of _____ per week/month, during the period of absence from work up to and including _____

(Insert last date from which wages/salary will be paid if absence continues)

I certify that the above statements are true to the best of my knowledge and belief and I assume full responsibility as to their correctness. I also undertake to notify the National Insurance Corporation as soon as possible, of the return of the employee to my employ.

Date _____ Signature _____

Print Name _____

Position _____

Stamp _____

MEDICAL CERTIFICATE – SICKNESS

IN CONFIDENCE TO:

Mr./Mrs./Miss _____
(Print Name)

I _____ a duly

Qualified Registered Medical Practitioner, hereby certify that in my opinion you were at the time of my examination suffering from:

As a result of this illness you will

(1) Remain incapable of work for a period of _____ days commencing on _____

(2) You will be fit to resume work today/tomorrow/on _____

Any Other Remarks by Doctor _____

Doctor's Name _____

(in Block Letters)

Revision Date: 31 Dec 2005

Doctor's Signature _____ Date _____

Address _____

Tel. No. _____

Form Inv. B1
(Reg.38)

CLAIM FOR INVALIDITY BENEFIT

I hereby apply for Invalidity Benefit under the National Insurance Corporation Act, 2000 and furnish a medical certificate and other supporting documents together with the following particulars:

1. My full name is _____
(Print Name)

2. Occupation _____

3. My Nat. Ins. No. is _____

4. My date of birth is _____

5. My address is _____

6. My Tel. No. is _____

7. My last/present Employer's name and address were/are

Name of Employer _____

Address _____

Tel. No. _____

Period of Employment _____

8. The Name and Address of the last Doctor who examined me is/was:

Name of Doctor _____

Address of Doctor _____

Tel. No. _____

ANSWER ALL QUESTIONS

(a) From what date have you been continuously incapable of work?

(b) What is the nature of your illness or disease? _____

(c) Are you now receiving sickness or any other benefit? _____

(d) If so, from what date have you been receiving such benefit?

I declare that the foregoing information is true in all particulars. I understand that a false statement or misrepresentation makes me liable to a penalty under the National Insurance Corporation Act,.

If unable to sign, mark X and have it witnessed by a responsible person (Lawyer, J.P., Doctor, Senior Civil Servant on permanent establishment, etc.)

Date

Signature or mark of Claimant

Witness to mark _____

Profession or Occupation _____

Address _____

Date _____

Revision Date: 31 Dec 2005

MEDICAL CERTIFICATE OF PERMANENT INCAPACITY FOR WORK

(To be completed by a Registered Medical Practitioner)

To: Mr./Mrs./Miss _____
(Print Name)

I hereby certify that on _____ 200_____

I examined you and found that you are suffering from _____

(state nature of disease or bodily or mental disablement)

A disablement which is likely to remain permanent.

In my opinion you are likely to remain permanently incapable of work as a result of this disablement.

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

(Tick appropriate box)

Give reasons for Claimant's condition: _____

Signature _____

Name _____

(Please Print)

Address _____

Date _____

Tel. No. _____

NOTE

For purposes of a “benefit” under the National Insurance Regulations 2000 the term “Invalid” means a person incapable of work as a result of a specific disease or bodily or mental disablement which is likely to remain permanent, and the term “disablement” means a loss of capacity for any of the ordinary activities of life.

FORM MB1

(Reg. 44(1))

CLAIM FOR MATERNITY ALLOWANCE AND GRANT

(In accordance with the National Insurance Corporation Act).

I hereby apply for Maternity Benefit under the National Insurance Corporation Act, and furnish a Certificate of Expected/Actual Confinement, together with the following particulars:

My full name is _____
(*Print Name*)

My Nat. Ins. No. is _____

My address is _____

My Tel. No. is _____

My Date of Birth is _____

I am/was employed by _____

I last worked there on _____

The period for which I claim benefits is from _____ to _____

I do not expect to receive any wages or salary from my Employer during my absence from work. I will be given _____ weeks Maternity Leave, from _____ to _____ during which period I will be paid _____ per week/month.

I understand that a False Statement or Misrepresentation makes me liable to a Penalty under the National Insurance Corporation Act, 2000.

Date

Signature or Mark of Claimant

NOTE: Where the Claimant cannot sign, a responsible person (Lawyer, J.P., Doctor, Senior Civil Servant on permanent establishment, etc.) should witness the mark by signing on the line below.

Witness to Mark _____

Profession or Occupation _____

Address _____

Date _____

TO BE COMPLETED BY EMPLOYER:

1. Name of Employer and Registration No. _____
2. Tel. No. _____
3. The above named employee has been absent from work continuously since _____ on account of _____
4. This Employee has been/will be paid wages/salary at the rate of _____ per week/month, during the period of absence from work up to and including _____

(Insert last date from which wages/salary will be paid if absence continues)

I certify that the above statements are true to the best of my knowledge and belief and I assume full responsibility as to their correctness. I also undertake to notify the National Insurance Corporation as soon as possible of the return of the employee to my employ.

Date _____

Signed _____

Employers Signature

Print Name _____

Position _____

Stamp _____

MEDICAL CERTIFICATE OF EXPECTED/ACTUAL CONFINEMENT

(TO BE GIVEN BY A REGISTERED MEDICAL PRACTITIONER OR REGISTERED MIDWIFE)

(A or B to be completed as appropriate)

To:

M _____

(Print Name)

A. EXPECTED CONFINEMENT

I certify that I examined you on _____
and that in my opinion you may expect to be confined on the
_____ day of _____ 20_____

Any other Remarks by Doctor or Midwife _____

B. ACTUAL CONFINEMENT

I certify that I attended to you during your confinement which took place at
_____ on the _____ day of _____

CHILD

LIVING

And that you delivered: Male/Female _____

Revision Date: 31 Dec 2005

CHILDREN DEAD

Name of Doctor or Midwife _____

(Block Letters)

Signature and Stamp _____

Address _____

Tel. No. _____

Date _____

FORM MB 2
(Reg. 44(2))**CLAIM FOR MATERNITY GRANT****(For Claims Based on Contribution Record of Husband)**

I hereby claim Maternity grant on my husband's/common law husband's contribution and furnish a Certificate of Confinement and marriage certificate where applicable together with the following particulars:

My full name is _____

(Block Letters)

Surname

Other Names

My Nat. Ins. No. is _____

My Date of Birth is _____

My Tel. No. is _____

My Address is _____

My Husband's/Common Law Husband's Name is _____

His N.I.C. No. is _____

His Address is _____

He was/is employed by _____

His Occupation is _____

His Employer's Address is _____

I hereby declare that I have lived with the said Mr.
 _____ as his wife/common law wife from the
 _____ day of _____ 20_____

 Date

 Signature Mark

NOTE: Where the Claimant cannot sign, a responsible person (Lawyer, J.P., Doctor, Senior Civil Servant on permanent establishment, etc.) should witness the mark by signing on the line below.

Witness to Mark _____

Profession or Occupation _____

Address _____

Date _____

Form Sur. B 1
 (Reg. 46(7), 78(1))

CLAIM FOR SURVIVOR'S/DEATH BENEFIT

I hereby apply for Survivor's/Death Benefit under the National Insurance Corporation Act, 2000, and furnish a Death Certificate and other supporting documents together with the following particulars:

PARTICULARS OF DECEASED

1. Name of Deceased Person _____
(Block Letters) Surname Other Names
2. Nat. Ins. No. _____
3. Date of Birth _____
Day Month Year
4. Date of Death _____
Day Month Year
5. Was Death due to an Employment Injury/Disease? Yes/No
6. If not, state cause of death _____
7. Was deceased in receipt of any benefit from National Insurance Corporation? Yes/No
8. State what Benefit _____
9. Name of Employer prior to death and duration of such Employment

10. Address of Employer _____
11. Tel. No. of Employer _____

PARTICULARS OF CLAIMANT

1. Name of Claimant _____ Nat. Ins. No. _____
(Block Letters) Surname Other Names
2. Date of Birth of Claimant _____
Day Month Year
3. Relation to Deceased _____

(If Widow or Widower attach Marriage Certificate)

4. Address of Claimant _____
5. Was Claimant wholly or mainly maintained by the deceased person?

6. Was Claimant residing with deceased at the time of death? Yes/No
7. Tel. No. _____

**GIVE PARTICULARS OF THE CHILDREN
OF THE DECEASED PERSON**

Name of child/Children	Sex M/F	Father's Name	Mother's Name	Date of Birth	Place of Birth

(ATTACH THE BIRTH CERTIFICATE OF EACH CHILD UNDER 18 YEARS)

I hereby declare that I have lived with the said _____ now deceased as *Husband/Wife/Common Law Husband/Common Law Wife from the _____ day of _____.

Signature/Mark _____

Date _____

I declare that the foregoing information is true in all particulars. I understand that a false statement or misrepresentation makes me subject to

Revision Date: 31 Dec 2005

a penalty under the National Insurance Corporation Act 2000.

Date

Signature or Mark of Claimant

If unable to sign, mark X and have it witnessed by a responsible person (Lawyer, J.P., Doctor, Senior Civil Servant on permanent establishment, etc.)

Signature _____

Name of Witness _____

Profession or Occupation _____

Address _____

Date _____

Form RB 1
(Reg. 58)

CLAIM FOR RETIREMENT BENEFIT

I hereby apply for Retirement Benefit under the National Insurance Corporation Act, 2000, and furnish my Birth Certificate and other supporting documents together with the following particulars:

PARTICULARS OF CLAIMANT

My full name is _____
(Print Name)

My Nat. Ins. No. is _____

My date of birth is _____

My address is _____

My last/present Employer's name and address were/are _____

Name of Employer _____

Address _____

I declare that I have reached the age of _____ will reach the age of _____ on the _____ day of _____ 200 _____. I further declare that I am continuing in employment/retired from gainful employment.

I understand that a False statement or Misrepresentation makes me liable to a penalty under the National Insurance Corporation Act.

Date

Signature or mark of Claimant

If unable to sign, mark X and have it Witnessed by a responsible person (Lawyer, J.P., Doctor, Senior Civil Servant on permanent establishment, etc.)

Signature _____

Name of Witness _____

Profession or Occupation _____

Address _____

Date _____

Form FB 1
(Reg. 61(3))

CLAIM FOR FUNERAL GRANT

Revision Date: 31 Dec 2005

I hereby apply for Funeral Grant under the National Insurance Corporation Act, and furnish a Death Certificate and receipts in support of funeral expenses together with the following particulars:

1. Name of deceased person _____
2. Nat. Ins. No. _____
3. Date of Birth _____
4. Date of Death _____
5. Cause of Death _____
6. Name of Claimant _____
7. Tel. No. _____
8. Date of Birth _____
9. Relation to deceased _____
10. To the best of your knowledge and belief, are you the only person who will be entitled to make this claim? _____
11. Nat. Ins. No. _____

I declare that the foregoing information is true in all particulars. I understand that a false statement or Misrepresentation makes me liable to a penalty under the National Insurance Corporation Act.

Date

Signature or Mark of Claimant

If unable to sign, mark X and have it Witnessed by a responsible person (Lawyer, J.P., Doctor, Senior Civil Servant on permanent establishment, etc.)

Signature of Witness _____

Name of Witness _____

Profession or Occupation _____

Address _____

Date _____

Form EIB 1

(Reg. 64)

NOTICE OF EMPLOYMENT INJURY

Employer's Reg. No.

PARTICULARS OF UNDERTAKING

--	--	--	--	--	--

1. Name of Employer _____
2. Address of work place or place where accident occurred _____

3. Nature of business _____
4. Tel. No. _____

PARTICULARS OF INJURED PERSON

1. Surname _____ First name _____
2. Alias or other names _____
3. Date of Birth _____ Sex _____ Nat. Ins. No. _____
4. Full address _____

Revision Date: 31 Dec 2005

5. Tel. No. _____
6. Occupation or title _____
7. Nature and location of injury _____
8. Estimated duration of disability _____
(on basis of Medical Certificate)
9. Normal rate of wages _____
- (a) State wages paid for day of accident (if any)
- (b) How much will injured person be paid per week/month when off work?
\$ _____
- (c) For how long will payment be made? From _____ to _____
- (d) Duration of employment _____

CIRCUMSTANCES OF ACCIDENT

1. Date and hour of accident _____
Day Month Year Time
2. Date and time injured person stopped working _____
Day Month Year Time
3. Between what hours was injured person normally expected to work?
From _____ to _____.
4. Was the accident reported (Yes/No) _____
5. If Yes, to whom _____
- Exact place or location where accident occurred? _____

6. Was the injured person authorised to be in that place at the time of the accident? *Yes/No
7. Exact type of work performed by injured person at the time of accident _____
8. Was this type of work authorised or permitted? Yes/No
9. What was the exact cause of the alleged accident? How did it happen? _____

10. If caused by machinery, give name of machine and part causing accident _____
11. State whether machine was moved by mechanical power at time of accident? _____
12. What was the nature, location and extent of the injury observed at the time of the accident? _____
13. State whether accident was fatal or not _____
14. State what measures were taken to prevent recurrence of similar accident _____
15. Was accident reported to the Labour Department? Yes/No _____
16. Could the accident have been prevented? Yes/No _____

I certify that the information given above is true and correct to the best of my knowledge and I understand that any false statement or misrepresentation renders me liable to a penalty under the National Insurance Corporation Act.

Revision Date: 31 Dec 2005

Date

Signature and stamp of Employer/Representative

Form EIB 2

(Reg. 66)

CLAIM FOR EMPLOYMENT INJURY BENEFIT

I hereby apply for Employment Injury Benefit under the National Insurance Corporation Act, 2000, and furnish a Medical Certificate together with other supporting documents, and the following particulars:

My full Name _____
(Block Letters) Surname Other Names

My Date of Birth is _____
Day Month Year

My Nat. Ins. No. is _____

My Employer is _____

My Occupation is _____

My Tel. No. is _____

As a result of my injury, I last worked on _____

I understand that a False Statement or Misrepresentation makes me liable to a Penalty under the National Insurance Corporation Act.

Date

Signature or Mark of Claimant

NOTE: Where the Claimant cannot sign, a responsible person (Lawyer, J.P., Doctor, Senior Civil Servant on permanent establishment, etc.) should Witness the Mark by signing on the Line below.

Witness to Mark _____

Profession or Occupation _____

Address _____

Date _____

MEDICAL CERTIFICATE-INJURY

In Confidence To:

Mr./Mrs./Miss _____

I _____ a duly qualified Registered Medical Practitioner, hereby certify that in my opinion you were at the time of my examination suffering from _____

As a result of this illness you will

(1) Remain incapable of work for a period of _____ *days commencing on _____

(2) You will be fit to resume work today/tomorrow/on _____

Any other Remarks by Doctor _____

* In the case of a First Certificate, the days indicated must not be more than 7 (including Sundays and Public Holidays).

In the case of a Second Certificate, the days indicated must not be more than 14 (including Sundays and Public Holidays) and for a Third or Subsequent Certificate, the day indicated must not be more than 28.

Revision Date: 31 Dec 2005

Doctor's Name _____
(in block letters)

Doctor's Signature _____

Date _____

Address _____

Tel. No. _____

Form DB 1
(Reg. 70(2))

CLAIM FOR DISABLEMENT BENEFIT

I hereby apply for Disablement Benefit under the National Insurance Act, and furnish an assessment of my disablement together with the following particulars:

My Name is _____
Surname *Other Names*

My NIC No. is _____ My Date of Birth is _____ Tel No. _____

My Address _____

Date of Accident Resulting In Disablement _____

Nature of Injury _____

Name of Employer Where Accident occurred _____

I understand that a false statement or misrepresentation makes me liable to a penalty under the National Insurance Corporation Act.

Signature of Claimant

Date

Where the claimant cannot sign, a responsible person (Lawyer, J.P., Doctor, Senior Civil Servant on permanent establishment, etc.) should witness the Mark by signing below.

Signature of Witness

Name (Please Print)

Occupation

Date

FOR OFFICIAL USE ONLY

Period of E.I.B. _____ to _____

Amount of E.I.B. \$ _____

Report of Inspector attached (Yes/No) _____

MEDICAL CERTIFICATE OF ASSESSMENT OF DISABLEMENT

(TO BE COMPLETED BY A REGISTERED MEDICAL
PRACTITIONER)

TO: Mr/Mrs/Miss _____

Print Name

I hereby certify that on _____ 20_____ I examined
you and in my opinion you were at the time of my examination suffering
from _____

Description of Injury

Revision Date: 31 Dec 2005

Per Centum degree of disablement _____% Serial No. _____
(as per to Prescribed Degree of Disablement in Schedule 2 of the National Insurance Regulations)

NB

1. In the case of a right handed person, an injury to the right arm or hand and in the case of a left handed person to the left arm or hand, shall be rated 10% higher than the above average.
2. In the case of a post traumatic shortening in a lower limb, any disability of that limb shall be rated at 10% higher than the percentage of that disability.

Signature and Stamp _____

Name (please print) _____ Registration date _____

Address _____

Date _____ Tel Number _____

Form NI/LC
(Reg. 58(2) & 107(2))

LIFE CERTIFICATE

Full Name of Pensioner/Beneficiary _____

Type of Pension _____ Nat. Ins. No. (Pensioner) _____

Nat. Ins. No. (Beneficiary) _____

+ Signature/Mark of Pensioner/Beneficiary _____ Date _____

I, _____ of _____
(Please Print Name)

* _____
(Please State Profession and/or Official Title)

Hereby certify that _____

Whose signature is affixed above was alive on the _____
day of _____ 20_____

Date

Signature

NOTICE OF APPEAL

Form APP 1
(Reg. 112(2))

No. 20 _____

In the matter of _____
Print name of Insured person and Nat. Ins. No.

To the Chairperson of the National Insurance Board

cc. The Director of the National Insurance Corporation

I _____ of _____

+ Guardian must sign on behalf of a minor child.

* To be certified by a Notary Royal, Notary Public, Lawyer, Justice of the Peace, Doctor, Senior Civil Servant on permanent establishment, Minister of Religion.

Revision Date: 31 Dec 2005

(Print Name)

_____ do

Address

hereby give you and each of you notice that it is my intention to appeal against a decision of the Director given on _____ in respect of an application made by me for a _____ benefit under the National Insurance Corporation Act, and the National Insurance Regulations.

My Nat. Ins. No. is _____

The general grounds of Appeal are that—

- 1. _____
- 2. _____
- 3. _____
- 4. _____
- 5. _____
- 6. _____

Dated this _____ day of _____ 20____.

Signature

TABLE I

(Reg. 12(8))

WAGE BANDS FOR SELF EMPLOYED CONTRIBUTORS

CATEGORY	MONTHLY INCOME AS A PERCENTAGE OF MAXIMUM INSURABLE EARNINGS
Special	10%
A	20%
B	30%
C	40%
D	50%
E	60%
F	70%
G	80%
H	90%
I	100%

TABLE II*(Reg. 35)***Qualifying No. of Months for Pensions**

During the year (s)

Qualifying No. of Months of contribution for pensions

1 January 2000 to 31 December 2002

132 months

1 January 2003 to 31 December 2005

144 months

Revision Date: 31 Dec 2005

1 January 2006 to 31 December 2008	156 months
1 January 2009 to 31 December 2011	168 months
1 January 2012 and continuing	180 months

TABLE III

(Reg. 36)

**INSURABLE EARNINGS ON INCOME IN EXCESS OF \$36,000.00
PER ANNUM**

FOR THE YEAR	AMOUNT TO BE CREDITED \$
January to December 2001	36,000 + 25% of (excess over 36,000)
January to December 2002	36,000 + 25% of (excess over 36,000)
January to December 2003	36,000 + 30% of (excess over 36,000)
January to December 2004	36,000 + 40% of (excess over 36,000)
January to December 2005	36,000 + 50% of (excess over 36,000)
January to December 2006	36,000 + 60% of (excess over 36,000)
January to December 2007	36,000 + 60% of (excess over 36,000)

TABLE IV

(Reg. 55(2))

EARLY RETIREMENT PENSION FORMULA

Early Retirement Age	:	60
Required months of contributions	:	See TABLE 1 of Schedule 1
Early Reduction Factor	:	0.5% per month of age below normal pensionable age
Early Pension Formula	:	Full pension at pensionable age X (100-early reduction factor)

TABLE V

(Reg. 61(2))

AMOUNT OF FUNERAL GRANT

Age of Death	Amount of Grant
Under 2 years	\$150.00
3 years	\$300.00
4 years	\$450.00
5 years	\$600.00
6 years	\$750.00
7 years	\$900.00
8 years	\$1,050.00
9 years	\$1,200.00
10 years	\$1,300.00
11 years and older	\$1,500.00

SCHEDULE 2

(Reg. 71)

PRESCRIBED DEGREES OF DISABLEMENT

Description of Disability Serial No.	Degree of Disablement Per Centum
1. Loss of 2 limbs	100
2. Loss of both hands or of all fingers and thumbs	100
3. Total loss of sight	100
4. Total paralysis	100
5. Injuries resulting in being bed-ridden permanently	100
6. Loss of remaining eye by one-eyed person	100
7. Loss of remaining arm by one-armed person	100
8. Loss of remaining leg by one-legged person	100
9. Loss of a hand and a foot	100
10. Any other injury causing permanent total incapacity	100
11. Very severe disfigurement facial	100
12. Absolute deafness	100
13. Amputation of arm between elbow and shoulder	100
14. Amputation through shoulder joint	100
15. Loss of arm at elbow	100
16. Loss of arm between wrist and elbow	100
17. Loss of hand at wrist	60
18. Loss of 4 fingers	40
19. Loss of 4 fingers and thumb of one hand	60
20. Loss of thumb both phalanges	30
21. Loss of thumb one phalanx	20
22. Loss of index finger 3 phalanges	14
23. Loss of index finger 2 phalanges	11

24.	Loss of index finger one phalanx	9
25.	Loss of middle finger 3 phalanges	12
26.	Loss of middle finger 2 phalanges	9
27.	Loss of middle finger one phalanx	7
28.	Loss of ring finger 3 phalanges	7
29.	Loss of ring finger one phalanx	5
30.	Loss of ring finger 2 phalanges	6
31.	Loss of little finger 3 phalanges	7
32.	Loss of little finger one phalanx	6
33.	Loss of little one phalanx	5
35.	Loss of metacarpals third, fourth or fifth (additional)	4
36.	Guillotin amputation of tip of INDEX, MIDDLE Ring finger without loss of bone or LITTLE FINGER	2
37.	Double amputation through thigh, through thigh on one side and loss of other foot, or double amputation below knee	100
38.	Double amputation through leg lower than 5 inches below knee	100
39.	Amputation of one leg lower than 5 inches below knee and loss of other foot	100
40.	Amputation of both feet resulting in end-bearing stumps	90
41.	Amputation through both feet proximal to the metatarsophalangeal joint	80
42.	Loss of all toes of both feet through metatarsophalangeal joint	40
43.	Loss of all toes of both feet distal to the proximal interphalangeal joint	30
44.	Loss of all toes of both feet proximal to the proximal interphalangeal joint	30
45.	Amputation through hip-joint	90

Revision Date: 31 Dec 2005

46.	Amputation below hip with stump not exceeding 5 inches in length measured from tip of great trochanter	80
47.	Amputation below hip with stump exceeding 5 inches in length measured from tip of great trachanter, but not beyond middle thigh	70
48.	Amputation below middle thigh to 3 1/2 inches below knee	60
49.	Amputation below knee with stump exceeding 3 1/2 inches but not exceeding 5 inches	50
50.	Amputation below knee with stump exceeding 5 inches	40
51.	Amputation of one foot resulting in end-bearing stump	40
52.	Amputation through one foot proximal to the metatarsophalangeal joint	40
53.	Loss of all toes of one foot proximal to the interphalangeal joint, including amputation through the metatarsophalangeal joint	20
54.	Loss of great toe, both phalanges	10
55.	Loss of great toe, one phalanx	5
56.	Loss of great toe, part with some loss of bone	3
57.	Loss of toes other than great toe, each	3
58.	Loss of toe other than great toe-part with some loss of bone	1
59.	Two toes of one foot, excluding great toe through metatarsophalangeal joint	5
60.	Part with some loss of bone	2
61.	Three toes of one foot excluding great toe through metatarsophalangeal joint	6
62.	Part with some loss of bone	3
63.	Four toes of one foot excluding great toe through metatarsophalangeal joint	9
64.	Part with some loss of bone	3

OTHER SPECIFIC INJURIES

65.	Loss of one eye, without complications, the other being normal		40
66.	Loss of vision of one eye, without complications of disfigurement of the eye ball, the other being normal		30
67.	Loss of hearing, one ear		20
68.	Post-traumatic ankylosis of limbs and joints ranging between partial and complete;		
	Ankylosis of	Partial	Complete
(i)	Spine	20	30
(ii)	Shoulder	30	40
(iii)	Elbow	30	30
(iv)	Wrist	30	30
(v)	Superior and inferior radio-ulnar	30	30
(vi)	Thumb (first metatarsophalangeal)		
	Finger Joints	30	30
(vii)	One joint of any finger excluding thumb	–	33
(viii)	All 3 joints of one finger exclusive thumb	–	10
(ix)	Joints of all fingers excluding thumb	–	30
(x)	Finger joints of all fingers including thumbs	–	40
(xi)	Hip joints	20	40
(xii)	Knee	10	19
(xiii)	Ankle	10	19
(xiv)	Sub-astragaloid group of joints	10	19
(xv)	Big toe (first metatarsophalangeal)	10	19
(xvi)	Toe Joints	5	10

**POST TRAUMATIC PARALYSIS OF LIMBS
OR PARTS OF THE BODY**

(i)	Total paralysis toe to spinal cord injury	–	100
PARALYSIS OF:			
(ii)	Brachial plexus	50	50
(iii)	Radial nerve	30	50
(iv)	Medial nerve	20	40
(v)	Ulna nerve	20	40
(vi)	Sciatic nerve	50	70
(vii)	Medial popliteal	20	40
(viii)	Lateral popliteal	20	30

1. In the case of a right-handed person, an injury to the right arm or hand and in the case of a left-handed person to the left arm or hand, shall be rated 10% higher than the above percentage.

2. In the case of a post-traumatic shortening in a lower limb, any disability of that limb shall be rated at 10% higher than the percentage of that disability.

3. The degree of disablement in cases not specified in this Schedule shall be assessed on the basis of the general principles referred to in regulation 71 of these Regulations, taking into account prescribed cases of equal or similar effect.

SCHEDULE 3

(Reg. 81)

Prescribed Diseases/Injury

Description of Disease or injury	Nature of Occupation
<i>Conditions due to physical agents and the physical demands of work</i>	

-
- | | | |
|-----|--|--|
| 1. | Inflammation, ulceration or malignant disease of the skin due to ionising radiation | |
| 2. | Malignant disease of the bones due to Ionising radiation | } Work with ionising radiation. |
| 3. | Blood dyscrasia due to ionising radiation | |
| 4. | Cataract due to electromagnetic radiation | Work involving exposure to electromagnetic radiation, including radiant heat. |
| 5. | Decompression illness | |
| 6. | Barotrauma resulting in lung or other organ damage | } Work involving breathing gases at increased pressure, including diving. |
| 7. | Dysbaric osteonecrosis | |
| 8. | Cramp of the hand or forearm due to repetitive movement | Work involving pro-longed periods of hand-writing, typing or other repetitive movements of the fingers, hand or arm. |
| 9. | Subcutaneous cellulitis of the hand | Physically demanding work causing severe or prolonged friction or pressure on the hand. |
| 10. | Bursitis or subcutaneous cellulitis arising at or about the knee due to severe or prolonged external friction or pressure at or about the knee | Physically demanding work causing severe or prolonged friction or pressure at or about the knee. |
| 11. | Bursitis or subcutaneous cellulitis or arising at or about the elbow due to or prolonged external friction or pressure at or about the elbow | Physically demanding work causing severe or prolonged friction or pressure at or about the elbow. |

Revision Date: 31 Dec 2005

- | | |
|--|---|
| 12. Traumatic inflammation of the tendons of the hand or forearm or of the associated tendon sheaths | Physically demanding work frequent or repeated movements, constrained postures or extremes of extension or flexion of the hand or wrist. |
| 13. Carpal tunnel syndrome | Work involving the use of hand-held vibrating tools. |
| 14. Hand-arm vibration syndrome | Work involving: <ul style="list-style-type: none">(a) the use of chain saws, brush cutters or hand-held or hand-fed circular saws in forestry or wood-working;(b) the use of hand-held rotary tools in grinding material or in sanding or polishing metal;(c) the holding of material being ground or metal being sanded or polishing by rotary tools;(d) the use of hand-held percussive metal-working tools or the holding of metal being worked upon by percussive tools in connection with riveting, caulking, chipping, hammering, fettling or swaging;(e) the use of hand-held powered percussive drills or hand-held powered percussive hammers in |

mining, quarrying or demolition or on roads or footpaths (including road construction); or

- (f) the holding of material being worked upon by pounding machines in shoe manufacture.

Infections due to biological agents

15. Anthrax

- (a) Work involving handling infected animals, their products or packaging containing infected material, or

- (b) work on infected sites.

16. Brucellosis

Work involving contact with:

- (a) animals or their carcasses (including any parts thereof) infected by brucella or the untreated products of some; or

- (b) laboratory specimens or vaccines of or containing brucella.

17. (a) Avian chlamydiosis

Work involving contact with birds infected with *Chlamydia psittaci*, or the remains or untreated products of such birds.

(b) Ovine chlamydiosis

Work involving contact with sheep infected with *Chlamydia psittaci* or the remains or untreated products of such sheep.

18. Hepatitis

Work involving contact with:

- (a) human blood or human blood products: or
 - (b) any source of viral hepatitis.
- 19. Legionellosis
Work on or near cooling systems which are located in the workplace and use water or work on hot water service systems located in the workplace which are likely to be a source of contamination.
- 20. Leptospirosis
 - (a) Work in places which are liable to be infested by rats, fieldmice, voles or other small mammals;
 - (b) work at dog kennels or involving the care or handling of dogs; or
 - (c) work involving contact with bovine animals or their meat products or pigs or their meat products.
- 21. Lyme disease
Work involving exposure to ticks (including in particular work by forestry workers, rangers, dairy farmers, game keepers and other persons engaged in countryside management.
- 22. Q fever
Work involving contact with animals, their remains or their untreated products.
- 23. Rabies
Work involving handling or contact with infected animals.

-
- | | |
|---|---|
| 24. Streptococcus suis | Work involving contact with pigs infected with streptococcus suis, or with the carcasses, products or residues of pigs so infected. |
| 25. Tetanus | Work involving contact with soil likely to be contaminated by animals. |
| 26. Tuberculosis | Work with persons, animals, human or animal remains or any other materials which might be a source of infection. |
| 27. Any infection reliably attributable to the performance of the work specified in the entry opposite hereto | Work with micro-organisms; work with live or dead human beings in the course of providing any treatment or service or in conducting any investigation involving exposure to blood or body fluids; work with animals or any potentially infected material derived from any of the above. |

Conditions due to substances

- | | |
|---|--------------|
| 28. Poisonings by any of the following: | Any activity |
| (a) acrylamide monoment; | |
| (b) arsenic or one of its compounds; | |
| (c) benzene or a homologue of benzene; | |
| (d) beryllium or one of its compounds; | |
| (e) cadmium or one of its compounds; | |
| (f) carbon disulphide; | |

Revision Date: 31 Dec 2005

- (g) diethylene dioxide (dioxan);
 - (h) ethylene oxide;
 - (i) lead or one of its compounds;
 - (j) manganese or one of its compounds;
 - (k) mercury or one of its compounds;
 - (l) methyl bromide;
 - (m) nitrochlorobenzene, or a nitr or amino or chloro-derivative of benzene or of a homologue of benzene;
 - (n) oxides of nitrogen;
 - (o) phosphorus or one of its compounds.
29. Cancer of a bronchus or lung
- (a) Work in or about a building where nickel is produced by decomposition of a gaseous nickel compound or where any industrial process which is ancillary or incidental to that process is carried on; or
 - (b) work involving exposure to bis (chloromethyl) or any electrolytic chromium processes (excluding passivation) which involves hexa-valent chromoum compounds, chromate production or zinc chromatic pigment manufacture.

30. Primary carcinoma of the lung where there is accompanied evidence of silicosis
- Any occupation in:
- (a) glass manufacture;
 - (b) sandstone tunnelling or quarrying;
 - (c) the pottery industry;
 - (d) metal ore mining;
 - (e) slate quarrying or slate production;
 - (f) clay mining;
 - (g) the use of siliceous materials as abrasives;
 - (h) foundry work;
 - (i) granite tunnelling or quarrying; or
 - (j) stone cutting or masonry
31. Cancer of the urinary tract
1. Work involving exposure to any of the following substances:
- (a) beta-naphthylamine or methylene-bis-orthochloroaniline;
 - (b) diphenyl substituted by at least one nitro and primary amino group (including benzidine);
 - (c) any of the substances mentioned in subparagraph (b) if further ring substitution by halogeno, methyl or methoxy group, but not by other groups; or
 - (d) the salts of any of the substances mentioned in subparagraphs (a) to (c).

2. The manufacture of auramine or magenta.
32. Bladder cancer
Work involving exposure to aluminium smelting using the Soderberg process.
33. Angiosarcoma of the Liver
(a) Work in or about machinery or apparatus used for the polymerisation of vinyl chloride monomer, a process which, for the purposes of this subparagraph, comprises all operations up to and including the drying of the slurry produced by the polymerisation and the packaging of the dried product; or
(b) work in a building or structure in which any part of the process referred to in the foregoing subparagraph takes place.
34. Peripheral neuropathy
Work involving the use or handling of or exposure to the fumes of or vapour containing n-hexane or methyl n-butyl ketone.
35. Chrome ulceration of:
(a) the nose or throat; or
(b) the skin of the hands or forearm
Work involving exposure of chromic acid or to any chromium compound.
36. Folliculitis
37. Acne
38. Skin cancer
} Work involving exposure to mineral oil, tar, pitch or arsenic.

39. Pneumoconiosis (excluding asbestosis)
1. (a) The mining, quarrying or working of silica rock or the working of dried quartzose sand, any dry deposit or residue of silica or any dry admixture containing such materials (including any activity in which any of the aforesaid operations are carried out incidentally to the mining or quarrying of other minerals or to the manufacture of articles containing crushed or ground silica rock); or
- (b) the handling of any of the materials specified in the foregoing subparagraph in or incidental to any of the operations mentioned therein or substantial exposure to the dust arising from such operations.

2. The breaking, crushing or grinding of flint, the working or handling of broken, crushed or ground flint or materials containing such flint or substantial exposure to the dust arising from any of such operations.
3. Sand blasting by means of compressed air with use of quarizose sand or crushed silica rock or flint or substantial exposure to the dust arising from such sand blasting.
4. Work in a foundry or the performance of, or substantial exposure to the dust arising from, any of the following operations:
 - (a) the freeing of steel casting from adherent siliceous substance or;
 - (b) the freeing of metal casting from adherent siliceous substance:
 - (i) by blasting with an abrasive propelled by compressed air steam or a wheel; or

- (ii) by the use of power-driven tools.
- 5. The manufacture of china or earthenware (including sanitary earthenware, electrical earthenware and earthenware (tiles) and any activity involving substantial exposure to the dust arising therefrom.
- 6. The grinding of mineral graphite or substantial exposure to the dust arising from such grinding.
- 7. The dressing of granite or any igneous rock by masons. The crushing of such materials or substantial exposure to the dust arising from such operations.
- 8. The use or preparation for use of an abrasive wheel or substantial exposure to the dust arising therefrom.
- 9. (a) Work underground in any mine in which one of the objects of the mining operations is the getting of any material.
 - (b) the working or handling above ground at any coal or

tin mine of any materials extracted therefrom or any operation incidental thereto:

(c) the trimming of coal in any ship, barge, lighter, dock or harbour or at any wharf or quay; or

(d) the sawing, splitting or dressing of slate or any operation incidental thereof.

10. The manufacture or work incidental to the manufacture of carbon electrodes by an industrial undertaking for use in the electrolytic extraction of aluminium from aluminium oxide and any activity involving substantial exposure to the dust therefrom.

11. Boiler scaling or substantial exposure to the dust arising therefrom.

40. Byssinosis

The spinning or manipulation of raw or waste cotton or flax or the weaving of cotton or flax, carried out in each case in a room in a factory, together with any other work carried out in such a room.

-
- | | | |
|--|-----|---|
| 41. Mesochclioma | (a) | The working or handling of asbestos or any admixture of asbestos; |
| 42. Lung cancer | (b) | the manufacture or repair of asbestos textiles or other articles containing or composed of asbestos; |
| 43. Asbestosis | (c) | the cleaning of any machinery or plant used in any of the foregoing operations and of any chambers, fixtures and appliances for the collection of asbestos dust; or |
| | (d) | substantial exposure to the dust arising from any of the foregoing operations. |
| 44. Cancer of the nasal cavity or associated air sinuses | 1. | (a) Work in or about a building where wooden furniture is manufactured; |
| | | (b) work in a building used for the manufacture of footwear or components of footwear made wholly or partly of leather or fibre board; or |
| | | (c) work at a place used wholly or mainly for the repair of footwear made wholly or partly of leather or fibre board. |

2. Work in or about a factory building where nickel is produced by decomposing of a gaseous nickel compound or in any process which is ancillary or incidental thereto.

45. Occupational dermatitis

Work involving exposure to any of the following agents:

- (a) epoxy resin systems;
- (b) formaldehyde and its resins;
- (c) metal working fluids;
- (d) chromate (hexavalent and derived from trivalent chromium);
- (e) cement, plaster or concrete;
- (f) acrylates and methacrylates;
- (g) colophony (rosin) and its modified products;
- (h) glutaraldehyde;
- (i) mercaptobenzothiazole, thiurams, substituted paraphenylene-diamines and related rubber processing chemicals.
- (j) biocides, anti-bacterials, preservatives or disinfectants;

- (k) organic solvents;
- (l) antibiotics and other pharmaceuticals and therapeutic agents;
- (m) strong acids, strong alkalis, strong solutions (e.g. brine) and oxidising agents including domestic bleach or reducing agents;
- (n) hairdressing products including in particular dyes, shampoos, bleaches and permanent waving solutions;
- (o) soaps and detergents;
- (p) plants and plant-derived material including in particular the daffodil, tulip and chrysanthemum families, the parsley family (carrots, parsnips, parsley and celery), garlic and onion, hardwoods and the pine family;
- (q) fish, shell-fish or meat;
- (r) sugar or flour; or
- (s) any other known irritant or sensitising agent including in particular any chemical bearing the warning : “may cause sensitisation by skin contact” or “Irritating to the skin”.

46. Extrinsic alveolitis (including farmer's lung)
- Exposure to moulds, fungal spores or heterologous proteins during work in:
- (a) agriculture, horticulture forestry, cultivation of edible fungi or malt-working;
 - (b) loading, unloading or handling mouldy vegetable matter or edible fungi whilst same is being stored;
 - (c) caring for or handling birds; or
 - (d) handling bagasse.
47. Occupational asthma
- Work involving exposure to any of the following agents:
- (a) isocyanates;
 - (b) platinum salts;
 - (c) fumes or dust arising from the manufacture, transport or use of hardening agents (including epoxy resin curing agents) based on phthalic anhydride, tetrachlorophthalic anhydride, uimellitic anhydride or, thiethylene-tetramine;
 - (d) fumes arising from the use of rosin as a soldering flux;
 - (e) proteolytic enzymes;

- (f) animals including insects and other arthropods used for the purposes of research or education or in laboratories;
 - (g) dusts arising from the sowing, cultivation, harvesting, drying, handling, milling, transport or storage of barley, oats rye, wheat or maize or the handling, milling, transport or storage of meals or flour made therefrom;
 - (h) antibiotics;
 - (i) cimetidine;
 - (j) wood dust;
 - (k) ispaghula;
 - (l) castor bean dust;
 - (m) ipecacuanha;
 - (n) azodicarbonamide;
48. (a) Dystrophy of the cornea (including ulceration of the corneal surface) of the eye;
- The use or handling of, or exposure to arsenic, tar, pitch bitumen, mineral oil, including paraffin, soot or any compound product, including quinone, or residue of any of these substances.
- (b) Localised new growth of the skin, papilomatous of keratotic;

- (c) Squamous-celled carcinoma of the skin, due in any case to arsenic, tar, pitch bitumen, mineral oil, including paraffin, soot, or any compound product, including quinone, or hydroquinone, or residue of any of these substances
49. Inflammation or ulceration of the mucous membrane of the upper respiratory passage or mouth produced by dust, liquid or vapour
- Exposure to dust, liquid or vapour
50. Pulmonary disease due to the inhalation of the dust of mouldy vegetable produce, and characterised by symptoms and signs, attributable to a reaction in the peripheral part of the broncho pulmonary system, and giving rise to a farmer's lung
- Exposure to the dust of mouldy hay or their mouldy vegetable produce by reason of employment:
- (a) in agriculture, horticulture or forestry; or
- (b) loading or unloading in storage hay or other vegetable produce; or
- (c) handling bagasse.

SCHEDULE 4

(Reg. 110)

PART A

RULES FOR MEDICAL CERTIFICATION

1. Every certificate shall be written in ink or other indelible substance, signed by a registered medical practitioner, and shall contain the following particulars:
 - (a) the claimant's name;
 - (b) the date and place of the examination on which the certificate is based;
 - (c) a concise statement of the disease or disablement by which the claimant is, in the medical practitioner's opinion, at the time rendered incapable of work;
 - (d) the date on which the certificate is given;
 - (e) the address of the medical practitioner; and
 - (f) the signature of the medical practitioner.
2. The statement of the incapacitating disease or disablement in the certificate shall specify the cause of incapacity as precisely as the practitioner's knowledge of the claimant's condition at the time of the examination.
3. Despite paragraph 2, if in the opinion of the medical practitioner, a disclosure to the claimant of the precise cause would be prejudicial to his well-being, the certificate may contain a less precise statement.

4. Every certificate must have been given on a date not more than one day after the date of the examination upon which it is based, and no further certificate based on the same examination shall be furnished other than a certificate to replace an original certificate which has been lost or mislaid, but in that case the form shall be clearly marked "DUPLICATE".
5. Where the claimant is being attended by a medical practitioner in the Public Service or is receiving treatment on the advice of such a medical practitioner at any hospital as either an in-patient or an out-patient, the certificate shall be on a form supplied by the Director for the purpose and shall be signed by that medical practitioner.
6. Where the claimant is being attended by any other medical practitioner the certificate shall be either on a form supplied by the Director or on such form substantially to the like effect as the Director may accept, and shall be signed by such other medical practitioner.
7. The certificate shall be in the form set out in Part B of this Schedule.
8. In a case in which, in the opinion of the medical practitioner the claimant will become fit to resume work on a day not later than the end of the 7th day after the date of the examination on which the certificate is based, the certificate shall specify the first-mentioned day.
9. In any other case, the certificate shall cover a specified number of days from and including that date of the examination on which the certificate is based, which shall not exceed 7 days in the case of a first certificate, 14 days in respect of a second certificate and 28 days in respect of any subsequent certificate.
10. In computing any period of time in relation to any certificate given under these Regulations, Sundays and Public Holidays shall be included.

PART B

MEDICAL CERTIFICATE

Re _____

I hereby certify that I have on this day of
 examined the above-named _____ at _____
 and found as follows: _____

(Sgd. Medical Practitioner

To: The Director
 National Insurance Corporation.

PART C**RULES FOR CERTIFICATE OF CONFINEMENT**

1. Certificate of confinement or expected confinement shall be written in ink or other indelible substance, signed by a registered medical practitioner or registered midwife attending confinement.
2. The certificate shall be in a form provided by the Director for the purpose, and shall be set out in the Form set out in part B of this Schedule.
3. Every certificate of confinement or expected confinement, shall contain the following particulars:
 - (a) the woman's name;
 - (b) in the case of a certificate of confinement, the date and place of the confinement;
 - (c) in the case of a certificate of expected confinement, the week in which it is to be expected that the woman will be confined, and the date of the examination on which the certificate is based;
 - (d) the date on which the certificate is given;

- (e) where the certificate is signed by a midwife, her address and the date of her qualifications; and
 - (f) the signature of the person given the certificate.
- 4. After a certificate based on an examination has been given, no further certificate based on the same examination shall be furnished other than a certificate to replace an original certificate which has been lost or mislaid, but in that case the form shall be clearly marked "DUPLICATE".