

SEYCHELLES' COMMERCIAL LEGISLATION**SOCIAL SECURITY ACT, 1987
AND REGULATIONS****SECOND EDITION 1996**

Ministry of Finance and Communications

SOCIAL SECURITY ACT, 1987**Arrangement of Sections****PART I - PRELIMINARY**Act 11 of 1987.
Act 3 of 1998.
Act 16 of 1990.
Act 22 of 1994.

Section

1. Short title
2. Interpretation

PART II - CONTRIBUTION AND PERSON COVERED

3. Person liable to pay contribution or entitled to benefit
4. Waiving of liability

PART III- BENEFITS

Division1- Description of benefits

5. Benefits

Division 2 - Entitlement to benefits

6. Sickness benefit
7. Maternity benefit
8. Prolonged sickness resulting from pregnancy
9. Injury benefit
10. Regulations relating to accidents and diseases
11. Invalidity benefit
12. Pre-existing medical condition
13. Disablement benefit
14. Survivor's benefit
15. Funeral benefit
16. Retirement pension
17. Dependant's benefit
18. Orphan's benefit
19. Abandoned child's benefit
20. Limit of benefit for orphan or abandoned child with income
21. Working during incapacity
22. Days for which benefit is payable
23. Level of subsistence
24. Abatement or extinction of invalidity or survivor's benefit

PART IV - DETERMINATION OF CLAIMS

25. Determination of claim, etc.

PART V - ADMINISTRATION AND FINANCE

26. Social Security Fund
27. Accounts and annual report

- 28. Director
- 29. Inspectors
- 30. Medical Board

PART VI- COLLECTION AND RECOVERY

- 31. When contribution is payable
- 32. Contribution deducted by employer to be held in trust
- 33. Person liable to pay contribution or surcharge leaving Seychelles
- 34. Surcharge for late payment
- 35. Contribution and surcharge a debt due to the Fund
- 36. Recovery of contribution and surcharge
- 37. Certificate of Director

PART VII - OFFENCES AND PENALTIES

- 38. Offences and penalties

PART VII - MISCELLANEOUS

- 39. Regulations
- 40. Private Scheme

SCHEDULE - MEDICAL BOARD

PART 1- PRELIMINARY

Short title.

1. This Act may be cited as the Social Security Act, 1987.

Interpretation.
02/03/1988.

2. In this Act,

"beneficiary" means a person entitled to a benefit;

"benefit" means a benefit under this Act;

"child" means a person under the age of 15 years or, when he is in school or undergoing full time education or training, of any age and includes an adopted or illegitimate child;

"contribution" means a contribution payable under this Act;

"Director" means the Director appointed under section 28;

"emolument" means salary, wage, allowance, gratuity, bonus, commission or pension paid to or received by a person in respect of employment and includes the monetary value of any quarter, board, residence or any other allowance granted to a person in respect of employment, a director's fee, a share of a service charge and where the emolument is paid or given otherwise than in cash, the monetary value of the emolument paid or given otherwise than in cash;

"employed person" means a person gainfully employed in Seychelles whether under a contract of service, as a director or a member of the board of any body corporate, or as the holder of an office and includes -

Act 10 of 1980.
Cap.244.

- a. a person, though not bound by a formal contract of service, who is subject to the control of another person as to the manner and method in which he carries out his duties; and
- b. a person working on an approved project in terms of section 5 of the Unemployment Fund Act, 1980;

but does not include a self-employed person;

"employer" means a person having another person in his employment;

"family income" means the aggregate of the income of a person entitled to a benefit and the

income of the persons living with him;

"family subsistence level", in relation to a person, means the aggregate of the level of subsistence of that person and that of the persons living with him;

"Fund" means the Social Security Fund established under this Act; "inspector" means a person appointed under section 29;

"level of subsistence" means the level of subsistence declared by the Minister under section 23

"liable employer" means the person liable to pay contribution in respect of a person in his employment and, in the absence of other evidence of employment, the person by whom or on behalf of whom payment for services rendered is made shall be deemed to be the liable employer;

"Medical Board" means the Medical Board established under section 30;

" person covered" means a person eligible to receive a benefit;

"prescribed disease" means as injury or disease prescribed under this Act;

"prescribed period of residence", in relation to a benefit, means a period of residence in Seychelles prescribed by the Minister as a condition for entitlement to a benefit;

"regular employment" means the normal or habitual level of occupational activity as an employed or self-employed person which the person carried on prior to his retirement;

"retirement" means retirement from regular employment and presumes that occupational activity has ceased or largely ceased;

"retirement age" means the age of retirement prescribed by the Minister under this Act;

"self-employed person", for the purposes of entitlement to benefit, means an individual--

- a. who is carrying on a business on his own; or
- b. who is a partner in a partnership which is carrying on a business;

and who, adduces evidence to the satisfaction of the Director, that he is liable to pay business tax in relation to the business under the Business Tax Act, 1987, whether or not the income of the business is exempt under that Act.

"service charge" means a sum collected or levied in respect of services and distributed or shared between an employer and employee or paid to an employee through a scheme and arrangement controlled, managed or otherwise directed by the employer

"Surcharge" means a surcharge payable in respect of unpaid contribution;

"working day" means a day of the week for which at least four hours of work is completed or normally completed.

Act 10 of 1987.
Cap. 20.

Amended by
Act 22 of 1994.

Person liable to pay contribution or
entitled to benefit. 02/03/1988.

PART II - CONTRIBUTION AND PERSON COVERED

3. (1) Subject to this Act, a person who--
 - a. is employed in Seychelles and receives an emolument in respect of his employment; or
 - b. employs a person referred to in sub-paragraph (a) and pays that person an emolument in respect of that employment,

shall be liable to pay contribution to the Fund in respect of the emolument in the manner provided and at the rate declared under this Act

(2) For the purposes of subsection (1), a person shall be deemed to be employed in Seychelles where he is paid an emolument -

- a. by a person who is resident or carrying on business or has the central management or control of his business, in Seychelles;
- b. by any person on behalf of a person referred to in paragraph (a); or
- c. from a source in Seychelles,

and the person who pays the emolument or on whose behalf the emolument is paid shall be deemed to be the employer of the person receiving the emolument, and the emolument shall be liable to contributions under this Act.

Amended by Act 22 of 1994.

(2A) For the purposes of subsection (1), a person who performs any service or carries out any functions in Seychelles on behalf of or at the request of another person not resident in Seychelles shall be deemed to be employed in Seychelles, the person who benefits in Seychelles from those services or functions shall be deemed to be the employer of the first mentioned person and the emolument paid or received in respect of those services or functions shall be deemed to have been paid by the person who benefits in Seychelles from the services or functions and shall be liable to contributions under this Act.

(3) A person shall be deemed to have received or been paid an emolument although the emolument or any part thereof is not actually received by or paid over to that person but is reinvested, accumulated, carried to or paid into an insurance or pension fund or any other fund, however designated or otherwise dealt with on behalf of the person or as the person directs

Amended by Act 22 of 1994.

(4) Subject to this Act;

- a. a person who is a citizen of Seychelles and is resident in Seychelles;
- b. a person who is not a citizen of Seychelles who contributes to the Fund and is resident in Seychelles; or
- c. a person who is not a citizen of Seychelles and does not contribute to the Fund but who is a dependant and a member of the household of a person referred to in paragraph (a) and paragraph (b) and is resident in Seychelles;

is covered under this Act in respect of the contingencies in relation to which benefits are payable under this Act.

Waiving of liability.

4. (1) The Minister, may, for any reasons which he thinks sufficient, exempt any class or category of persons from payment of contribution or any emolument or part thereof (including gratuity) from liability for contribution.

Amended by Act 22 of 1994.

(2) The Minister or a person authorised by him may, where the Minister or the person authorised by him is satisfied that the payment of a contribution or surcharge would cause hardship, waive the payment or such part of the payment of the contribution or surcharge as the Minister or person authorised by him considers appropriate in the circumstances.

PART III - BENEFITS

DIVISION I - DESCRIPTION OF BENEFITS

Benefits.

5. The benefits under this Act are--
 - a. sickness benefit which consists of periodic payments to a person covered who is rendered temporarily incapable of work otherwise than as a result of an injury or disease which occurred in the course, or arose out, of employment or who is prevented from attending work due to quarantine restriction;
 - b. maternity benefit which consists of periodic payments to a woman, who is a person covered, in the event of her pregnancy or confinement;
 - c. injury benefit which consists of periodic payments to a person covered being an

- employed person, who is rendered temporarily incapable work due to an injury or prescribed disease which occurred in the roars or arose out, of employment;
- d. invalidity benefit which consists of periodic payments to a person covered who is partially or totally incapable of work;
- e. disablement benefit which consists of periodic payments to covered, being an employed person, who is partially or totally of work following a period of entitlement to injury benefit;
- f. survivor's benefit which consists of periodic payments in the event of the death of a person covered, comprising of -
 - i. widow's benefit;
 - ii. widow's pension;
 - iii. widowed mother's pension;
 - iv. widower's pension; and
 - v. industrial death pension;
- g. funeral benefit which consists of a grant payable to the person responsible for the funeral arrangements of a deceased person, who was a person covered;
- h. retirement pension which consists of periodic payments So a pen covered who is over retirement age;
- i. dependant's benefit which consists of an increase So the periodic payments of benefit on account of She dependants beneficiary;
- j. orphan's benefit which consists of periodic payments in respect of who is an orphan; and
- k. abandoned child's benefit which consists of periodic payment respect of a child abandoned by his parents.

DIVISION 2 - ENTITLEMENT TO BENEFITS

Sickness benefits.

6. (1) A person covered shall, subject to section 11, be entitled to sickness benefits for any working day on which he is incapacitated for work due to sickness or is prevented from attending work due to a quarantine restriction if-
 - a. his incapacity or quarantine restriction is certified by a medical practitioner in a form approved by the Minister;
 - b. but for his incapacity or the quarantine restriction, the person would have been in employment, either as an employed person or a self-employed person; and
 - c. he is not enlisted to any other benefit.

(2) The Minister may, by regulations, provide that a person who is unable to attend work because of the sickness of a close relative shall, subject to the conditions specified in the regulations, be treated as if he were incapacitated for work and be entitled to sickness benefit under this section.

Maternity benefit.

7. A woman, being a person covered, shall be entitled to maternity benefit for a prescribed period if-
 - a. her confinement, or expected confinement, for childbirth is certified by a medical practitioner in a form approved by the Minister;
 - b. she was in employment, either as an employed person or self-employed person, immediately prior to the period of which she is claiming benefit; and
 - c. she is not entitled to any other benefit, other than survivor's benefit.

Prolonged sickness from pregnancy.

8. Where a medical practitioner certifies in a form approved by the Minister that the person covered referred to in section 7 is incapable of work on account of her confinement, or expected confinement, for childbirth for more than the period prescribed under section 7, the person covered shall be entitled to sickness benefit under and in accordance with section 6 and thereafter to invalidity benefit under and in accordance with section 11.

- Injury benefit.
9. Subject to this Act, a person covered, who is an employed person and who is rendered incapable of work because of an accident which occurred in the course, or arose out, of his employment or because of a disease which he contracted in the course, or which arose out, of his employment, shall be entitled to injury benefit in respect of any working day for which he is incapable of work if -
 - a. his incapacity is certified by a medical practitioner in a form approved by the Minister; and
 - b. he is not entitled to receive disablement benefit in respect of the accident or disease.
- Regulations relating to accidents and diseases
10. The Minister may, by regulations
 - a. specify the circumstances under which an accident or disease may be treated -
 - i. in the case of an accident, as having occurred in the course, or arisen out, of a person's employment; and
 - ii. in the case of a disease, as having been contracted in the course, or arisen out, of a person's employment;
 - b. having regard to the cause, nature and incidence of any injury or disease or any other relevant circumstances, prescribe an injury or disease as, in the absence of proof to the contrary, having occurred or contracted in the course, or having arisen out, of a particular employment;
 - c. provide for the determination of -
 - i. the time at which a person is to be treated as having developed a prescribed disease;
 - ii. the circumstances in which a disease or injury, where a person has previously suffered from the disease or injury, is to be treated as having recrudesced or as having been contracted or received afresh;
 - iii. where compensation is awarded by court for any accident which occurred in the course, or which arose out, of employment or any disease which was contracted in the course, or which arose out, of employment, the rate and manner of payment from the Fund of the compensation.
- Invalidity benefit.
11. (1) Where a person covered would, but for this section, have continued to be entitled to sickness benefit after a continuous period prescribed by the Minister, he shall, for any continuous working day after that continuous period -
 - a. cease to be entitled to sickness benefit; and
 - b. subject to subsection 2, be entitled to invalidity benefit if -
 - i. he is not entitled to any other benefit; and
 - ii. he satisfies the prescribed period of residence, unless the Minister, in his absolute discretion, waives the period of residence.

(2) The Minister may by regulations -

 - a. provide-
 - i. for any matter relating to the assessment and review of the degree of invalidity;
 - ii. for the manner of calculating the benefit; and
 - iii. the amount of invalidity benefit payable; and
 - b. prescribe the period of residence referred to in subsection (1) (b) (ii).

Pre-existing medical condition.

 12. Where a person covered, being a person of or over the age of 15 years, would have been entitled to invalidity benefit but for the fact that he was not entitled to sickness benefit because he was not an employed person or a self-employed person immediately prior to the day on which he became incapacitated for work, provided for in section 6 (1)(b), he shall, for the purposes of section 11, be treated as if he has been entitled to sickness benefit for the continuous period prescribed by the Minister for the purposes of section 11 if his incapacity continued for that continuous period.

Disablement benefit

 13. (1) Subject to this section, where a person would, but for this section, have continued to be entitled to injury benefit in respect of the original accident or disease which gave rise to his

entitlement to the injury benefit after a continuous period prescribed by the Minister, he shall, for any continuous working day after that continuous period -

- a. cease to be entitled to injury benefit; and
- b. subject to subsection (3), be entitled to disablement benefit if he satisfies the prescribed period of residence, unless the Minister, in his absolute discretion, waives the period of residence.

(2) Where a person who is entitled to injury benefit ceases to be totally incapacitated, he shall, for any working day in which he remains partially incapacitated in respect of the original accident or disease which gave rise to his entitlement to injury benefit thereafter -

- a. cease to be entitled to injury benefit; and
- b. subject to subsection (3), be entitled to disablement benefit if he satisfies the prescribed period of residence, unless the Minister, in his absolute discretion, waives the period of residence.

(3) The Minister may make regulations prescribing -

- a. the manner of assessing and reviewing the degree of injury;
- b. the manner of calculating the disablement benefit and the standard of rate of benefit for certain losses; and
- c. the manner in which the benefit is to be paid.

(4) Notwithstanding any other provision of this Act, a person covered who is entitled to disablement benefit may undertake paid employment without loss of benefit under this section if the Minister is satisfied that the employment undertaken is unlikely to be prejudicial to his state of health or give rise to a worsening of his condition.

Survivor's benefit.

14. (1) On the death of a person covered --

- a. all benefits to which the person covered was entitled immediately prior to his death; and
- b. if the spouse of the person covered becomes entitled to survivor's benefit, all benefits to which the spouse was entitled in his own right, immediately prior to the death of the person covered;

shall cease to be payable.

(2) The Minister may make regulations for the purpose of-

- a. determining to whom the survivor's benefit is to be paid;
- b. determining the type of survivor's benefit to which a person is entitled;
- c. prescribing the circumstances and conditions on which the survivor's benefit is to be paid;
- d. determining the amount and the manner of payment of the survivor's benefit to be paid; and
- e. providing for the review of the survivor's benefit paid to any person.

Funeral benefit.

15. Subject to this Act, on the death of a person covered there shall be paid -

- a. to the person responsible for the payment of the funeral expenses of the person covered; or
- b. directly to the undertaker who carried out the arrangements for the funeral of the person covered;

on production of an account of the expenses supported by the relevant receipts, a funeral

benefit.

Retirement pension.

16. (1) A person covered shall, subject to this Act, be entitled to retirement benefit on reaching retirement age and shall, unless otherwise provided in this Act, cease to be entitled to any other benefit.
- (2) The Minister may make regulations -
- a. prescribing the age of retirement; and
 - b. the conditions on which retirement benefit is to be paid and the circumstances on which it may be varied, suspended or withdrawn.

Dependant's benefit.

17. (1) Subject to this section, a person covered shall, in addition to entitlement in the benefits referred to in section 5 (a) to (f), be entitled to a dependant's benefit.
- (2) Where immediately before he becomes entitled to retirement pension a person covered is receiving a dependant's benefit, he shall, in addition to the retirement pension but subject to this section, be entitled to a dependant's benefit.
- (3) The Minister may, subject to this section, direct the payment of a dependant's benefit, in addition to a retirement pension, to a person covered.
- (4) A person covered shall be entitled to a dependant's benefit -
- a. in respect of not more than one adult who may be -
 - i. his spouse; or
 - ii. another adult dependant who is not in receipt of a retirement pension and who is -
 - A. nursing the person covered; or
 - B. himself incapable of work and not in receipt of a benefit; and
 - b. in respect of a dependant child.
- (5) person covered shall not be entitled to a dependant's benefit if his family income exceeds the family subsistence level.
- (6) The Minister may make regulations --
- a. prescribing the age limit for dependant children; and
 - b. providing for circumstances under which a dependant's benefit may be reduced or extinguished.

Orphan's benefit.

18. Subject to section 20, orphan's benefit shall be payable in respect of a child where --
- a. both parents of the child are dead; or
 - b. in the case of an illegitimate child who has not been recognised or whose parental descent has not been proved in accordance with the written law, the mother of the child is dead.

Abandoned child's benefit.

19. (1) Subject to section 20, abandoned child's benefit shall be payable in respect of a child where the Director is satisfied that the child has been and remains abandoned by his parents.

Limit of benefit for orphan or abandoned child with income.

- (2) The Director may at any time review payment of abandoned child's benefit.

20. (1) A benefit under section 18 or section 19 shall not be paid in respect of a child whose income exceeds the rate of benefit.
- (2) Where an orphan or abandoned child is receiving an income but the income is less than the rate of benefit under section 18 or section 19, as the care may be, the benefit payable shall be an amount by which the rate of benefit exceeds the income.
- (3) An orphan's benefit or abandoned child's benefit shall be paid -
- a. where the child is in the care of an institution which is approved by the Minister, to the institution; or
 - b. in any other case, to the guardian of the child.

Working during incapacity.
Act 10 of 1987.
Cap.20.
Days for which benefit is payable.

21. Except where it is otherwise provided in this Act, a person covered who is entitled to a benefit under section 5 (a) 10 (e) shall lose his entitlement too benefit if he undertakes paid employment or carries on any business in terms of the Business Tax Act, 1987 during the period he is entitled to the benefit.
22. A person covered shall not be entitled to receive a benefit described in section 5 (a) to (e) for more than 5 working days in any week.

Level of Subsistence.

23. (1) Subject to this section, the Minister may, by regulations, declare a level of subsistence for any period which he may specify in the regulations.
- (2) The level of subsistence declared under subsection (1) shall be related to the basic pecuniary needs of a person and shall, subject to subsection (3), be the bare point for setting the rates of benefits.
- (3) Notwithstanding the declaration of a level of subsistence under subsection (1), the rates of sickness benefit, maternity benefit and injury benefit may be calculated without reference to the level of subsistence if the rate of the benefits are related to the actual income of the person entitled to the benefits.

Abatement or extinction of invalidity or survivor's benefit.

24. (1) Subject to this section, the Director shall not pay an invalidity benefit or a survivor's benefit to a person if the family income of that person exceeds the family subsistence level of that person.
- (2) Where a person who is entitled to an invalidity benefit or a survivor's benefit has an income which is less than the family subsistence level of that person, the Director shall pay the person a benefit which is the lesser of-
- a. the applicable rate of benefit; or
 - b. the amount by which the family subsistence level of that person exceeds his family income.

PART IV - DETERMINATION OF CLAIMS

Determination of claim etc.

25. Claims for benefits and any other question arising under or in connection with this Act, shall be determined in accordance with regulations made by the Minister.

PART V - ADMINISTRATION AND FINANCE

Social Security Fund.

26. (1) There is hereby established a fund, to be called the Social Security Fund, into which shall be paid -
- a. all contributions;

- b. all rents, interest on investments, or other income derived from the assets of the Fund;
- c. all sums recovered as fees, surcharges, penalties or costs, or accruing to the Fund, under this Act; and
- d. such other sums as maybe provided by the Government for the purposes of this Act or as maybe received and accepted by the Director on behalf of the Fund.

(2) There shall be paid out of the Fund -

Act 10 of 1980.

- a. all benefits;
- b. such payments to the Unemployment Fund, established under the Cap.244. unemployment Fund Act, as the Minister may from time to time authorise;
- c. such sum, as the President may direct, to be paid to the National Workers Union as union dues;
- d. such amount, as the Minister may approve, for the purposes of any investment, approved by him;
- e. subject to regulations, any compensation awarded by court in respect of an accident arising out of and in the course of employment;
- f. all costs ordered by the court to be paid out of the Fund;
- g. all refunds of contributions;
- h. all expenses properly incurred in the administration of this Act;
- i. such amount, as the President may direct, to be paid to the Consolidated Fund; and
- j. such other payments for any purpose which is declared by the Minister to be within the spirit of the Act.

Accounts and annual report

27. (1) The Minister shall cause to be kept proper books of account and such other document or record which he considers necessary for the proper administration of the Fund.
- (2) The Minister shall, within three months after the end of each financial year, submit to the President a report on the Fund's operations during the year together with a copy of the Fund's annual audited by the Director of Audit and he shall publish the report and accounts in such manner as the President may direct.

Director.

28. (1) There shall be a Director of the Fund who shall be appointed by the President on such terms and conditions as the President may think fit.
- (2) The Director shall be the chief executive of the Fund and he shall, subject to this Act and any direction of the Minister, be responsible for the management of the Fund, and in particular for –
- a. the collection of contributions;
 - b. the payment of benefits and other sums specified in section 26 (2);
 - c. the investment of surplus money of the Fund; and
 - d. accounting for all money collected, paid or invested under this Act.

Inspectors.

29. (1) The Minister may appoint such officers of the Fund as he considers necessary to be inspectors.
- (2) An inspector shall be furnished with a certificate of his appointment issued under the authority of the Minister and the inspector shall, if required when exercising his powers under this Act, produce the certificate for inspection.
- (3) An inspector shall have power to –
- a. enter at all reasonable times any premises or place where he has reasonable cause to believe that a person is employed on the premises or at the place;
 - b. make such examination and enquiry as he thinks necessary in order to ascertain whether this Act is being or has been complied with;
 - c. question any employer, employee or any other person on any matter concerning the application of or compliance with this Act;
 - d. require the production, at any reasonable time and place, of such documents and records as he may require for the proper exercise of his powers under this Act;
 - e. seize and detain any document or thing which may be of evidentiary value in a prosecution for an offence under this Act;
 - f. take copies of or extract from any document or record referred to in paragraphs (d) and (e);
 - g. make, in the absence of proper records or documents required to be maintained under this Act, an assessment of the amount of emolument paid by an employer to an employed person in respect of which contribution is liable to be paid under this Act; and
 - h. exercise such other powers as may be assigned to him by the Director or specified by regulations, which are necessary for the purposes of this Act.

Observance of secrecy.

Amended by Act 22 of 1994.

29. A (1) either directly or indirectly divulge or communicate, otherwise than in the performance of the functions under the Act, any information relating to the Fund acquired in the performance of the functions under the Act by the Director, inspector, or other officer, as the case may be.
- (2) Subsection (1) shall not prevent the divulging or disclosing --
- a. to a person liable to pay contribution to the Fund, information relating to that person;
 - b. to the ComMISSIONER of Taxes appointed under the Business Tax Act, 1987 or any person authorised by the ComMISSIONER, any information needed for the performance of the official duties of the ComMISSIONER the other person;
 - c. to any court, any information required by the court in relation to any proceedings before the court.
 - d. to any person, if required by or under any written law.
- (3) any person who contravenes subsection (1) is guilty of an offence and is liable on conviction to a fine of R 5,000 and imprisonment for six months.

Act 10 of 1987.
Cap.20.

Medical board.

30. (1) There is established a Medical Board.
- (2) The Schedule shall have effect with respect to the Medical Board, its composition, quorum, functions and otherwise.

PART VI - COLLECTION AND RECOVERY

Contribution when payable and its computation.
Amended by
Act 22 of 1994.

31. (1) Contribution shall be due and payable at the time specified under the Act.
- (2) Contributions shall be computed on the total emoluments paid or received in respect of a month or where the employment is for a period less than a month on the total sum paid or received in respect of that period.

Contribution deducted by employer to be held on

32. Where under this Act contributions are deducted from the emolument of an employed person by his employer for the purpose of payment to the fund, the contributions deducted shall be held on account by the employer for and on behalf of the fund and, notwithstanding any other written law, shall not be subject to attachment in respect of any debt or liability of the employer, and, in the event of any liquidation, assignment or bankruptcy of the employer the contribution deducted shall not form part of the estate in liquidation, assignment or bankruptcy but shall be paid in full to the Fund before any distribution in the liquidation, assignment or bankruptcy is made.

Person liable to pay contribution or surcharge leaving Seychelles.

Amended by
Act 22 Of 1994.

33. (1) Where the Director has reason to believe that a person liable to pay any contribution or any surcharge on contribution may leave Seychelles before the date on which the contribution or surcharge is due and payable, the contribution or surcharge shall be due and payable on such date as the Director notifies to that person.
- (2) Where the Director is of the opinion that any person is about to or likely to leave Seychelles without paying any contribution or surcharge, the Director may apply to the Supreme Court for an order preventing the person from leaving Seychelles.
- (3) An order of the Supreme Court on an application made under subsection (2) preventing a person from leaving Seychelles shall be sufficient authority to the Director of Immigration for preventing the person from leaving Seychelles.
- (4) Where the Supreme court is satisfied that a person in respect of whom an order has been made under subsection (2) has paid the contributions and surcharge or furnished sufficient and good security for the payment of contributions and surcharge, the Supreme Court may vacate the order.
- (5) The Chief Justice may make rules of the Supreme Court for the purpose of an application under subsection (2).
- (6) Every air company or shipping company or the agents thereof shall, if so requested by the Director, furnish the Director with a list of all passengers due to leave Seychelles by air or by sea, as the case may be, on tickets issued by or through that company or agents.

Surcharge for late payment.

Contribution and surcharge a debt due to the Fund.

34. If any contribution remains unpaid after the time when it becomes payable a surcharge at the rate prescribed under this Act shall be payable on the amount of contribution paid.
35. Contribution and any surcharge when they become payable shall be a debt due to the Fund and shall be payable to the Fund in the manner and at the place prescribed.

Recovery of contribution and surcharge.

Act 13 of 1975. Cap. 33.

Certificate of Director.

36. (1) Any sum due to the Fund may be sued for and recovered as a civil debt by the Director or the Attorney General.
- (2) An action for the recovery of any sum due to the Fund may, notwithstanding Article 2271 of the Civil Code or any other written law, be sued for within six years from the date when it became payable.
37. A certificate under the hand of the Director or any document certified by him to be a copy of or extract from any record or book kept under this Act shall be *prima facie* evidence of the

contents of the certificate or document.

PART VII - OFFENCES AND PENALTIES

Offences and Penalties.

Amended by Act 22 of 1994.

38. (1) Any person who-
- a. makes or delivers a form, schedule or return which is false in any particular, or makes a false answer whether orally or in writing to any question put to him by the Director or any person authorised by the Director;
 - b. fails to disclose any material fact in a form, schedule or return or in answer to the Director or any person authorised by the Director;
 - c. fails to register when required to do so under this Act;
 - d. fails to furnish any form, schedule or return or pay any contribution or surcharge in the manner and within the time prescribed under the Act;
 - e. fails to comply with any other provisions of this Act or any request made by the Director under this Act;
 - f. knowing that an order has been made under section 33 (2) preventing the person from leaving Seychelles, leaves or attempts to leave Seychelles while that order is in force;

is guilty of an offence and liable to a fine of R 10,000 and to imprisonment for six months.

(2) The Court shall, on conviction of a self-employed person or an employer for failing to pay contribution, order the self-employed person or employer, in addition to any other penalty under this section, pay to the Fund the amount of unpaid contribution together with any surcharge due on the amount at the time and the order of the Court shall have the same force and effect as a judgement of the Court in favour of the Fund.

PART VIII - MISCELLANEOUS

Regulations.

39. (1) The Minister may make regulations for the better carrying out the provision of this Act and, without prejudice to the generality of the foregoing, may make regulations--
- a. in respect of any matter for which regulations are required to be made under this Act;
 - b. prescribing the forms for the purposes of this Act;
 - c. for the giving of effect to any reciprocal arrangement or agreement with a foreign government with respect to any matter under this Act;
 - d. exempting any category of persons from liability to pay contribution;
 - e. exempting any emolument or part of any emolument from liability to contribution;
 - f. prescribing anything required by this Act to be prescribed.

(2) Regulations made under subsection (1) (c) may modify or adapt this Act in its application to the matters affected by any agreement or arrangement referred in that subsection.

(3) The Minister may by regulations amend the Schedule.

Private scheme

40. Nothing in this Act shall prevent an employer from operating, in addition to fulfilling his obligation under this Act, a private scheme providing any person in his employment with the same benefit as, or additional benefit to, the benefits under the Act.

SCHEDULE

(Section 30)

MEDICAL BOARD

1. The Medical Board shall consist of at least two medical practitioners who shall be appointed by the Minister.
2. The Minister shall appoint member of the Medical Board to be its Chairman.
3. The quorum of the Medical Board shall be determined by the Minister.
4. The members of the Medical board shall hold office on such term and condition as the Minister specifies in their instrument of appointment.
5. The Medical Board shall consider and decide on all medical matters connected with entitlement to benefit and in particular shall -
 - a. advise on the cessation or change of medical treatment;
 - b. advise the Minister on the degree of incapacity and dependence in connection with the widower's pension;
 - c. advise the Minister on the prescription of occupational accidents and diseases in connection with the injury benefit;
 - d. assess the degree of invalidity of a person for the purposes of the invalidity benefit; and
 - e. assess the degree of disability of a person in connection with the disability benefit.

REGULATIONS

SECTION 39

SOCIAL SECURITY (REGISTRATION) REGULATIONS

S. I. 89 of 1987

[1 January 1988]

ARRANGEMENT OF REGULATIONS

Regulations

1. Citation and interpretation
2. Registration of employer
3. Letter of registration
4. Notification of change
5. Replacement of letters of registration

Citation and interpretation.

1. (1) These Regulations may be cited as the Social Security (Registration) Regulations, 1987.

(2) In these Regulations ---

"commencement date" means the date of the coming into force of Regulations;

"Social Security Section" means the public body for the time being responsible for social

Security;

"social security card" means the identity card used for the purposes and the Regulations made under the Act.

Registration of employer.

2. *A person who becomes an employer after the commencement date of shall, within 7 days on his becoming an employer, apply to the Director in the approved form to be registered as an employer.

** Note: Registration of persons who were employers on the commencement date have already been effected. Subregulation (1) and (2) of this regulation are accordingly omitted.*

Letter of registration.

3. The Director shall, upon receipt of an application for registration person with a Letter of Registration in which shall be specified –
- a. the Code Number of the employer;
 - b. the date of registration; and
 - c. any other particulars which the Director may from time to time decide include in the Letter of Registration.

Notification of change.

4. An employer shall notify the Director, in the form provided by the Director the change of any particular, including his ceasing to be an employer, specified in his Letter of Registration.

Replacement Letters of Registration.

5. (1) If the Letter of Registration of an employer is lost, destroyed or defaced the employer may apply to Director for a replacement Letter of Registration.

(2) An employer making an application under Subregulation (1) shall furnish the Director with such information as the Director may require.

(3) Where he is of the opinion that the loss, destruction or defacement of the Letter of Registration was due to the negligence or fault of the employer, the Director may, before issuing an employer with a replacement Letter of Registration, require the employer to pay a fee of R 100.

SOCIAL SECURITY(CONTRIBUTIONS) REGULATIONS

S.I. 90 of 1987.

[1st January, 1988]

ARRANGEMENT OF REGULATIONS

Regulations

1. Citation and interpretation
2. Emolument excluded from liability to contribution
3. Exclusion of certain items from emolument
4. Abnormal pay practices
5. Rates of contribution
6. Time liability arises and time of payment of contribution
7. Deduction by employer
8. Employee's liability

9. Calculation of contribution
10. Surcharge
11. Method of payment
12. Refunds and adjustments
13. Maintenance of records
14. Notification of information
15. Issue of certificate by director
16. Appeal

Schedule Rates of contribution.

Citation and interpretation.

1. (1) These Regulations may be cited as the Social Security (Contributions) Regulations.
(2) In these Regulations -

"approved forms" means a form approved by the Director;

"casual worker" means an employed person who is employed by the day and from day to day and is paid on a dally basis and whose engagement by one at the same employer does not extend beyond 14 consecutive days;

"Social Security Section" means the public body for the time being responsible for social security.

Emolument excluded from liability to Contribution.
Act 10 of 1980.
Cap.244.

2. No contribution is payable in respect of the emolument paid to a person working on an approved project under the Employment Fund Act.

Exclusion of certain items from emolument

3. In assessing the contribution due in respect of the emolument of a person the following shall be excluded from the emolument -
 - a. any advance of emolument or any payment on account of an employed person, which will subsequently be included in that person's emolument for the purposes of assessing the amount of contribution payable in respect of the person's emolument;
 - b. any payment in respect of a period of holiday, where the amount paid is derived directly or indirectly from a fund to which more than one employer contributes and the management and control of which are not vested in the employers, or where the person making the payment is entitled to be reimbursed from the fund;
 - c. any payment of or in respect of a gratuity or offering -
 - i. where the payment is not made directly or indirectly by the employer and the sum paid does not comprise or represent sums previously paid to the employer; or
 - ii. where the payment is not directly or indirectly allocated by the employer to the employed person.

Abnormal pay practices.

4. The Director may, where he is satisfied as to the existence of any practice or scheme whereby liability to pay contribution in respect of emolument is avoided or reduced, give direction for ensuring that contributions are paid or paid in full as if the practice or scheme were not in existence.

Rates of Contribution.

5. The rates of contribution payable in respect of emolument of an employed person are set

Time liability arises and time of payment of contribution.

out in the Schedule.

6. Liability to pay contribution in respect of emolument shall arise at the time of the payment of the emolument and the contributions shall be paid to the Director by the 5th day of the month following the month in which the liability arose.

Deduction by employer.

7. (1) An employer shall, on the making of any payment of or on account of any emolument, deduct from the emolument the amount of contribution which the employed person is liable to pay in respect of the emolument and pay, in the manner provided in these Regulations, the contribution deducted together with the contribution he is liable, as an employer, to pay in respect of the emolument, to the Fund.

(2) Where an employer, on making a payment of emolument, fails to deduct the whole or any part of the contribution for which the employed person is liable in respect of the emolument, he may, after notifying the employed person, recover the amount of contribution which he has failed to deduct from any subsequent payment of emolument to the employed person.

Employee's liability.

8. (1) Where an employer has failed under regulation 7 to deduct contribution for which an employed person is liable, the employed person shall be liable to pay the contribution direct to the Fund.

(2) The payment of contribution by an employed person under this regulation shall be without prejudice to the liability of the employer or the employed person to any legal proceeding which may be taken against the employer, or to any penalty, under the Act for failing to comply with any provisions made under the Act.

Calculation of contribution.

9. Contribution shall be calculated in accordance with the rates set out in the schedule to the nearest 10 cents and, in which case, any amount of 5 cents or less shall be disregarded or in accordance with the contribution table prepared by the Director for this purpose under these Regulations.

Surcharge.

10. (1) Where an employer fails to pay contribution by the time when contribution is required to be paid under regulation 6, he shall, beginning on the day following the day on which contribution is required to be paid, be liable to pay surcharge, calculated in the manner provided under Subregulation (2), in respect of the unpaid contribution for every month or part of the month that the contribution is not paid.

(2) For the first 6 months during which contribution is not paid the surcharge shall be a sum equal to 5 per centum per month of the unpaid contribution calculated to the next higher rupee or a sum of R10 per month, whichever is the higher, and thereafter the surcharge shall be equal to 10 per centum per month of the amount of the unpaid contribution calculated to the next higher rupee or a sum of R 10 per month, whichever is the higher.

Method of Payment

11. (1) Contribution and any surcharge due on contribution shall be paid -
- a. in cash at an office of the Social Security Section to an officer authorised by the Director to receive monies due to the Fund;
 - b. by money or postal order or cheque drawn on any bank licensed in Seychelles and made payable to the Social Security Fund and the money or postal order or cheque shall be sent to the Social Security Section;
 - c. in such other manner which the Director may from time to time authorise.

(2) Where payment is made by post, the date of the payment for the purposes of this Act shall, notwithstanding any other written law, be the date on which the instrument effecting payment is received at the Social Security Section.

(3) Every payment of contribution or surcharge shall be accompanied by an approved form duly completed.

(4) A receipt for every sum paid to the Fund as contribution or surcharge shall be issued by the person receiving payment on behalf of the Fund.

Refunds and adjustments.

12. (1) Where contribution has been paid in error or in excess of the amount due, the sum overpaid shall first be applied -
- a. to pay any contribution or surcharge due from the person who would otherwise be entitled to a refund; and
 - b. to refund to the Fund any benefit overpaid to the person who would otherwise be entitled to a refund;

and the Director shall refund the balance to the person who paid the contribution if the balance is a sum in excess of R 5 and an application has been made under this regulation for a refund.

Act 13 of 1975.
Cap. 33.

(2) Notwithstanding the provisions of the Civil Code relating to prescription, person desiring to be refunded of any contribution paid in error or in may, within 6 years from the end of the year in which the contribution was paid or within such longer period as the Director may allow, apply, in such form and manner as the Director may from time to time determine, for the refund.

(3) On receiving an application for a refund the Director shall, after making such inquiries as he may consider necessary, accept or reject the application.

(4) Where any amount is refunded to an employer under this regulation and the refund is in respect of an over-deduction or erroneous deduction from the emolument of a person employed by the employer, the employer shall, within 15 days after receiving the amount refunded, remit the amount to the person employed.

Maintenance of records.

13. (1) Every employer shall maintain a record in respect of each person employed by him showing -
- a. the name, date of birth, social security or other national identity number of the employed person;
 - b. the date on which he took the person in his employment and the date on which that person ceased to be employed by him;
 - c. the date and amount of each payment of emolument; and
 - d. the deduction made from the emolument on each payment thereof as the employed person's contribution in respect of his emolument.
- (2) In addition to any other approved form which an employer is required to submit under these Regulations, every employer shall -
- a. on terminating the employment of a person employed by him; or
 - b. in any other case, at the end of each year, in respect of each person employed by him, complete, in triplicate, a certificate in an approved form in which shall be specified the total amount of emolument paid to the employed person and the total amount of contribution deducted from the emolument of the employed person.
- (3) The employer shall remit a copy of the certificate referred to in subregulation (2) to-
- a. the employed person; and
 - b. the Director;

and he shall retain a copy for himself.

(4) An employer shall retain all records or documents which he is required to maintain under this regulation for a period of not less than 6 years from the date of the making of the last entry in the record or document.

Notification of information.

14. (1) Where, during any month, an employer has employed a casual worker, he shall, at the time of paying contribution for the month in accordance with these Regulations, complete and lodge with the Director the form provided by the Director relating to casual workers.
- (2) An employer shall at the end of every quarter at the time of paying contribution for the last month of the quarter in accordance with these Regulations, complete and lodge with the Director the form provided by the Director relating to employed persons, other than casual workers.

Issue of Certificate by Director.

15. (1) Where the Director has reason to believe that an employer is refusing or delaying the payment of any contribution or surcharge, the Director shall prepare a certificate showing the amount of contribution or surcharge due from the employer and shall demand the payment of the amount mentioned in the certificate and the employer shall pay the contribution within the time specified in the certificate.
- (2) The issue of a certificate under this regulation shall not affect the liability of an employer to the surcharge under regulation 10.

Appeal.

16. (1) Any person aggrieved by any decision taken by the Director under these Regulations may, within 15 days of the date of the decision or such longer period as the Minister may allow, appeal to the Minister against the decision.
- (2) A decision of the Minister on an appeal under this regulation is final.

SCHEDULE

(Regulation 5)

Rates of Contribution

(Effective from 1 January 1995)

Amended by
Act 22 of 1994.

1. A person employed or deemed to be employed shall be liable to pay contribution computed in accordance with section 31(2) of the Act in respect of each emolument paid to him at the rate of 5%.
2. An employer shall be liable to pay contribution computed in accordance with section 31(2) of the Act in respect of each emolument paid to the person employed or deemed to be employed by the employer as follows -

<i>Amount of Emolument</i>	<i>Rates of Contributions</i>
a. on an amount not exceeding R 1,000	10%
b. on an amount exceeding R 1,000 but not exceeding R 2,000	20%
c. on an amount exceeding R 2,000 but not exceeding R 10,000	35%
d. on an amount exceeding R 10,000	40%

SOCIAL SECURITY (MEDICAL CERTIFICATES) REGULATIONS, 1987

S.I 90 of 1987

ARRANGEMENT OF REGULATIONS

Regulations

1. Citation and interpretation
2. Medical certificates
3. Date of issue of medical certificate
4. Final certificate
5. Medical practitioner must issue certificate
6. Medical board must issue report

Schedule - Forms

Citation and Interpretation.

1. (1) These Regulations may be cited as the Social Security (Medical Certificates) Regulations 1987.

- (2) In these Regulations -

"Medical certificate" means the relevant medical certificate set out in the Schedule;

"Medical Practitioner" includes -

Act 18 of 1985.

- a. in relation to a certificate made out and issued in Mahé, a midwife Cap.150. registered under the Nurses and Midwives Act, 1985; or

Act 18 of 1985.
Cap. 150.

- b. in relation to a certificate made out and issued in any place in Seychelles other than Mahé, a midwife or nurse registered under the Nurses and Midwives Act, 1985; or,

in the absence of a medical practitioner registered in Seychelles under the written law relating to the registration of medical practitioner in Seychelles, midwife or nurse, the manager of the relevant island or any person authorised by the Minister to administer medical treatment and to issue certificates for the purposes of these Regulations;

"Social Security Section" means the public body for the time being responsible for social security.

Medical Certificates.

2. (1) A person making a claim for sickness or injury benefit shall furnish the Director with evidence of his incapacity to work in respect of the days for which the claim is made in the form of a medical certificate made out as in Form 1 of the Schedule.
- (2) A woman making a claim for maternity benefit shall furnish the Director with evidence of her confinement or expected confinement for birth in the form of a medical certificate made out as in Form 2 or Form 3, as the case may be, of the Schedule.
- (3) A person making a claim for invalidity or disablement benefit shall furnish the Director with evidence of the degree of his invalidity or disablement in respect of the period for which the claim is made in the form of a report given by the Medical Board made out as in Form 4 of the Schedule.
- (4) Subject to Subregulation (5), a person making a claim for survivor's benefit shall furnish the Director with evidence of death of his spouse, being a person covered, in the form of a death certificate made out as in Form 5 of the Schedule.
- (5) where the person referred to in Subregulation (4) makes a claim for widower's pension,

S.I. 92 OF 1987.
Cap 225.
Sub. Leg.

he shall, in addition to the certificate referred to in Subregulation (4), furnish the Director with a certificate referred to in Subregulation (3) for the period for which the claim is made.

(6) For the purposes of this regulation "spouse" has the same meaning as is the Social Security (Benefits) Regulations 1987.

Date of issue of medical certificate.

3. A medical practitioner shall make out and issue a medical certificate on the date of the examination on which the is based and he shall not thereafter issue any other medical certificate for the purpose of these Certificate. Regulations based on the same examination, other than a duplicate of the first- mentioned certificate and in which case the duplicate shall be clearly marked with the word "duplicate".

Period Covered by medical certificate.

4. A medical certificate shall specify the number of days, which shall include the day on which the examination is carried out, for which the person named in the certificate is incapacitated for work;

Provided that any period of incapacity specified in the certificate shall not exceed 28 continuous days, including the day of examination, unless on the day of the examination the person named in the certificate had been incapacitated for continuous period of 28 days and in which case the period of incapacity in the certificate shall not exceed 91 days.

Final Certificate.

5. Before resuming works person who has been in receipt of or has claimed sickness or injury benefit shall furnish the Director with a certificate specifying the date on which, in the opinion of the medical practitioner, the person named in the certificate will become fit to resume work.

Medical Practitioner must issue certificate.

6. A medical practitioner shall, if requested by a patient -
- a. after examining the patient; and
 - b. where he is of the opinion that the patient -
 - i. is likely to remain incapacitated for work for any period in excess of one day;
 - ii. in the case of a woman, is expected to be or has been confined for childbirth; or
 - iii. is likely to be fit to resume work after a period of incapacity;

issue the patient with the relevant certificate set out in the Schedule within 24 hours after examining the patient.

Medical Board must issue report.

7. (1) The Medical Board shall examine -
- a. a person who has been in receipt of sickness benefit for a period of 130 continuous working days and whom the medical practitioner has certified is likely to remain incapacitated for work beyond the 130 days;
 - b. a person who is over the age of 15 years and to whom section 12 applies;
 - c. a person referred to in paragraph (a) or paragraph (1,) who has re-submitted a claim, after having had his claim disallowed in the first instance, on the ground that his condition has deteriorated since the date of the last claim;
 - d. a person referred to in paragraph (a) or paragraph (1)) who has been granted and is in receipt of a benefit every six months, or such longer period as the Medical Board considers necessary, alter the date of his last examination by the Medical Board;
 - e. a person who is claiming widower's pension; and
 - f. any person who has been referred to the Medical Board by the Director; and shall

issue a report in respect of that person as in Form 4 of the Schedule

(2) the Medical Board shall, each time it makes out a report under this regulation, send a full copy of the report to the Director.

SCHEDULE

(Regulation 2)

FORM 1

MEDICAL CERTIFICATE

Clinic: _____ NATIONAL IDENTITY NUMBER _____
 Date: _____
 Name: _____
 Age: _____ Sex: _____ Occupation: _____
 Employer: _____
 Diagnosis: _____
 Fit/ Unfit: _____
 Returned to work on: _____ Returned to clinic on: _____
 Admitted to (Ward): _____
 Doctor's Name: _____ Signature: _____
 Other Comments: _____

 Serial Number: _____

MINISTRY OF HEALTH & SOCIAL SERVICES

MEDICAL CERTIFICATE

Clinic: _____ NATIONAL IDENTITY NUMBER: _____
 Date: _____
 I have today seen and examined
 Mr./ Mrs./ Miss: _____ Age: _____
 He / She is fit / not fit to work
 He/ She should return to work on: _____
 (Enter day and date)
 He/She should report again on: _____
 He/She has been admitted on: _____
 Other Comments: _____

I certify that in my opinionwill be confined

(name)

during the week commencing...../...../.....

Date of Examination...../...../.....

The confinement resulted in a live /still Birth / multiple Birth */ of.....

Signature..... Doctor / Midwife*

* delete inappropriate items

Notes:

1. The certificate shall be made out ink and completed in full and signed by the medical practitioner attending the woman.
2. It shall state the date of the examination on which the certificate is bases and the date on which the certificate is given.

FORM 4

REPORT BY THE MEDICAL BOARD

PART 1

NATIONAL IDENTITY NUMBER

1. Full Name of Claimant:.....

2. Date of Birth:.....

3. Name of Doctors on the Board

and their Speciality:

.....

CHAIRMAN

.....

MEMBER

.....

MEMBER

4. Date of Examination:.....

5. Precise Statement of the disease, injury or disablement by which the claimant is, in the opinion of the board, rendered incapable or partially incapable of work:

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

6. State date or approximate date from which the condition has existed or indicate the development:

.....

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

7. Possible date for next Board examination required. No need to refer again.

Refer in.....months.

8. Has the claimant been examined by the Medical Board before? YES / NO

YES / NO

If yes, please state:

Date:.....

Result:.....

and % incapacity.....

PART II

(This part may be copied to the claimant)

1. In the opinion of the Medical Board which examined Mr./Mrs./Miss
.....On.....the claimant is incapacitated to the extent
of.....%

2. He/she should be capable of working.....hours a week as a(State
type of work that the applicant is capable of).

3. Date of next Medical Board examination if required.....

Signed:.....

CHAIRMAN

Date:.....

FORM 5

CERTIFICATE OF DEATH

I.....

(Name of Medical Practitioner)

an authorised Medical Practitioner hereby certify that * I attended
* did not attend

(Name of deceased)

of.....aged.....

who died, I am informed, at.....

on.....

The causes of death were, to the best of my knowledge, as follows:

CAUSES OF DEATH	Approximate interval between onset and death.
-----------------	---

<p style="text-align: center;">I</p> <p>Disease or condition directly leading to death *</p> <p>Antecedent cause morbid conditions, if any, giving rise to the above cause, stating the underlying condition last</p>	<p>(a) due to, or as a consequence of</p> <p>(b) due to, or as a consequence of</p> <p>(b)</p>
---	--

<p style="text-align: center;">II</p> <p>Other significant conditions contributing to death, but not related to the disease or condition causing it</p>	<p>.....</p> <p>.....</p>
---	---------------------------

* this does not mean the mode of dying, e.g heart failure, asthenia, etc. It means the disease, injury or complication causing death

- | | | | |
|---------------------------|---------------|--------------------------------|----------------|
| * Body seen | } after death | * Case reported to Coroner | * PM performed |
| * Body not seen performed | } | * Case not reported to Coroner | *PM not |

Signed:.....
Date:.....

* delete where inapplicable

Notes:

1. The certificate shall be made out ink and completed is full and signed by the medical practitioner issuing the certificate.
2. It shall give a concise Statement of the cause of death, the date and approximate time of death hand the date as which the certificate is gives.

(Reverse of Certificate of Death)

To be completed by next of kin/ person responsible for funeral arrangements *

NATIONAL IDENTITY NUMBER

Full Name of deceased:.....

I.....of

(Full name)

(address)

wish to claim a survivor's benefit as follows -

Funeral Benefit

Widow's Benefit

Widower's Pension

Widowed Mother's Pension

Widow's Pension

Please tick the benefits you wish to claim and a form will be sent to you.

*** SOCIAL SECURITY (BENEFITS) REGULATIONS, 1987**

[1 January 1987]

S.I. 92 of 1987
S.I. 10 of 1991
S.I. 52 of 1991
S.I. 94 of 1994
S.I. 30 of 1996

ARRANGENENT OF REGULATIONS

PART I - PRELIMINARY

Regulations

1. Citation and Interpretation

PART II - GENERAL

2. Claim
3. Supporting evidence etc.
4. Employed person to make claim through his employer
5. Self-employed person to send claim to Social Security Section
6. Time limit for claim
7. Defective claim
8. Date of claim

PART III - SICKNESS BENEFIT

9. Evidence to be furnished for a claim for sickness benefit
10. Disqualification from entitlement to sickness benefit
11. Periods for which benefit is payable

PART IV - MATERNITY BENEFIT

12. Evidence to be furnished by a person claiming maternity benefit
13. Disqualification from entitlement to maternity benefit
14. Entitlement to sickness benefit before or after maternity benefit
15. Prescribed period of maternity benefit

PART V - INJURY BENEFIT

16. Injury benefit
17. Disqualification from entitlement to injury benefit
18. Duration of injury benefit
19. Rate and manner of payment of compensation awarded by court
20. Presumption regarding accident

PART VI - INVALIDITY BENEFIT

21. Prescribed period for invalidity benefit
22. Evidence to be furnished by a person claiming invalidity benefit
23. Disqualification from entitlement to invalidity benefit
24. Degree of invalidity for invalidity benefit
25. Director may seek further information before determining claim for invalidity benefit

PART VII - DISABLEMENT BENEFIT

26. Prescribed period for disablement benefit
27. Evidence to be furnished by a person claiming disablement benefit
28. Degree of incapacity for disablement benefit
29. Disqualification from entitlement to disablement benefit
30. Review of degree of incapacity
31. Payment of disablement benefit in lump sum

PART VIII - SURVIVOR'S BENEFIT

32. Survivor's benefit
33. Person entitled to widow's benefit
34. Widow's pension and widowed mother's pension
35. Person entitled to widower's pension, conditions for payment and cessation of pension
36. Industrial death pension
37. Evidence to be furnished by person claiming industrial death pension
38. Disqualification from entitlement to industrial death pension
39. To whom industrial death pension is payable
40. Qualifying period of residence for survivor's benefit

PART IX - FUNERAL BENEFIT

41. Funeral Benefit

PART X - RETIREMENT BENEFIT

42. Condition of residence for retirement pension

43. Payment of retirement benefit may cease in certain circumstances

PART XI - DEPENDANT'S BENEFIT

44. Child in respect of whom dependant's benefit is payable

45. Disqualification to dependant's benefit

PART XII - ORPHAN'S AND ABANDONED CHILD'S BENEFIT

46. Orphan and abandoned child over 15 years

PART XIII - RATES OF BENEFIT ETC.

47. Rate of benefit

48. Limitation of entitlement to benefit

49. Method of payment of benefit

50. Determination of claims and appeal

SCHEDULE -RATES OF BENEFIT

* these regulations have been amended since 31 December, 1991 by S.I.60 OF 1992, S.I. 111 OF 1992. S.I. 113 OF 1992, S.I.7 OF 1993, S.I. OF 1994 AND S.I. OF 1994.

PART 1- PRELIMINARY**Citation and interpretation.**

1. (1) These Regulations may be cited as the Social Security (Benefits) Regulation, 1987

(2) In these Regulations -

"approved form" means a form provided by the Director, or such other form which the Director may in any particular case approve, for the purpose of these Regulations;

Act 10 of 1987.
Cap 20.

"Business" means a business in terms of the Business Tax Act, 1987;

"confine" or "confinement" means confine or confinement for childbirth;

"invalid" means a person who is partially or totally incapable of work as a result of a disease or bodily or mental disability, other than as a result of an injury or disease which would entitles person to claim injury benefit, which is likely to remain permanent;

S.I.91 of 1987.
Cap 225.
Sub leg.

"medical certificate" means a medical certificate in terms of the Social Security (Medical Certificates) Regulations 1987;

"Social Security Section" means the public body for the time being responsible for social security;

PART II – GENERAL**Claim.**

2. (1) A claim for benefit shall be made in an approved form.

(2) Where it appears to the Director that a person who has made a claim for benefit may

be entitled to some benefit other than the benefit specified in the claim, the Director may treat the claim as a claim for the benefit to which the person is entitled.

Supporting evidence etc.

3. A person making a claim for benefit shall, in addition to any certificate, document or evidence he is required to furnish under any other provision of these Regulations, furnish such other certificate, information and evidence as the Director may require in any particular case, and shall, if reasonably required, attend at such place and time as the Director may require, for the purpose of the determination of a claim.

Employed person to make claim through his employer.

4. Where the person making the claim for benefit is an employed person, he shall deliver the completed claim form together with the relevant medical certificate to his employer and the employer shall, after taking note of the contents of the form and the certificate, sign the approved form and forthwith, in any event within 3 days after receiving the form and the certificate, send or deliver the form and the certificate to the Social Security Section.

Self-employed person to send claim to Social Security Section.

5. Where the person making the claim for benefit is a self-employed person, he shall send or deliver the completed claim form together with the relevant medical certificate to the Social Security Section.

Time limit for claim.
S.I.10 of 1991

6. (1) Subject to regulation 7, a claim for benefit shall be submitted by the time or within the period specified in this subregulation -
 - a. in the case of sickness benefit, not later than the 7th day following the final day of sickness;
 - b. in the case of maternity benefit, not earlier than 4 weeks before the week in which it is expected that the person making the claim will be confined and not later than 4 weeks after the date of confinement;
 - c. in the case of injury benefit, not later than the 7th day following the final day of incapacity;
 - d. in the case of invalidity benefit, within 130 working days from the commencement of incapacity, or if the person making the claim was invalid at the age of 15 years, on attaining the age of 15 years;
 - e. in the case of disablement benefit, within 130 working days from the commencement of incapacity, or where benefit is being claimed in respect of partial disability, not later than the 7th day following the final day of incapacity;
 - f. in the case of survivor's benefit -
 - i. widow's benefit, within 4 weeks of the date of death of the person covered;
 - ii. widow's pension, within 8 weeks of the date of death of the person covered;
 - iii. widowed mother's pension, within 8 weeks of the date of death of the person covered;
 - iv. widower's pension, within 8 weeks of the date of death of the person covered;
 - v. industrial death pension, within 8 weeks of the date of death of the person covered;
 - g. in the case of funeral benefit, within 6 months from the date of death of the person covered;
 - h. in the case of retirement pension, within one month in which the person attains retirement age;
 - i. in the case of dependant's benefit -

- i. where entitlement for dependant's benefit arose after the person making the claim has submitted his claim for the benefit with which the dependant's benefit is associated, within 8 weeks after the circumstances giving rise to entitlement to dependant's benefit arose; or
 - ii. in any other case, at the time the person submits his claim for the benefit with which the dependant's benefit is associated;
- j. in the case of orphan's or abandoned child's benefit, at least 4 weeks before the date on which payment of benefit is requested.
- (2) A person who falls to make a claim for benefit by the time or within the period specified for the benefit under regulation (1) shall not be entitled to receive the benefit-
- i. being a benefit other than a retirement pension, for any period before the date of the making of the claim; or
 - ii. being a retirement pension, for any period before the beginning of the month in which the claim is made;

unless the Director, on any ground which appears to him to be reasonable, directs otherwise.

Defective claim.

7. (1) Where a claim for benefit is referred back to the person making the claim because it is defective, the claim shall be deemed to have been made at the time when it was first received by the Director if it is received by the Director in the second instance within one month from the date it was referred back to the person making the claim.
- (2) Subject to subregulation (1), a person who has made a claim may, at any time before a decision has been made on the claim, apply by notice in writing to the Director for permission to amend the claim and the date on which any amendment is made to the claim shall not affect the date of the claim.
- (3) The Director shall not, except for any cause which appears to him to be reasonable, refuse permission under subregulation (2).

Date of claim.

8. For the purpose of any claim for benefit the date of a claim shall be the date on which the claim is received by the Director.

PART III - SICKNESS BENEFIT

Evidence to be furnish for a claim for sickness benefit.
S.I. 91 of 1987.
Cap. 225
Sub. Leg.

9. A person making a claim for sickness benefit shall furnish the Director with-
- a. evidence of his incapacity to work or the quarantine restriction imposed on him, in accordance with the Social Security (Medical Certificates) Regulations, 1987;
 - b. evidence to the satisfaction of the Director that
 - i. he was in employment, as an employed person or self-employed person, on the day immediately preceding the day he became incapacitated for work or the quarantine restriction was imposed on him; or
 - ii. he would have been in employment, as an employed person or self-employed person,
 but for the incapacity for work or quarantine restriction; and
 - c. evidence that he has not worked or carried on any business during any part of the period for which he has claimed benefit.

Disqualification from entitlement to sickness benefit.

10. A person shall not be entitled to sickness benefit -
- a. for any period the Director may decide if-
 - i. he became incapacitated for work through his own misconduct;
 - ii. he fails, for any cause which the Director considers to be unreasonable, to comply with a notice by the Director requiring him to attend for and submit himself to medical or other examination; or
 - iii. he wilfully behaves in any way, or indulges in any activity, which the Director believes is prejudice to his health or will retard his recovery, or if he refuses to answer any reasonable question put to him by a medical practitioner or officer of the Social Security Section aimed at ascertaining whether his behaviour or any of his activities is prejudice to his health or would retard his recovery;
 - b. in respect of any day on which he is absent from Seychelles unless
 - i. he *is* absent for the purposes of receiving medical treatment which is not available in Seychelles; and
 - ii. his absence from Seychelles is approved by the Minister.

Periods for which benefit is payable

11. Subject to these Regulations, sickness benefit shall be payable for each benefit payable for each working day on which a beneficiary is incapable of work or is subject to quarantine restriction;

Provided that where the benefit is paid for a continuous period, the beneficiary shall cease to be entitled to benefit after a continuous period of 130 working days.

PART IV - MATERNITY BENEFIT

Evidence to be furnished by person claiming maternity benefit. S.I. 91 of 1987. Cap. 225 Sub. Leg.

12. A person making a claim for maternity benefit shall furnish the Director with-
- a. evidence of her confinement or expected confinement in accordance with the Social Security (Medical Certificates) Regulations, 1987;
 - b. evidence to the satisfaction of the Director that she was in employment, as *an* employed person or Self-employed person, on the day immediately preceding the beginning of the period for which she is claiming the benefit; and
 - c. evidence that she has not worked or carried on any business during any part of the period for which she has claimed benefit

Disqualification from entitlement to maternity benefit.

13. A person shall not be entitled to maternity benefit -
- a. for any period the Director may decide if-
 - i. she fails, for any cause which the Director considers to be unreasonable, to comply with a notice in writing by the Director requiring her to attend for and submit herself to medical examination; or
 - ii. she wilfully behaves in any way or indulges in any activity which the Director believes is prejudicial to her health or the health of the child she is carrying, or if she refuses to answer any reasonable question put to her by a medical practitioner or an officer of the Social Security Section aimed at ascertaining whether her behaviour or any of her activities is prejudicial to her health or the health of the child she is carrying;
 - b. in respect of any day on which she is absent from Seychelles unless -

- i. she is absent for the purposes of receiving medical treatment which is not available in Seychelles; and
- ii. her absence from Seychelles is approved by the Minister.

Entitlement to sickness benefit before or after maternity benefit.

14. Where a person is incapable of work on account of her confinement or expected , confinement for any period--
- a. immediately prior to the commencement of; or
 - b. immediately after cessation of;

the prescribed period for which maternity benefit is claimed, she shall, subject to the provisions of this Act and these Regulations relating to sickness benefit be entitled to sickness benefit.

Prescribed period of maternity benefit.

15. The prescribed period for the purposes of section 7 is 8 weeks.

PART V - INJURY BENEFIT

Injury benefit.
S.I. 91 of 1987.
Cap. 225.
Sub. Leg.

16. A person making a claim for injury benefit shall furnish the Director with –
- a. evidence of the degree of his incapacity for work in accordance with the Social Security (Medical Certificates) Regulations, 1987; and
 - b. evidence to the satisfaction of the Director of his employment status.

Disqualification from entitlement to injury benefit.

17. A person shall not be entitled to injury benefit -
- a. in respect of an accident which happens or disease which develops outside Seychelles;
 - b. if the Director is satisfied that the injury suffered by the person is attributable to the person's serious wilful misconduct;

Provided that where the injury results in the death or serious or permanent incapacity of a person, the Minister may, on consideration of all the circumstances, award industrial death pension or disablement benefit, or such part of the pension or benefit, as he shall think fit;

- c. in respect of any incapacity resulting from deliberate self- injury;
- d. for any period that the Director may decide if-
 - i. the person fails, for any cause which the Director considers to be unreasonable, to comply with a notice by the Director requiring him to attend for and submit himself to medical or other examination; or
 - ii. the person wilfully behaves in any way, or indulges in any activity, which the Director believes is prejudicial to his health or will retard his recovery, or if he refuses to answer any reasonable question put to him by a medical practitioner or an officer of the Social Security Section aimed at ascertaining whether his behaviour or any of his activities is prejudicial to his health or would retard his recovery;
- e. if during the period he is entitled to benefit he undertakes paid employment or carries on any business;
- f. in respect of any day on which he is absent from Seychelles unless
 - i. he is absent for the purposes of receiving medical treatment which is not

available in Seychelles; and

ii. his absence from Seychelles is approved by the Minister.

Duration of injury benefit.

18. Subject to these Regulations, injury benefit shall be payable for each working day on which the beneficiary is incapable of work; Provided that where the benefit is paid for a continuous period, the beneficiary shall cease to be entitled to the benefit after a continuous period of 130 working days.

Rate and manner of payment of compensation Awarded by court.

19. (1) where any sum is awarded by court as compensation for incapacity for work because of an accident which occurred in the course, or which arose out, of employment or any disease which was contracted in the course, or which arose out, of employment, the sum shall be paid out of the fund either in a lump sum or in annual instalments in accordance with subregulation 2.

(2) The sum paid out of the Fund under subregulation (1) shall not exceed 50% of the sum awarded by the court or R10,000, whichever is less.

Presumption regarding accident.

20. (1) For the purpose of these Regulations, an accident arising in the course of the employment of an employed person shall be deemed, in the absence of evidence to the contrary, also to have arisen out of that employment.

(2) An accident shall be deemed to arise out of and in the course of employment of unemployed person notwithstanding that he is at the time of the accident acting in contravention of any written law or other regulations applicable to his employment or of any orders given by or on behalf of his employer, or that he is acting without instructions from his employer, if-

- a. the accident would have been deemed to have so arisen had the act not been done in contravention of the written law, regulations or orders or without instructions from his employer, as the case may be; and
- b. the act is done for the purposes of or in connection with, or both, for the purposes of and in connection with, the employer's trade or business.

(3) An accident which happens whilst an employed person is, with the express or implied permission of his employer, travelling as a passenger in any vehicle to or from his place of work shall, notwithstanding that he is under no obligation to his employer to travel by that vehicle, be deemed to arise out of and in the course of his employment, if-

- a. the accident would have been deemed to have so arisen had he been under such obligation; and
- b. at the time of the accident, the vehicle -
 - i. was being operated by or on behalf of his employer or some other person by whom it is provided in pursuance of arrangements made with the employed person's employer; and
 - ii. was not being operated in the ordinary course of a public transport service.

(4) An accident which happens to an employed person in or about any premises at which he is employed for the purpose of his employer's trade or business shall be deemed to arise out of and in the course of his employment if it happens while he is taking steps, on an actual or supposed emergency at those premises, to succour or protect persons who are thought to be or possibly to be injured or imperilled, or to avert or minimise serious damage to property.

PART VI- INVALIDITY BENEFIT

Prescribed period for invalidity

21. The prescribed period for the purposes of section 11 is a period consisting of 130 continuous

benefit.

Evidence to be furnished by a person claiming invalidity benefit.
S.I. 91 of 1987.
Cap. 225
Sub. Leg

working days.

22. (1) A person making a claim for invalidity benefit shall -
- a. furnish the Director with evidence of the degree of his incapacity for work, in accordance with the Social Security (Medical Certificates) Regulations, 1917; and
 - b. complete a declaration of income in an approved form in respect of each month for which he claims the benefit and shall submit the declaration -
 - i. in the case of the first month of claim, with the claim form; and
 - ii. in the case of subsequent months of claim at the time of receiving payment of the benefit.
- (2) A declaration of income made under this regulation shall be taken into account at the end of the month following that in respect of which the declaration is made.

Disqualification from entitlement to invalidity benefit.

23. A person shall not be entitled to invalidity benefit -
- a. for any period the Director may decide if-
 - i. he fails, for any cause which the Director considers to be unreasonable, to comply with a notice in writing by the Director requiring him to attend for and submit himself to medical or other examination; or
 - ii. he wilfully behaves in any way, or indulges in any activity, which the Director believes is prejudicial to his health or would retard his recovery, or if he refuses to answer any reasonable question put to him by a medical practitioner or an officer of the Social Security Section aimed at ascertaining whether his behaviour or any of his activities is prejudicial to his health or would retard his recovery;
 - b. in respect of any day on which he is absent from Seychelles unless-
 - i. he is absent for the purposes of receiving medical treatment which is not available in Seychelles; and
 - ii. his absence from Seychelles is approved by the Minister;
 - c. if on the date on which he is entitled to the benefit he has not completed 5 years continuous residence in Seychelles;
 - d. if he is certified by the Medical Board as being capable of some work and he fails to actively seek employment for which he is certified as being capable of undertaking; or
 - e. a person shall not be entitled to invalidity benefit in respect of any period during which he undertakes paid employment beyond that permitted under a report by the Medical Board under the Social Security (Medical Certificates) Regulations, 1987.

S.I. of 1987.
Cap.225.
Sub. Leg

Degree of invalidity for invalidity benefit.

24. (1) A person shall be entitled to invalidity benefit according to-
- a. the degree of his incapacity for work;
 - b. his earning capacity; and
 - c. his income; in accordance with this regulation.

(2) Where a medical report by the Medical Board certifies a person claiming invalidity benefit to be -

- a. incapacitated for work at 75% or more and that person has no earnings capacity and no income, he shall be entitled to receive the full rate of benefit; or
- b. incapacitated for work at 50% or more and that person is able to earn or has income, he shall be entitled to invalidity benefit at a reduced rate if-
 - i. his family income is less than subsistence level; and
 - ii. he continues actively to seek employment for which he is capable of doing under the report of the Medical Board

(3) Where the level of income derived by a beneficiary from employment, as an employed person or self-employed person indicates that -

- a. the beneficiary is not incapable of work to the extent certified by the Medical Board; or
- b. the extent of the employment undertaken by the beneficiary is likely to be prejudicial to his health or recovery;

he may on review by the Medical Board -

- c. have his degree of incapacity reduced;
- d. be required to reduce the level of employment undertaken by him; or
- e. be required to reduce work altogether;

and if the beneficiary continues in employment at a level beyond that permitted by the Medical Board after a review he shall not be entitled to invalidity benefit.

Director may seek further information before determining claim for invalidity benefit.

25. For the purposes of determining a claim for invalidity benefit the Director –
- a. may arrange for such inquiries to be made as he thinks necessary to ensure that the person making the claim is seeking work for which he is capable of doing; and
 - b. may require a declaration made under regulation 22 to be confirmed in any material particular.

PART VII - DISABLEMENT BENEFIT

Prescribed period for disablement benefit.

26. The prescribed period for the purpose of section 13 shall be a period consisting of 130 working days.

Evidence to be furnished by a person claiming disablement benefit.
S.I.91 of 1987.
Cap.225
Sub. leg.

27. (1) A person making a claim for disablement benefit shall-
- a. furnish the Director with evidence of the degree of his incapacity in accordance with the Social Security (Medical Certificates) Regulations, 1987; and
 - b. complete a declaration of income in an approved form in respect of each month for which he claims the benefit and shall submit the declaration -
 - i. in the case of the first month of claim, with the claim form; and
 - ii. in the case of subsequent months of claim, at the time of receiving payment of the benefit

(2) A declaration of income made under this regulation shall be taken into account at the end of the month following that in respect of which the declaration is made.

(3) The Director may require a declaration made under regulation 22 to be confirmed in any material particular.

Degree of incapacity for disablement benefit.

28. Where a person claiming disablement benefit is -

- a. totally incapacitated for work, he shall be entitled to benefit at the standard rate; or
- b. less than 100% incapacitated, he shall be entitled to a percentage of the standard rate of benefit equal to the percentage of his disability.

Disqualification from entitlement to disablement benefit

29. A person shall not be entitled to disablement benefit -

- a. for any period the Director may decide if-
 - i. the person fails, for any cause which the Director considers to be unreasonable, to comply with a notice by the Director requiring him to attend for and submit himself to medical or other examination; or
 - ii. the person wilfully behaves in any way, or indulges in any activity, which the Director believes is prejudicial to his health or will retard his recovery, or if he refuses to answer any reasonable question put to him by a medical practitioner or an officer of the Social Security Section aimed at ascertaining whether his behaviour or any of his activities is prejudicial to his health or would retard his recovery;
- b. in respect of any incapacity resulting from a deliberate self-injury;
- c. in respect of any period during which he undertakes paid employment beyond that permitted under a report by the Medical Board under the Social Security (Medical Certificates) Regulations, 1987;
- d. in respect of any day on which he is absent from Seychelles unless-
 - i. he is absent for the purposes of receiving medical treatment which is not available in Seychelles; and
 - ii. his absence from Seychelles is approved by the Minister;
- e. if on the date on which he becomes entitled to the benefit he has not completed 5 years continuous residence in Seychelles, unless the Minister, in his absolute discretion, waives the requirement for the period of residence.

S.I. 91 of 1987.
Cap. 225.
Sub. leg.

Review of degree of incapacity.

30. where the level of income derives by a person who is entitled to disablement benefit indicates that -

- a. he is not incapable of work to the extent certified by the Medical Board; or
- b. the extent of the employment undertaken by him is likely to be prejudicial to his health or recovery;

he may, on review by the Medical Board;

- c. have his degree of incapacity reduced;
- d. be required to reduce the level of employment undertaken by him; or
- e. be required to reduce work altogether;

and if he continues in employment at a level beyond that permitted by the Medical Board after a review he shall not be entitled to disablement benefit.

Payment of disablement benefit in lump sum.

31. (1) Notwithstanding regulation 47, the Director may, having regard to the age, degree of incapacity and ability to undertake paid employment of a person entitled to disablement benefit, pay that person, instead of periodic payments at the rate set out in the Schedule, a lump sum determined by the Minister in accordance with subregulation (2).

(2) The lump sum referred to in subregulation (1) shall be such as not to place the beneficiary at a disadvantage which he would have suffered had he been paid periodic payments instead of slump sum.

PART VIII - SURVIVOR'S BENEFIT

Survivor's benefit.
S.I. 91 of 1987.
Cap. 225
Sub. leg

32. A person making a claim for survivor's benefit shall furnish the Director with a certificate of death of the person covered in accordance with the Social Security(Medical Certificates) Regulations, 1987;

Person entitled to widow's benefit.

33. (1) Subject to these Regulations, widow's benefit shall be payable, on the death of the person covered (hereinafter referred to as the "deceased"), to the spouse of that person for a period of 20 working days starting on the day following the day the person covered died.

(2) For the purposes of section 14, this regulation and regulation 34 "spouse" means -

- a. in the case where the deceased was married and was, at the time of his death, living with and maintaining his married wife, the married wife of the person covered; or
- b. in the case where the deceased had, at the time of his death, been cohabiting with a woman as her common law husband for a period of at least 6 months before his death and had maintained the woman during that period, that woman.

Widow's pension and widowed mother's pension.

34. (1) A spouse who has been drawing a widow's benefit under regulation 33 shall, on the 21st working day following the day the deceased died, cease to be entitled to a widow's benefit and shall instead be entitled to -

- a. in a case where paragraph (b) does not apply and the spouse was 45 years old or more on the death of the deceased, widow's pension; or
- b. subject to subregulation (2), in a case where the spouse has custody of a child of whom the deceased was the father or for whom the deceased had accepted responsibility to support, widowed mother's pension.

(2) A spouse shall only be entitled to a widowed mother's pension under subregulation (1) if the child referred to in that subregulation is resident in Seychelles and -

- a. he is living in the household of the spouse as a member of the family; or
- b. although not living in the household of the spouse, the child is maintained by the spouse to the extent of the amount of benefit payable in respect of the child.

(3) A widow's pension or widowed mother's pension shall cease to be payable -

- a. unless the Minister otherwise directs in any particular case, one year after the date of death of the deceased; or
- b. if the beneficiary marries or cohabits with another man as his wife; whichever occurs first.

(4) The circumstances that qualify a person to receive widow's pension or widowed mother's pension shall be reviewed every 3 months from the date of the commencement of payment of the pension and, if on review the Director is of the opinion that the circumstances in any particular case do not justify the continuation of payment of the pension, the payment of the pension shall, notwithstanding any other provision of this regulation, cease forthwith, unless the Minister, on grounds of undue hardship in any particular case, directs the continuation of the payment of the pension.

Person entitled to widower's pension, conditions for payment and cessation of pension.

35. (1) Subject to these Regulations, widower's pension shall be payable to the spouse of the person covered upon the death of that person, hereinafter referred to as the "deceased"
- (2) A person shall be entitled to a widower's pension if-
- a. at the time of her death, the deceased was contributing to at least 75% of the family budget;
 - b. the person making the claim was at the time of, and continues to be after, the death of the deceased unable to contribute towards the family budget because of his incapacity; and
 - c. the degree of his incapacity is certified, in accordance with the Social Security (Medical Certificate) Regulations, 1987, to be 75% or more.
- (3) Widower's pension shall cease to be payable -
- a. during any period -
 - i. during which the beneficiary undertakes paid employment or carries on any business; or
 - ii. during which the beneficiary cohabits with a woman as her husband; or
 - b. if the beneficiary marries.
- (4) For the purposes of section 14 and this regulation, "spouse" means -
- a. in the case where the deceased was married and was, at the time of her death, living with and maintaining her married husband; or
 - b. in the case where the deceased had been cohabiting with a man as his common law wife for a period of at least 6 months before her death and had maintained the man during that period, that man.

S.I. 91 of 1987
Cap. 225.
Sub. Leg.

Industrial death pension.

36. (1) Industrial death pension shall be payable in respect of a person who was an employed person and who died as a result of an accident which occurred in the course, or which arose out, of his employment or a disease which was contracted in the course, or which arose out of his employment.
- (2) A death shall be deemed to be an industrial death if the accident or disease from which the death resulted would have been deemed to have arisen out of, or have occurred in the course of, the employment of the deceased person in accordance with regulation 20;
- Provided that no benefit shall be payable -
- i. in respect of an accident which happened or a disease which developed outside Seychelles;
 - ii. subject to the proviso to regulation 17 (b), if the Director is satisfied that the death is attributable to the misconduct; or
 - iii. if the death resulted from a deliberate self-injury.

Evidence to be furnished by person claiming industrial death pension.

37. A person making a claim for industrial death shall -
- a. furnish the Director with a certificate of death of the deceased in accordance with the Social Security (Medical Certificates) Regulations, 1987;
 - b. furnish the Director with evidence of the employment status of the deceased.

S.I. 91 of 1987.
Cap. 225.
Sub. leg

Disqualification from entitlement to industrial death pension.

38. (1) A person shall not be entitled to industrial death pension in respect of any day which he is absent from the Seychelles unless –
- a. he is absent for the purposes of receiving medical treatment which is not available in Seychelles; and
 - b. his absence from Seychelles is approved by the Minister.
- (2) A woman shall be disqualified from industrial death pension for any period during which she cohabits with a man as his spouse.
- (3) A man shall be disqualified from industrial death pension for any period –
- a. during which he cohabits with a woman as her spouse;
 - b. after he marries; or
 - c. during which he undertakes paid employment.

To whom industrial death pension is payable.

39. (1) Industrial death pension shall be payable to the spouse of the deceased.
- (2) For the purposes of regulation 38 and this regulation "spouse" has the same meaning as in regulations 33(2) and 35 f4).
- (3) Industrial death pensions shall only be payable to a man who was the spouse of the deceased where the man is incapable for medical reasons of supporting himself and was dependant on the deceased at the time of her death and –
- a. the degree of his incapacity is certified in accordance with the Social Security (Medical Certificates) Regulations, 1987, to be 75% or more;
 - b. he was unable at the time of death of the deceased to contribute towards the family budget because of his incapacity; and
 - c. the deceased was, at the time after death, contributing to at least 75% of the family budget.

Qualifying period of residence for survivor's benefit.

40. A person making a claim for Survivor's benefit shall only be paid benefit if-
- a. the person covered; or
 - b. the person making the claim for the benefit or pension;

has completed not less than 5 years residence in Seychelles at the time of death of the person covered, unless the Minister waives the requirement for the period of residence.

PART IX - FUNERAL BENEFIT

Funeral benefit.
S.I. 91 of 1987.
Cap. 225.
Sub. Leg.

41. A person claiming funeral benefit on the death of a person covered shall, in addition to the documents he is required to furnish under section 15 also furnish the Director with the death certificate of the person covered in accordance with the Social Security (Medical Certificates) Regulations, 1987 and shall surrender to the Director the national identity card of that person.

PART X - RETIREMENT BENEFIT

Condition of residence for retirement benefit.

42. (1) A person shall, subject to these Regulations, be entitled to retirement pension if at the time he attains retirement age he has been resident in Seychelles for a continuous period of not less than 5 years

(2) A person shall be deemed to have been resident in Seychelles for a continuous period of 5 years at the time of his retirement if-

- a. during the period of 5 years prior to his attaining retirement age -
 - i. he has been away from Seychelles for periods of one month or less; or
 - ii. he was away from Seychelles on the service of the Government; or
- b. during the 15 years prior to his attaining retirement age he has been resident in Seychelles for 5 of those 15 years.

(3) The Minister may, on grounds of undue hardship, waive in any particular case, the requirement for the period of residence under this regulation.

Payment of retirement benefit may cease in certain circumstances

43. (1) A person shall not be entitled to receive retirement pension at any time when he ceases to be permanently resident in Seychelles.

(2) Subject to subregulation (3), where a beneficiary is absent from Seychelles for a period during which two or more consecutive payments of monthly retirement pension fall due, he shall not be entitled to the pension during that period other than for the month prior to his return to Seychelles.

(3) Notwithstanding subregulation (2), the Minister may in any particular case authorise payment of retirement pension to a beneficiary for any period which the beneficiary would have been entitled to receive the pension under subregulation(2).

PART XI - DEPENDANT'S BENEFIT

Child in respect of whom dependant's benefit is payable.

44. A child shall be regarded as a dependant child of a beneficiary if the child is horn dependant's resident of Seychelles and -

- a. he is living in the household of the beneficiary as a member of the family of the beneficiary; or
- b. although he is outliving in the household of the beneficiary, the child is maintained by the beneficiary at least to the extent of the amount of dependant's benefit payable in his respect;

and in the case of a child over the age of 15 years who is undergoing full time education or training, the education or training institute or establishment where the child is undergoing education or training gives a certificate in the approved form to the effect that the child is undergoing education or training at the institute or establishment.

Disqualification to dependant's benefit

45. A beneficiary shall not be entitled to dependant's benefit in respect of a dependant for any period during which the dependant is absent from Seychelles other than for the purposes of receiving medical treatment which is not available in Seychelles and the absence from Seychelles is approved by the Minister.

PART XII- ORPHAN'S AND ABANDONED CHILD'S BENEFIT

Orphan or abandoned child over 15 years.

46. Orphan or abandoned child's benefit is payable in respect of an orphan or abandoned child who is of or over 15 years if the child is undergoing full time education or training of a type oral an institution approved by the Minister.

PART XIII - RATES OF BENEFIT ETC.

Rate of benefit

47. Subject to these Regulations, benefit shall be payable at the rates set out in the Schedule.

Limitation of entitlement to benefit.

48. (1) Notwithstanding the rates of benefit set out in the Schedule -

S.I.52 of 1991.

Act 10 of 1980.
Cap.224.

- a. The total amount of sickness or injury benefit to which a beneficiary is entitled is-
 - i. subject to paragraph (b), for the first 2 months of the period of incapacity for work, an amount equal 80% of the income which the beneficiary would, but for his incapacity for work, have received from his normal employment, as an employed person or a self-employed person, or R 2000 per month which ever is the lesser; and
 - ii. for the remaining period of incapacity for work, an amount equal to the level of subsistence or family subsistence level, as the case may be;
- b. where at the time he became entitled to sickness or injury benefit the beneficiary was working on an approved project under the Unemployment Fund Act, 1980, the total amount of benefit which a beneficiary is entitled for the first 2 months of incapacity for work shall be calculated in accordance with paragraph (a) (ii), if the total amount to which he would have been entitled under paragraph (a) (i) is less than the level of subsistence or family subsistence level as the case may be;
- c. the total amount of maternity benefit which a beneficiary is entitled is, subject to paragraph (d), an amount equal to 10% of the income which the beneficiary would, but for his incapacity for work, would have earned from her normal employment, as an employed person or self-employed person, or R 2000 per month, whichever is the lesser;
- d. where at the time she became entitled to maternity benefit, the beneficiary was working on an approved project under the Unemployment Fund Act, 1910, the total amount of benefit which a beneficiary is entitled is an amount which is not less than her level of subsistence or family subsistence level as the case may be, if the amount payable under paragraph (c) is less than her level of subsistence or family subsistence level, the case may be.

(2) Where-

- a. an employed person-
 - i. is entitled to seek leave under the Employment Act; and
 - ii. would be entitled to a benefit under these Regulations during the period of sick leave; and
- b. the employer of the employed person pays the employed person the whole or any part of his emolument while the employed is on sick leave during the period he is entitled to sick leave;

there shall be paid to the employer, out of the amount which the employed person is entitled to under these Regulations, an amount equal to or the whole amount of the benefit which the employed person is entitled to or 80% of the emolument paid to the employed person up to a maximum of R 2,000 per month, whichever is the lesser.

(3) in calculating the emolument of a beneficiary for the purposes of this regulation, any bonus or overtime payment which a beneficiary would, but for his incapacity for work, have earned during the period of incapacity shall be excluded.

Method of payment of benefit.

49. (1) The normal method of payment of benefit shall be -
 - a. in the case of short-term benefit and funeral benefit, by bank cheque;
 - b. in any other case, in cash, or, on application in advance, by cheque or other method permitted by the Director, at a place notified in advance by the Director.

(2) Where payment of benefit in accordance with subregulation (1) is not possible or convenient, payment may be arranged through the employer in a manner acceptable to the Director, the employer and the beneficiary.

Determination of claims and appeal.

50. (1) A person aggrieved by a decision made by the Director under these Regulations may, within 14 days of the date of the decision or such longer period that the Minister may allow, appeal to the Minister against the decision.
- (2) The Minister may on appeal make such decision which appears to him to be appropriate and his decision shall be final.

SCHEDULE

S.I. of 1994.

PART I

(Regulation 47)

RATES OF BENEFIT

(Effective from 1 January 1995)

Rates of benefit per month		Rupees
1.	Sickness benefit	875
2.	Maternity benefit	875
3.	Injury benefit	875
4.	Invalidity benefit -	
	a. standard rate	1,100
	b. reduced rate,	as affected by income of beneficiary
5.	Disablement benefit-	
	a. standard rate	875
	b. partial disability,	percentage of standard rate as set out in part II
6.	Survivor's benefit-	
	a. widow's benefit	875
	b. widow's or widower's pension	875
	c. widowed mother's pension	875
	d. industrial death pension	875
7.	Funeral benefit	up to R 1,500 in respect of each death
8.	Retirement pension	1,150
9.	Dependant's benefit	
	a. in respect of an adult	425
	b. in respect of each child	375
10.	Orphan's and abandoned child's benefit	525

PART II

INJURIES

percentage of incapacity

11.	Loss of two limbs	100
	Loss of both limbs or of all fingers and both thumbs	100
	Total loss of sight	100
	Total paralysis	100
	Injuries resulting in being bedridden permanently	100
	Any other injury causing permanent total disablement	100
	Loss of remaining eye by one-eyed workman	100
	Loss of remaining arm by one-armed workman	100
	Loss of remaining leg by one-legged workman	100
	Loss of arm at shoulder	70
	Loss of arm between elbow and shoulder	68
	Loss of arm at elbow	67
	Loss of arm between wrist and elbow	60/65

Loss of hand at wrist	60
Loss of four fingers and thumb of one hand	60
Loss of four fingers	35
Loss of thumb -	
both phalanges	35
one phalanx	10
Loss of index finger -	
three phalanges	10
two phalanges	8
one phalanx	4
Loss of middle finger -	
three phalanges	6
two phalanges	4
one phalanx	2
Loss of ring finger -	
three phalanges	5
two phalanges	4
one phalanx	2
Loss of little finger -	
three phalanges	4
two phalanges	3
one phalanx	2
Loss of metacarpal -	
first or second (additional)	3
Third, fourth or fifth (additional)	2
Loss of one leg or above knee	70
Loss of leg below knee	40
Loss of one foot	40
Loss of toes -	
all	15
great, both phalanges	5
great, one phalanx	2
other than great, if more than one toe lost	1 in respect of each toe lost
Loss of eye -	
eye out	30
sight out	30
lens out	30
sight of, except perception to light	30
Loss of hearing -	
both ears	50
one ear	7

12. Total permanent loss of use of member shall be treated as loss of member.
13. The percentage of incapacity of ankylosis of any joint shall be reckoned as from 25 to 100 percent of the incapacity for loss of the part at the joint according to whether the joint is ankylosed in a favourable or unfavourable position.
14. The case of a right-handed workman, an injury to the left arm or hand and, in the case of a left-handed workman, to the right arm or hand, shall be rated at 90 per centum of the above percentages.
15. Where there is a loss of two or more parts of the hand, the percentage of incapacity shall not be more than for the whole hand.

16. Where there are two or more injuries, the sum of percentages for such injuries may be increased, and, where such injuries are to the hand the following basis of computing the increase shall be adopted, namely -
 - a. where two digits have been injured, the sum total of the percentage shall be increased by 20 per centum of such sum total;
 - b. where three digits have been injured, the sum total of the percentage shall be increased by 30 per centum of such sum total;
 - c. where four digits have been injured, the sum total of the percentage shall be increased by 40 per centum of such sum total;
17. A one-eyed workman who on entering employment has failed to disclose to his employer the fact that he is our-eyed shall, if he lost his remaining eye, be entitled to compensation in respect of a degree of a disablement of 30 per centum only.
18. For the purposes of this Schedule, a one-eyed workman means a workman who has lost the sight of one eye.

S.I.93 of 1987

SOCIAL SECURITY (RETIREMENT AGE) REGULATIONS, 1987

Citation.

Retirement age.

1. (1) These Regulations may be cited as the Social Security (Retirement Age) Regulations, 1987
- (2) The Retirement Age for the purposes of the Act, shall be 63 years.

S. I. 94 of 1987

SOCIAL SECURITY (LEVEL OF SUBSISTENCE) REGULATIONS, 1987

Citation.

Level of subsistence.

1. (1) These Regulations may be cited as the Social Security (Level of Subsistence) Regulations 1987.
- (2) The Level of Subsistence for the period 1st January 1988 to 31 December 1988 is hereby declared to be -
 - a. in the case of an individual R500 per month; and
 - b. in the case of his dependant -
 - i. 11200 per month for an adult; and
 - ii. R175 per month for each child.

S.I. 6 of 1993

SOCIAL SECURITY (LEVEL OF SUBSISTENCE) REGULATIONS, 1987

S.I. 30 of 1996

[1 January 1993]

Citation.

Level of subsistence.

1. (1) These Regulations may be cited as the Social Security (Level of Subsistence) Regulations 1993.
- (2) The Level of Subsistence from the 1st January 1996 is hereby declared to be -
 - a. in the case of an individual R875 per month; and
 - b. in the case of his dependant -
 - i. R350 per month for an adult; and
 - ii. R325 per month for each child.

S.I.6 of 1991.

SOCIAL SECURITY (SEYCHELLES PENSION SCHEME) REGULATIONS*[21 St January 1991]*

Citation.

1. These Regulations may be cited as the Social Security (Seychelles Pension Scheme) Regulations.

Prescribed limit.

2. The prescribed limit of contribution paid to the Seychelles Pension Scheme in respect of employment of a person shall, for the purposes of the definition of emolument in section 2 of the Act be R. 1,500.

S.I. of 1994.

SOCIAL SECURITY (CONTRIBUTIONS) (AMENDMENT) REGULATIONS 1994*[1st January 1995]*

Citation and Commencement.

1. These Regulations may be cited as the Social Security (Contributions) (Amendment) Regulations, 1994 and shall come into operation on 1st January 1995.

Amendment to the schedule to S.I. 90 of 1987.

2. The Schedule to the Social Security (Contributions) Regulations, 1987 is amended by repealing paragraphs 1 and 2 and substituting the following paragraphs -

"1. A person employed or deemed employed shall be liable to pay contribution computed in accordance with section 31(2) of the Act in respect of each emolument paid to him at the rate of 5%.

2. An employer is liable to pay contribution computed in accordance with section 31(2) of the Act in respect of each emolument paid to a person or deemed to be employed by the employer as follows

S.I. of 1993.

SOCIAL SECURITY BENEFITS) (AMENDMENT) REGULATIONS 1993*[1st January 1993]*

Citation and commencement.

1. These Regulations may be cited as the Social Security (Benefits) (Amendment) Regulations, 1993 and shall be deemed to have come into operation on 1st January 1993.

Amendment of S.I. 92 of 1987 as last amended by S.I. 60 of 1992.

2. The Schedule to the Social Security (Benefits) Regulations, 1987 is amended by repealing part 1, items 1 to 10 and substituting therefor the following items -

	Rupees
1. Sickness benefit	775
2. Maternity benefit	775
3. Injury benefit	775
4. Invalidity benefit -	
a. standard rate	950
b. reduced rate,	as affected by income of beneficiary
5. Disablement benefit -	
a. standard rate	775
b. partial disability,	percentage of standard rate as set out in Part II
6. Survivor's benefit -	
a. widow's benefit rate	775
b. widow's or widower's pension	775
c. widowed mother's pension	775

d. industrial death pension	Funeral benefit	775
7. Funeral benefit	up to R1,500 in respect of each death	
8. Retirement pension		1,000
9. Dependant's benefit		
a. in respect of an adult		350
b. in respect of each child		325
10. Orphan's and abandoned child's benefit		475

S.I. of 1994.

**SOCIAL SECURITY (BENEFITS) (AMENDMENT) (No. 2)
REGULATIONS 1994**

(1st January 1995)

Citation and commencement

- These Regulations may be cited as the Social Security (Benefits) (Amendment) Regulations, 1994 and shall come into operation on 1st January 1995.
- The Schedule to the Social Security (Benefits) Regulations, 1987 is amended by repealing Part 1, items 1to 10 and substituting therefor the following items -

Amendment of
S.I. 92 of 1987 as
last amended by
S.I. 20 of 1994 and
S.I. 30 of 1996.

	Rupees
1. Sickness benefit	875
2. Maternity benefit	875
3. Injury benefit	875
4. Invalidity benefit -	
a. standard rate	1,100
b. reduced rate,	as affected by income of beneficiary
5. Disablement benefit -	
a. standard rate	875
b. partial disability,	percentage of standard rate as set out in Part II
6. Survivor's benefit -	
a. widow's benefit rate	875
b. widow's or widower's pension	875
c. widowed mother's pension	875
d. industrial death pension	875
7. Funeral benefit	up to R 1,500 in respect of each death
8. Retirement pension	1,150
9. Dependant's benefit	
a. in respect of an adult	425
b. in respect of each child	375
10. Orphan's and abandoned child's benefit	525