

CONSOLIDATED TO 30 JUNE 2012

LAWS OF SEYCHELLES

SOCIAL SECURITY ACT 2010

Act 11 of 2010

[5th July, 2010]

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PART I – PRELIMINARY

1. This Act may be cited as the Social Security Act 2010.
2. In this Act —
“beneficiary” means a person entitled to a benefit;

“benefit” means a benefit under this Act;

“Director” means the Director appointed under section 28;

“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 a body corporate, or as the holder of an office, and includes —

- (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 the first mentioned person carries out that person’s duties; and
- (b) a person working on an approved government employment project or scheme under the Unemployment Relief Scheme Act 1995;

but does not include a self-employed person unless the person is so registered with the Revenue Commissioner;

“family income” means the aggregate of the income of a person entitled to a benefit and the income of other persons living with that person;

“family subsistence level”, in relation to a person, means the aggregate of the level of subsistence of that person and that of other persons living with that person;

“Fund” means the Social Security Fund referred to in section 25;

“level of subsistence” means the level of subsistence declared by the Minister under section 22;

“Medical Board” means the Medical Board established under section 30;

“person covered” means a person eligible to receive a benefit;

“officer” has the same meaning as in section 11(1) of the Seychelles Revenue Commission Act and includes a member of the board of trustees appointed under this Act;

“prescribed disease” means an injury or disease prescribed under this Act;

“prescribed period”, in relation to a maternity benefit, means a period of 14 days;

“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 person which the person carried on prior to the person’s 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;

“Revenue Administration Act” means the Revenue Administration Act 2009;

“Revenue Commissioner” means the Revenue Commissioner appointed under section 4 of the Seychelles Revenue Commission Act 2009;

“revenue laws” are the laws listed in the Schedule to the Seychelles Revenue Commission Act including the Social Security Act;

“Revenue Tribunal” means the review forum created by Part XII of the Revenue Administration Act 2009;

“Seychelles Revenue Commission Act” means the Seychelles Revenue Commission Act 2009;

“working day” means a day of the week on which at least four hours of work is completed or normally completed.

PART II - PERSONS ELIGIBLE AND BENEFITS

3. A person who is a citizen of Seychelles and is resident in Seychelles is entitled to apply for benefits payable under this Act.

4.(1) 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 of, 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 of work due to an injury or prescribed disease which occurred in the course of, 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 a person covered, being an employed person, who is partially or totally incapable of work following a period of entitlement to injury benefit;

- (f) survivor benefit which consists of periodic payments in the event of the death of a person covered;
- (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 to a person covered who is over retirement age;
- (i) dependant benefit which consists of an increase to the personal periodic payments of benefit on account of the dependants of the beneficiary;
- (j) orphan benefit which consists of periodic payments in respect of a child who is an orphan; and
- (k) abandoned child benefit which consists of periodic payments in respect of a child abandoned by the parents of that child.

(2) The Minister may by regulations prescribe additional classes or categories of benefits payable under this Act.

5.(1) A person covered shall, subject to section 10, be entitled to sickness benefit for any working day on which the person is incapacitated for work due to sickness or is prevented from attending work due to a quarantine restriction if —

- (a) the person's incapacity or quarantine restriction is certified by a medical practitioner in a form approved by the Minister;
- (b) but for the person's incapacity or the quarantine restriction, the person would have been in employment, either as an employed person or a self-employed person; and
- (c) the person is not entitled 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 the person were incapacitated for work and be entitled to sickness benefit under this section.

6. 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 for which she is claiming benefit; and
- (c) she is not entitled to any other benefit other than survivor benefit.

7. Where a medical practitioner certifies in a form approved by the Minister that the person covered referred to in section 6 is incapable of work on account of her confinement, or expected confinement, for childbirth for more than the period prescribed under section 6, the person covered shall be entitled to sickness benefit under and in accordance with section 5 and thereafter to invalidity benefit under and in accordance with section 10.

8. 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 of, or arose out of, employment or because of a disease which the person contracted in the course of employment or which arose out of employment, shall be entitled to injury benefit in respect of any working day for which the person is incapable of work if —

- (a) the person's incapacity is certified by a medical practitioner in a form approved by the Minister; and
- (b) the person is not entitled to receive disablement benefit in respect of the accident or disease.

9. The Minister may, by regulations —

- (a) specify the circumstances in which an accident or disease may be treated —
 - (i) in the case of an accident, as having occurred in the course of, or arisen out of, a person's employment; and
 - (ii) in the case of a disease, as having been contracted in the course of, 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 of, 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 of, or arose out of, employment or any disease which was contracted in the course of, or which arose out of, employment, the rate and manner of payment from the Fund of the compensation.

10.(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, the person 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) the person is not entitled to any other benefit; and
 - (ii) the person satisfies the prescribed period of residence, unless the Minister 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).

11. 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 the person was not entitled to sickness benefit because the person was not an employed person immediately prior to the day on which the person became incapacitated for work, as provided for in section 5 (1)(b), the person shall, for the purposes of section 10, be treated as if the person has been entitled to sickness benefit for the continuous period prescribed by the Minister for the purposes of section 10 if the person's incapacity continued for that continuous period.

12.(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 an entitlement to the injury benefit after a continuous period prescribed by the Minister, the person 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 the person satisfies the prescribed period of residence, unless the Minister waives the period of residence.

(2) Where a person who is entitled to injury benefit ceases to be totally incapacitated, the person shall, for any working day on which the person remains partially incapacitated in respect of the original accident or disease which gave rise to the 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 the person satisfies the prescribed period of residence, unless the Minister 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 or 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 the health of the person concerned or give rise to a worsening of an existing health condition.

13.(1) On the death of a person covered —

- (a) all benefits to which the person covered was entitled immediately prior to death; and
- (b) if the spouse of the person covered becomes entitled to survivor benefit, all benefits to which the spouse was entitled 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 benefit is to be paid;
- (b) determining the type of survivor benefit to which a person is entitled;
- (c) prescribing the circumstances and conditions on which the survivor benefit is to be paid;
- (c) determining the amount and the manner of payment of the survivor benefit to be paid; and
- (d) providing for the review of the survivor benefit paid to any person.

14. 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.

15.(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 in which it may be varied, suspended or withdrawn.

16.(1) Subject to this section, a person covered shall, in addition to entitlement to the benefits referred to in section 4 (a) to (f), be entitled to a dependant benefit.

(2) Where immediately before the person becomes entitled to retirement benefit a person covered is receiving a dependant benefit, the person shall, in addition to the retirement benefit but subject to this section, be entitled to a dependant benefit.

(3) The Minister may, subject to this section, direct the payment of a dependant benefit, in addition to a retirement benefit, to a person covered.

(4) A person covered shall be entitled to a dependant benefit —

- (a) in respect of not more than one adult who may be —
 - (i) a spouse; or
 - (ii) another adult dependant who is not in receipt of a retirement benefit and who is —
 - (A) nursing the person covered; or
 - (B) a person incapable of work and not in receipt of a benefit; and
- (b) in respect of a dependent child.

(5) A person covered shall not be entitled to a dependant benefit if the person's family income exceeds the family subsistence level.

(6) The Minister may make regulations —

- (a) prescribing the age limit for dependent children; and
- (b) providing for circumstances in which a dependant benefit may be reduced or extinguished.

17. Subject to section 19, orphan 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 law, the mother of the child is dead.

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

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

19.(1) A benefit under section 17 or section 18 shall not be paid in respect of a child whose income exceeds the rate of the benefit.

(2) Where an orphan or abandoned child is receiving an income but the income is less than the rate of benefit under section 17 or section 18, as the case may be, the benefit payable shall be an amount by which the rate of benefit exceeds the income.

(3) An orphan benefit or abandoned child 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.

20. Except where it is otherwise provided in this Act, a person covered who is entitled to a benefit under section 4 (a) to (e) shall lose entitlement to a benefit if the person undertakes paid employment or carries on any business in terms of the Business Tax Act 2009 during the period that the person is entitled to the benefit.

21. A person covered shall not be entitled to receive a benefit described in section 4 (a) to (e) for more than 5 working days in any week.

22.(1) Subject to this section, the Minister may, by regulations, declare a level of subsistence for any period which the Minister 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 base 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 is related to the actual income of the person entitled to the benefits.

23.(1) Subject to this section, the Director shall not pay an invalidity benefit or a survivor 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 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.

24. 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 III - ADMINISTRATION AND FINANCE

25.(1) On the coming into operation of this Act, the Social Security Fund, established under section 26 of the Social Security Act 1987, together with the investment portfolio of the Fund, shall be transferred to and vest in the Minister subject to the provisions of this Act.

(2) The Minister shall establish a Board of Trustees for the purpose of ensuring the efficient governance of the investment portfolio of the Fund and the preservation of its assets.

(3) The Board of Trustees established pursuant to subsection (2) shall have such powers, composition and duties as the Minister may specify by regulations.

26.(1) Payments to be made into the Fund shall include —

- (a) all rents, interest on investments and other income derived from the assets of the Fund;
- (b) such sums as may be provided by the Government for the purposes of this Act or as may be received and accepted by the Director on behalf of the Fund.

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

- (a) all benefits;
- (b) such payments to the Unemployment Relief Scheme, established under the Unemployment Relief Scheme Act, as the Minister may from time to time authorise;
- (c) subject to regulations, any compensation awarded by court in respect of an accident arising out of and in the course of employment;
- (d) all costs ordered by the court to be paid out of the Fund;
- (e) all expenses properly incurred in the administration of this Act;

- (f) such amount, as the President may direct, to be paid to the Consolidated Fund; and
- (g) such other payments for any purpose which is declared by the Minister to be within the spirit of the Act.

27.(1) The Minister shall cause to be kept proper books of account and such other documents or records as are 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 accounts audited by the Auditor-General and shall publish the report and accounts in such manner as the President may direct.

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 officer of the Fund and subject to the approval of the Minister shall be responsible for the management of the Fund, and in particular for —

- (a) the payment of benefits and other sums specified in section 26;
- (b) accounting for all money received under this Act;
- (c) the investment of surplus money of the Fund; and
- (d) accounting for all money collected, paid or invested under this Act.

29.(1) Subject to subsection (2), an officer of the Fund shall not either directly or indirectly divulge or communicate, otherwise than in the performance of the officer's functions under this Act, any information relating to the Fund acquired in the performance of the functions under the Act.

(2) For the purposes of subsection (1) the obligations and penalties prescribed by section 11 and 12 of the Seychelles Revenue Commission Act 2009 apply to officers of the Fund and other persons assigned compliance activities pursuant to this Act.

(3) Subsection (1) shall not prevent the divulging or disclosing —

- (a) to the Revenue Commissioner appointed under the Seychelles Revenue Commission Act 2009 or any person authorised by the Commissioner, of any information needed for the performance of the official duties of the Commissioner or the other person;
- (b) to any court, any information required by the court in relation to any proceedings before the court;
- (c) to any person, if required by or under any written law.

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 other connected matters.

**PART IV- MISCELLANEOUS
REVIEW OF DECISIONS AND MAKING REGULATIONS**

31.(1) Decisions of an administrative character taken by the Director under this Act are reviewable decisions for the purpose of Parts IV and XII of the Revenue Administration Act.

(2) A person aggrieved by a reviewable decision may apply to the Revenue Tribunal for review of that decision within 60 days of receiving notification of the decision.

32.(1) The Minister may make regulations for the better carrying out of the provisions 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 giving effect to any reciprocal arrangement or agreement with a foreign government with respect to any matter under this Act.

(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 to in that subsection.

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

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

34. The Social Security Act 1987 is repealed.

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 a member of the Medical Board to be its Chairperson.

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 terms and conditions as specified in their instrument of appointment.

5. The Medical Board shall consider and decide on all medical matters connected with entitlement to benefits 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.

LAWS OF SEYCHELLES

SOCIAL SECURITY ACT 2010

SUBSIDIARY LEGISLATION

[22nd November, 2010]

SOCIAL SECURITY (BENEFITS) REGULATIONS, 2010

SI. 78 of 2010
SI. 99 of 2010
SI. 101 of 2010
SI. 5 of 2012

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SCHEDULE -RATES OF BENEFIT

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1. These Regulations may be cited as the Social Security (Benefits) Regulations, 2010.
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;
- “Business” means a business in terms of the Business Tax Act, 2009;
- “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 entitle a person to claim injury benefit, which is likely to remain permanent;
- “medical certificate” means a medical certificate in terms of the Social Security (Medical Certificates) Regulations, 2010;
- “Social Security Section” means the public body for the time being responsible for social security.

ART II - GENERAL

3. (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.
4. A person making a claim for benefit shall, in addition to any certificate, document or evidence the person 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.
5. A person making a claim for benefit shall send or deliver the completed claim form together with the relevant medical certificate to the Social Security Section.
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 benefit —
 - (i) widow benefit, within 4 weeks of the date of death of the person covered;
 - (ii) widow 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;
- (j) in the case of dependant benefit —
 - (i) where entitlement for dependant benefit arose after the person making the claim has submitted a claim for the benefit with which the dependant benefit is associated, within 8 weeks after the circumstances giving rise to entitlement to dependant benefit arose; or
 - (ii) in any other case, at the time the person submits a claim for the benefit with which the dependant benefit is associated;
- (k) in the case of orphan benefit or abandoned child benefit, at least 4 weeks before the date on which payment of benefit is requested.

(2) A person who fails 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 the Director to be reasonable, directs otherwise.

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 on which 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 is made on the claim, apply 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 applied for under subregulation (2).

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

9. A person making a claim for sickness benefit shall furnish the Director with —
- (a) evidence of the person's incapacity to work or the quarantine restriction imposed on the person, in accordance with the Social Security (Medical Certificates) Regulations, 2010;
 - (b) evidence to the satisfaction of the Director that—
 - (i) the person was in employment, as an employed person or self-employed person, on the day immediately preceding the day the person became incapacitated for work or the quarantine restriction was imposed on the person; or
 - (ii) the person 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 the person has not worked or carried on any business during any part of the period for which the person has claimed benefit.
10. A person shall not be entitled to sickness benefit —
- (a) for any period the Director may decide if —
 - (i) the person became incapacitated for work through the person's own misconduct;
 - (ii) the person fails, for any cause which the Director considers to be unreasonable, to comply with a notice by the Director requiring the person to attend for and submit to medical or other examination; or
 - (iii) the person wilfully behaves in any way, or indulges in any activity, which the Director believes is prejudicial to that person's health or will delay recovery, or if the person refuses to answer any reasonable question put by a medical practitioner or officer of the Social Security Section aimed at ascertaining whether the behaviour or any activity of that person is prejudicial to that person's health or would delay rehabilitation;
 - (b) in respect of any day on which the person is absent from Seychelles unless —
 - (i) that person is absent for the purposes of receiving medical treatment which is not available in Seychelles; and
 - (ii) that person's absence from Seychelles is approved by the Minister.

11. Subject to these Regulations, sickness benefit shall be 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

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, 2010;
 - (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.

13. A person shall not be entitled to maternity benefit in respect of any day on which she is absent from Seychelles unless —

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

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 the Act and these Regulations relating to sickness benefit be entitled to sickness benefit.

15. The prescribed period for the purposes of regulation 14 weeks.

PART V - INJURY BENEFIT

16. A person making a claim for injury benefit shall furnish the Director with —
- (a) evidence of the degree of incapacity for work in accordance with the Social Security (Medical Certificates) Regulations, 2010; and
 - (b) evidence to the satisfaction of the Director of that person's employment status.

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 and wilful misconduct:

Provided that where the injury results in the death or serious and 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 the Minister thinks 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 the person to attend for and submit 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 that person's health or will delay recovery, or if the person refuses to answer any reasonable question put to that person by a medical practitioner or an officer of the Social Security Section aimed at ascertaining whether that person's behaviour or any activity of that person is prejudicial to that person's health or would delay rehabilitation;
- (e) if during the period the person is entitled to benefit the person undertakes paid employment or carries on any business;
- (f) in respect of any day on which the person is absent from Seychelles unless —
- (i) the person is absent for the purposes of receiving medical treatment which is not available in Seychelles; and
 - (ii) the absence from Seychelles is approved by the Minister.

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.

19. (1) Where any sum is awarded by Court as compensation for incapacity for work because of an accident which occurred in the course of, or which arose out of, employment or any disease which was contracted in the course of, 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.

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 an employed person notwithstanding that person at the time of the accident acted in contravention of any written law or other regulations applicable to employment or of any orders given by or on behalf of the employer, or that person acted without instructions from the 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 the employer, as the case may be; and
- (b) the act was 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 the employer, travelling as a passenger in any vehicle to or from the place of work shall, notwithstanding that person is under no obligation to the employer to travel by that vehicle, be deemed to arise out of and in the course of employment, if —

- (a) the accident would have been deemed to have so arisen had the employee been under such obligation; and

- (b) at the time of the accident, the vehicle —
 - (i) was being operated by or on behalf of the 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 the person is employed for the purpose of the employer's trade or business shall be deemed to arise out of and in the course of employment if it happens while the employee is taking steps, on an actual or supposed emergency at those premises, to succour or protect persons who are thought to be injured or imperilled, or to avert or minimise serious damage to property.

PART VI - INVALIDITY BENEFIT

21. The prescribed period for the purposes of section 10 of the Act is a period consisting of 130 continuous working days.

22. (1) A person making a claim for invalidity benefit shall—

- (a) furnish the Director with evidence of the degree of incapacity for work, in accordance with the Social Security (Medical Certificates) Regulations, 2010; and
- (b) complete a declaration of income in an approved form in respect of each month for which the person 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.

23. A person shall not be entitled to invalidity 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 in writing by the Director requiring the person to attend for and submit 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 health or would delay recovery, or if the person refuses to answer any reasonable question put by a medical practitioner or an officer of the Social Security Section aimed at ascertaining whether the person's behaviour or activities are prejudicial to health or would delay recovery;
- (b) in respect of any day on which the person is absent from Seychelles unless —
 - (i) the person is absent for the purposes of receiving medical treatment which is not available in Seychelles; and
 - (ii) the absence from Seychelles is approved by the Minister;

- (c) if on the date on which the person is entitled to the benefit the person has not completed 5 years continuous residence in Seychelles;
- (d) if the person is certified by the Medical Board as being capable of some work and the person fails to actively seek employment for which the person is certified as being capable of undertaking; or
- (e) in respect of any period during which the person undertakes paid employment beyond that permitted under a report by the Medical Board under the Social Security (Medical Certificates) Regulations, 2010.

24. (1) A person shall be entitled to invalidity benefit according to —

- (a) the degree of incapacity for work;
- (b) earning capacity; and
- (c) 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 earning capacity and no income, the person 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, the person shall be entitled to invalidity benefit at a reduced rate if —
 - (i) that person family income is less than subsistence level; and
 - (ii) the person continues actively to seek employment for which the person 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 the person health or recovery, the person may on review by the Medical Board —
 - (c) have the degree of incapacity reduced;
 - (d) be required to reduce the level of employment undertaken; or
 - (e) be required to cease working.

PART VII - DISABLEMENT BENEFIT

25. The prescribed period for the purpose of section 12 shall be a period consisting of 130 working days.

26. (1) A person making a claim for disablement benefit shall —

- (a) furnish the Director with evidence of the degree of incapacity in accordance with the Social Security (Medical Certificates) Regulations, 2010; and

(b) complete a declaration of income in an approved form in respect of each month for which the person 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 this regulation to be confirmed in any material particular.

27. Where a person claiming disablement benefit is —

(a) totally incapacitated for work, the person shall be entitled to benefit at the standard rate; or

(b) less than 100% incapacitated, the person shall be entitled to a percentage of the standard rate of benefit equal to the percentage of the disability.

28. 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 the person to attend a 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 health or will delay recovery, or if the person refuses to answer any reasonable question put by a medical practitioner or an officer of the Social Security Section aimed at ascertaining whether the person's behaviour or activities are prejudicial to health or would delay recovery;

(b) in respect of any incapacity resulting from a deliberate self-injury;

(c) in respect of any period during which the person undertakes paid employment beyond that permitted by the Medical Board under the Social Security (Medical Certificates) Regulations, 2010;

(d) in respect of any day on which the person is absent from Seychelles unless —

(i) the person is absent for the purposes of receiving medical treatment which is not available in Seychelles; and

(ii) the absence from Seychelles is approved by the Minister;

(e) if on the date on which the person becomes entitled to the benefit the person has not completed 5 years continuous residence in Seychelles, unless the Minister waives the requirement for the period of residence.

29. Where the level of income derived by a person who is entitled to disablement benefit indicates that —

(a) the person is not incapable of work to the extent certified by the Medical Board; or

(b) the extent of the employment undertaken is likely to be prejudicial to health or recovery;

the person may, on review by the Medical Board;

- (c) have the degree of incapacity reduced;
- (d) be required to reduce the level of employment undertaken; or
- (e) be required to cease working;

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

30. (1) Notwithstanding regulation 46, 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 had the beneficiary been paid periodic payments instead of a lump sum.

PART VIII - SURVIVOR BENEFIT

31. A person making a claim for survivor benefit shall furnish the Director with a certificate of death of the person covered in accordance with the Social Security (Medical Certificates) Regulations, 2010.

32. (1) Subject to these Regulations, widow 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 following the day the person covered died.

(2) For the purposes of this regulation and regulation 33, “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.

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

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

- (a) the child 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 pension or widowed mother 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 a widow pension or widowed mother 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.

34. (1) Subject to these Regulations, widower 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 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 incapacity; and
 - (c) the degree of incapacity is certified, in accordance with the Social Security (Medical Certificates) Regulations, 2010, to be 75% or more.

- (3) Widower 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 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.

35. (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 of, or which arose out of, that person's 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 to have occurred in the course of, the employment of the deceased person in accordance with regulation 19:

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.
- 36.** A person making a claim for industrial death shall furnish the Director with —
- (a) a certificate of death of the deceased in accordance with the Social Security (Medical Certificates) Regulations, 2010;
 - (b) evidence of the employment status of the deceased.
- 37.** (1) A person shall not be entitled to industrial death pension in respect of any day on which the person is absent from Seychelles unless —
- (a) the person is absent for the purposes of receiving medical treatment which is not available in Seychelles; and
 - (b) the 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.
- 38.** (1) Industrial death pension shall be payable to the spouse of the deceased.
- (2) For the purposes of this regulation “spouse” has the same meaning as in regulations 32 (2).
- (3) Industrial death pension 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 dependent 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, 2010, 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 of her death, contributing to at least 75% of the family budget.
- 39.** A person making a claim for survivor benefit shall only be paid such 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

- 40.** A person claiming funeral benefit on the death of a person covered shall, in addition to the documents the person is required to furnish under section 14 also furnish the Director with the death certificate of the person covered in accordance with the Social Security (Medical

Certificates) Regulations, 2010 and shall surrender to the Director the national identity card of that person.

PART X - RETIREMENT BENEFIT

41. (1) A person shall, subject to these Regulations, be entitled to retirement pension if at the time the person attains retirement age the person 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 retirement if —

- (a) during the period of 5 years prior to attaining retirement age —
 - (i) the person has been away from Seychelles for periods of one month or less; or
 - (ii) the person was away from Seychelles on the service of the Government; or
- (b) during the 15 years prior to attaining retirement age the person 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.

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

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

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

43. A child shall be regarded as a dependent child of a beneficiary if the child is a resident of Seychelles and —

- (a) living in the household of the beneficiary as a member of the family of the beneficiary; or
- (b) although not living in the household of the beneficiary, the child is maintained by the beneficiary at least to the extent of the amount of dependant benefit payable in respect of the child;

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.

PART XI - DEPENDANT BENEFIT

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

PART XII - ORPHAN AND ABANDONED CHILD

BENEFIT

45. Orphan or abandoned child 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 or at an institution approved by the Minister.

PART XIII - RATES OF BENEFIT ETC.

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

47. (1) Notwithstanding the rates of benefit set out in the Schedule —

- (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 the beneficiary's incapacity for work, have received from the beneficiary's normal employment, as an employed person or a self-employed person, or R 2000 per month whichever 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 the person became entitled to sickness or injury benefit the beneficiary was working on an approved project under the Unemployment Scheme Relief, 1995, 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 the beneficiary 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 80% of the income which the beneficiary would, but for the 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 the beneficiary became entitled to maternity benefit, the beneficiary was working on an approved project under the Unemployment Relief Scheme Act, 1995, 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, as 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 that person's non-monetary emolument while that person is on

sick leave during the period where the person 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 non-monetary emolument paid to the employed person up to a maximum of R 2,000 per month, whichever is the lesser.

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

48. (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.

49. (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 as the Minister may allow, appeal to the Minister against the decision.

(2) The Minister may on appeal make such decision which appears to the Minister to be appropriate and that decision shall be final.

SCHEDULE

PART I

Rates of Benefit (Regulation 47)

Rates of benefit per month

1.	Sickness benefit	R.2120
2.	Maternity benefit	R.2120
3.	Injury benefit	R.2120
4.	Level of Subsistence (Supplementary Benefit	R,2230
5.	Orphan and Abandoned Child Benefit	R.1280
6.	Funeral benefit-	up to R 1,600 in respect of each death
7.	Invalidity benefit —	
	(a) standard rate	R.2440
	(b) reduced rate	as affected by income of

		beneficiary
8.	Survivor benefit	
	(a) widow benefit rate	R.2120
	(b) widow or widower's pension	R.2120
	(c) widow's widowed mother's pension	R.2120
	(d) industrial death pension	R.2120
9.	Retirement pension	R.2550
10.	Disablement benefit	
	(a) standard rate	R.2120
	(b) partial disability	percentage of standard rate as set out in Part II
11.	Dependant Benefit	
	(a) Adult	R.1120
	(b) Each child	R.1010

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,	1 in

	if more than one toe	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. In 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 worker who on entering employment has failed to disclose to worker's employer the fact that the worker is one-eyed shall, if the worker lost worker's 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 worker means a worker who has lost the sight of one eye.

Sections 22 and 32

Social Security (Level of Subsistence) Regulations, 2010

SI. 79 of 2010

[22nd November 2010]

1. These Regulations may be cited as the Social Security (Level of Subsistence) Regulations, 2010.

2. The level of subsistence from 1st July 2010 is hereby declared to be —

- (a) in the case of an individual R1900 per month; and
- (b) in the case of the individual's dependant —
 - (i) R950 per month for an adult; and
 - (ii) R850 per month for each child.

Sections 2 and 32

Social Security (Retirement Age) Regulations, 2010

SI. 80 of 2010

[22nd November 2010]

1. These Regulations may be cited as the Social Security (Retirement Age) Regulations, 2010.

2. The Retirement Age, for the purposes of the Social Security Act, shall be 63 years.

SOCIAL SECURITY (MEDICAL CERTIFICATES) REGULATIONS, 2010

[22nd November 2010]

SI. 81 of 2010

ARRANGEMENT OF REGULATIONS

- 1. Citation
 - 2. Interpretation
 - 3. Claim for sickness or injury benefit
 - 4. Date of issue of medical certificate
 - 5. Period covered by medical certificate
 - 6. Final certificate
 - 7. Medical practitioner must issue certificate
 - 8. Medical board must issue report
- Schedule – Forms

Social Security (Medical Certificates) Regulations, 2010

1. These Regulations may be cited as the Social Security (Medical Certificates) Regulations, 2010.

2. In these Regulations —

“medical certificate” means the relevant medical certificate in the form set out in the Schedule;

“medical practitioner” includes —

- (a) in relation to a certificate made out and issued in Mahe, a midwife registered under the Nurses and Midwives Act, 1985; or
- (b) in relation to a certificate made out and issued in any place in Seychelles other than Mahe, a midwife or nurse registered under the Nurses and Midwives Act, 1985; or
- (c) in the absence of a medical practitioner registered in Seychelles under the written law relating to the registration of medical practitioners 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.

3. (1) A person making a claim for sickness or injury benefit shall furnish the Director with evidence of that person's 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 or her 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 and 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 that person's 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, the person 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 in the Social Security (Benefits) Regulations 2010.

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

5. 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 a continuous period of 28 days in which case the period of incapacity in the certificate shall not exceed 91 days.

6. Before resuming work a 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.

7. A medical practitioner shall, if requested by a patient—
- (a) after examining the patient; and
 - (b) where the medical practitioner 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.

8. (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 who 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 (b) who has re-submitted a claim, after having had the person's claim disallowed in the first instance, on the ground that the person's condition has deteriorated since the date of the last claim;
 - (d) a person referred to in paragraph (a) or paragraph (b) who has been granted and is in receipt of a benefit every six months, or such longer period as the Medical Board considers necessary, after 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: _____

Name _____ Signature: _____

Serial Number: _____

Notes:

1. The certificate shall be made out in ink and completed in full and signed by the medical practitioner who carried out the examination.
2. It shall give —
 - (a) the date of the examination on which the certificate is based;
 - (b) an indication of the disease, disablement or injury by which the claimant is, in the medical practitioner's opinion, rendered incapable of work;
 - (c) the period for which, in the opinion of the medical practitioner, the claimant will be incapable of work;
 - (d) where the certificate is given by a medical practitioner other than a doctor of medicine, there shall also be given a concise statement of the symptoms noted at the time of the examination, and shall bear the signature of the certifying medical practitioner written after there have been entered on the certificate the details listed above; such certificate shall, in due course, be countersigned by a Government Medical Officer.

FORM 2

CERTIFICATE OF CONFINEMENT

Full Name _____

NATIONAL IDENTITY NUMBER

Date of Birth / /

I certify that _____ was confined on _____

(name)

(date)

at _____ a.m./p.m. at Hospital /

(time)

(other

address)

Date of Examination / / Form No.

The confinement resulted in a live / still birth / multiple birth*/ of

Signature Doctor / Midwife*

* delete inappropriate items

Notes:

1. The certificate shall be made our in 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 3

CERTIFICATE OF EXPECTED CONFINEMENT

Full Name

□ □ □ □ □ □ □ □ □ □ □ □ □ □

NATIONAL IDENTITY NUMBER

Date of Birth..... /..... /.....

I certify that in my opinionwill be confined

(name)

(date)

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 in 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 based 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 inmonths.

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 onthe 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
I	
Disease or condition directly leading to death * consequence of	(a) due to, or as a
Antecedent cause morbid conditions, if any, giving rise consequence of	(b) due to, or as a
to the above cause, stating the underlying condition last	(c)
II	
Other significant conditions contributing to death, but not related to the disease or condition causing it

* 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
performed

* Body not seen }

* PM not performed

* Case reported to Coroner * PM

* Case not reported to Coroner

Signed :

Date :

* delete where inapplicable

Notes :

1. The certificate shall be made out in ink and completed in 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 and the date on which the certificate is given.

(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 set to you.

Section 15(2)(a)

Social Security (Retirement Age) Regulations, 2011

SI. 41 of 2011

[13th June 2011]

1. These Regulations may be cited as the Social Security (Retirement Age) Regulations, 2011.
2. The retirement age for the purposes of the Social Security Act shall be —
 - (a) 60 years, where a person who on the person's next birthday shall be 60 years of age notifies the Director in the form provided by the Director, not less than three months before attaining the age of 60 years of the person's intention to retire on attaining the age of 60 years; or
 - (b) 63 years, unless the person has already retired at the age of 60 years.”
3. The Social Security (Retirement Age) Regulations 2010 is hereby revoked.

Section 25(3)

Social Security (Board of Trustees) Regulations, 2011

SI. 43 of 2011

[27th June 2011]

1. These Regulations may be cited as the Social Security (Board of Trustees) Regulations, 2011 and shall come in operation on the date of their publication in the Official Gazette.

2. In these Regulations —

“Act” means the Social Security Act;

“Board” means the Board of Trustees established pursuant to section 25(2) of the Act;

“Chairperson” and “Vice-Chairperson” means the Chairperson and Vice-Chairperson of the Board appointed pursuant to regulation 4(a) and (b) respectively;

“Chief Executive Officer” means the Chief Executive Officer of the Fund referred to under section 28(2) of the Act;

“Fund” means the Social Security Fund referred to under section 25 of the Act;

“Members” mean Members of the Board;

“month” means a calendar month;

“Minister” means the Minister responsible for Finance and Trade;

3. The duties of the Board are to —

(a) ensure the proper administration of the assets and investments of the Fund;

(b) approve and review investment decisions of the Fund;

(c) advise the Chief Executive Officer on the proper administration of the assets and investments of the Fund;

(d) provide yearly reports to the Minister on the administration of the Fund and any other reports that the Minister may require; and

(e) perform such other duties relating to the efficient governance of the investment portfolio and the preservation of the assets of the Fund as the Minister may, from time to time confer upon it.

4. (1) The Board shall consist of the following Members—

(a) a Chairperson;

(b) a Vice-Chairperson, who shall be a representative of the Ministry responsible for Finance;

(c) a representative of the financial sector; and

(d) three representatives of employers in the private sector.

(2) The Members shall be appointed by the Minister, on such terms and conditions, for a period of three years and are eligible for re-appointment.

5. The Board may appoint such committees as may be necessary, on terms and conditions as the Board may think fit, for the efficient governance of the investment portfolio and the preservation of the assets of the Fund:

Provided that all or a majority of the members of each committee shall be Members and a member of any such committee who is not a Member shall have only the right to attend meetings of the committee and take part in the proceedings thereof, but shall not have the right to vote.

6. (1) A person shall not be eligible for appointment as a Member if the person —

- (a) has been convicted of an offence and sentenced to a term of imprisonment of three months or more;
 - (b) is adjudged an insolvent; or
 - (c) is unable to continue in office by reason of infirmity of body or mind.
- (2) The Minister shall remove a Member from the Board if the Member —
- (a) ceases to satisfy the conditions of eligibility for appointment under subregulation (1); or
 - (b) is absent, from three consecutive meetings of the Board without permission;
- (3) A Member may resign from the Board by giving three months notice in writing to the Minister.

7. (1) The Board shall meet at such intervals as it may determine provided that at least twelve meetings shall be held in a year.

(2) The Chairperson may by written notice convene a special meeting of the Board for any purpose specified in the notice.

(3) The quorum at any meeting of the Board shall be six.

(4) The Chief Executive Officer shall attend all meetings of the Board but shall not vote.

(5) The Chairperson, or in his or her absence the Vice-Chairperson, shall preside at all meetings of the Board.

(6) Decisions of the Board shall be taken by the vote of a simple majority of the Members present and voting at any meeting, and in the event of equality of votes the Chairperson, or in his absence the Vice-Chairperson, shall have a casting vote.

(7) A decision or the proceeding of the Board shall not be invalidated by reason of a vacancy among the Members or a defect in the appointment of a Member.

(8) The proceedings of the Board shall be confidential unless the Board decides otherwise.

8. (1) The Chairperson shall appoint a secretary who in addition to the duties of secretary shall be assigned other duties.

(2) The Board may appoint such other officers or employees as may be necessary.

(3) The employment of the secretary, officers or employees of the Board shall be subject to the same terms and conditions of employment in the public service.

9. (1) The Board shall maintain proper accounts and other records and shall prepare in respect of each financial year a statement of accounts.

(2) The accounts of the Board shall be audited by the Auditor General in accordance with Article 58 of the Constitution.

10. (1) Where a member of the Board or a close relative of a member, has, or intends to acquire, a direct or indirect personal interest in a matter coming up for decision by the Board, that member shall —

- (a) disclose such interest, as soon as possible after receiving the agenda of the meeting, or on notification of a matter being brought to the attention of the Board; and
- (b) not be present at or participate in the deliberations or decision-making process of the Board in relation to the agenda item or the matter in question.

(2) A disclosure of interest made under this section shall be recorded in the minutes of the meeting at which it is made or to which it relates.

(3) A Member of the Board who knowingly contravenes subregulation (1) shall be liable to removal from office.
